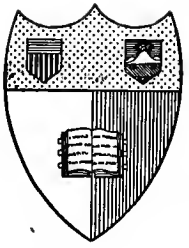

ENGLISH POOR LAW POLICY

ENGLISH POOR LAW POLICY. BY SIDNEY AND BEATRICE WEBB

LONGMANS, GREEN AND CO., 39 PATERNOSTER ROW, LONDON, NEW YORK, BOMBAY AND CALCUTTA.
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PREFACE

NOTHING of to-day, it may be suggested, can be really understood without its history. This, at any rate, is true of the complicated policy of the English Poor Law, which is now (1910) costing the public (for the United Kingdom) close upon twenty millions sterling every year; and which is producing, on the whole, results which led the Royal Commissioners of 1905-1909, without distinction of political or economic party or creed, to their unanimous and emphatic condemnatory verdict. That policy is embodied in a bewildering chaos of Statutes and Orders, Circulars and Minutes, general reports and official letters, the specific provisions of which, so far as they are contemporaneously in force, and so far as they are publicly known, the legal text-books and elementary manuals seek to re-arrange in such a way that the Poor Law Guardian or Workhouse Master may learn, at any rate, what is legally prescribed. But though a precise statement of what is to-day prescribed, in alphabetical or other order, may suffice for the practical work of the administrator, it does not afford us any idea of the general policy that lies behind the prescriptions, and fails even to enable the ordinary citizen to understand what is being done. We suggest, in short, that the English Poor Law policy of to-day cannot be correctly appreciated, or even intelligently comprehended, without some knowledge of the stages through which, in the course of the past seventy-five years, it has gradually been moulded into its present form. To any one who compares the contents of the Annual Report of the Local Government Board of to-day with those of the slim little volume in which the Poor Law Commissioners of 1835 described their activity, it will be evident that, throughout the whole range of the

Poor Law, the Policy of the Central Authority has undergone great changes. What these changes have actually been, and at what dates and in what order they occurred, the following chronological analysis of the action of the Poor Law Commissioners, the Poor Law Board, and the Local Government Board for England and Wales attempts to set forth.

The extent, the complication, and what may be thought the aridity of this analysis may probably daunt many who ought to read it. But if they will persevere, they will find that the severe and exact chronological record through which they are taken with regard to each class of paupers—the Able-bodied, the Vagrants, the Sick, the Women, the Children, the Aged, etc.—will presently reveal to them the current in which they are themselves moving, the stream of tendencies down which we are all floating, with a clearness of comprehension not otherwise to be obtained. It is here not a question of whether we approve of this evolution of policy, or of whether we should seek to promote or to resist it, but merely of what exactly it has been, and therefore now is.

In view of the attention given to the Poor Law by many writers, it is, perhaps, a matter for surprise, that no such chronological analysis of policy has before been undertaken. Except in regard to a few special matters, it is impossible, in any published work, to trace the exact course of development of English Poor Law policy since the great revolution of 1834. The most systematic books upon the English Poor Law System, such as those by Dr. Aschrott and Monsieur Émile Chevalier,[1] have confined themselves, in the main, to a description of the contemporary state of things, with only comparatively brief and general accounts of how it came about. The popular manuals, such as the admirable little book of the Rev. T. W. Fowle, can naturally only give such scraps of history as are current.[2] Even Mr. Mackay, in

[1] See, for instance, *The English Poor Law System*, by Paul Felix Aschrott, translated by H. Preston Thomas, 1888 and 1902; *La Loi des pauvres et la société anglaise*, par E. Chevalier, 1895; *The Better Administration of the Poor Law*, by Sir William Chance, Bart., 1895; *The Public Relief of the Poor*, by T. Mackay, 1901; *L'Assistance légale et la lutte contre le pauperisme en Angleterre*, par G. E. de Froment, 1905.

[2] *The Poor Law*, by the Rev. T. W. Fowle, 1881; *The English Poor Laws*, by

adding a third volume to Sir George Nicholls' *History of the English Poor Law*,[1] has limited himself to a series of essays on particular points, without attempting any but the briefest chronological analysis of the evolution of policy of the Central Authority since 1834, upon which the whole administration of the Boards of Guardians depends.

It is easy to understand this general reluctance to work out, from the materials themselves, the Poor Law history of the last three-quarters of a century. As with all nineteenth-century history, the extent, the variety, and the intricacy of the various sources are simply overwhelming. The number of official records — Statutes, Orders, Circulars, Minutes, Reports, Letters, etc.—dealt with for the present small volume (although we have confined ourselves in the main to the publications of the Central Authority itself, and have not been able to consult the manuscript records and letter-books of more than a score of the Boards of Guardians) runs into, literally, tens of thousands.

So great a mass of documentary material, without arrangement, unclassified, unindexed, formless, and void of any obvious significance, could be dealt with only by a systematic exploration. We may here describe, as an instance of sociological method, the plan that we adopted. What obscured the history was the manner in which masses of heterogeneous facts were heaped together. To read, one after another, these complicated Orders and lengthy Reports, each dealing with all kinds of paupers and various methods of relief, was but to accumulate confusion. They resembled a heap of geological conglomerates which could not be assayed until they had been broken up in such a way as to sort the different materials into separate homogeneous parcels. We discarded all idea of making précis, summaries, or analyses of particular statutes or orders, believing that in this way brevity is gained only at the expense of omitting important qualifications. After the choice of a provisional scheme of classification, to which careful thought was given, the expressions of policy embodied in each document were all severally copied on loose

Miss Sophia Lonsdale, 1897 and 1902 ; *Our Treatment of the Poor*, by Sir Wm. Chance, Bart., 1899 ; *The Public Relief of the Poor*, by T. Mackay, 1901.

[1] *History of the English Poor Law*, vol. iii., from 1834 to the present time. by T. Mackay, 1899.

sheets of paper of even size and shape. Every prescription or dictum conveying an expression of policy with regard to a particular class of paupers was placed upon a separate sheet. Thus, a single Order or Circular might yield items relating to women, to children, to persons on Outdoor Relief, to the sick, to the aged, and so on. However many and however closely related were the classes to which the same prescription applied, it was noted on a separate sheet for each of them, with the date and place and exact source. To deal in this way, with scrupulous accuracy and exhaustiveness, with all the Statutes, all the General Orders, all the Special Orders, all the Circulars, all the published Minutes, all the official reports, and all the letters of the Central Authority to which we could gain access absorbed something like nine months' continuous work. But for the first time order was evolved out of chaos. It was easy to sort the loose sheets by subjects, and to arrange each series chronologically. This done, we had before us, separated out from the mass, every prescription or dictum as to the policy to be pursued, or the action to be taken with regard to each particular class. The series of prescriptions and suggestions with regard to children, for instance, could be read in chronological sequence. At this stage it needed little ingenuity to seize the salient points. The development of policy leaped to the eyes. Another three months' work enabled the record to be put into a series of continuous narratives, with precise references to the original authorities.

The reader who wants merely to know what it all amounts to should turn to the last four chapters. Here he will find, succinctly set forth, first "The Principles of 1907," being the principles on which, as a matter of fact, the Local Government Board was (and still is) proceeding, in contrast with "The Principles of 1834," from which seventy-five years of experience have reluctantly driven it. In subsequent chapters will be found a critical examination of both the Majority and the Minority Reports of the Poor Law Commission of 1905-1909, in the light of these "Principles of 1834" and "Principles of 1907," with an attempt to appreciate what is novel in those Reports, and to estimate how far they are severally consistent with a due enforcement of personal

responsibility.[1] If the reader or reviewer is still more impatient he will probably content himself with the final summary and conclusion.

It remains for us to acknowledge the help without which this work could not have been accomplished. The task was undertaken at the suggestion of the Royal Commission on the Poor Law; and it formed the subject of a report circulated to the Commission in July 1907. No printed document has been quoted which is not published to the world; and (with trifling exceptions of ancient date) no unprinted Minute or Letter has been used which has not been issued as a public document, or is not freely accessible in the official archives. But we owe to the officials of the Local Government Board and of the Boards of Guardians concerned—and among so many it would be invidious to particularise—not only various facilities for consulting these public documents, but also many helpful suggestions, criticisms, and corrections of errors of fact. Above all we are indebted to Miss Mary Longman, of Girton College, Cambridge, and of the London School of Economics and Political Science, for the whole of the laborious service of effecting, under our direction, the preliminary breaking-up of the conglomerates, and much help in the more interesting work of making the final assay. Without this zealous, unsparing, and devoted assistance, we could not have found time to execute the work. Mrs. F. H. Spencer, D.Sc. (Econ.), investigated for us the records of various Boards of Guardians up and down the country, in order to trace their official correspondence with the Poor Law Commissioners, the Poor Law Board, and the Local Government Board. To Miss Mildred Bulkley, B.Sc. (Econ.), also of the London School of Economics and Political Science, we owe not only many suggestions of value, but also the checking of all the references, the correcting of the proofs, and the preparing of the index.

SIDNEY AND BEATRICE WEBB.

41 GROSVENOR ROAD, WESTMINSTER.
January, 1910.

[1] The Minority Report has been separately published in book form, in two volumes, *The Break Up of The Poor Law*, and *The Public Organization of the Labour Market*, each edited, with an introduction, by S. and B. Webb (Longmans. 1909).

CONTENTS

CHAPTER IV

CHAPTER V

CHAPTER VI

CHAPTER VII

CHAPTER VIII

ENGLISH POOR LAW POLICY

THE English Poor Law Policy, of which we present an analysis, is that which has been from time to time promulgated for the authoritative guidance of local authorities in the relief of the destitute, whether laid down by Parliament or by Departments of the National Government. This policy is to be found principally in (1) Orders, whether "General" or "Special"; (2) circulars and other instructional communications to officials and to local authorities, and (3) reports to Parliament. These documents fall into three periods, 1834–1847, 1847–1871, and 1871–1907, corresponding respectively with the Poor Law Commissioners, the Poor Law Board, and the Local Government Board. But these are themselves governed by (4) the Act of 1834 and subsequent amending statutes; and the Act of 1834 itself lays down no policy, and having regard to its origin, and to its immediate connection with the recent Royal Commission, it cannot be understood without (5) the Report of the Royal Commission of 1834. Hence it is convenient, if not indispensable, in order to render the subsequent analysis intelligible, to begin with an exact statement of the proposals of the Report of 1834.[1]

[1] This analysis is confined to relief in all its various forms, excluding all questions of chargeability (or the recovery from other persons of the amount expended on relief), settlement, removal, assessment, rating, and mere administrative procedure.

CHAPTER I

THE REVOLUTION OF 1834

It is unnecessary for us even to refer to the disastrous chaos into which the Poor Law and its local administration had in 1832 fallen, or to the events which led up to the celebrated Royal Commission appointed in that year. Their report, presented in 1834, and the Poor Law Amendment Act of the same year, together form the starting-point of all subsequent legislation and administration.

The 1834 Report

The proposals of the Commissioners of 1834 were either formal "recommendations," exceptionally displayed in prominent type, or suggestions scattered among the pages which purport to summarise the evidence. For instance, the famous "principle" that the situation of the pauper should not be made "really or apparently so eligible as the situation of the independent labourer of the lowest class" is not a "recommendation," but occurs only as an assertion in the course of an argument.[1] We have therefore included, in the following statement of "the principles of 1834," all dogmatic assertions of this nature, as well as the formal recommendations.

A.—National Uniformity

The most revolutionary principle of the Report of 1834 —the fundamental basis alike of the Act of 1834 and of the policy of the Central Authority—was that of national

1 p. 228 of the Report of 1834. The references are to the latest reprint (1905).

uniformity in the treatment of each class of destitute persons. It was this principle that was in most marked contrast with the previous practice, under which each parish or union had pursued its own Poor Law policy. It was this principle that furnished the ground for the very existence of a Central Authority. The Commissioners recommended that there should be uniformity in the administration of relief in the different parts of the country, in order—

(*a*) To reduce the "perpetual shifting" from parish to parish;

(*b*) To prevent discontent among paupers; and

(*c*) To bring the management more effectually under the control of Parliament.[1]

For this among other reasons the recommendation seemed to the Commissioners to follow, "as a necessary consequence," "that the Legislature should divest the local authorities of all discretionary power in the administration of relief."[2] But they did not put this recommendation into large type. What they put into large type was the recommendation that there should be a Central Authority to control the administration, *directed* to frame and enforce regulations, "as far as may be practicable . . . uniform throughout the country."[3]

It is to be noted that the uniformity proposed by the Commissioners was a geographical uniformity in the treatment of particular classes of paupers, both indoor and outdoor, in different places, not an identical treatment of all paupers, or of all the paupers in any one place. We shall deal presently with their varying recommendations with regard to particular classes. But in two categories they proposed a further uniformity, a uniformity in the treatment of different individuals in a class. They emphatically pointed out that any attempt to discriminate according to merit, *in the award of outdoor relief*, is dangerous and likely to lead to fraud.[4] This proposed further uniformity of treatment among individuals in a class, it will be seen, is expressly limited to the amount to be given as outdoor relief. It is not repeated in that part of the Report which deals with classification in institutions, nor does it apply to the decision as to whether or not outdoor relief should be given at all. A

[1] pp. 279-280 of the Report of 1834.
[2] p. 294 of the Report of 1834.
[3] p. 297 of the Report of 1834.
[4] p. 47 of the Report of 1834.

further uniformity recommended by the Commissioners was that of identity of treatment of the able-bodied, whether deserving or undeserving. To this we shall refer in connection with the able-bodied. It is to be noted that the Commissioners do not explicitly apply it to any but the able-bodied.[1]

B.—The Able-Bodied

Apart from a few stray suggestions, it might almost be said that the Report of 1834 was entirely directed to the treatment of the adult able-bodied labourer, with the family dependent on him. Let us take, for example, the famous principle, already referred to, that the situation of "the individual relieved shall not," on the whole, "be made really or apparently so eligible as the situation of the independent labourer of the lowest class." This proposal, characterised as "the first and most essential of all conditions," occurs, as a dogmatic assertion, in the discussion of the remedial measures to be applied *to the able-bodied.*[2] It cannot be said to be clear from the Report whether the Commissioners wished this principle to be understood as applicable to the relief of any persons other than adult able-bodied wage-earners and their families. It is followed by forty-four pages of argument and illustration relating exclusively to the able-bodied wage-earner. These are summed up in a sentence at p. 279 ("If the vital evil of the system, *relief to the able-bodied on terms more eligible than regular industry*"), which points to the same limitation. The principle is not reasserted when the Commissioners, in quite other parts of their Report, make their few recommendations with regard to the aged, the sick, and the orphan poor. We have failed, indeed, even to satisfy ourselves from the context whether the Commissioners had in their minds the case of the adult able-bodied woman without a husband. Though there is no phrase or definition excluding the independent female wage-earner from the term "able-bodied," the Commissioners frequently use this term as applicable to men only; and nowhere do they mention, in recommendation or by way of illustration, under the category of able-bodied, the independent woman worker.

[1] pp. 263-264 of the Report of 1834. [2] p. 228 of the Report of 1834.

When we pass to recommendations explicitly restricted to the able-bodied, we are left in the same uncertainty as to what the term includes. No definition of able-bodied occurs in the Report. From the course of the argument throughout and all the illustrations from the evidence, we infer that the Commissioners had exclusively in view the adult man capable of obtaining employment in the labour market at any wage whatsoever, together with his wife and children under sixteen dependent on him. It is important to notice this ambiguity in the Report of 1834, because it explains a similar ambiguity in the subsequent policy of Parliament and the Central Authority.

Assuming that we understand what classes of persons were intended by the Commissioners to be included under the term able-bodied, the proposals of the Report of 1834 are clear and peremptory:

I. That outdoor relief to the able-bodied and their families should be discontinued; except—

(*a*) As to medical relief; and

(*b*) Apprenticeship of children.

No other exceptions should be made. "Where cases of real hardship occur, the remedy must be applied by individual charity, a virtue for which no system of compulsory relief can or ought to be a substitute."[1] "It appears to us that this prohibition" (of outdoor relief to the able-bodied) "should come into universal operation at the end of two years."[2] Meanwhile, it was suggested—

(*a*) That there should be a gradual substitution of relief in kind for money doles;[3]

(*b*) "That all who receive relief from the parish should work for the parish exclusively, as hard and for less wages than independent labourers work for individual employers."[4]

(*c*) That the able-bodied, even "of the best character," should not be offered "more than a simple subsistence. The person of bad character, if he be allowed anything, could not be allowed less."[5]

[1] p. 263 of Report of 1834.
[2] p. 297 of Report of 1834.
[3] p. 298 of Report of 1834.
[4] p. 262 of Report of 1834, made by way of comment as to the temporary policy.
[5] p. 264 of Report of 1834.

That these recommendations had in view only the adult able-bodied person, capable of obtaining employment for wages, is supported by the explicit statement of the Commissioners that "the outdoor relief of which we have recommended the abolition is, in general, partial relief . . . at variance with the spirit of the 43rd of Elizabeth, for the framers of that Act could scarcely have intended that the overseers should 'take order for setting to work' those who have work and are engaged in work; nor could they by the words 'all persons using no ordinary and daily trade of life to get their living by' have intended to describe persons 'who do use an ordinary and daily trade of life.'"[1]

II. That the able-bodied should be offered maintenance in a workhouse. It is important to notice exactly what the Commissioners here proposed, with all the emphasis of large type. Relief to the able-bodied and their families was to be "in well-regulated workhouses (*i.e. places where they may be set to work according to the spirit and intention of the 43rd of Elizabeth*)."[2]

These workhouses for the able-bodied were to be separate from the buildings in which the aged and the children were accommodated; they were to be under separate officers; and were expressly not to form part of one great establishment containing other classes of paupers.[3] The character of the employment to be found for the able-bodied must also be noted, as the Commissioners made this a cardinal point. It will be remembered that the 43rd of Elizabeth directed that the overseers should obtain "a convenient stock of flax, hemp, wool, and other necessaries for the poor to work upon," *i.e.* that they should "set the poor to work" on a normal productive enterprise. This principle is repeated and emphasised by the Commissioners. The employment to be found for the able-bodied "ought to be useful employment." Fictitious, artificial, or useless labour was "pernicious," and "ought to be carefully prevented. . . . The association of the utility of labour to both parties, the employer as well as the employed, is one which we consider it most important to preserve and strengthen; and *we deem everything mischievous which*

[1] p. 262 of Report of 1834. [2] *Ibid.*
[3] pp. 306-307 of Report of 1834.

unnecessarily gives to it a repulsive aspect. At the same time we believe that in extended districts the requisite sources of employment will be easily found. The supply of the articles consumed in workhouses and prisons would afford a large outlet for the *manufactures carried on in the House.*"[1] They even refer with approval to outdoor employment as possible in most districts.

C.—Vagrants

With regard to vagrants, the Commissioners were convinced that they would "cease to be a burden," if they were treated like the ordinary able-bodied pauper. The difficulty was to enforce this, and they therefore recommended that the Central Authority should "be empowered and directed to frame and enforce regulations as to the relief to be afforded to vagrants and discharged prisoners."[2]

D.—Women

With regard to the treatment of women, it cannot be said that the Report of 1834 afforded much guidance to the Central Authority. Whether or not the Commissioners meant to propose the abolition of outdoor relief to the legally independent able-bodied woman is, as we have shown, indeterminate. In this Report the single independent woman is nowhere mentioned. The wife is throughout treated exactly as is the child; and it is assumed that she follows her husband, both with regard to the continuance of outdoor relief to the aged, the impotent, and the sick; and with regard to its abolition in the case of the able-bodied. Such women as entered the workhouse were apparently to be regarded as divided into only two classes; they were to be accommodated either in the building for "the aged and really impotent," or else in the House for the "able-bodied females."[3] With regard to the really baffling problems presented by the widow, the deserted wife, the wife of the absentee soldier or sailor, the wife of a husband resident in another parish or another country— in each case whether with or without dependent children—the Report is silent.

[1] p. 324 of Report of 1834. [2] p. 340 of Report of 1834.
[3] p. 306 of Report of 1834.

To the class of mothers of illegitimate children the Commissioners devoted much attention. The almost universal practice had been for such mothers to receive outdoor relief, the amount of which the parish was supposed to attempt to recover from the putative fathers. We do not find that the Report recommended any change in the method of relief of such paupers. Its proposal was, in effect, to put the mothers of illegitimate children in the same position as the widows with legitimate children. As already mentioned, the Commissioners nowhere state whether they recommend any change in the method of relief of such widows—unless, indeed, it could be argued that these women were to be included under the class of able-bodied. The revolutionary change which the Report proposed with regard to bastardy dealt with chargeability, not methods of relief. The Commissioners strongly recommended the exemption of the putative father from any legal obligation to reimburse the parish. "If," say the Commissioners, "our previous recommendations are adopted, a bastard will be, what Providence appears to have ordained that it should be, a burden on its mother, and where she cannot maintain it, on her parents."[1]

E.—The Children

Apart from apprenticeship, the Report deals only incidentally with children. It is assumed throughout that children go with their parents, both with regard to the continuance of outdoor relief to the aged, impotent and sick, and with regard to its abolition in the case of the able-bodied.

On one point the Report is emphatic and clear, namely, that, where children do enter the workhouse, they are to be accommodated in a separate building, under a separate superintendent, in order that they may "be educated" by "a person properly qualified to act as a schoolmaster."[2]

With regard to apprenticeship, all that the Report does is—

(1) Expressly to except relief by way of apprenticeship

[1] p. 350 of Report of 1834.

[2] p. 307 of Report of 1834.

from its proposal to abolish outdoor relief to the able-bodied parent.[1]

(2) To recommend that the Central Authority should "be empowered to make such regulations" as it might think fit; and subsequently "to make a special inquiry" into the subject.[2]

F.—The Sick

In contradistinction to the revolutionary proposals of the Report of 1834 with regard to the able-bodied, it is extraordinary that it suggested absolutely no change with regard to the sick. The current practice was, in nearly every case, to deal with the sick by outdoor relief, with or without medical attendance.[3] The Report contains no suggestion for any alteration in this respect. When the Commissioners came to sketch out the classification of their proposed workhouse institutions, they did not include anything in the nature of a hospital.[4] This explains why the Report of 1834 does not mention any provision for indoor medical officers. Even when dealing with the able-bodied and their families, the Commissioners explicitly except medical attendance from their proposed abolition of outdoor relief.[5]

This omission of anything in the nature of proposals for indoor relief for the sick becomes the more significant when we notice that the Commissioners do allude with approval to a possible extension of institutional treatment for certain classes of defectives, such as lunatics and the blind.[6]

G.—The Aged and Impotent (or Infirm)

An almost similar absence of proposals is to be noted with regard to the aged and impotent. The current practice was to deal with these cases, as a rule, by outdoor relief. On this the Commissioners observe merely that "the outdoor relief to the impotent (using that word as comprehending all except the able-bodied and their families) is subject to less abuse. . . . No use can be made of the labour of the aged

[1] p. 262 of Report of 1834.
[2] p. 338 of Report of 1834.
[3] p. 43 of Report of 1834.
[4] pp. 306-307 of Report of 1834.
[5] p. 262 of Report of 1834.
[6] p. 307 of Report of 1834.

and sick, and there is little room for jobbing if their pensions are paid in money. Accordingly, we find that even in places distinguished in general by the most wanton parochial profusion, the allowances to the aged and infirm are moderate."[1] The Commissioners made no proposal that outdoor relief to the aged or impotent (or infirm) should be abolished, or even curtailed.

Such "aged and really impotent" persons as were accommodated in the workhouse were to have a separate building to themselves, under a separate superintendent; expressly in order that "the old might enjoy their indulgences."[2]

Passing now to those proposals of the Report which affected paupers generally, these concern the organisation of the workhouse, emigration and relief on loan.

H.—The Workhouse

With regard to the workhouse, the whole emphasis of the Report is upon classification of the inmates according to their needs; and classification, not in separate parts of one building, but by the allocation to separate classes of entirely distinct buildings in order that there might be separate and differing treatment under distinct management.

The Commissioners state that "at least four classes are necessary:—

1. The aged and really impotent.
2. The children.
3. The able-bodied females.
4. The able-bodied males.

"Of whom we trust the two latter will be the least numerous classes. It appears to us that both the requisite classification and the requisite superintendence may be better obtained in separate buildings than under a single roof."[3] The Commissioners were insistent that the treatment measured out to each class should differ according to its requirements, and "each class might thus receive an appropriate treatment; *the old might enjoy their indulgences* without torment from the

[1] pp. 42-43 of Report of 1834. [2] p. 307 of Report of 1834.
[3] p. 306 of Report of 1834.

boisterous; the children be educated; and the able-bodied subjected to such courses of labour and discipline as will repel the indolent and vicious."[1] The need for separate buildings, under entirely different kinds of officers, with different qualifications, at different rates of payments—in contradistinction to one large building under a single officer—is emphasised again and again at different parts of the Report.[2] It was, indeed, largely in order to provide these specialised institutions that the Commissioners recommended the formation of unions, it being made a cardinal principle that the Central Authority should "assign" to the various existing workhouses thus coming under one board of guardians "separate classes of poor."[3]

It is interesting to notice that, apart from this cardinal principle of classification by separate and specialised buildings, practically the only recommendations relating to the organisation of the workhouse, which are to be found in the Report, relate either to the character of the employment to be provided in the buildings set aside for the able-bodied—which, as we have seen, was expressly to be of a normal productive character, free from repellent characteristics—or to the enactment of a maximum diet (and no minimum). "The Commissioners should be empowered to fix a *maximum* of the consumption per head within the workhouses, leaving to the local officers the liberty of reducing it below the maximum if they can safely do so."[4]

I.—Emigration

Without laying much stress upon emigration, the Report recommends that any vestry should be empowered to pay for it out of the poor rate, in the case of persons (apparently whether paupers or not) having settlements in the parish and willing to emigrate.[5]

J.—Relief on Loan

The Commissioners recommended "that under regulations

[1] p. 307 of Report of 1834.
[2] *See* pp. 305, 306, 307, 313-314 of Report of 1834.
[3] p. 314 of Report of 1834.
[4] p. 298 of Report of 1834.
[5] p. 357 of Report of 1834.

to be framed. . . . parishes be empowered to treat any relief afforded to the able-bodied, or to their families, and any expenditure in the workhouses, or otherwise incurred on their account, as a loan," to be legally recoverable. It is to be noted that this proposal is expressly limited to the "able-bodied or to their families." No definition, as usual, is given of the term able-bodied.[1]

K.—The Principles of 1834

To sum up the principles of administration recommended for adoption in the Report of 1834, omitting minor recommendations and incidental qualifications, they resolve themselves into three. The Principle of National Uniformity required that the relief afforded to each class of paupers should be uniform throughout the kingdom. The Principle of Less Eligibility demanded that the conditions of existence afforded by the relief should be less eligible to the applicant than those of the lowest grade of independent labourers. The Workhouse System was recommended on the assumption that it was the only means by which the Principle of Less Eligibility could be in practice enforced. The two latter principles were applied explicitly only to the able-bodied and their families. To them (but to them only) any other form of relief ought, it was urged, to be made unlawful.

The Act of 1834 and its Amendments

The marked feature of this period is the paucity of statutory enactment affecting relief. Only four statutes[2] contain any provisions on the subject (apart from administrative detail), and these provisions are almost entirely mere enabling clauses, permitting the Central Authority to make such rules as it thinks fit, subject to a few specified exceptions. We can extract from these exiguous provisions nothing in the nature of a policy imposed by Parliament on the Central Authority. As already mentioned, it was assumed that the Central

[1] p. 337 of Report of 1834.

[2] 4 & 5 Will. IV. c. 76, quoted as the Act of 1834; 5 & 6 Vic. c. 57, quoted as the Act of 1842; 7 & 8 Vic. c. 101, quoted as the Act of 1844; 10 and 11 Vic. c. 109, quoted as the Act of 1847.

Authority would put into execution the proposals of the Report of 1834. Parliament contented itself with giving the Central Authority wide powers and almost unfettered discretion in the use of them.

A.—National Uniformity

Prior to 1834 there were many authorities legally entitled to order relief from the rates. The Act of 1834 made for national uniformity by confining this power, subject to certain exceptions as regards special classes, to the boards of guardians when formed; and until these were formed, to the select vestries or bodies formed under local Acts; to the exclusion, in these places, of the Justices of the Peace and the overseers. The new relief-giving local authorities were made subject to the control of a Central Authority, to be exercised by rules having the force of law.

Two of the great classes of relief were singled out for special reference in the Act. The Central Authority was expressly empowered to make "rules, orders and regulations to be observed and enforced at every workhouse."[1] The Central Authority was also expressly empowered to make rules, etc., to regulate the relief of the able-bodied and their families."[2] With regard to all other classes of paupers (*e.g.* the aged and impotent; orphan and deserted children; widows and deserted wives, with their children; and the sick—unless any of these can be supposed to have been included by Parliament under the term able-bodied) the Central Authority had general powers only; the administration of all poor relief was made subject to its direction and control; and it was empowered and directed "to make rules for the management of the poor, the government of workhouses and the education of the children therein . . . for the apprenticing the children of poor persons; and for the guidance and control of all guardians, vestries and parish officers so far as relates to the management or relief of the poor."[3]

[1] 4 & 5 William IV. c. 76, sec. 42. [2] *Ibid.* sec. 52.
[3] *Ibid.* sec. 15.

B.—The Able-Bodied

It was expressly provided that relief to the able-bodied should be given only in accordance with the rules of the Central Authority. These rules might be of any kind, including (subject to exceptions) a total prohibition, then or at any future time. In the special preamble to this section, Parliament pointed to the difficulty of "an immediate and universal remedy"—doubtless referring to the proposal of the Report of 1834 that all such relief should be prohibited within two years. But Parliament gave no direction for prohibition, nor did it expressly limit the discretion of the Central Authority on the subject, beyond certain specified exceptions. These exceptions were (1) that complete discretion was reserved to the board of guardians so far as regarded the grant of food, temporary lodging or medicine "in cases of emergency," subject only to reporting their action to the Central Authority; and also, subject to the approval of the Central Authority, so far as regarded the grant of money or other relief in such cases;[1] (2) that in cases of "sudden and urgent necessity" the overseer was required to give "such temporary relief as each case shall require in articles of absolute necessity but not in money";[2] and (3) that any Justice might order medical relief in case of "sudden and dangerous illness" and relief in certain cases to non-parishioners.[3]

As in the Report itself, no definition is given in the Act of what was meant by "able-bodied persons." In the special preamble, however, prefixed to this section, it is recited that it is enacted in consequence of the prevalent practice of giving relief "to persons or their families who, at the time of applying for or receiving such relief, were wholly or partially in the employment of individuals."[4]

C.—Vagrants

The Act of 1834 is silent with regard to vagrants, in accordance with the proposal of the Report of 1834 that

[1] 4 & 5 William IV. c. 76, sec. 52.
[2] *Ibid.* sec. 54.
[3] *Ibid.*
[4] *Ibid.* sec. 52.

those destitute persons who had hitherto been deemed vagrants should be dealt with simply as other destitute persons. It may, however, be noted that express provision was made to enable any one Justice to order temporary relief in kind to persons not settled in nor usually residing in the parish, in cases of urgent necessity, in which the overseer had refused relief.[1]

In 1842, however, it was enacted that the local authority might "prescribe a task of work to be done by any person relieved in any workhouse in return for the food and lodging afforded to such person," and (implicitly) might detain such person until the task was done; but such detention was not to exceed four hours after breakfast on the day following admission. Refusal or neglect to perform such task, or wilful damage to property, subjected the person to be deemed an idle and disorderly person within the meaning of the Vagrancy Act of 1824. This section is not expressly confined to wandering persons, but the marginal note confines it to the "occasional poor."[2]

In 1844 the Central Authority was empowered to combine parishes, in London and five other large towns, into districts for the provision of Asylums for Houseless Poor, that is to say, "asylums for the temporary relief and setting to work therein of destitute houseless poor"; to constitute Boards for such districts; with the consent of such Boards, to direct the establishment of such asylums, at the expense of the poor rates of such districts, up to a maximum of one-fifth of their whole Poor Law expenditure; and to make rules, etc., for such asylums, subject to a conscience clause and to facilities for entry by ministers of different denominations.[3] These Asylums for Houseless Poor were to be mildly penal establishments, supplementary to the workhouses, and involving detention for a term not exceeding four hours after breakfast on the day after admission; or, in the case of a person subjected to punishment for an offence committed during his stay, for any period up to twenty-four hours.[4]

[1] 4 & 5 William IV. c. 76, sec. 54.
[2] 5 & 6 Vic. c. 57, sec. 5.
[3] 7 & 8 Vic. c. 101, secs. 41 to 56.
[4] *Ibid.* sec. 53.

D.— Women

As in the Report of 1834, so in the Act of 1834, women do not appear as a class. It is assumed that married women follow their husbands, either with regard to the continuance of outdoor relief to the aged, the impotent and the sick; or with regard to its regulation or prohibition in the case of the able-bodied.

It is, as we have shown, difficult to infer that the term "able-bodied" was meant to include any but persons ordinarily in employment at wages, or capable of such employment. Whether or not Parliament had in contemplation under this term even the adult independent woman without encumbrances seems to us doubtful. It is practically clear that the term was not intended by Parliament to apply to the widow, however able-bodied in the ordinary sense, nor to the deserted wife, the wife of the absentee sailor or soldier, or the wife of a husband resident in another parish or another country, *if any of these were encumbered with young children,* and so did not fall under the class of persons actually or potentially in employment at wages, cited in the preamble to the section dealing with the able-bodied.[1] If this is so, we can only infer from the Act, as from the Report, that no change in practice was then suggested. With regard to such women, at least, the discretion of the Central Authority in its "direction and control" of poor relief, and its "management of the poor," and its power to make rules "for the guidance and control of" the local authority "so far as relates to the management or relief of the poor," was unfettered.[2]

The fact that widows were not considered by Parliament to be included within the term "able-bodied persons and their families" may further be inferred from a section in the 1844 Act. This provided that the wife of a husband either (*a*) beyond the seas, (*b*) in the custody of the law, or (*c*) confined as a lunatic or idiot, should, notwithstanding her coverture, be treated for purposes of relief, *as if she were a widow.*[3] This implies that a widow was not regarded as subject to the conditions of relief to "able-bodied persons and their families."

[1] 4 & 5 William IV. c. 76, sec. 52. [2] *Ibid.* sec. 15.
[3] 7 & 8 Vic. c. 101, sec. 25.

It may be noted that relief to the child under sixteen of a widow was to be deemed relief to the mother;[1] and relief to an illegitimate child under sixteen was to be deemed relief to the mother so long as she remained unmarried or a widow.[2] Another section of the 1844 Act allowed a widow having a legitimate child dependent on her, and no illegitimate children, who at her husband's death was residing with him in a place where she had no settlement, to be granted non-resident relief.[3]

E.—Children

With certain insignificant exceptions hereinafter noticed, the only provisions with regard to children as such in the 1834 Act relate to children in the workhouse. The Central Authority was directed to make rules, etc., "for the education of the children" in the workhouse.[4] It was specially enacted that no child in a workhouse was to be educated in any creed other than that of his parent, or, if orphaned, "to which his godparents may object." Facilities for free entry of ministers of the child's own persuasion were to be accorded.[5]

In 1844 the Central Authority was expressly empowered at its discretion to combine parishes (within fifteen miles) into school districts, and to constitute boards for such school districts; and, subject to the consent of a majority of such a board, to direct the establishment of district schools at the cost of the poor rates of the district, up to a maximum of one-fifth of the total Poor Law expenditure of the district.[6]

The Central Authority was empowered to make rules for such schools, it being, however, expressly enacted: (1) that an Anglican chaplain was always to be appointed; (2) that facilities for visits by ministers of other denominations were to be given; and (3) a conscience clause was inserted.[7] Such district schools were to be for the accommodation of pauper children under sixteen, either orphans, deserted, or having parents who consented,[8] including such children from parishes outside the district.[9]

[1] 4 & 5 William IV. c. 76, sec. 56. [2] *Ibid.* sec. 71.
[3] 7 & 8 Vic. c. 101, sec. 26. [4] 4 & 5 William IV. c. 76, sec. 15.
[5] *Ibid.* sec. 19. [6] 7 & 8 Vic. c. 101, secs. 40, 42-44.
[7] *Ibid.* sec. 43. [8] *Ibid.* sec. 40. [9] *Ibid.* sec. 51.

With regard to apprenticeship the law remained at first unchanged, except that the Act of 1834 empowered the Central Authority to make regulations (in significant phrase) "for the apprenticing the children of poor persons"[1] in the execution of the then existing law. This applied, not to those who were destitute or who applied for relief, but to "the children of all such whose parents shall not, by the . . . churchwardens and overseers, or the greater part of them, *be thought able* to keep and maintain their children."[2]

In 1835, the Merchant Shipping Act incidentally authorised local authorities to apprentice boys over thirteen, with their own consent, to the mercantile marine, whatever the distance of the port or address of the shipmaster; to pay a premium of £5; and to convey the boy to his new master by a constable.[3]

In 1842 the Parish Apprentices Act made it clear that all the previous Acts applied also to cases in which no premium had been paid.[4]

But the first substantive alteration of the law was made in 1844, when the Central Authority was expressly empowered to make regulations prescribing the duties of masters and the other conditions of apprenticeship; the power of apprenticing was confined to the boards of guardians; and the former compulsory obligation on householders to receive apprentices was abolished.[5] The class of children to be apprenticed remained unchanged.[6]

F.—The Sick

Parliament made no enactment with regard to the sick as a class; did not therefore seek to interfere with the existing practice under which the sick usually received outdoor relief; and did not even empower the Central Authority to make any regulations for the relief of the sick as such, except in so far as they were either inmates of workhouses or belonged to the

[1] 4 & 5 William IV. c. 76, secs. 15 and 61.

[2] 43 Eliz. c. 2, sec. 1; 18 George III. c. 47, preamble; 56 George III. c. 139.

[3] 5 & 6 William IV. c. 19, secs. 26, 29.

[4] 5 & 6 Vict. c. 7.

[5] 7 & 8 Vict. c. 101, secs. 12, 13.

[6] There was a provision (since repealed), in sec. 15 of the Act of 1834, which we need not notice, as to making rules for the management of parish poor children under Hanway's Act (7 George III. c. 39), since repealed.

indeterminate class of the "able-bodied and their families." Its only power in this connection lay in the general words placing the administration of all relief under its direction and control, and in the general authority to make rules, etc., for the guidance and control of local officers as far as related to the management or relief of the poor.[1]

The only provision relating to the sick as such was an express sanction of the existing power of any Justice to order medical relief in cases of sudden and dangerous illness without any restriction whatever.[2]

With regard to lunatics, the only provision was one in 1838, that the Justices might commit a dangerous or criminal lunatic to an asylum, at the cost of the Poor Rate.[3]

We may note a provision, declaring that relief to a blind or deaf and dumb wife or child under sixteen should not be deemed relief to the husband or the parent.[4] This apparently prevented these (together with their husbands or parents), from falling into the class of the "able-bodied and their families."

G.—The Aged and Impotent

The only provision relating to the aged and impotent as such was the express retention of the Justices' power to order outdoor relief without limit of amount or period. This was made subject to the conditions that the person should be (1) wholly unable to work, (2) entitled to relief in the union, and (3) desirous of outdoor relief; and that (4) the order should be given by two Justices "usually acting for the district," one of whom had satisfied himself of his own knowledge that the conditions were fulfilled.[5]

H.—The Workhouse

The conditions and character of the relief to be afforded by admission to the workhouse were to be subject to rules etc., which the Central Authority was empowered and directed

[1] 4 & 5 William IV. c. 76, sec. 15.
[2] *Ibid.* c. 54.
[3] Criminal Lunatics Act, 1838, 1 & 2 Vict. c. 14, sec. 2.
[4] 4 & 5 William IV. c. 76, sec. 56.
[5] *Ibid.* sec. 27.

to make.[1] The power of the Central Authority was subject to an important limitation. Any order for the building of a new workhouse was made conditional on obtaining the consent either of a majority of the guardians or of a majority of the ratepayers and owners.[2] The Central Authority could, however, without such consent, order the local authority "to enlarge or alter" any existing workhouse or building capable of being converted into a workhouse up to a limit of £50 or one-tenth of the average Poor Rate for the past three years.[3] Moreover, the local authority was not to expend on the building, alteration or enlargement of any particular workhouse (whether by way of loan or out of rate) more than the annual average of the poor rate during the three preceding years.[4] These limitations were removed, so far as regards the cost of sites in the Metropolitan Police District and the parish of Liverpool, in 1844.[5] It was also expressly provided that no person was to introduce alcoholic liquor into a workhouse without the written order of the master, under penalty of a fine not exceeding £10; nor was the master to do so save for domestic use of the officers, except in conformity with the rules.[6] Confinement beyond twenty-four hours, and the corporal punishment of adults, were expressly forbidden.[7] Notices of the law on these subjects were to be publicly displayed.[8] A conscience clause protected workhouse inmates, and they had also the right to receive visits by religious ministers of their own persuasions.[9]

I.—Emigration

The Act carried out the proposal of the Report, by enabling the ratepayers (including rated owners) to emigrate, at the expense of the poor rates, with the approval of the Central Authority, "poor persons" having settlements in the parish whether paupers or not.[10]

[1] 4 & 5 William IV. c. 76, secs. 15, 42.
[2] *Ibid.* sec. 23.
[3] *Ibid.* sec. 25.
[4] *Ibid.* sec. 24.
[5] 7 & 8 Vict. c. 101, sec. 30.
[6] 4 & 5 William IV. c. 76, secs. 92, 93.
[7] *Ibid.* sec. 93.
[8] *Ibid.* sec. 94.
[9] *Ibid.* sec. 19.
[10] *Ibid.* sec. 62.

J.—Relief on Loan

It was enacted that any relief that the Central Authority might declare or direct to be by way of loan should be legally recoverable by the local authority, even by attachment of wages.[1]

Five years later the local authority was given power to attach Army and Navy pensions, in repayment of the cost of relief, even without such relief having been declared to be on loan.[2]

[1] 4 & 5 William IV. secs. 58, 59.
[2] Pensions Act, 1839, 2 & 3 Vict. c. 51, sec. 2.

CHAPTER II

THE POOR LAW COMMISSIONERS

It had, as we have seen, been left to the Poor Law Commissioners to formulate their own policy, with the guidance of the Report of 1834. This policy is, during the ensuing thirteen years, to be found in (1) the orders issued under the Act of 1834 and subsequent statutes; (2) the circulars and other explanatory or instructional communications to the local authorities, inspectors, auditors, etc., and (3) the reports to Parliament.

Under the term "order," we include, as is customary, all the "rules, orders, and regulations" issued in pursuance of statutory powers. With whatever parts of poor relief these dealt, they had the force of law; either under the specific powers relating to workhouses,[1] or relief to the able-bodied,[2] or under the general powers authorising the Poor Law Commissioners to make "rules, orders, and regulations . . . . . for the guidance and control of all guardians, vestries, and parish officers so far as relates to the management or relief of the poor."[3] According to the Act of 1834 some of these orders were to be "General Rules," and were not to take effect until they had been submitted to a Secretary of State, and by him laid before Parliament for forty days; and they were disallowable by the Privy Council.[4] A "General Rule" was to be "any rule . . . which shall, at the time of issuing the same, be addressed . . . to more than one union or to more parishes and places than one."[5] Other orders, known first as "Particular Orders," and subsequently as "Special Orders," and now

[1] 4 & 5 William IV. c. 76, sec. 42. [2] *Ibid.* sec. 52.
[3] *Ibid.* sec. 15. [4] *Ibid.* secs. 16, 17. [5] *Ibid.* sec. 109.

simply as "Orders," were subject to no such conditions. There was, however, no distinction between them as to validity, force of law, or sanction. It was therefore open to the Poor Law Commissioners to issue all its orders as particular or special orders by addressing them successively to separate unions or parishes, even if they were identical in their terms. For reasons explained in the Poor Law Commissioners' Report on the Further Amendment of the Poor Law, 1839, this was the course adopted.[1] No general order was issued prior to 1841.

With circulars so-called we include all explanatory or instructional communications to local authorities or to the officers of central or local authorities, or to Parliament. These, though embodying the policy of the Central Authority, had not the force of law. Moreover, as they were issued for particular emergencies, and were never withdrawn or expressly abrogated, *they*—unlike any unrepealed orders—*must not be considered as necessarily laying down general policy for all time.* Subject to consideration of this limitation, we propose to include the circulars, letters, etc., along with the general and special orders, in our analysis of the policy laid down for each of the several classes of destitute persons.

A.—The Able-Bodied

(i.) *On Outdoor Relief*

The ambiguity that existed, alike in the Report and in the Act of 1834, as to the meaning intended to be given to the term "the able-bodied" was, to a large extent, reflected in those documents of the Central Authority which expounded its policy with regard to the kind and conditions of relief to be given to this class. Once more there is no definition of the term able-bodied, which is used sometimes as an adjective and sometimes as a substantive. From the context it must be inferred, as we shall presently show, that the term is used in different senses in the orders relating respectively to outdoor relief and to the management of the workhouse. What proved in the event more inimical to the principle of

[1] Report on the Further Amendment of the Poor Law, 1839, pp. 32-34.

National Uniformity was the fact that in the orders relating to outdoor relief to the able-bodied, there was no consistency as to whether any class of women was or was not to be included among the able-bodied. There are, as we shall presently describe, two distinct streams of regulations affecting outdoor relief to the able-bodied, one permitting such relief under conditions, culminating in the Outdoor Relief Regulation Order of 14th December, 1852 (still in force), and the other prohibiting it subject to exceptions, culminating in the Outdoor Relief Prohibitory Order of 21st December, 1844 (still in force). In the former series of regulations, beginning with the first orders issued in the autumn of 1834 to particular unions, the term "able-bodied" is *expressly qualified by the adjective "male"* ("able-bodied male persons").[1] In the other series, beginning in 1836 with the Consolidated Order for the Administration of Relief in Town Unions, the category of the "able-bodied," *if we are to go by the actual wording of the orders*, clearly comprises both sexes; at first by excepting widows only from a universal rule, and presently by specifically including "every able-bodied" person, "*male or female.*"[2] That this differing interpretation of the category of the "able-bodied and their families" was actually intended by the Central Authority in 1840, and 1844, and that it was not merely accidental, is shown by cases in which it was decided that outdoor relief to single women having illegitimate children was illegal, as being in contravention of the Outdoor Relief Prohibitory Order in force in those unions;[3] thus proving that, under this order, the category of "the able-bodied and their families" included independent women with children; although in the other kind of orders, contemporaneous in date, the same category included men only (and their families). This is the more puzzling, in that we find the Central Authority, in 1839 at least, regarding these very outdoor relief prohibitory

[1] See for instance the Order of 31st December, 1834, issued to Sutton Courtney Parish, now included in Abingdon Union, and the Outdoor Relief Regulation Order, 14th December 1852, art. 1.

[2] See Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, in Second Annual Report, 1836, p. 92; the Order of 26th April 1839, to Aston Union; and Outdoor Relief Prohibitory Order, 21st December 1844, art. 1.

[3] *Official Circular*, No. 1, p. 8, 8th January 1840; *Ibid.* No. 34, p. 79, 30th April 1844.

orders as practically, if not literally, applicable only to able-bodied males. In the comprehensive defence of its action, when pleading for a renewal of the Act, the Central Authority expressly describes these orders as "*prohibiting outdoor relief to able-bodied male paupers*"; and as having attained the object aimed at, that of destroying the allowance system or relief in aid of wages, "*so far as respects able-bodied male paupers and their families.*"[1]

To sum up this question of definition, in one series of outdoor relief regulations applicable to the able-bodied, in force in certain unions, the category of "the able-bodied" expressly excludes independent women; in another series of regulations, in force in other unions, the category of "the able-bodied" includes such women. There is actual evidence that the Central Authority enforced these differing determinations so far as to include as among "the able-bodied" unmarried women having illegitimate children in those unions in which one set of Orders was in force. Whether it ever actually enforced this interpretation as regards single women without children is not apparent in the published documents, but would be seen from its records. The fact of variance between the two interpretations of the category of "the able-bodied" becomes important when the two series of regulations are consolidated into two orders embodying distinct policies, one or other of which is made applicable to every union in the country.

Once having determined what was included in the category of "the able-bodied," the ground becomes more clear. With regard to outdoor relief, there are the two streams of contemporaneous regulations already alluded to—the one permitting it subject to conditions, the other prohibiting it subject to exceptions.

The first series was, it is clear, regarded (at any rate down to 1842) as temporary, only "to be sanctioned as a palliative for a time, and until adequate and efficient workhouse accommodation shall be provided."[2] These regulations were, in the autumn of 1834, issued separately to certain unions

[1] p. 62 of Report on the Further Amendment of the Poor Law, 1839.

[2] See the "Suggestions as to the most eligible modes of Providing Outdoor Employment . . . . in cases where there is not an efficient workhouse, and preparatory to the establishment of the Workhouse System," p. 45 of Second Annual Report, 1836.

pending the introduction of "proper regulations";[1] but we also find them, between 1835 and 1842, included as a matter of course in orders prohibiting outdoor relief, by way of exception, but still only as providing a temporary alternative, until accommodation can be obtained for the reception of such persons in the workhouse.[2]

There was even a third series of Orders, which may perhaps be regarded as even more provisional and temporary than the first series. To various local authorities in large towns (such as Norwich), and in the Metropolitan parishes, Orders were issued from 1835 onwards, simply requiring that any outdoor relief to the able-bodied should be, to the extent of one-third[3]—sometimes to the extent of one-half[4]—"relief in kind," that is to say, in loaves of bread.[5]

[1] Circular, 8th November 1834, p. 73 of First Annual Report, 1835.

[2] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v., art. 27, p. 92 of Second Annual Report, 1836.

[3] Poor Law Commissioners to Norwich Court of Guardians, 25th July 1835; Special Order to Norwich, 29th July 1835; MS. Minutes, Norwich Court of Guardians, July and August 1835.

[4] Special Order to Norwich, 21st October 1835; Poor Law Commissioners to Norwich Court of Guardians, 21st October 1835; MS. Minutes, Norwich Court of Guardians, October 1835.

[5] This term, Relief in Kind, has always been limited to food, though the character of the food has been varied. Medicine and "medical extras" supplied to the paupers in their homes have been included in the term Outdoor Medical Relief. The provision of clothing and bedding to the outdoor poor—classed as ordinary Outdoor Relief—though permitted, has never been encouraged by the Central Authority. (*Official Circular*, 10th November 1840, No. 9, p. 117; *Ibid.*, July 1850, No. 39 N.S., p. 108; *see also Selections from the Correspondence of the Local Government Board*, vol. ii., 1880, p. 71.) The provision of tools or implements of trade was considered not to be of the nature of relief, and therefore not legal. It was expressly prohibited by the Outdoor Relief Regulation Order of 1852 (art. 3). Payment of rent (except the provision of temporary lodging in urgent and sudden necessity, or for housing a lunatic) was from the outset strictly prohibited. (*See* Outdoor Relief Prohibitory Order of 1844, art. 5, and Outdoor Relief Regulation Order of 1852, art. 3.) This prohibition of payment of rent seems to have been considered of importance by the Poor Law Commissioners. The impracticability of preventing ordinary outdoor relief from being applied in payment of the pauper's rent seems only gradually to have dawned upon the Poor Law Board. In 1852 it was explained that although the Order "prohibits the Guardians from paying the rent for a pauper either directly or indirectly, it does not prevent them from allowing him such relief as under all the circumstances of the case his necessities may require; it will rest with the pauper to dispose of the relief afforded to him in such manner as he may think fit." (Poor Law Board to Hemsworth Union, 19th October 1852; in House of Commons, No. 111 of 1852-3, p. 96.) A similar decision was given in 1902. (See *Local Government Chronicle*, 9th August 1902, p. 805.) The prohibition still remains in force, but is accordingly not now regarded as of importance.

It has been assumed that it was the intention of the Central Authority from the outset to replace these temporary orders permitting outdoor relief to the able-bodied by some permanent injunction substituting relief in the workhouse as the only method. But the documentary evidence indicates that the Central Authority either never entertained the idea—or else very quickly abandoned it—of issuing the Prohibitory Order to the manufacturing towns of the north. Thus, in October 1836, after nearly two years' experience, the Poor Law Commissioners, as their Assistant Commissioner reported, were disposed to leave "the contemplated workhouse system . . . very much to the board of guardians, and they did not feel it necessary to lay down those strict rules that they had in some instances laid down for the government of unions in the south of England." [1]

In 1842 the Central Authority, perhaps unwittingly, took a new departure. In the northern counties there were districts for which no orders "concerning the outdoor relief of the able-bodied" had been issued. The Central Authority had failed to induce the Local Authorities to provide "adequate workhouse accommodation," and it was found that "large numbers of able-bodied persons are often suddenly thrown out of employment by the fluctuations of manufacturers" (*sic*).[2] To meet this situation, a new General Order was issued (the Outdoor Labour Test Order, 13th April 1842); on the ground that it was impracticable "to issue the Order prohibiting outdoor relief to able-bodied persons." [3] This order is historically of twofold significance. It has had, as will subsequently appear, a long and continuous career of its own, in force in combination with the Outdoor Relief Prohibitory Order in particular unions.[4] But between 1842 and 1852, standing by itself in other unions,[5] it was the temporary embodiment

[1] MS. Minutes, Newcastle Board of Guardians, 7th October 1836.

[2] Circular of 30th April 1842, in Eighth Annual Report, 1842, p. 179.

[3] Minute of Commissioners respecting the means of enforcing an Outdoor Labour Test, 31st October 1842, p. 381 of Ninth Annual Report, 1843.

[4] For such Special Labour Test Orders, issued in supplement to the Out-relief Prohibitory Order, *see* those to Boston Union, of 3rd February 1847; Crediton Union, 21st May 1847; and Catherington Union, 2nd June 1847, which are in the most usual form; or those to Foleshill Union, 13th December 1847; Maldon Union, 7th December 1847; and Nuneaton Union, 13th December 1847, which are in a much shorter form, omitting the authority for the appointment of a superintendent of pauper labour.

[5] For such Special Labour Test Orders, issued to unions not under the Out-

of an alternative policy of the Central Authority. This alternative policy was, in 1852, definitely adopted by the Outdoor Relief Regulation Order (still in force), as the one permanently appropriate for the circumstances of many unions, covering a large part of England and Wales.

This policy of leaving to the discretion of the local authorities the grant of outdoor relief to the able-bodied on certain conditions was, as already mentioned, confined to men. We can find no explanation of, or reason for, the entire absence of any provision for independent women who were able-bodied. It can only be inferred that, in those districts, the Central Authority meant the unlimited discretion of the local authorities with regard to outdoor relief to able-bodied independent women to continue. The outdoor relief sanctioned for able-bodied men was strictly limited to persons who were not in employment for hire. This limitation was expressly intended to prevent the old "Rate in Aid of Wages." But it was subsequently expressly allowed that outdoor relief might be given, in respect of the particular days in a week or the particular weeks in a month during which persons were unemployed, whilst they were in remunerative employment on other days of that week, or other weeks of that month.[1] In the case of persons partially disabled, and able to earn only partial maintenance, the Poor Law Commissioners recommended that they "should be entirely supported by the guardians"—not, be it noted, by being admitted to the workhouse—but either by their being "set to work by the guardians in such manner as may be suitable to their condition," or else by their being prohibited from doing any work on their own account.[2]

It should be said that (with an exception to be hereafter noted in the case of women) the Central Authority stood rigidly on the position taken up by the 1834 Report that no regard was to be paid to character, in judging applications for relief. "If a person," said the Poor Law Commissioners in 1840, "be in a state of destitution, such person is to be

relief Prohibitory Order, *see* that to Ashton-under-Lyne Union, 29th March 1847; or that, in a shorter form, omitting the authority for the appointment of a superintendent of pauper labour, to Chertsey Union, 17th December 1847.

[1] Circular Letter, 14th December 1852, in Fifth Annual Report of Poor Law Board, 1852, p. 31.

[2] Special Report on the Further Amendment of the Poor Law, 1839, p. 72.

relieved, without reference to the moral character of such person. Relief from the poor rates can only lawfully be given in cases where persons are destitute of the means of support. And the fact that the destitution may have been caused by the immorality or improvidence of the party who seeks to be relieved does not alter or vary the duty of guardians to administer relief proportional to the necessity of the case." [1]

The outdoor relief, where given, had to be subject to two conditions. It was to be at least half in kind, and conditional on the recipient being set to work by the local authority, the time, mode and conditions of work being fixed by the Central Authority.

With regard to the kinds and conditions of "parish work," it was repeatedly laid down by the Central Authority that none would be sanctioned unless (*a*) the work was "hard," not of a kind usually performed by independent labourers or competing with them, nor "much regarded as to profitable results," strictly supervised, "of a laborious and undesirable nature in itself," and "of such a nature as to discourage applications from all who are not really necessitous"; (*b*) paid "less than would be paid for work of equal quantity if performed by independent labourers"; [2] or as it was later stated, the payment "ought to assume the form of relief, not of wages. . . . . A single man or a man with a wife and one child ought not to receive as much as a man with a wife and eight children." [3]

It is not explained how payment on the last principle could be made consistent with the former principles. But the intention of the Central Authority is clear. In the words quoted with approval in the circular of 1835, the parish was to be "the hardest taskmaster and the worst paymaster." [4]

An important exception was made by a separate clause in the Order providing that the guardians might depart from any of these regulations in particular instances, and thus give

[1] Poor Law Commissioners to Plymouth Board of Guardians, 25th April 1840.
[2] p. 45 of Second Annual Report, 1836; *Official Circular*, No. 29, p. 151, 30th November 1843.
[3] Minute, 31st October 1842, p. 383 of Ninth Annual Report, 1843.
[4] p. 46 of Second Annual Report, 1836.

outdoor relief to able-bodied males on any conditions, subject to their reporting each such instance within fifteen days to the Central Authority, and obtaining its subsequent approval. With that approval, outdoor relief to able-bodied men, without any conditions, was lawful. The records of the Central Authority between 1842 and 1847, which have not been published, would show how frequently application was made for this approval, and whether the Central Authority pursued any definite policy in approving or disapproving the cases, or merely approved all that were reported to it.

The second series of outdoor relief regulations, beginning with the Consolidated Order for the Administration of Relief in Town Unions of 1836, and culminating in the Outdoor Relief Prohibitory Order of 1844 (still in force), proceeds on the basis of forbidding outdoor relief to the "able-bodied and their families." But from the outset we find a series of express exceptions made in particular Orders, gradually increasing in number and definiteness. The most numerous and the most important of these exceptions relate to women, and will be subsequently dealt with. For the male able-bodied person himself (and his family) only three exceptions were to be made. The local authority had discretion to allow him outdoor relief (*a*) in case of sudden and urgent necessity; (*b*) in case of sickness, accident, or mental infirmity in his family; or (*c*) for the burial of any member of his family.[1]

Another series of exceptions allowed outdoor relief to the families of able-bodied persons (*a*) in gaol, or otherwise in custody; (*b*) absent as soldiers, sailors or marines; or (*c*) otherwise residing outside the union.[2]

A third exception empowered the local authorities (as in the analogous case of the Outdoor Labour Test Order) to depart from these regulations in any particular instance, and thus to give outdoor relief to the able-bodied, whether men, women, or their families, on any conditions, subject to their reporting each such instance within fifteen days to the Central Authority and obtaining its subsequent approval. With that approval outdoor relief to the able-bodied, without

[1] See Outdoor Relief Prohibitory Order, 1844, art. 1.
[2] *Ibid.*

any conditions, was lawful. The records of the Central Authority between 1842 and 1847 would show what policy it pursued in approving or disapproving the cases of unconditional outdoor relief to the able-bodied, which were reported by those local authorities to which this Order had been issued. What appears from the published documents is that the Central Authority, between 1835 and 1842, "in cases where this Order had been issued . . . . . had been obliged to sanction large exceptions to its provisions."[1]

On this, among other grounds, the Central Authority in 1843 took to modifying the operation of the Outdoor Relief Prohibitory Orders by supplementing them, in certain of the unions in which they were in force, by an Outdoor Labour Order, practically identical in terms with the Outdoor Labour Test Order of 1842, which we have already mentioned as being alone in force in other unions.[2] Similar Orders—in effect modifying the Outdoor Relief Prohibitory Order—have ever since continued to be issued to particular unions; but, from 1852 onward, in the form of applying to the particular unions concerned the Outdoor Labour Test Order of 1842, which had theretofore been issued alone.

We are now in a position to sum up the policy of the Central Authority, with regard to outdoor relief to the able-bodied, as it stood in 1847, embodied in documents applicable to three different parts of England and Wales. In thirty-two unions the Labour Test Order of 1842 was alone in force, whilst in twenty-nine others the regulations were essentially similar to this. In this part of the country the discretion of the local authorities to give outdoor relief to able-bodied independent women (as to other independent women) was unfettered by any regulation, and not directed by any instructions. Outdoor relief to able-bodied men and their families was within the discretion of the local authorities, if it was accompanied by test work by the man and subject to certain conditions. In other parts of the country, comprising 396 unions, the Prohibitory Order was alone in force, and outdoor relief to the able-bodied, whether men or women, and

[1] Minute of Commissioners, 31st October 1842, p. 381 of Ninth Annual Report, 1843.

[2] p. 379 of Ninth Annual Report, 1843.

their families, was, with limited and precise exceptions, prohibited; unless, in particular instances, the local authority subsequently reported it to, and got it sanctioned by, the Central Authority. In yet other parts of the country, comprising eighty-one unions, the Prohibitory Order and an Outdoor Labour Test Order were jointly in force, and outdoor relief to the able-bodied, whether men or women, and their families, was, so far as general rules went, prohibited. But such outdoor relief was lawful if it was in each case subsequently reported to, and approved by, the Central Authority; with this difference between that given to able-bodied men (and their families) and that given to independent women (and their families) that the former had to be, and the latter had not to be, accompanied by test work. This requirement of test work by the man, in certain unions, as a condition of the outdoor relief to be thus sanctioned by the Central Authority, appears at first sight to impose on those unions an additional restriction on the grant of outdoor relief, as compared with those unions in which outdoor relief could be sanctioned by the Central Authority without test work. The practical result may have been exactly the opposite. The records of the Central Authority between 1843 and 1847 would show to what extent and in what kind of cases its sanction to these cases of outdoor relief was given or refused; and whether, according to the statistics, it was not given more frequently and even as a matter of course, where test work was obligatory as a condition, as compared with cases in which test work was not required. If this was so, not only did union differ from union in the extent to which outdoor relief to the able-bodied was sanctioned by the Central Authority, but it may be that the statistics would show that in this respect, sex differed from sex—such outdoor relief being freely granted and lightly sanctioned to able-bodied men from whom test work was exacted; and sanctioned with greater stringency in the case of the able-bodied independent women from whom no such test was exacted.

(ii.) *In the Workhouse*

When "the able-bodied and their families" entered the workhouse, we find the Central Authority prescribing a classification altogether different from that applied to outdoor paupers. The very category of the "able-bodied and their families" disappears. It was, of course, inevitable that this should happen. In any institution, infants, boys, girls, sick and healthy adults, male and female, required different treatments. But, to the confusion of every one concerned, the Central Authority retained, for its workhouse classification, as for the entirely different classification of outdoor paupers, the same adjective of "able-bodied," without even explaining that it was here used in an altogether different sense. As usual in the documents of this period, there is no definition of the term. But whenever it occurs in the regulations affecting the workhouse, the term "able-bodied" was apparently intended by the Central Authority to denote all persons not being either children, "the aged and infirm," or "the sick." If the draughtsman of the General Consolidated Order of 1847 had been aware of the need for a definition clause, he would presumably have said that in that Order the term "able-bodied" should denote those persons above the age of childhood, and below that of "the aged," who for the time being were in the enjoyment of normal health. This class, it will be seen, differs considerably from that referred to in the preamble of the section in the 1834 Act under which outdoor relief to the able-bodied was to have been abolished; namely, persons (with their families) "who at the time of applying for or receiving such relief were wholly or partially *in the employment of individuals.*" [1] The Act thus pointed to the capacity to obtain employment for hire, at any wages whatsoever, whatever may have been the state of health, as the essential characteristic of being "able-bodied." This, too, was the construction placed on the term when used in the Outdoor Relief Prohibitory Order, 1844, where the Central Authority expressly held that "poor persons who have frequent ailments, who are ruptured and are generally of weak constitutions" but who are "in receipt of wages"—however low such wages might be—must be treated,

[1] 4 & 5 William IV. c. 76, sec. 52.

for outdoor relief, as being "able-bodied persons."[1] When such persons entered the workhouse, not merely would the several members of their families pass into different categories, but they themselves, if the doctor so decided, would, in the view of the Central Authority, on crossing the threshold, cease to be "able-bodied persons,"—and become members of the diametrically opposite category of "the sick." If such persons, without being cured, subsequently left the workhouse, we must infer that, according to the policy of the Central Authority, their characteristic of physical or mental infirmity ceased to be relevant, as they passed, on crossing the threshold, into the ranks of "able-bodied persons."

Inside the workhouse, the "able-bodied" (in the workhouse sense) are divided simply into male and female. We can find no regulations specially affecting relief to them, as apart from other inmates of the establishment, except some modifications in the amount of food allowed, or of labour exacted. As even these modifications are inextricably mixed up with the general regulations affecting all inmates, and are contained in the same long series of Orders, culminating in the General Consolidated Order of 1847, we relegate them to the subsequent section on the workhouse.

B.—Vagrants

We have seen that the policy of the Report and Act of 1834, with regard to vagrants, was to ignore them as a class, to relieve them only in the workhouse, and to deal with them exactly as with other workhouse inmates. What the Central Authority seems to have contemplated was that the strict application of the "workhouse test" would not only prevent vagrants coming on the rates at all, but that it could be used to prevent almsgiving. It was apparently with this view that the Central Authority, in 1837, sanctioned a code of regulations for the admission to the workhouse of the "casual poor," meaning "wayfarers" or homeless "persons in a state of destitution . . . who . . . belonged to distant parishes."[2] These regulations included admission by tickets distributed by any ratepayer, and the performance of a task of work before

[1] *Official Circular*, April and May 1848, Nos. 14 and 15, N.S., pp. 227-8.
[2] Letter, 6th September 1837, in Fourth Annual Report, 1838, p. 154.

the grant of a meal.[1] In diet, discipline, and other treatment, they were to be dealt with "as the other paupers in the workhouse."[2] In other unions the regulations included the establishment of a separate vagrant ward, which was equally sanctioned by the Central Authority. A similar plan was strongly pressed on the local authorities of the Metropolis in 1838 and 1839.[3] Such vagrants must, however, if destitute, not be refused relief.[4] The Central Authority hoped that "if these arrangements be adopted . . . casual almsgiving in the streets, by which vagrancy and imposture are encouraged, will be materially checked."[5]

The first sign of discontent with this policy that we find is in 1841, when the Central Authority is asked by the local authorities of Lambeth and Colchester "whether the workhouse is to be a lodging house and to be inundated with these trampers" who habitually "make the union house a lodging house," greatly to the annoyance of the establishment. The Central Authority admits that its policy of a mere application of the "workhouse test" to vagrants has proved unsatisfactory, and declares the only effectual remedy to be a separate semi-penal establishment.[6] In the absence of adequate statutory powers, the Central Authority pours out, between 1841 and 1844, a stream of regulations and suggestions to local authorities, based on the idea of making the night's stay of the vagrant more unpleasant to him. There was to be everywhere a separate vagrant ward; without a fire; smoking and card playing were to be strictly prohibited; they were to be bathed; their bedding was to be inferior to that of other inmates, and so on. Above all, they were to be prosecuted under the Vagrant Act on the slightest provocation.[7]

[1] pp. 135-141 of Third Annual Report, 1837.

[2] p. 89 of Fifth Annual Report, 1839.

[3] Instructional Circular, 12th December 1838; in Fifth Annual Report, 1839, p. 87; ditto, 7th December 1839, in Sixth Annual Report, 1840, p. 103.

[4] Letter, 2nd August 1841, in Eighth Annual Report, 1842, p. 77.

[5] Circular, 7th December 1839; in Sixth Annual Report, 1840, p. 104.

[6] *Official Circular*, No. 12, 14th October 1841, p. 170; Letter, 15th February 1841, to Newcastle Board of Guardians; Letter, 12th September 1844, to Bradford Board of Guardians.

[7] *Official Circular*, No. 12, 14th October 1841, p. 170; General Order, 5th February 1842, in Eighth Annual Report, 1842, p. 81; Letter, 5th February 1842, in Eighth Annual Report, 1842, p. 110.

Yet the Central Authority was not yet convinced of the need for a vagrant ward in every union. When the Bradford Board of Guardians pointed out in 1844 that the average number of their vagrants was only twelve a week, the Central Authority at once acquiesced in the abandonment of the proposed vagrant ward, and said that arrangements should be made to set the vagrants a task of work in the workhouse itself.[1]

In 1842 and 1844, as we have seen, slightly increased powers over vagrants were obtained (including, but only by implication, statutory authority for the four hours' detention in the morning), together with powers to establish district asylums for the houseless poor in certain large towns.

The Central Authority "framed a scheme for division of the whole of the Metropolitan district" into areas corresponding "to the great lines of roads along which mendicants and vagrants" entered London,[2] which were to have separate establishments for vagrants, and so entirely relieve the Metropolitan workhouses of their care.[3] What Orders were issued to this effect is not clear. Meanwhile the House of Commons appointed a Select Committee to consider the whole conduct of the Central Authority; and no further action was taken. Orders were issued to the boards of management of the newly created vagrant districts, telling them that they need not meet.[4] How far these vagrancy districts ever came into existence we have not yet discovered. One of them, the North Eastern Metropolitan District, had got so far as to enter into a contract for the purchase of a site and to borrow £3500 to pay for it. "Owing to various causes, the chief of which was a want of co-operation on the part of several of the boards of guardians, that scheme, after an inquiry by a Committee of the House of Commons, was abandoned."[5] Beyond this somewhat obscure episode, all that happened was that when the General Consolidated Order of 1847 systematically codified the regulations affecting workhouses, it included, scattered among its various sections, a few provisions relating to the treatment

[1] Letter to Bradford Board of Guardians, 3rd October 1844.

[2] p. 19 of Eleventh Annual Report, 1845.

[3] p. 19 of Twelfth Annual Report, 1846; *Official Circular*, No. 5, N.S., p. 69, 1st May 1847.

[4] p. 11 of Thirteenth Annual Report, 1847.

[5] Minute of Poor Law Board on the Houseless Poor in the Metropolis, 23rd December 1863, in Sixteenth Annual Report, 1863, p. 31.

of the "casual poor wayfarers," such as the requirement of a separate ward, and the express regulation of their diet and employment.[1]

C.— Women

We have shown, in the preceding analysis of the Report and Act of 1834, that neither the "principles of 1834" nor the enactment of Parliament had prescribed the policy to be pursued with regard to women; except that it was implied or assumed that wives were to follow their husbands exactly as if they were infants. With regard to the widow, the deserted wife, the wife of the absentee soldier or sailor, the wife of a husband resident in another parish or another country—above all, with regard to the independent able-bodied woman—the Central Authority had either to let the existing practice of outdoor relief continue, or to discover a policy for itself.

With regard to the able-bodied independent woman, we have shown that the Central Authority developed, between 1834 and 1847, two distinct policies which became applicable to two different geographical areas. In the thirty-two unions in which the Outdoor Labour Test Order was alone in force, the discretion of the local authorities to give outdoor relief to able-bodied independent women was left unfettered by any rule, instruction or advice of the Central Authority.[2]

In the 477 unions in which the Outdoor Relief Prohibitory Order was in force (either with or without an Outdoor Labour Test Order), outdoor relief to able-bodied independent women was prohibited, with certain exceptions, which, between 1835 and 1844, steadily increased in number. As crystallised in the Out Relief Prohibitory Order of 1844 (still in force) outdoor relief was allowed to such able-bodied independent women,

(1) On account of sudden and urgent necessity;

(2) On account of the sickness, accident, or bodily or

[1] General Consolidated Order of 24th July 1847, *see* arts. 97, 99 and 104.

[2] We ought to state that in one of the early Orders (intended to be temporary) the Central Authority did expressly prescribe a policy for "single women not being aged or infirm." It was evidently contemplated that they were to be dealt with quite differently from the "able-bodied male pauper," who was to be put to "parish work." The outdoor relief to be granted to them was to be at least half in kind (p. 85 of First Annual Report, 1835). No such clause appears in the General Orders subsequently issued.

mental infirmity of any member of their families (unlike a father in like case, the independent mother was not required to produce a medical certificate);

(3) For defraying the expenses of burial of any of their families;

(4) If a widow, for the first six months of widowhood or, without limit of time, if, unable to earn a livelihood, and having one or more children dependent on her, she had had no illegitimate child since her widowhood.[1]

In the Circulars issued with these Orders, the only instructions with regard to any class of able-bodied independent women relate to widows. In these instructions the grant of outdoor relief during the first six months of widowhood, without any mention of its being considered whether they had children or not, or whether they were employed for wages or not, is specially and repeatedly brought to the notice of the local authorities as laudable.[2]

It was, indeed, insisted by the House of Commons Committee in 1838 "that a power should be continued to the board of guardians, taking into consideration the character of the parties, to relieve, out of the workhouse, widows with young children left dependent upon them."[3]

This is the more significant in that the Central Authority, in one case at least, had tried a harsher expedient. In the Bradfield Union, which, under Mr. Stevens' chairmanship, had adopted an ultra-rigorous policy, the board of guardians itself passed a rule forbidding outdoor relief "to any widow or single woman, not being aged or infirm, who is of ability to work," except in sickness, accident or urgent necessity.[4] This was much criticised but was maintained by the majority, who asked the Central Authority to support them by issuing an Order prohibiting all outdoor relief to able-bodied women not

[1] Amended Forms of Order prohibiting Outdoor Relief to the Able-bodied, 1839 and 1840, in Report on the Further Amendment of the Poor Law, 1839, p. 105, and Seventh Annual Report, 1841, pp. 99-100; Out Relief Prohibitory Order, 1844, art. 1.

[2] Instructional Letter, December 1839, p. 107 of Report on the Further Amendment of the Poor Law, 1839; ditto, August 1840, p. 102 of Seventh Annual Report, 1841.

[3] Report of House of Commons Committee on Poor Law Administration, 1837-8, p. 39.

[4] MS. Minutes, Bradfield Board of Guardians, 12th October 1835

being aged or infirm. The Poor Law Commissioners in reply said that they "most willingly confirm the resolution, and in so doing they desire to state that they consider the workhouse to be the best description of relief for all cases, and they are always glad to perceive that the guardians of any union view outdoor relief as the exception to the general rule, to be administered, with caution, in cases of sickness, infirmity and particular distress only."[1] But even the Bradfield Guardians found this Order, for which they had themselves asked, quite unworkable; and they were reduced to asking sanction for successive departures from it. They generally granted outdoor relief to widows for the first few weeks of their widowhood, and were often driven to extend it. They then asked for an alteration permitting outdoor relief to able-bodied "widows of good character with more than one child under eleven, if a boy, and under thirteen if a girl." The Central Authority was loath to let go, but had eventually to issue another Special Order as desired.[2]

The grant of outdoor relief to widows having children, apart from this six months' term, is, "*so far as it relates to able-bodied women in employment*," regarded as of doubtful policy, to be made with circumspection, as likely to excuse contributions from relatives, to discourage insurance, and to have all the evils of the rate in aid of wages. It is suggested, moreover, that a widow can usually earn enough to support one child.[3] It may be understood from a bare reference in the Instructional Letter of 1839 to "able-bodied women themselves" as well as to widows, that the Central Authority was alive to the effect upon women's wages of the grant of outdoor relief to single independent women in employment.[4] But in the revision of this Instructional Letter in 1841—though its terms remained almost identical—the slight reference to the single able-bodied woman wage-earner was silently omitted.[5]

[1] MS. Minutes, Bradfield Board of Guardians, 8th, 15th and 27th February 1836; Special Order to Bradfield Union, 26th February 1836.

[2] *Ibid.* 4th March and 31st October 1836; February, June, July and November 1839; Poor Law Board to Bradfield Union, 17th July and 7th November 1839; Special Order to Bradfield Union, November 1839.

[3] See note 1.

[4] p. 108 of Report on the Further Amendment of the Poor Law, 1839.

[5] p. 102 of Seventh Annual Report, 1841.

With regard to married women, the policy laid down by the Central Authority differed according to the particular kind of Order in force, and thus according to the locality in which they resided. In all but specially excepted cases, relief to a woman under coverture was deemed to be relief to her husband, and came thus within all the various regulations and conditions limiting outdoor relief to the able-bodied man.

In the thirty-two unions to which Out-door Labour Test Orders were applied by themselves—these culminating in the Outdoor Relief Regulation Order 1852 (still in force)—the policy of the Central Authority was to leave the discretion of the local authorities unfettered, with regard to the grant of outdoor relief to married women, except the wives of those men ("the able-bodied and their families") to whom outdoor relief was only to be granted in return for labour. In these latter cases the measure of the relief was to be the needs of the family, not the work done by the husband. In 1835 the Central Authority had even urged that, where the families were large, they "should be furnished with provisions according to their numbers and necessities in the same way as other paupers" by way of "additional relief" to the man for the "wives and children, as far as shall be actually necessary."[1]

As the policy became settled, the phrase "additional relief" was dropped; but the amount given to the husband was to depend, not on the amount or value of the work that he did, but was to be "proportioned to the wants of the applicant and his family, and should not be deemed remuneration for the work done."[2] In these cases half, at least, of the relief given to the husband was to be in kind; whilst, *according to the Orders*, no labour was required from the wife.[3] In spite of the absence from the Orders of any requirement that the wife should render any task of labour, we find the Central Authority in 1842—concerned at the earning of money by the wives (and children) of men at "parish work"—making an inconsistent suggestion. In the Minute of 31st October

[1] Circular, 21st September 1836, p. 48 of Second Annual Report, 1836.

[2] Minute on Outdoor Labour Test, 31st October 1842, p. 383 of Ninth Annual Report, 1843.

[3] Outdoor Labour Test Order, 30th April 1842, in Eighth Annual Report, 1842, p. 175.

1842, it is suggested that, "if it be practicable, some employment, such as picking up or carrying stones, should be provided for the wives and children. The latter precaution is peculiarly important in the manufacturing districts."[1] This requirement of labour from the wife had, up to 1847, found no embodiment in any Order.

In the 477 unions to which the Outdoor Relief Prohibitory Order of 1844 applied, three extensive classes of wives were, by the policy of the Central Authority, to be treated as if they were widows.

(*a*) A wife deserted by her husband and having only legitimate children dependent on her could, under the Outdoor Relief Prohibitory Order, 1844, be given Outdoor Relief as a widow having a child dependent on her. As a matter of fact, the position of any wife living apart from her husband was better than that of a widow. The wife living apart from her husband (whether technically deserted by him or not, and whether or not he was within the union) could insist on the relief of her children, without applying for relief for herself; and if the child was below the age of seven, it could not be separated from her, *even with her own consent*; and thus the relief had to be outdoor relief. She could, moreover, send her children over seven into the workhouse without herself accompanying them, or herself becoming a pauper. On the other hand, though the local authority might, if it chose, grant outdoor relief to a widow having a child dependent on her (if she had had no illegitimate child born since her widowhood), it need not do so, and it could not relieve her dependent children, whether under seven or over, without making her a pauper.

(*b*) The wife of a husband—

(i.) Beyond the seas;

(ii.) In custody of the law; or

(iii.) Confined in an asylum as a lunatic or idiot

was to be treated, for indoor and outdoor relief alike, as if she were a widow (a widow beyond the six months' term, though this is not so stated). By "beyond the seas," the Central Authority understood "out of Great Britain."[2]

[1] p. 385 of Ninth Annual Report, 1843.

[2] Instructional Letter, 17th October 1844; in Eleventh Annual Report, 1845, p. 187.

(*c*) In the case of the wife of an able-bodied soldier, sailor, or marine in His Majesty's service (wherever he might be situated), the Central Authority expressly stated that it felt it to be "desirable to give great latitude" to the local authorities."[1]

In all other cases, within those parts of the country to which this Order applied, wives residing with their husbands had to follow them, and were not to be relieved, either in or out of the workhouse, without them. A more difficult question was whether a man could continue to receive relief in the workhouse if his wife insisted on leaving it. The Central Authority, on being appealed to by a local authority actually confronted with such a case, decided that the wife could not be prevented from leaving the workhouse. It hazarded the opinion (of which we do not admit the legal validity), "that a woman may be restrained by the control of her husband from leaving the workhouse, and if he declines to use his marital control, it is in the power of the guardians to dismiss the husband. But whether it is expedient or judicious to pursue such a course must depend on the peculiar circumstances which each individual case presents. One consideration is particularly important in dealing with any case of this description, that is, whether the husband is in a condition practically to exercise his control over his wife. Where he is not, it would be very unadvisable, in the opinion of the Commissioners, to make it a condition of the relief of the husband or of his children (if he have any) that he should exercise an authority over his wife which practically he cannot exercise."[2]

It is interesting at this point to sum up the policy of the Central Authority, so far as embodied in its published documents between 1834 and 1847, with regard to outdoor relief to women, especially as affecting the "Rate in Aid of Wages." The policy differed fundamentally in the two different areas of the country governed respectively by the two kinds of Orders. Where the Outdoor Labour Test Order (continued, after 1852, by the Outdoor Relief Regulation Order, which is still in force) was alone applied, the discretion of the local authority to give outdoor relief to women of any

[1] Instructional Letter, 21st December 1844; in Eleventh Annual Report, 1845, p. 59.

[2] *Official Circular*, 1st June 1845, No. 48, p. 90.

status, married or unmarried, with children or without, was unfettered by any Order. The only rule made by the Central Authority in the matter was that if the woman was the wife of an able-bodied man who was himself employed on "parish work," and residing with him, at least one-half of his relief should be in kind. No rule was made or Order issued by the Central Authority against the grant of outdoor relief to women employed for wages, even in respect of the very days on which they were earning wages.

We have mentioned that the Central Authority, so far as men were concerned, stood rigidly to the position of the 1834 Report that the moral character of the applicant was to be absolutely disregarded in considering the relief to be granted to him. With regard to women, however, it took up a different position. We find it advising that the mothers of illegitimate children should, on this ground alone, not be granted outdoor relief.[1]

Where the Outdoor Relief Prohibitory Order was in force, neither spinsters nor wives residing with able-bodied husbands[2] could, apart from sudden and urgent necessity, receive outdoor relief, unless they were sick. But with regard to widows and wives living apart from their husbands, the exceptions to the prohibition were so numerous that both these classes may almost be said to have been expressly allowed to receive outdoor relief. The fact that such women were in employment for wages was not regarded by the Orders of the Central Authority as relevant: nor was it prescribed that any task of labour should be exacted in return for the relief. And although if we look closely, it is possible to find, in the circulars, instructional letters and published decisions of these thirteen years (1834-1847), two or three bare incidental allusions to the possibility of outdoor relief to women having the effect of a "Rate in Aid of Wages," even these occur only in the earlier years, and presently die away entirely. It is, therefore, not incorrect to say that an objection to outdoor relief to women in employment formed during these years no part of the declared policy of the Central Authority.

[1] Poor Law Commissioners to Plymouth Court of Guardians, 25th April 1840.

[2] Not being soldiers, sailors, or marines.

When women entered the workhouse, the policy of the Central Authority (as in the analogous case of "the able-bodied") was to classify them in quite other categories than those which governed their outdoor relief. The woman's status, with regard to a man, so fundamental as long as she remained outside, was, in the workhouse, entirely irrelevant. What became important was whether or not she was sick, "able-bodied" (in the workhouse sense), or "aged and infirm"; whether or not she was a nursing mother, or a mother of children under seven years old; whether or not she was of "good character" or of "dissolute and disorderly habits" or the mother of an illegitimate child. These considerations—leading to classifications inconsistent with each other—affected the women's segregation in the workhouse, the employment provided for them, the dietary and the amount of their freedom. With all this we deal in subsequent sections.

D.—Children

The policy of the Central Authority with regard to the relief of children rested on the general rule that children, residing with their parents (or surviving parent) and dependent on them for support, had to follow them for relief. This was not limited by any condition as to the age of the child, the essential fact being the dependence of the child for support. Looked at from the standpoint of the child, this involved a great and complex difference in policy in the two different areas of the country to which we have had so often to refer. In unions governed by the Outdoor Labour Test Order (afterwards the Outdoor Relief Regulation Order, 1852), all such children might be relieved in their homes, the only limitation placed on the discretion of the local authority being that, if they were the children of able-bodied men, at least half the relief granted to the father for their necessities had to be in kind.

In unions in which the Outdoor Relief Prohibitory Order was in force, the children (although not sick) of certain classes of parents might be relieved in their own homes, whilst those of certain other classes of parents could be relieved only by admission to the workhouse (unless, in particular instances, the grant of outdoor relief was specially sanctioned by the

Central Authority). This determination by the Central Authority of the method of relief of such children did not depend on their age, their sex, their characteristics, or their needs, but on the artificial categories in which their fathers (or mothers) were placed. We need not follow these intricacies once more in detail. They can easily be unravelled from the foregoing sections on "The Able-bodied" and on "Women."

Whatever outdoor relief was given to the parent in respect of the child, the policy of the Central Authority was one of absolute non-intervention with regard to its treatment. No directions were given, either for its education or for any other of its needs. The only direction that we find is a decision that the local authority must not pay the school fees for any such child; and must not even add with this view 2d. per week per child to the outdoor relief granted to the parent.[1]

When the child entered the workhouse it passed out of its former classification and entered into an entirely different one. For outdoor relief, as we have seen, the policy of the Central Authority was to distinguish among children only according to the kind of parents they had. Inside the workhouse, the policy of the Central Authority was to regard this classification as irrelevant, and to place all children, of whatever parentage, in categories, dependent on their own age, sex and health. They were either sick or well; and also either (1) Children under seven; (2) Boys between seven and fifteen; or (3) Girls between seven and fifteen. The treatment of these categories is so inextricably mixed up with that of the other inmates of the workhouse that we relegate the matter to our subsequent sections.

The Central Authority gave no direction to change the system under which some local authorities sent their pauper children to establishments kept for private profit. In 1838, this system was implicitly sanctioned by a long instructional letter, dealing with "Mr. Aubin's establishment for pauper children at Norwood," where the children were employed in the workshop on alternate days, and were under the special care of a chaplain.[2]

But the Central Authority was evidently uneasy about

[1] *Official Circular*, 31st January 1844, No. 31, pp. 178-9.
[2] Instructional Letter, 1838, in Fifth Annual Report, 1839, p. 76.

the quarter of a million pauper children, of whom it was gradually getting some tens of thousands in the great general workhouses on which it had insisted.[1] Reports on the training of the workhouse children were called for, and a valuable series was published in 1841, in which the establishment of separate boarding schools was suggested, where the children could receive both elementary schooling and industrial training. This proposal united the opposition of the boards of guardians, who objected to a new authority, to that of those who demurred to giving the pauper children any better education than the children of the lowest independent labourer.[2]

In 1844, as we have seen, the Central Authority obtained statutory power to direct the establishment of district schools; but no Order on the subject appears to have been issued prior to 1847.

We pass now to the children of an age to be started in life. Though the Central Authority had been expressly empowered to issue regulations as to apprenticeship, it did not, during its first decade, issue any Order on the subject. The only indication which we can find of the policy which it wished pursued during this decade with regard to such children is a comment on the proposed Bill for the Amendment of the Poor Law in 1840. This comment is strongly adverse to the payment of apprenticeship premiums, and suggests that premiums are only needed in "occasional" cases of lame or blind children.[3] Not until 1845 does the Central Authority issue any directions on the subject. By the Apprenticeship Orders of December 1844, and January 1845, amended in August

[1] At Midsummer, 1838, the children under sixteen in the workhouses of the 478 unions then making returns numbered no fewer than 42,767, out of a total workhouse population of 97,510. (Special Report on the Further Amendment of the Poor Law, 1839, p. 56.) In 1840 the Poor Law Commissioners estimated the total number under 16 to be 64,570, of whom 56,835 were between 2 and 16 (Report on the Training of Pauper Children, 1841, p. iii.).

[2] "It would be said that we should be giving the pauper children a better education than that obtainable by the independent labourer's child. While I allow and lament this truth, I wholly deny its force. Because the schooling of children out of the workhouse is neglected, is this a valid reason and excuse for equally neglecting those who are within it? According to this argument, not a single ray of moral or religious knowledge should be allowed to illumine the mind of a pauper child; he should be brought up a perfect brute, since it is certain that this is the lot of innumerable independent children" (E. Carleton Tufnell, in Report on the Training of Pauper Children, 1841, p. 355).

[3] *Official Circular*, No. 5, 16th June 1840, p. 56.

1845, and included and amplified in the General Consolidated Order of 1847, elaborate conditions of apprenticeship were prescribed for the protection of the apprentice; limits of age were fixed; the duties of the masters were made more onerous and definite; and the payment of premiums, whilst still allowed for children between nine and sixteen, was expressly prohibited, at first for all over fourteen, but subsequently for all over sixteen, unless physically deformed or defective, except in the form of clothing.[1] But the Central Authority does not advocate apprenticeship. On the contrary, in issuing the Order of 1845, it wrote a special letter to accompany it in which the local authorities were pointedly reminded that it had hitherto refrained from issuing any regulations on the subject; that as Parliament had not abolished the system of apprenticeship it would "doubtless continue to be practised in those districts where it has hitherto prevailed"; that "there are not wanting authorities of weight against the system"; and that local authorities were not to infer that the Central Authority entertained "any desire to promote its introduction."[2]

Apart from this severe discouragement of apprenticeship we can discover no indication of the policy of the Central Authority as to starting the children in life. No advice was given to the local authorities on the subject.

E.—The Sick

We have seen that neither the Report nor the Act of 1834 laid down any policy for the sick—suggesting, in fact, no change in the existing practice under which they were both maintained and medically attended in their homes. During the whole of the period, 1834-47, there is nothing in the Orders laying down any other policy so far as the maintenance of the sick is concerned. Both the two streams of regulations, the Outdoor Labour Test Orders (culminating in the Outdoor Relief Regulation Order of 1852) and the Outdoor Relief Prohibitory Order of 1844, expressly excepted, from all their prohibitions or restrictions on the grant of outdoor relief, cases

[1] General Order, 31st December 1844, and 29th January 1845, in Eleventh Annual Report, 1845, pp. 72-96; 15th and 22nd August 1845, in Twelfth Annual Report, 1846, pp. 60-71; and Arts. 52-74 of General Consolidated Order of 24th July 1847.

[2] Circular, 1st January 1845, in Eleventh Annual Report, 1845, pp. 96-7.

of "sickness, accident, or bodily or mental infirmity." In all these cases the policy of the Central Authority was to leave the local authorities the same absolutely unfettered discretion with regard to the grant of outdoor relief that they had before possessed. In the Instructional Letter of 1836 as to medical attendance the practice of granting outdoor relief to the sick in "food or clothing" is mentioned, without criticism.[1] So much was this the accepted policy that, when the Central Authority referred to the sick, in the comprehensive defence of its action in 1839, it only mentioned the steps that it had in view with regard to the better organisation of medical attendance, which did not seem to call "for any immediate general change"—without even alluding to the almost universal practice under which the sick received also outdoor relief in money.[2] In a Minute of 1840 it is pointed out that members of friendly societies in receipt of a money allowance whilst sick were only to be granted such amount of outdoor relief as, together with their allowances, would make up the sums which the local authority would have granted if they had had nothing. It is not even hinted that the grant of outdoor relief at all was against the policy of the Central Authority, although it is suggested that in these cases it should be granted on loan.[3]

The first suggestion that we have found of this policy not being wholly satisfactory occurs in 1840, in the Central Authority's comments on the case of a boy who had died, it was asserted, from privation whilst his father was actually in receipt of outdoor relief. No blame was imputed to the local authority, which, it was said, had been "acting under a recognised mode of relief"; but it was suggested that the case showed the dangers of "partial relief"; that illness was likely to be more quickly cured "with the advantages of the superior cleanliness and the better regulated warmth and ventilation of the appropriate rooms or a sick ward" of the workhouse together with the superior nursing, dietary, and doctoring there possible; and that, especially where there was likelihood of the outdoor relief or other family income being unwisely

[1] Instructional Letter, 6th May 1836, in Second Annual Report, 1836, p. 50.
[2] Report on the Further Amendment of the Poor Law, 1839, pp. 73-81
[3] Minute, 27th March 1840, in Sixth Annual Report, 1840, pp. 95-96.

applied, it was better to relieve by admission to the workhouse.[1] But this first suggestion of an alternative policy stands alone; and it was not embodied in any Order.

What the Central Authority was concerned about, with regard to the sick poor, was not their outdoor relief, but the extent to which they took advantage of the services of the parish doctor. Already in 1836 it was laid down by an Instructional Letter (which expressed no criticism on the practice of granting relief "in food or clothing") that medical attendance could be allowed only in cases of destitution. As, however, sickness quickly involved destitution, it was suggested that provident sick clubs should be promoted, to provide for medical attendance when needed.[2] Four years later it is pointed out that members of friendly societies, entitled as such to medical attendance, must not be allowed the services of the parish doctor.[3] This was repeated in 1844.[4] "Medical extras," such as "meat, milk, wine, and porter," could not be ordered by the doctor, but could be granted, on his recommendation, by the local authority; and it is to be noted that the Central Authority adds no words in any way discouraging such grant.[5] The Central Authority became even more concerned about the organisation of the medical attendance, the area of each medical officer's district, the method of selecting him, his qualification, and above all the mode of his remuneration, so that he might not be tempted to increase the number of cases.[6] Its views on this subject were embodied in the General Medical Order of 12th March 1842, and explained in the accompanying letter of the same date.[7] We omit this, along with other administrative questions; but it must be noted that the whole policy of the Central Authority in the matter rested on the assumption, on which no criticism was expressed, that the sick would, as a matter of fact, be relieved in their homes.

When the sick entered the workhouse they were dealt with as a class by themselves, in the general establishment

[1] *Official Circular*, No. 9, 10th November 1840, pp. 113-118.
[2] Instructional Letter, 6th May 1836, in Second Annual Report, 1836, pp. 50-51.
[3] Minute, 27th March 1840; in Sixth Annual Report, 1840, p. 95.
[4] *Official Circular*, No. 34, 30th April 1844, p. 76. [5] *Ibid.* p. 74.
[6] Report on the Further Amendment of the Poor Law, 1839, pp. 73-81.
[7] pp. 129-142 of Eighth Annual Report, 1842.

which alone was then in existence. We shall deal with the policy with regard to them in a subsequent section.

It may be noted that in 1840 the Central Authority supported the proposal of the Government Bill of that year for the establishment of district infirmaries, but these were not for the sick, but for the infirm.[1] The proposal was never proceeded with. In 1842 the local authorities are incidentally reminded that they have power to send sick persons to hospitals outside the union.[2]

F.—Persons of Unsound Mind

A separation of lunatics from the other inmates of the workhouses had been suggested in the Report of 1834. But it was in the course of this period 1834-47 that persons of unsound mind became recognised as a distinct class. It was, however, long before any settled term was used. We read of "idiots" (1), dangerous (2), or not dangerous (3), curable (4), or not curable; "the insane" (5), "persons of weak intellect" (6), or suffering from "mental infirmity" (7), or from "mental imbecility" (8), or from "disease of mind" (9), or merely "persons of unsound mind" (10).[3]

Persons suffering from "mental infirmity" (explained to mean "insane") were repeatedly excepted from the prohibition of the grant of outdoor relief.[4] In the Outdoor Labour Test Order a similar exception allows outdoor relief, without work, and even if the applicant is in employment, on account of the mental infirmity of a member of his family.[5] Finally, a similar exception was definitely incorporated in the Outdoor Relief Prohibitory Order of 1844 (still in force) and the Outdoor Relief Regulation Order of 1852 (still in force).

[1] *Official Circular*, No. 5, 16th June 1840, pp. 51-53.

[2] Letter, 2nd August 1841, in Eighth Annual Report, 1842, p. 77.

[3] (1) (3) Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836. in Second Annual Report, 1836, p. 89. (2) General Order, 24th July 1847, art. 101. (4) Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 111. (5) (10) General Order, 3rd December 1841, in Eighth Annual Report, 1842, p. 183. (7) Form of Order, 1839, in Report on the Further Amendment of the Poor Law, 1839, p. 106. (8) General Order, 30th April 1842, in Eighth Annual Report, 1842, p. 177. (9) General Order, 5th February, 1842, in *ibid.* p. 80.

[4] Amended Form of Order prohibiting Outdoor Relief to the able-bodied; Instructional Letter, 1839, in Report on the Further Amendment of the Poor Law, 1839, pp. 106-107.

[5] p. 177 of Eighth Annual Report, 1842.

We are not here concerned with the increasing statutory powers, and the practical application of them, for the compulsory removal to asylums or other licensed houses of persons certified to be dangerous; or with the question of their chargeability. When persons of unsound mind found their way to the workhouse they were to be detained. It should be noted that the Central Authority supported the Government proposal to enable unions to combine for the establishment of district asylums for the insane poor, a proposal which was not proceeded with.[1]

G.—Defectives

We must note the beginning of a new class, only just mentioned in the Report and Act of 1834, viz. that of the physically defective, at first only those who were blind, or deaf and dumb. The Act of 1834 had implicitly sanctioned the grant of outdoor relief to such of these defective persons as were either wives or children, by regarding such relief as not made to the husbands or fathers, even if these were able-bodied and in employment. Within the period 1834-47 we find no hint of a new policy. The Central Authority issues no Order dealing with the suggestion, made in the Report of 1834, of institutional treatment for the blind. In 1842, however, the local authorities are incidentally reminded that they have power to send the blind or deaf and dumb to such voluntary institutions as existed for them even if they were outside the union.[2] Beyond this there is no suggestion of policy, either for the blind or for the deaf and dumb, except as regards apprenticeship. The deaf and dumb did not need to be taught to read and write before being eligible for apprenticeship.[3] Premiums were admitted to be necessary in binding as apprentices lame or blind children;[4] and might be given even for children over fourteen or even over sixteen, if they were unfitted for the trade by permanent bodily infirmity.[5]

[1] *Official Circular*, No. 5, 16th June 1840, supplement, p. *g*.
[2] Letter, 2nd August 1841, in Eighth Annual Report, 1842, p. 77.
[3] General Consolidated Order, 24th July 1847, art. 52.
[4] Minute, 13th June 1840, in *Official Circular*, No. 5, 16th June 1840, p. 56.
[5] General Order, 31st December 1844, art. 2, in Eleventh Annual Report, 1845, pp. 16, 72; General Consolidated Order, 24th July 1847, art. 54.

H.—The Aged and Infirm

As with the sick, so with the aged and infirm, neither the Report nor the Act of 1834 had suggested any change in the current policy of outdoor relief. Nor did the Central Authority prescribe any new policy with regard to this class.

It is to be noted that there is the usual absence of definition. The aged and the infirm are always referred to as forming one and the same class. (The word "impotent," used in the Report of 1834, seems to have been silently dropped.) It should be noted also that the class of the "aged and infirm" was not restricted to the infirm aged. The question of age did not enter in at all. What was meant was the class of persons permanently incapacitated, whether from old age, physical defect, or chronic debility, from obtaining any paid employment. The essential characteristic of "the aged and infirm" (like that of "children") was indeed the precise opposite of that of "the able-bodied." The latter always meant (for outdoor relief) those who were actually or potentially in employment for hire. The "aged and infirm" were those (not being children) who could not possibly get employment for any hire, however small; and together with the "children" and "the able-bodied" they made up in the eyes of the Central Authority the whole pauper universe.

It was, as we have seen, universally assumed that the various prohibitions or regulations of outdoor relief to the able-bodied did not apply to "aged and infirm persons." These persons were, indeed, expressly made exceptions from the first universal rule prohibiting outdoor relief to any one, in the "Form of Consolidated Order for the Administration of Relief in Town Unions."[1] In the succeeding Orders prohibiting or regulating outdoor relief, all mention of them is omitted, as not falling within the class of "the able-bodied and their families" to which alone these orders applied. In 1839 the Central Authority definitely laid it down "that we do not require aged and infirm paupers to be relieved only in the workhouse," and that "it is

[1] p. 92 of Second Annual Report, 1836.

not our intention to issue any such rule."[1] The discretion of the local authorities in the matter of outdoor relief to this class was thus left as absolutely unfettered as before; and we can find in the published documents of this period of 1834-47 no direction or advice by the Central Authority on the subject, and no indication that it had any new policy.

When the aged and infirm entered the workhouse they (like the able-bodied) were put into entirely new categories, though without a new terminology. Those who, whilst in receipt of outdoor relief were merely "aged and infirm," found themselves classified in the workhouse according to sex, age and bodily health. Those who were under sixty, and were not ordered by the doctor to be put on special diet, found themselves classed as "able-bodied" (in the workhouse sense). These varieties of treatment in the general workhouse will be dealt with in a subsequent section. It is to be noted that in 1840 the Central Authority supported the Government proposal to enable "district infirmaries" to be established apart from the general workhouse for such of the aged and infirm as received indoor relief. The class to be therein accommodated was to include "every person applying for or receiving relief who shall, by reason of any bodily defect, or of any permanent ailment, or of the permanent effects of any ailment or bodily accident, be incapable of supporting himself."[2] The proposal was never proceeded with.

It is clear that, although there is no indication of this policy in the Report of 1834, or in any of the statutes, the Poor Law Commissioners, between 1834 and 1847, had it occasionally in their minds to apply the "deterrent" workhouse test to the aged and infirm, as well as to the able-bodied. In 1839, indeed, they expressed this intention. It will be remembered that the 1834 Report had talked of the aged enjoying "their indulgences" in workhouses set apart for them. "With regard to the aged and infirm," say the Commissioners of 1839, "there is a strong disposition on the part of a portion of the public so to modify the

[1] Report on the Further Amendment of the Poor Law, 1839, pp. 53, 61.
[2] *Official Circular*, No. 5, 16th June 1840, p. 53.

arrangements [of the workhouses] as to place them on the footing of almshouses. The consequences which would flow from this change have only to be pointed out to show its inexpediency and its danger. If the condition of the inmates of a workhouse were to be so regulated as to invite the aged and infirm of the labouring classes to take refuge in it, it would immediately be useless as a test between indigence and indolence and fraud, it would no longer operate as an inducement to the young and healthy to provide support for their later years, or as a stimulus to them whilst they have the means to support their aged parents and relatives. The frugality and forethought of a young labourer would be useless if he foresaw the certainty of a better asylum for his old age than he could possibly provide by his own exertions, and the industrious efforts of a son to provide a maintenance for his parents in his own dwelling would be thrown away and would cease to be called forth, if the almshouse of the district offered a refuge for their declining years, in which they might obtain comforts and indulgences which even the most successful of the labouring classes cannot always obtain by their own exertions."[1]

1.—Non-Residents

A new class of persons arises in the documents after 1834, namely those who are not residing in the parish or union to which they apply for relief. There had grown up a custom under the old Poor Law by which, in order to save the expense and hardships of removal, parishes agreed to grant outdoor relief to persons belonging to them by settlement, who were residing elsewhere. The Central Authority set itself to restrict this practice. By various of its early Orders it prohibited it altogether, and at once (with the usual exceptions of sickness, accident, and urgent necessity) in the case of able-bodied male persons between sixteen and sixty. It prohibited it as regards all new cases for all other persons with the same exceptions.[2] Between this date and 1844 we find the same series of exceptions

[1] Special Report of Poor Law Commissioners on the Further Amendment of the Poor Law, 1839, p. 47.

[2] p. 85 of First Annual Report, 1835.

allowed to this general prohibition as in the case of outdoor relief to the able-bodied and their families; and these exceptions became stereotyped in Art. 3 of the Outdoor Relief Prohibitory Order of 1844 (still in force).

J.—The Workhouse

As we have shown, the Act of 1834 and the subsequent legislation left to the Central Authority complete discretion as to the kind of indoor maintenance to be provided for the destitute by the local authority. In view of the fact that the action taken between 1834 and 1847—culminating in the General Consolidated Order of 1847, which is still in force—determined, in the main, the character of the modern workhouse, it is necessary to analyse in some detail exactly what the policy was which the Central Authority in these years imposed from one end of England to another. The common understanding at the time was, we believe, that the policy to be carried out was that of the 1834 Report. Two limitations only were imposed on the power of the Central Authority in this respect. The building of entirely new workhouses—which the Report had thought would not be requisite in many instances[1]—was dependent on the assent either of a majority of the board of guardians or of a majority of the rated owners and occupiers.[2] The Central Authority was, however, empowered, without any local consent, peremptorily to order a local authority to enlarge or alter any existing workhouse or building capable of being converted into a workhouse; subject to the limitation that the principal sum to be raised on any parish could not exceed £50, or one-tenth of the average Poor Rate of the last three years.[3] As every board of guardians in the United Kingdom found itself in possession of several parish workhouses—sometimes of a large number of such buildings—it was within the statutory power of the Central Authority, even without local consent, to have given directions for the moderate enlargement and adaptation of any or all of these, which Parliament seems to have contemplated. The second

[1] p. 313 of Report of 1834 (reprint of 1905).
[2] 4 & 5 William IV. c. 76, sec. 23. [3] *Ibid.* sec. 25.

limitation seems at first sight more serious. The Central Authority could not order any greater expenditure, on building or enlarging any workhouse, or sanction the borrowing for this purpose of any larger sum, than the average amount of the last three years' Poor Rate[1]—a limitation which, as we have seen, was, in 1844, repealed so far as the purchase of sites in the Metropolitan Police District and the parish of Liverpool was concerned.[2] But there was at no time any limitation to the aggregate amount of the expenditure out of Poor Rate that might be incurred by the local authority, or that might, with or without its consent, be ordered by the Central Authority to be spent, on the enlargement or adaptation of its various existing workhouses, provided that not more than the statutory maximum was spent on any one of them. In view of the strong objection expressed in the 1834 Report to the mixing of different kinds of paupers in a single institution,[3] and the positive recommendation, in preference, of distinct institutions, in separate buildings, with specialised rules and under different managements, for the several kinds of paupers[4]—for which it was expressly pointed out that the existing buildings were to be adapted[5]—these sections of the Act of 1834 indicate an intention of Parliament (as it certainly was the intention of the authors of the Report of 1834) that each union should have several small institutions, and should assign to those workhouses "separate classes of poor."[6]

It is startling to find that the Central Authority, between 1834 and 1847, pursued an entirely different policy. The published documents for this period do not afford any explanation of this difference. They do not show, for instance, whether it meant the deliberate adoption of a new policy, or whether it resulted merely from a discovery that the recommendations of the Report were impracticable in the rural unions. The documents simply assume the necessity for the establishment in each union, not of a group of specialised workhouses for the different classes, but of one institution, to be called "The Union Workhouse," for the paupers as a whole.

[1] 4 & 5 William IV. c. 76, sec. 24.
[2] See *ante*, p. 19.
[3] pp. 306, 307, 313 of Report of 1834.
[4] *Ibid.* pp. 306, 307.
[5] *Ibid.* p. 313.
[6] *Ibid.* p. 314.

In no Special or General Order, in no Circular or published Minute, can we find any recommendation that a board of guardians should carry out the emphatic recommendations of the 1834 Report in favour of classification by institutions, and the adaptation of the existing buildings into specialised workhouses, "assigning one class of paupers to each of the houses comprehended within each incorporation."[1] Nor was the unity introduced and insisted on by the Central Authority one of structure only. That the policy was to have, under the one roof, for all the various kinds of paupers, only one institution and one *régime*, is revealed in every part of the workhouse code. In the elaborate series of Special Orders and General Orders which culminated in the General Consolidated Order of 1847 (still in force), we find a minutely particular body of rules, referring always to "the" workhouse of the Union, applied with practical identity to all unions, providing for the reception under a single roof and subject to a single officer of every kind of pauper, applying to all the inmates, and (with quite insignificant variations, presently to be noted, for the aged, the sick and the infants), treating all the kinds of paupers alike.[2]

It was possibly connected with this policy of one general workhouse for each union that we find the Central Authority assuming that the grouping together of a score or more of parishes almost inevitably involved building a new workhouse. At first, indeed, the Assistant Commissioners were directed to examine to what extent existing poorhouses or workhouses could be "made useful for only one class of paupers."[3] In August 1835, the Central Authority could write of its year's experience that "it has also been proved that the expense and loss of time in building new workhouses may, in many cases, be saved, by a union of parishes and the combination of their existing workhouses and poorhouses, by assigning one or two classes of the paupers to one of the

[1] p. 313 of Report of 1834.

[2] See the first of such "Orders and Regulations," in First Annual Report, 1835, pp. 96-110; the Consolidated Order for the Administration of Relief in Town Unions, in Second Annual Report, 1836, pp. 81-89; the General Order, Workhouse Rules, 5th February 1842, in Eighth Annual Report, 1842, pp. 79-104; and the General Consolidated Order, 24th July 1847.

[3] First Annual Report, 1835, p. 29.

separate workhouses within the district."[1] But already by that time the contrary policy was being carried out by the most energetic subordinate of the Central Authority, who (as his private reports show) had quickly satisfied himself, and was rapidly convincing his superiors, that the policy of utilising as specialised institutions the existing parish workhouses was, with the boards of guardians of that time, administratively impossible. Already by August 1835, Sir Francis B. Head was reporting that "with the exception of Romney Marsh, the whole of East Kent, comprehending an area of 590 square miles, is now grouped into compact unions of parishes; these unions are all very nearly of the same size —all contain very nearly the same population—*all have voluntarily adopted for their workhouse the same low, cheap, homely building—all have agreed in placing it in the centre of their respective unions.*"[2]

It is interesting to see the arguments by which this flagrant departure from the policy of the 1834 Report was attacked and defended. In 1835 we have a magistrate of Kent, belonging to a union where they had so far adhered to the recommendations of the Report, writing very graphically on the subject to Sir Francis Head. "There is one point," he said, "upon which our practice differs materially from most of our neighbours, and it is one upon which I entertain a strong opinion that ours is the correct system. It is the adaptation of existing workhouses to different classes, instead of building new ones. . . . In the first place upon our system there is a great saving of expense; our homes altogether have cost us under £300. . . . I dislike the appearance of these new houses all over the country. . . . I dislike the outward and visible sign of the change that is being operated. I am alarmed at the irritation. I fear the consequences. When we have eight workhouses there is hardly an inducement to pull down one only, and to pull them all down is next to impossible, from the wide surface over which they are spread. Our system, I might almost say, eludes the grasp of insurrection. Besides this, how much more perfect is the classification! How secure are our separate schools from all contamination. How small are the masses of pauperism which we bring

[1] First Annual Report, 1835, p. 16. [2] *Ibid.* p. 166.

together, compared with the congestion of one vast House. With us, our Houses are not like prisons, for we require no high wall to separate the classes; eight or ten miles distance is far more effectual than the highest walls."

To this Sir Francis Head seems to have replied to the following effect. He did not at all agree with his correspondent that eight classified workhouses were better than one general establishment. "The very sight," he said, "of a well-built efficient establishment would give confidence to the board of guardians; the sight and weekly assemblage of all servants of their union would make them proud of their office; the appointment of a chaplain would give dignity to the whole arrangement, while the pauper would feel it was utterly impossible to contend against it. In visiting such a series of unions, the Assistant Commissioner could with great facility perform his duty, whereas if he had eight establishments to search for in each union, it would be almost impracticable to attend to them. I would, moreover, beg to observe that in one establishment there would always be a proper governor, ready to receive and govern any able-bodied applicants, whereas in separate establishments this most important arrangement (the Able-bodied House) during harvest, etc., would constantly be empty, and consequently would become inefficient in moments of emergency." [1]

Sir Francis Head, as we have seen, had his way. In writing a farewell letter to the Kentish boards of guardians at the end of 1835, he urges them to stick to the dietary, and to appoint a chaplain "to your central house, which will shortly be the sole establishment in your union. . . . As soon as this important object has been gained—as soon as you find that the whole of your indoor poor are concentrated in one respectable establishment—under your own weekly superintendence—when you see yourselves surrounded by a band of resolute, sensible, well-educated men faithfully devoted to your service—you will then, I believe, fully appreciate the advantage which you, as well as your successors, will ever derive from possessing one strong, efficient building, instead of having, from false economy, frittered away your resources among your old existing houses." [2]

[1] MS. correspondence of Sir Francis Head. [2] *Ibid.*

After this we hear no more of the policy of specialised institutions for particular kinds of paupers, as recommended in the Report of 1834. The policy of the Central Authority settles down definitely to that which provided each union with one general workhouse, almost invariably built for the purpose, near the centre of the union.[1]

It is not easy to discover what policy was laid down as to the site and character of the new general workhouse thus prescribed. There was no Special or General Order, and apparently no paper of rules or suggestions, giving any direction as to the position to be chosen, the surroundings to be preferred, or even the area to be obtained. Nothing was prescribed as to the character of the building, the cubic space to be provided for each inmate, the sanitary arrangements, or the structural provision for classification by sex, age, character or condition. To some extent this lack of any statement of policy may have been supplied by oral explanations in the process of sanctioning the building plans. This hardly applies, however, to the choice of a site; and we cannot discover from any published document whether the Central Authority thought it preferable that the union workhouse should be located in the crowded streets of a populous city or in a pleasant rural district. The only help that seems to have been afforded was the publication in 1835 of some pictures and diagrams of suggested workhouses.[2] From these we may

[1] The possibility was once barely mentioned in 1837 of the one "common workhouse establishment" consisting "of a selection of the better workhouses now existing in each union," instead of concentrating "all the necessary accommodation in one workhouse situated in the centre of the union" (Third Annual Report, 1837, p. 27.) *See also* the reference to this possibility in the Instructional Letter sent in that year to each new Board of Guardians (*ibid.* p. 82). In June 1837, the Central Authority said that it had always preferred one central workhouse, but had sometimes allowed existing ones to remain. Its two years' experience had now confirmed it in its belief that one central workhouse was better (Letter to Newcastle Board of Guardians, 20th June 1837).

Two years later, in describing, with praise, "the consolidation of workhouse establishments" which had been going on in Lancashire and Yorkshire, the Central Authority observes "that very few will ultimately find it desirable to retain more than one establishment" (Fifth Annual Report, 1839, p. 29). In the Special Report on the Further Amendment of the Poor Law, 1839, it is pointed out, as evidence that the Central Authority had not yet had time to put its policy completely into execution, that there were "still about seventy unions in which a central workhouse" had "not yet been built." (Report on the Further Amendment of the Poor Law, 1839, p. 7.)

[2] First Annual Report, 1835, p. 29, and end.

infer that the Central Authority had adopted as its policy the erection of the same "low, cheap, homely (?) building"—bearing no little resemblance to the prison plans of the period—with which Sir Francis Head was covering East Kent.

It was not until 1842, after illness due to serious overcrowding had occurred at the Sevenoaks Workhouse,[1] that the Central Authority began to incorporate in its policy some elementary sanitary regulations. We have first the requirement that a maximum number to be accommodated in each workhouse should be fixed. Even then it was left to each board of guardians to suggest whatever number it chose, after consultation with its medical officer, subject to approval and to the final fixing of the number by the Central Authority.[2] In 1847 the phrase with regard to approval drops out, and the Central Authority merely fixes the number.

In 1842 the medical officer of the union is required to report to his board any defects in drainage, ventilation, and warmth.[3] Beyond these somewhat exiguous forms no policy was even suggested to the local authorities with regard to the structural arrangements of the workhouse.

We have now to consider how the Central Authority exercised its power to determine the character of the one general workhouse which it had imposed on each union. Let us take the policy laid down with regard to each phase of the indoor pauper's life.

(i.) *Admission*

The door was to be always open. In cases of "sudden or urgent necessity" any person in a state of destitution, applying at any hour, with or without an order or any other formality, was to be immediately relieved by admission, and by the supply of food, clothing, medicine, and other necessaries. Where the necessity was not urgent, the applicant had first to get an order for admission, which (unless some other mode of relief was adopted) could not be refused to any destitute person. The pauper admitted was to be cleansed, clothed,

[1] Eighth Annual Report, 1842, pp. 13-15, 188-190, 194-198.

[2] General Order, 5th February 1842, art. 11, in Eighth Annual Report, 1842, p. 81; amended by General Consolidated Order, 24th July 1847, art. 100; still in force.

[3] Eighth Annual Report, 1842, pp. 14, 188-190.

medically examined, and searched for prohibited articles, in a "probationary" or "receiving" ward. The pauper was then, if free from disease, to be assigned to his particular section of the workhouse, according to a sevenfold classification by sex, age, and physical condition.

(ii.) *Segregation*

The character of the workhouse of 1835-1847 was principally determined by the practice as to the segregation of its inmates. To discover exactly what the Central Authority intended this segregation to be is surprisingly difficult. We have first a rigid and logical classificatory scheme, imposed with the force of law. To this there came both a series of exceptions to the classification and a series of directions as to the practical segregation in daily life, additional to or inconsistent with the classification; some of them permissive and others mandatory.

The seven classes insisted on by the classificatory scheme of the Central Authority were (i.) aged or infirm men; (ii). able-bodied males over thirteen; (iii.) boys between seven and thirteen; (iv.) aged or infirm women; (v.) able-bodied women and girls over sixteen; (vi.) girls between seven and sixteen; and (vii.) children under seven. This classification, imposed in 1836, was confirmed, with only the slightest of modifications, by the General Orders of 1842 and 1847 (the latter still in force). As therein finally settled, it provided for "(i.) men infirm through age or any other cause; (ii.) able-bodied men and youths above the age of fifteen years; (iii.) boys above the age of seven years and under that of fifteen; (iv.) women infirm through age or any other cause; (v.) able-bodied women and girls above the age of fifteen years; (vi.) girls above the age of seven years and under that of fifteen; and (vii.) children under seven years of age." Explicit rules are made that each class is to remain in the separate apartments or buildings assigned to it, without communication with any other class.[1]

The modern student is struck at once by the omissions in this compulsory classificatory scheme. There is no class for

[1] General Order, 5th February 1842, art. 9, in Eighth Annual Report, 1842, p. 80; General Consolidated Order, 24th July 1847, art. 98; still in force.

the sick, either those suffering from infectious or contagious diseases, or from others. There is no class for the lying-in cases. There is no class for the lunatics, idiots, or imbeciles. There is no provision for infants at the breast, who, by the classificatory scheme, were ordered to be separated from their mothers. There was no class for the vagrant intending to stay only one night. Finally, there was no provision made for any segregation by character—not merely none by past character, but not even for any by present character or conduct, which would have effected a separation between quiet and orderly inmates and the turbulent prostitute or semi-criminal.

Some of these omissions were partly remedied by new Orders or recommendations between 1836 and 1847, which were embodied in the General Consolidated Order of 1847, but never found their way into the classificatory scheme itself.

With regard to the sick, the Central Authority imposed no requirements at all. It was incidentally mentioned in the Order of 1836, and repeated in those of 1842 and 1847, that the sick were, on admission, to be placed in "the sick ward," or in such other ward as the medical officer might direct. We have incidental references during the ensuing decade to the existence of sick wards in workhouses. But there was no provision in any Order requiring a "sick ward" to be provided, still less any provision requiring properly classified accommodation for the sick of different ages, sexes, conditions, or diseases. When these workhouse rules were issued in 1842 as a General Order to practically all the unions then in existence, they were still left without any mention even of infectious diseases. The utmost that the Central Authority could bring itself to do was to declare, in the covering letter, but not in the rules themselves, that it was the duty of the master, under the direction of the medical officer, to isolate an infectious case in a separate apartment.[1]

[1] Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, pp. 108-109. In 1845, after the deliberate sending to the workhouse of a smallpox patient had led to an epidemic, the Central Authority goes so far as to suggest to the board of guardians concerned "that it is of the utmost consequence that provision should be made at the workhouse by separate infectious wards for the reception of cases of this description without endangering

When the rules were finally consolidated in 1847, they still ignored the sick in their scheme of classification, and actually omitted all mention either of infectious diseases, or of lying-in cases, merely laying it down in general terms that it was the duty of the guardians, "after consulting the medical officer," to "make such arrangements as they may deem necessary, with regard to persons labouring under any disease of body or mind."[1]

No provision whatever was made for the segregation of paupers of unsound mind, whether lunatics, idiots, or imbeciles. In an Order of 1836 we do indeed find "the ward for lunatics and idiots" incidentally mentioned, as existing in some workhouses;[2] but such a ward was never required by the Central Authority, nor even suggested by it.

In 1842, it was ordered that, if such paupers were dangerous, they were not to be retained in the workhouse, but sent to an asylum within fourteen days.[3] It was even suggested in an Instructional Letter in 1842 that curable cases, even if not dangerous, should be sent to asylums; and that even incurable, harmless idiots were inconvenient inmates of a workhouse. But no hint is given of the desirability of their segregation whilst they are there.[4]

With regard to infants at the breast, no special provision

the health of all in the house" (Letter of 25th September 1845, in *Official Circular*, 1st January 1846, No. 55, p. 15). But even then there was no order made on the subject; no alteration of the classificatory scheme; and no general recommendation to all boards of guardians.

The explanation of the omission to provide for the sick will become apparent at a later stage. It was no part of the policy of the Central Authority that the sick should be received into the workhouse at all. It was assumed that they would normally be relieved in their own homes. The incidental scanty references to the sick wards of the workhouses had reference only to the accommodation of such of the inmates of the workhouse as happened to fall sick. Even these were, in serious cases, to be transferred to a voluntary hospital, where such an institution existed. A resolution of the Poplar Board of Guardians, in 1842, to send "all cases requiring extraordinary surgical aid" to the London Hospital was approved (*Official Circular*, No. 20, 30th July 1842, p. 297). "Any reasonable subscription to a hospital or similar establishment by a Board of Guardians" would be sanctioned (*ibid.* No. 17, 12th April 1842, p. 250.)

[1] Art. 99 of General Consolidated Order of 24th July 1847; still in force.

[2] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. 5; in Second Annual Report, 1836, p. 89.

[3] Art. 12 of General Order, 5th February 1842, in Eighth Annual Report, 1842, p. 82; repeated in art. 101 of General Consolidated Order, 24th July 1847.

[4] Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 111.

was ever made by rule. But it was allowed that children under seven might be placed (though only if the guardians thought fit) in any part of the female wards; and the mothers were at any rate "to have access to them at all reasonable times."[1] The Central Authority remarked, in a covering letter of 1842—which was not repeated when the rules were re-issued in 1847—"that so long as any mother is suckling her child, she ought to have access to it at all times *except when she is at work*, and that the child ought not, even then, to be completely beyond the mother's reach."[2]

In 1847, still without amendment of the classificatory scheme, the guardians were allowed to permit a mother and her infant children to occupy the same bed.[3]

With regard to vagrants, the first departure from the policy of merely including them as able-bodied paupers came in 1842, in a rule requiring "casual poor wayfarers and vagrants" to be kept "in the Vagrant Ward," or other separate ward—presumably separate for each sex, though this was not explicitly required.[4]

With regard to segregation by character, the first relaxation from the classificatory scheme is to be found in a letter of 1839, in which the Central Authority permits married women of good character to be placed with the aged women, in order that they may avoid the contamination of bad characters, but only *provided that their daily employment is not interfered with.*[5] We can find no contemporary document even allowing the guardians to protect from a like contamination unmarried women or young girls of good character.

In 1840, however, the *Official Circular* referred to "the separation of certain abandoned persons from the other

[1] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v. art. 15, in Second Annual Report, 1836, p. 90; art. 10 of General Order of 5th February 1842, in Eighth Annual Report, 1842, p. 82; repeated in art. 99 of General Consolidated Order of 24th July 1847.

[2] Instructional Letter of 5th February 1842; in Eighth Annual Report, 1842, p. 110.

[3] Art. 111 of General Consolidated Order of 24th July 1847.

[4] Art. 10 of General Order of 5th February 1842, and Instructional Letter of the same date, in Eighth Annual Report, 1842, pp. 81, 110. In 1847 "casual poor wayfarers" were to be kept in "a separate ward" (General Consolidated Order, 24th July 1847, art. 99).

[5] Letter, 1st April 1839, in Special Report on the Further Amendment of the Poor Law, 1839, p. 293.

inmates," explaining that it rested "not on the consideration of their past conduct, but on that of their present habits and character."[1]

In 1842 the Central Authority incidentally observed in an Instructional Letter that the guardians were *permitted* to subdivide any of the seven classes of the scheme imposed on them, and that it was "very desirable that females of dissolute and disorderly habits should be separated from those of a better character."[2]

Not until 1847 do we find a rule providing that, "as far as circumstances will permit," the guardians were to "further subdivide any of the classes enumerated" in the classificatory scheme, "with reference to the moral character or behaviour or the previous habits of the inmates, or to such other grounds as may seem expedient."[3]

Meanwhile, however, the Central Authority was breaking down by inconsistent provisions the classificatory scheme which it left still figuring in the forefront of its Consolidated Orders. We may cite first the provision as to aged married couples. The Central Authority had for seven years eloquently justified its insistence on the strict separation of all married couples, however aged. In 1842, however, it made a rule "that, if for any special reason it shall at any time appear to the board of guardians to be desirable to depart from the regulations contained in Art. 9, in respect of any married couple," who were infirm through age or any other cause, "the guardians shall be at liberty to resolve that such couple shall have a sleeping apartment separate from those of the other paupers," subject to obtaining in each case the consent and approval of the Central Authority.[4]

In 1846, on the vehement objection and practical

[1] *Official Circular*, 24th December 1840, No. 10, p. 143.

[2] Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 108.

[3] General Consolidated Order, 24th July 1847, art. 99.

[4] General Order of 5th February 1842, art. 10; in Eighth Annual Report, 1842, p. 80. It is, we think, not incorrect to infer from the restricted terms of this rule, that the Central Authority was clinging to its former policy in the face of public pressure. Such an inference is supported by the terms in which the covering letter of 5th February 1842 refers to the new proviso, and by the broad hint therein conveyed that "the guardians can allow outdoor relief to any aged couple whom it may be inexpedient to separate" (Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 109).

rebellion of the Norwich Court of Guardians, it went much further and agreed to sanction "an arrangement by which a separate room shall be assigned to each married couple of whatever class,"[1] that the guardians thought fit. In 1847, however, Parliament swept the original policy away so far as legislation could do so, by enacting, unconditionally, that no married couple over sixty should be compelled in the workhouse to live separately and apart from each other.[2]

A second inroad into the classificatory scheme was made by the provision that children under seven might be placed in any female ward, whether that of the sick women, that of the aged and infirm women, or even that of the able-bodied women.[3]

Yet another, and possibly a more important inroad into the scheme was made by a rule of 1842, which permitted the guardians in particular cases to classify boys and girls over ten in any way they thought fit.[4]

(iii.) *Service*

But it was in its rules as to the services to be rendered by the workhouse inmates that the Central Authority most effectually undermined its own classificatory scheme, and practically destroyed any real segregation. That scheme, as we have shown, expressly forbade the paupers in any class to leave the particular "ward or separate building and yard" assigned to such class, or to hold any communication with any other class.[5] Nevertheless the Central Authority had, from the first, a policy of workhouse organisation inconsistent with any such segregation. Practically all the workhouse service was to be performed by the paupers themselves, and every pauper who was capable of work was to be incessantly

[1] Letter to Norwich Court of Guardians, 3rd February 1846.

[2] 10 & 11 Vic. c. 109, sec. 23.

[3] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v. art. 15, in Second Annual Report, 1836, p. 90; repeated in General Order of 5th February 1842, art. 10, proviso 5, in Eighth Annual Report, 1842, p. 81; and in General Consolidated Order of 24th July 1847, art. 99, proviso 7.

[4] General Order of 5th February 1842, art. 10, and Instructional Letter of the same date, in Eighth Annual Report, 1842, pp. 81, 109; repeated in 1847, in more guarded form, maintaining at any rate segregation by sex (General Consolidated Order of 24th July 1847, art. 99).

[5] General Order of 5th February 1842, art. 9, in Eighth Annual Report, 1842, p. 80; General Consolidated Order, 24th July 1847, art. 98.

occupied in that service. The able-bodied women who formed Class V. might be supervised by the aged and infirm women of Class IV. The children under seven who formed Class VII. might be supervised either by the able-bodied women of Class V., or by the aged and infirm women of Class IV., or by the girls of Class VI. The boys over seven who formed Class III. might be supervised by the aged and infirm men of Class I. The girls over seven who formed Class VI. might be supervised by the aged and infirm women of Class IV. These girls, so far from being confined to the premises assigned to their class, were to be employed in the able-bodied women's wards, in the aged and infirm women's wards, in the wards for the children under seven, and in household work generally, provided only that they were somehow kept from communicating with able-bodied men or boys. The sick, whether male or female, whether of good character or of bad, had necessarily to be waited on, and no paid nurses were required to be appointed. Consequently the provision allowing all the sick wards to be attended by the able-bodied women, by the girls between seven and sixteen, by the aged women, or by any combination of these that the master might direct, in itself necessarily destroyed all real segregation. By 1847 this permission had been so far restricted as to confine the attendance on the sick males to the aged and infirm men and the aged and infirm women; though such girls over seven, such able-bodied women, and such aged or infirm women as the master might deem fit might still be employed indiscriminately in the service of any of the wards except those for men and boys, and generally for household work throughout the workhouse.[1]

(iv.) *Diet*

It is significant of the unity of *régime* insisted upon in the one general workhouse that the Central Authority laid constant stress on the uniformity to be observed in the dietaries of all the classes of paupers in the workhouse, except only by order

[1] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v., arts. 9, 13-14, in Second Annual Report, 1836, pp. 89-90; General Order of 5th February 1842, art. 10, in Eighth Annual Report, 1842, p. 81; General Consolidated Order of 24th July 1847, art. 99.

or on the advice of the medical officer, which might be either for the sick, for those requiring a change of diet, for the nursing mothers, or for the infants.

Even to those paupers who were employed as servants only the common fare was "in general" to be given.[1] The first dietaries issued to the boards of guardians for them to choose from were drawn up avowedly for the able-bodied, with no other variation for other classes than were contained in a few footnotes referring (apart from the sick and children under nine) to extras which the guardians might, if they thought fit, allow to persons over sixty. Thus, practically the only difference in the food to be allowed to the able-bodied males, the able-bodied females, and the children over nine, was one of quantity. Even the aged and infirm had the same diet, with nothing else prescribed for them, and with no greater indulgence allowed, even if the guardians wished it, than an ounce of tea per week, with milk and sugar, and the possible addition, in one out of the six dietaries among which the boards of guardians might choose, of meat pudding once a week instead of bread and cheese; and, in four of these dietaries, also of butter for breakfast.[2] There was, of course, to be no alcoholic drink for any class of pauper except by written medical order.[3] No presents of food to individual paupers or classes of paupers were to be allowed, as they would produce inequality and discontent.[4] Even the sick, who were originally to be dieted case by case at the discretion of the medical officer, were, in 1842, to be fed with absolute uniformity as among the different classes of paupers and among the different individuals in a class, it being urged on the guardians that the medical officer should be restricted for his patients to a choice among four fixed dietaries which he was to draw up once for all, and hang up in the sick wards for permanent reference. These were described as "high, middle, low, and fever"; and he was expressly to be instructed

[1] Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 109.

[2] Circular on Workhouse Dietaries, 1836; in Second Annual Report, 1836, pp. 64-66.

[3] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v. art. 23; in Second Annual Report, 1836, p. 91.

[4] Instructional Letter of 5th February 1842; in Eighth Annual Report, 1842, p. 113.

"that the quantity of articles to be allowed for each should be minutely specified."[1]

Finally, as it had been found that the old men and women who were allowed weekly ounces of tea and weekly allowances of butter would not take their teas simultaneously or consume their little pats of butter evenly, this distressing deviation from the dietetic uniformity led the Central Authority to suggest the withdrawal of the privilege, in favour of a simultaneous service of "a certain quantity of liquid tea" and of portions of bread and butter.[2]

With regard to the quantities of food to be supplied, the policy of the Central Authority passed through three phases. In 1836 the boards of guardians were expressly directed that the diet in the workhouse (which, as we have shown, was to be practically uniform for all classes of paupers) was not to be "equal"—that is to say, was actually to be inferior—"to the ordinary mode of subsistence of the labouring classes of the neighbourhood."[3] This was perhaps more tactfully expressed in the Consolidated Order for the Administration of Relief in Town Unions, in saying that the diet was "in no case to exceed in quantity and quality of food the ordinary diet of any class of able-bodied labourers living within the same district."[4] All the contemporary warnings of the Central Authority were against giving too much; and there was no provision for ensuring that each pauper got even the quantity prescribed in the dietary chosen by the local authority. No extra dinner was allowed on Christmas or other feast days, unless, indeed, this was supplied by private individuals.[5] In 1842 a change was made. The Central Authority fixed a separate dietary for each workhouse, and there was no longer any reference to these dietaries being inferior to the subsistence

[1] Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 113. This instruction was made mandatory on the medical officer in 1847, but he was permitted to frame in advance, not four only, but as many different dietaries as he chose. The instructions of 1842 were not, however, superseded (General Consolidated Order of 24th July 1847, art. 207, sec. 9; *see also* under art. 108).

[2] *Official Circular*, 30th July 1842, No. 20, p. 301.

[3] Circular on Workhouse Dietaries, 1836, in Second Annual Report, 1836, p. 63.

[4] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v. art. 21; in Second Annual Report, 1836, p. 91.

[5] *Official Circular*, 2nd July 1840, No. 6, pp. 73-74.

of the independent labourer; on the contrary the intention of the Central Authority was avowedly "to assimilate them as much as possible to the ordinary food of the working classes in the neighbourhood"[1]—in Kent and Sussex mainly bread and cheese, in the northern counties meat, potatoes, and porridge, and in Cornwall including fish. Moreover, it was provided that any pauper might, on demand, have his prescribed portion weighed out to him.[2] Finally, by 1847, we gather that the principle had been silently adopted of fixing such a dietary as was calculated to keep the paupers in physical health, irrespective of the amount or kind of food that might ordinarily be obtained by the lowest class of non-pauper labourer in particular districts or at particular periods. Even extra food on Christmas Day was allowed at the expense of the Poor Rate, at the unfettered discretion of the boards of guardians.[3]

It should, however, be added that, although the policy of the Central Authority passed, as stated, through these three phases, the actual dietaries prescribed by it, even in the first phase, seem (in the light of modern physiology) to have been ample for health, if the paupers always got what was prescribed and knew how to eat it.

(v.) *Cleanliness and Sanitation*

It was part of the policy that the utmost cleanliness and good order should be maintained throughout the workhouse; and (to the limited extent of the hygienic knowledge of the time) that sanitary conditions should be insisted on. It was expressly made the duty of the master and matron to enforce "industry, order, punctuality, and cleanliness" on all the inmates; every day to "see that each individual is clean and in a proper state"; daily to inspect and see that all the sleeping wards are "duly cleaned and properly ventilated," and "to take care that the wards, kitchen, larder, and other rooms and offices be kept clean and in good order." All

[1] Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 112.

[2] General Order of 5th February 1842, art. 18, and Instructional Letter of the same date, in Eighth Annual Report, 1842, pp. 83, 113; repeated in General Consolidated Order of 24th July 1847, art. 109.

[3] General Consolidated Order of 24th July 1847, art. 107.

paupers were compulsorily to be cleansed on admission. All the workhouse inmates were to be supplied with clean linen and stockings every week, whilst their beds were to have clean sheets monthly.[1] This latter requirement was superseded in 1842 by the more general provision that the beds and bedding were to be kept in a clean and wholesome state.[2] Food was to be given out as required for each meal, not once for the day. It was to be eaten only in the dining-room, and not (except as ordered for the sick) elsewhere in the house. All remnants were to be removed from the dining-room by the officers after each meal.[3] It was compulsory on each board of guardians to appoint a qualified medical officer, as part of the very first business. It was expressly made part of his duty to attend regularly at the workhouse, and come whenever sent for; to examine all the sick and give all necessary directions for their care; to give all necessary directions for the meals of the aged and infirm, and the children; and (from 1842 onwards) "to report in writing to the board of guardians any defect in the diet, drainage, ventilation, warmth, or other arrangement of the workhouse, or any excess in the number of any class of inmates which he may deem to be detrimental to the health of the inmates."[4]

(vi.) *Discipline*

The same desire for uniformity of treatment for all workhouse inmates is seen in the Orders of the Central Authority with regard to the hours to be observed. A fixed time-table was imposed, to be rigidly observed by all classes of paupers, in all workhouses, at all seasons of the year. The whole of the day from getting out of bed to retiring to rest was definitely allotted. All classes of paupers were to observe precisely the same hours, except (1) the sick, who were never recognised in the classificatory scheme; (2) the aged and infirm; and (3) the children under seven, all of whom had to rise, go to bed, take their meals, and work at whatever hours

[1] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. iv. arts. 4, 5; in Second Annual Report, 1836, pp. 85-86.

[2] General Order of 5th February 1842, art. 75; in Eighth Annual Report, 1842, p. 95.

[3] Instructional Letter of 5th February 1842; in *ibid.* p. 112.

[4] General Order of 5th February 1842, art. 78; in *ibid.* p. 97.

the master might appoint, subject to any directions of the board of guardians. Thus, it was peremptorily ordered by the Central Authority that the able-bodied men, the able-bodied women, and the boys and girls over seven should, whatever their several strengths and conditions, all rise at five in summer and seven in winter; that they should all work for uniformly ten hours in summer and nine hours in winter; that they should all eat three simultaneous meals; that they should all have during the day exactly one hour of unallotted time and no more, and this between 7 and 8 p.m., winter and summer alike; and that all, whatever their ages or physical strength, should go to bed uniformly at 8 p.m. all the year round. This remained unchanged in 1847, except that the hours of rising had been altered in 1842 to 5.45 in summer and 6.45 in winter, with corresponding breakfast times.[1] Besides the remarkable uniformity of this scheme of daily life, which was absolutely enforced on paupers of all ages from seven to sixty (or such other age-limit as might be adopted for "the aged"), one is struck by its omissions. There was no provision for going out in the open air, and no time during which it was possible; unless the Central Authority meant that the several classes of paupers might be allowed in the various yards between 7 and 8 p.m., in summer and winter alike. No pauper was to be allowed to go outside the workhouse walls except for "urgent or special reason," and it was expressly laid down that they were not to be permitted, whether their conduct was good or bad, to go out "at stated intervals."[2] A slight relaxation in this latter respect was permitted (though not prescribed) in 1842, in the case of children under fifteen, when the master was allowed, if he chose, to send any of them out for exercise under the charge of the schoolmaster or other officer.[3] There was equally no provision (at any rate for any but "boys and girls") for any

[1] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v. art. 17, in Second Annual Report, 1836, pp. 90, 99; General Order of 5th February 1842, arts. 13-16, in Eighth Annual Report, 1842, pp. 82-83, 99; General Consolidated Order of 24th July 1847, arts. 102-106, and Form (N).

[2] Instructional Letter of 5th February 1842; in Eighth Annual Report, 1842, pp. 115-116.

[3] General Order of 5th February 1842, art. 24, and Instructional Letter of the same date, in Eighth Annual Report, 1842, pp. 84, 116. This was repeated in the General Consolidated Order of 24th July 1847, art. 117.

exercise of the mental faculties, either in the form of recreation or in the form of education or training. From 1836 to 1842 it was even ordered that the meals were to be taken in silence, even by the children.[1]

No provision was made for the supply of any books for the use of the inmates, whether sick or well—not even Bibles and prayer-books; and it was thus made unlawful for the boards of guardians to have provided these, even if they had wished to do so—unless, indeed, it would have been held by the Auditor that they were "reasonably necessary." The point seems never to have been raised. The education provided for the children was of the scantiest. It was confined to "boys and girls," without definition of age, and it was thus left to the boards of guardians to begin it as late and to terminate it as early as they chose. It was to consist of instruction for three hours a day "at least," in "reading, writing, and the principles of the Christian religion," together with "such other instructions" as were "calculated to train them to habits of usefulness, industry, and virtue."[2] Apparently arithmetic was thought not to come under this definition, as it was added in 1842.[3] Shoemaking was approved in 1845 in the case of Poplar.[4] A schoolmaster or schoolmistress needed only to be appointed "if the guardians shall think fit"; and the Central Authority thus left it open to guardians to impose the task of instruction on the porter or matron—this being actually mentioned in the Instructional Letters[5]—or on an aged pauper—a course which was frequently adopted without rebuke. If a schoolmaster or schoolmistress was appointed no qualification was required.[6] No provision was made for playrooms, playthings, or even playing time for children of any age.

With regard to the adults, well or sick, it was apparently

[1] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v. art. 17; in Second Annual Report, 1836, p. 90.

[2] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v. art. 16, in Second Annual Report, 1836, p. 90.

[3] General Order of 5th February 1842, art. 22, in Eighth Annual Report, 1842, p. 83.

[4] MS. Minutes, Poplar Board of Guardians, 15th January 1845.

[5] Instructional Letter of 5th February 1842; in Eighth Annual Report, 1842, p. 124.

[6] This remained so even in the General Consolidated Order of 24th July 1847, art. 167.

part of the policy to ignore, and even to prohibit, recreation. Playing at cards and all other games of chance were absolutely forbidden to all classes of inmates at all hours and seasons. Smoking was peremptorily prohibited in any room in the workhouse, except by the special direction of the medical officer, and the boards of guardians were told that they might prohibit it in the yards if they chose. No visitors were allowed (otherwise than to the sick) except at the will, and actually in the presence, of the master or matron. It even required a special exception, not made until 1842, to enable parents to see their children who were in the same workhouse "at some one time in each day." [1]

(vii.) *Employment*

We may infer from the scheme of daily life just described, which the Central Authority imposed on all classes of workhouse inmates, that it laid great stress, as a matter of policy, on the ten hours of work which it exacted from all who were neither physically disabled nor below the age of seven. The bulk of the inmates, especially the aged and infirm, the women and children, and, we may add, the defectives, were evidently to be employed on the ordinary household service and attendance of the workhouse and its inmates. It was expressly ordered that all the paupers so employed were to be under "the strictest superintendence," not to be given "offices of trust"; and confined to "offices of mere labour which can be performed under trustworthy superintendence." [2] But this household service did not suffice to find occupation for the able-bodied, especially the men. The Report of 1834, it will be remembered, had been emphatic in recommending that all pauper employment should be in accordance with the spirit of the Act of Elizabeth, useful to "the employer as well as to the employed," and that everything which gave to labour a repulsive aspect was to be avoided as mischievous. The Central Authority did not adopt this policy, even at the beginning of its work, and by 1847 had adopted a contrary

[1] General Order of 5th February 1842, art. 10, proviso 6, in Eighth Annual Report, 1842, p. 81.

[2] Instructional Letter of 5th February 1842; in Eighth Annual Report, 1842, p. 109.

one. From the outset the policy laid down was that the pauper was not to work on his own account, was not to be remunerated for his labour, and was not to obtain any personal advantage from working harder or more skilfully than the prescribed minimum. But the policy of the Central Authority, at first, was that the work should be useful, and for the benefit of the union. Thus, in 1836 it was ordered that the clothing of all the paupers should, "as far as possible, be made by the paupers in the workhouse."[1] This project promptly disappears from the documents, presumably on the discovery that tailoring and bootmaking were skilled occupations, beyond the capacity of ordinary workhouse inmates.

In 1842 the Central Authority declares itself unable to suggest for the able-bodied men in the workhouse "any kind of labour which is likely to be productive of profit"; and remarks that "stonebreaking under proper superintendence is generally found to answer." Other occupations which are named to the guardians as being frequently adopted are grinding corn in handmills, pounding or grinding bones for manure, and oakum-picking.[2] The horrors revealed in the inquiry into the Andover Workhouse scandal led to a summary prohibition of the employment of paupers in pounding, grinding, or otherwise breaking bones, or preparing bonedust.[3] This left practically only stone-breaking, hand-grinding, and oakum-picking at the disposal of the boards of guardians—occupations, as it seems to us, combining in the highest degree the characteristics of monotony, absence of initiative, toilsomeness, and inutility—giving, in fact, to labour, in flat contradiction of the recommendation of the Report of 1834, an aspect as repulsive as could be devised.[4]

[1] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, in Second Annual Report, 1836, p. 91.

[2] Letter of 18th February 1842; in *Official Circular*, 13th February 1843, No. 23, p. 43. *See also* the interesting letter of 5th March 1842, giving the reasons for grinding by stones rather than by a steel mill (*ibid.* 30th July 1842, No. 20, p. 298).

[3] General Order of 8th November 1845, and Circular Letter of the same date, in Twelfth Annual Report, 1846, pp. 72-77.

[4] The last instruction of the Central Authority during this period with regard to employment is the Circular of 1st April 1846, stating that the task to be exacted in oakum-picking should be 4 lb. per day for males and 2 to 3 lb. per day for females (*Official Circular*, 1st April 1886, No. 58, p. 57).

(viii.) *Sanctions*

As the policy of the Central Authority was to exclude from the life of the workhouse inmates everything of the nature of reward, encouragement, stimulus, responsibility, or initiative, the question arises by what means the monotonous discipline was to be maintained. The documents indicate that the Central Authority relied on the two forces of punishment and religion.

The discipline of the workhouse was to rest primarily on the fact that the master, either with or without the prior sanction of the board of guardians, had summary powers of instant, though carefully limited, punishment of any pauper inmate. Any disobedience of the regulations or of any order of the master might be punished, sometimes at his sole discretion, sometimes by order of the board of guardians, by confinement not exceeding twenty-four hours in a separate room or cell, and by reduction to a diet of bread and water only for not more than two days. Between 1840 and 1847 the disorderly or refractory pauper might also, by order of the guardians, be made to wear a special dress for not more than forty-eight hours.[1] But elaborate precautions were taken against abuse. The greatest care was to be taken that no injury to health was caused by any punishment.[2] Corporal punishment was strictly confined to boys under fourteen. And, as some protection to the paupers against tyranny or oppression, the rules as to discipline and punishment were to be put up in the dining-halls, schoolrooms, and board-room;[3] it was expressly provided that any pauper who had been punished or who was reported as refractory was (whether this

[1] Form of Order, 1840, art. 5; in Seventh Annual Report, 1841, p. 115. This was repeated in the General Order of 5th February 1842, art. 38, and Instructional Letter of the same date, in Eighth Annual Report, 1842, pp. 86, 121. But it was omitted from the General Consolidated Order of 24th July 1847. And when a board of guardians had made all the unchaste women wear a yellow gown, this was in 1839 disallowed by the Central Authority, on the mixed grounds that the Poor Law Amendment Act had removed all penal consequences from incontinence, and that classification should be by present habits and character, not by past conduct (Minute of 5th March 1839, in Sixth Annual Report, 1840, pp. 98-100; *see also* Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 121). We are told that the slang term for workhouse wards for immoral women was "Canary Wards," so that the distinctive dress must have been widely known.

[2] Circular Letter of January 1841, in Seventh Annual Report, 1841, p. 121.

[3] Form of Order, 1840, art. 23; in Seventh Annual Report, 1841, p. 118.

was requested or not) to be brought before the board of guardians at its next meeting, and given an opportunity of complaining; and the visiting committee was to ascertain the truth of every complaint made to them. Under no circumstances was the master to lay hands on a pauper. If force was absolutely needed, he should call in the porter or other officer.[1] For graver offences the pauper had to be proceeded against before the magistrates under the Vagrant Acts and the ordinary criminal law.

Passing from punishment to religion, we may note that the main pre-occupation of the Central Authority was, in accordance with the 1834 Act, to protect the pauper from proselytism or from being compelled to attend services contrary to his religious feelings. The basis of this protection was the compulsory creed register. No pauper was to be obliged to attend—or so placed that he could not avoid being present at—any religious service contrary to his principles. Children were not to be educated in any creed other than that of their parents. On the other hand, it was expressly laid down that a chaplain should be appointed and prayers and services should be officially provided, although these were only to be those of the Established Church.[2] But provision was made for what promptly became the holding of Nonconformist services in the workhouse, by the permission that any pauper might be visited at any time of the day by a licensed minister of his own persuasion, for religious assistance or the instruction of children.[3] Those who were registered as members of the Established Church, whether adults or children, were not to be permitted, even with their own consent, to receive religious assistance or instruction from ministers of other denominations.[4] This, however, was altered in 1842, when the Central Authority, whilst still thinking it "objectionable," announced that it would not interfere to prevent the attendance of such persons as desired it at any Nonconformist service performed in the

[1] Circular Letter of January 1841, in Seventh Annual Report, 1841, p. 121.

[2] Letter of 4th February 1836, in Second Annual Report, 1836, pp. 66-67.

[3] Consolidated Order for the Administration of Relief in Town Unions, 7th March 1836, sec. v. art. 17, in Second Annual Report, 1836, p. 91.

[4] Letter of 6th November 1839; in Seventh Annual Report, 1841, pp. 230-2.

workhouse.[1] In one union (Royston), where the board of guardians refused to appoint a chaplain, and sought to induce the inmates to receive the voluntary ministrations of Nonconformists, the Central Authority was driven peremptorily to forbid, by three successive special orders, any pauper inmate, whether child or adult, belonging to the Established Church being even allowed to attend Nonconformist services in the workhouse.[2] Finally, the Central Authority reverted, for all unions, to its policy of 1839, restricting the ministrations of Nonconformist ministers to members of their own denomination only, except in so far as the guardians might choose to allow inmates belonging to any sect of Protestant Dissenters to receive, if they chose, the ministrations of any Protestant Dissenter.[3]

For all who did not conscientiously object, there were to be public prayers daily before breakfast and after supper; and Divine service within the workhouse every Sunday, at which attendance was compulsory on all members of the Church of England, not being children or sick. It was obligatory to appoint a chaplain, whose duty it was to preach every Sunday, to examine and catechise the children at least once a month, and to visit the sick. It is, however, to be noted that it was directed that "the Sacrament of the Lord's Supper" was not to be administered in the workhouse, except to "the sick and disabled inmates": though the chaplain was allowed to permit any other inmates to communicate along with the sick, if he thought fit.[4] Gradually, however, workhouses got regular "chapels" within their walls, though without any express direction or sanction of the Central Authority for their establishment or equipment; and the Central Authority then allowed, when a chapel existed, the administration of the Sacrament, if the bishop sanctioned it.[5] No labour, except household work and cooking, was to be performed on Sunday; nor (as was added in 1842) on Christmas Day and Good Friday. The Anglican children were to be prepared for

[1] Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 117.

[2] Special Orders, 1st February 1842, 20th April 1842, and 18th January 1845; in Eleventh Annual Report, 1845, pp. 30-1, 132-3.

[3] General Consolidated Order of 24th July 1847, art. 122.

[4] Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 117.

[5] Letter of 20th December 1842, in *Official Circular*, 25th January 1843, No. 22, p. 31.

confirmation by the chaplain, who might be assisted by the schoolmaster or schoolmistress.[1] Originally no provision was made for permitting any of the paupers ever to leave the workhouse to attend Divine service outside, and the Central Authority long held to this position. Presently it began to consider possible relaxations for the aged, the widows with families, and the children.[2] In 1842 it was expressly left open to the guardians to allow such inmates as they thought fit, to whatever class they belonged, to go out to church or chapel, in the custody of the master or porter, on Sunday, Good Friday, and Christmas Day.[3] In strange contradiction of the dictum that the workhouse was not to be looked on as a place for the punishment of past misconduct, this privilege of going out to church or chapel was to be forbidden to any woman who had an illegitimate child,[4] a disqualification not incorporated in the General Consolidated Order of 1847. And as the master or porter could not be required to go to a Dissenting chapel, some other regulation was to be made by the guardians for the case of Dissenters, "such as inducing the ministers of the different congregations to certify the attendance," with "the times of the commencement and end of the service."[5]

(ix.) *Discharge and Detention*

It was an essential part of the policy of the Central Authority that any workhouse inmate over sixteen could leave the house on giving reasonable notice—at first defined as three hours, and then left more vague, but explained to mean sufficient to enable the master to make the necessary entries, return the pauper's own clothes, etc., and to let the discharge take place in working hours. The option was, however, with the head of the family in each case; and if the head was

[1] *Official Circular*, 1st August 1845, No. 50, p. 123.

[2] Circular of 12th March 1838, in Fifth Annual Report, 1839, pp. 71-72.

[3] General Order of 5th February 1842, arts. 32, 33, in Eighth Annual Report, 1842, p. 85. Moreover, women after confinement might be "churched," and children were normally to be baptized, in the parish church (Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 117).

[4] General Order of 5th February 1842, arts. 32 and 33, in Eighth Annual Report, 1842, p. 85. This was rescinded (but apparently only for 81 unions out of 542) by Order of 7th February 1843, in Ninth Annual Report, 1843, p. 378.

[5] Instructional Letter of 5th February 1842; in Eighth Annual Report, 1842, p. 118.

"able-bodied"—it is not clear whether this was to be in the "indoor" or the "outdoor" sense of that term—the whole family had to leave with him (or her), unless the board of guardians chose to allow an exception. In particular an able-bodied man was not to be allowed to leave his wife and children in the workhouse, whilst he sought work. If he insisted on going out, the wife and children were also to be discharged with him.[1] It was, in fact, to be a cardinal feature of the workhouse that so far as any person over sixteen was concerned there should be no power of detention. Even if paupers persisted in repeatedly passing in and out at short intervals—it might be "for improper purposes"; even if "persons of weak intellect" or of "confirmed vagrant habits" made it "a practice to return again after a short absence, generally in a most abject and loathsome state";[2] even if women persisted in returning to the workhouse year after year to be confined of a succession of illegitimate children;[3] or if sick paupers demanded their discharge at a time when to go out would "damage their own health," or even, if they had an infectious disease, "endanger the health of others,"[4] they were still, after a warning, to be permitted freely to leave when they chose. To this total lack of power to detain there were only three exceptions. Children who were doubly orphaned, or deserted by both parents, might be detained if under sixteen; the guardians (though without statutory authority) being assumed to be *in loco parentis*. A person of unsound mind, duly certified as such, could be detained; but this power did not apply to persons of merely defective intellect or feeble-minded. Finally, as we have already mentioned, the practice of four hours' detention of vagrants in the casual wards was introduced by the Central Authority, under the implicit authority of the Acts of 1842 and 1844.[5] On the other hand, although no person could insist on admission to a workhouse, and the board of guardians could (subject to their obligation to relieve

[1] *Official Circular*, 16th November 1841, No. 13, pp. 187-8.

[2] Answer of 9th June 1842, in *Official Circular*, No. 23, p. 40.

[3] Answer of 10th February 1843, in *Official Circular*, 23rd May 1843, No. 25, p. 94.

[4] Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, pp. 114-155.

[5] 5 & 6 Vic. c. 57, sec. 5, and 7 & 8 Vic. c. 101, sec. 53. *See ante*, p. 14.

him in some way, if actually destitute) legally turn a pauper out of the workhouse who did not wish to leave, the Central Authority advised that, as "persons who are not really destitute would be unwilling to remain" in any workhouse that was "properly regulated," this legal power ought not to to be exercised,[1] except, as above explained, in the case of dependents where the head of the family insisted on taking his own discharge; or except for the purpose of immediately prosecuting the pauper under the Vagrant Acts.[2]

(x.) *The Workhouse of the General Consolidated Order of* 1847

We will now attempt to summarise the policy of the Central Authority as it stood in 1847 with respect to indoor relief. The workhouse for each union was to be one centrally situated, plain building; designed to house all sorts and conditions of paupers, under one head, and according to a single code of rules. There was to be complete separation of the sexes, with the one nominal exception in favour of aged married couples who demanded it. But the regulations made association among inmates of the same sex practically unrestricted. For although the elaborate classificatory scheme of 1836 depending on the respective ages was duly incorporated in the General Consolidated Order of 1847, this was hindered from ensuring any effective segregation by exceptions and inconsistent provisions; and was, in fact, rendered practically nugatory by requiring all inmates capable of service to perform the household work of all the wards and to supervise or serve all the other inmates of the same sex. On the other hand, all the workhouse inmates were to be, as far as possible, restricted from intercourse with the outside world, and thus confined to the atmosphere of pauperism. The policy with regard to treatment was to insist on cleanliness and order; to provide food, clothing, and sleep ample for health (even, to modern ideas, excessive); and to balance this by rigorous

[1] Answer of 4th January 1844, in *Official Circular*, 31st January 1844, No. 31, p. 187; Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 107.

[2] Instructional Letter of 5th February 1842, in Eighth Annual Report, 1842, p. 107.

discipline, complete subjection to the master, and suppression of all individual impulse. Above all, the paupers were to be kept constantly occupied in toil, persistent and monotonous, with every element of encouragement, stimulus, responsibility, initiative and skill deliberately eliminated. Everything in the nature of recreation, mental exercise or training was (except for a minimum of teaching to the young children) avowedly excluded. The only forces appealed to were the fear of punishment and a modicum of religious exhortation. It was a fundamental principle that the *régime* of the workhouse should apply uniformly to all the pauper inmates whatever their past character, or present conduct, with the indispensable minimum of deviation for senility, infancy, and actual infirmity from sickness or otherwise. Even the sick are almost entirely ignored in the Orders of the Central Authority, and there is the very minimum of recognition of any hospital provision. The policy of the Central Authority at this date, in short, deliberately excluded any use of the workhouse for the curative, reformatory, or educational treatment of any class whatsoever. There was only to be one institution in each Union for all classes of paupers. It was to be a place which, whilst it provided the full requirements of physical health, starved both the will and the intelligence, and forced the pauper into a condition of blank-mindedness. By this means it was intended that no destitute person still capable of exerting or of enjoying himself, with the merest shred of mental faculty or mental desire, would consent to remain in the workhouse a day longer than he could help. Hence it was a part of the policy to avoid all obligatory detention, and to persist in regarding the workhouse as a place of merely temporary sojourn, in which no inmate, of whatever age, sex or condition, need be permanently domiciled.

K.—The Position in 1847 compared with the Principles of 1834

The proposals and recommendations of the Report of 1834 fall under five heads, though opinions may differ as to the relative weight intended to be given to each. These five heads are:—

(i.) That there should be national uniformity in the treatment of each class of paupers, so that every applicant of any class might receive identical treatment wherever he happened to reside.

(ii.) That outdoor relief to the able-bodied and their families should be abolished—it being left ambiguous whether or not this applied to any woman not legally dependent on an able-bodied man.

(iii.) That each local authority should have a workhouse in which able-bodied applicants for relief should be received and set to work under strict discipline, in order to test their destitution.

(iv.) That the condition of the able-bodied pauper should be less eligible than that of the lowest class of independent labourer.

(v.) That, in so far as the aged and infirm or the children were given indoor maintenance, this should be in separate institutions, under distinct management, in which the old might "enjoy their indulgences" and the children be educated by "a person properly qualified to act as a schoolmaster."

Dealing separately with each of these, we see, with regard to national uniformity, that the Poor Law Commissioners had failed to embody this in their Orders even with regard to able-bodied men; and had, by 1847, wholly abandoned it in regard to other classes. In over 100 places the Poor Law Commissioners had practically failed to introduce their new principles at all. The rest of the country was divided for some purposes into two, and for others into three geographical areas of uneven size. In 396 unions outdoor relief to the able-bodied and their families was prohibited. In thirty-two unions under one set of regulations, and in eighty-one and twenty-nine unions under others, it was permitted on conditions. But it was with regard to the relief of women and children dependent on able-bodied persons that the two geographical areas differed most markedly. In the 396 unions, these dependents of able-bodied persons could not be relieved otherwise than in the workhouse. In the thirty-two, and also in the eighty-one and twenty-nine unions, they could be relieved in their

homes. A similar geographical difference prevailed with regard to the relief to be given to the independent woman. For all the other classes of paupers, whether these were the specific exceptions to the classes above mentioned, or the much more numerous "aged and infirm," "sick," or orphan or deserted children, no uniform method of relief was prescribed or even suggested. Each of the local authorities was left to devise its own policy.

Passing now to the second head, the abolition of outdoor relief to able-bodied persons and their families, we note that the Poor Law Commissioners had, by 1847, in regard to 142 unions (comprising over one-fifth of the whole number), practically abandoned the hope of prohibition. In its stead, the Commissioners had sanctioned the opening of stone-yards, etc., for the employment of men receiving outdoor relief.

With regard to the third head, the use of admission to a workhouse as a test of destitution of the able-bodied, this was not prescribed by the Commissioners to the 142 unions just mentioned.

The fourth head, making the condition of the able-bodied pauper less eligible than that of the lowest class of independent labourer, the Commissioners strove incessantly to insist upon. But by 1847 they had given up attempting to secure this less eligible state by giving less food, inferior clothing, worse accommodation, or shorter hours of sleep than those enjoyed by even the average labourer. The Commissioners were now attempting to secure this less eligible state by monotonous toil, lack of all recreation, a total absence of any mental stimulus, and, where possible, by confinement within the workhouse walls.

But it was under the fifth head that the Commissioners had, by 1847, departed most widely from the principles of 1834, viz. in the kind of institutional treatment to be provided for such aged and infirm persons, or children, as the local authority chose to refuse outdoor relief to, and to receive in the workhouse. Following the lead of the Report of 1834, the Poor Law Commissioners took no steps, so far as we can ascertain, either to encourage or to discourage the relief of the aged and infirm, and of the sick, by money allowances in their own homes. But where these

classes were admitted into the workhouse, the Commissioners, instead of the separate, specialised institutions recommended in the Report of 1834, prescribed one general workhouse to contain these classes together with the able-bodied and their families, and, we may add, also the orphan and deserted children. This involved, in spite of the elaborate classification nominally imposed, an indiscriminate, common establishment, with a uniform *régime* for all classes alike. This *régime* was, with the minimum of exceptions, that devised for the able-bodied adults. The workhouse of 1847 was, above all, to serve as a test of destitution, and as a place which the able-bodied would find less eligible than the worst independent existence. Hence when it was used for all classes—the aged and infirm, the sick, the dependent women, the young children, the defectives of various kinds, and those whom accident or sudden emergency had thrown within its walls—it was necessarily, to all of them alike, an institution which, whilst providing the full requirements of physical health, starved both the will and the intelligence, and forced the pauper into a condition of blank-mindedness.

It must be said that, between 1834 and 1847, there seems to have been entertained by some persons of authority and repute a simpler and most drastic view of the policy intended by the Report and Act of 1834, namely, the abolition, as soon as practicable, of all outdoor relief to all classes of paupers; and the substitution, in all cases, of the offer of admission to the workhouse. This was intended to ensure that the condition of the persons relieved should be "less eligible," so as to induce them and their relatives to avoid maintenance out of the poor rate. It is clear, as we have shown, that neither the Inquiry Commissioners of 1834, nor Parliament, nor yet the Poor Law Commissioners themselves between 1834 and 1847, ever took that view. They were too fully conscious of the impossibility of so dealing with the great mass of the sick and the aged and infirm, and they had not at all made up their minds about widows with children, or even about unencumbered independent women. Harriet Martineau, indeed, who had not before her the statistics showing to what an enormous extent the pauperism —even that of 1834—was made up of the aged and infirm

and the sick, could naïvely depict, in her *Poor Law Tales*, the complete success of an absolutely inflexible offer of "the House" to every applicant without exception; the result being an entirely depauperised parish, and the overseer turning the key in the door of an absolutely empty workhouse. What is more remarkable is to find even able subordinates of the Poor Law Commissioners talking as if they took this view. "It appears to me," wrote Sir Francis Head in 1835, "that we have no discretion allowed to us to deliberate whether the workhouse system is good or bad. Our Poor Law Amendment Act is physic which the legislature, in the character of physician, has prescribed to remedy an acknowledged evil. We are called upon to administer it, and it seems to me that the only discretion granted to us is to determine what period is to elapse before *all outdoor relief is to be stopped.*"[1]

Fortunately we are not left to conjecture in this matter. In 1847, on the eve of their transformation into the Poor Law Board, the Commissioners (then Sir George Nicholls, Sir George Cornewall Lewis and Sir Edmund Head) put officially on record what in their view had been the intention of the legislature in passing the Act of 1834, and what, in this respect, had been their own consistent policy. In a special report to the Home Secretary in 1847, they declare that: "In exercising the discretion entrusted to them by the legislature, the Commissioners have been placed between two extreme opinions with respect to the manner of framing their regulations. On the one hand, it is held that the main object of the Poor Law Amendment Act is the extinction or repression of outdoor relief *generally* (and not merely of the outdoor relief of the *able-bodied*), with the consequent diminution of the expenditure from the poor's rate; and that the Commissioners ought to proceed to the accomplishment of this end with little regard to public opinion. On the other hand, it is asserted that the existing law, and the regulations made under it, have gone much too far in the limitation of the outdoor relief of the able-bodied,

[1] MS. letter, Sir Francis Head to S. L., 6th November 1835. It is perhaps a question whether Sir Francis Head really meant what he said; or whether he was not speaking merely of outdoor relief to the able-bodied.

have effected too great a reduction in the amount of pauperism and the expenditure for the relief of the poor, and have thereby deprived the poorer classes of a vested right in the property of the rate-paying part of the community.

"The Commissioners have pursued a middle course, almost equally removed from each of these extremes. They have considered the main object of the legislature in passing the Poor Law Amendment Act to have been the extinction of the *allowance system*;[1] or the system of making up the wages of labourers out of the poor's rate. With this view their regulations respecting the limitation of outdoor relief have been almost exclusively confined to the able-bodied in health; and these regulations have been issued particularly to the rural unions inasmuch as it was in the agricultural counties, and not in the large towns or manufacturing districts, that the allowance system was most prevalent, and led to the most dangerous consequences . . . The Commissioners . . . have to the utmost of their power given effect by their regulations to the views of the legislature."[2]

In 1847 the Poor Law Commissioners were, by Act of Parliament, abolished, and their duties transferred to the Poor Law Board, under a minister responsible to Parliament.

[1] *See* the preamble to Sec. 52 of the Poor Law Amendment Act. [This footnote, like the italics, is in the original.]

[2] Letters addressed by the Poor Law Commissioners to the Secretary of State respecting the Transaction of the Business of the Commission, 1847, House of Commons, No. 148 of 1847, pp. 30-1.

It is therefore more correct to treat, as Mr. Mackay does, the policy of abolishing outdoor relief to all classes as a further development of the "principles of 1834," rather than as part of them "The administrative success of the Act of 1834," he writes, "consists in the fact that the offer of the workhouse served quite as well as an absolute refusal of relief. It obliged the able-bodied to assume responsibility for the able-bodied period of life; and, as we shall presently see, *it is now argued that an application of the same principle to the other responsibilities of life would produce equally advantageous results.* . . . That the able-bodied period of life must be responsible for the period that is not able-bodied is an incontrovertible proposition. But the first step, at that date the only practicable step, in recreating the personal responsibility of the labourer, was to hold him responsible for the able-bodied period of his own life" (*History of the English Poor Law*, by T. Mackay, 1899, vol. iii., pp. 137 and 154).

CHAPTER III

THE POOR LAW BOARD

We have seen that between 1834 and 1847 the Central Authority settled down to a certain empirical policy as to the administration of relief, which was embodied, as regards workhouse management throughout the whole country, in the General Consolidated Order of 1847; and (as regards outdoor relief in the different geographical regions into which England and Wales had been divided) in the Outdoor Relief Prohibitory Order of 1844, in that Order coupled with a Labour Test Order, and in the series of separate Orders to be presently consolidated in the Outdoor Relief Regulation Order of 1852. The policy thus adopted was, as we have seen, in various important respects not that of the "principles of 1834." It is significant of the difficulty which was experienced in putting those principles into operation that there was, during the whole period 1847-71, no attempt to bring the general policy into conformity with that of the Report of 1834. We see no attempt at revision—indeed practically no criticism or desire for revision—of the great Orders of 1844, 1847 and 1852. What happened was a slow and almost unselfconscious development of a supplementary policy in respect to certain favoured classes of paupers, notably children and the sick—classes which had been practically ignored in the 1834 Report. This supplementary policy was avowedly based, not on the principle of a minimum relief of destitution with deterrent conditions, but on that of supplying whatever was necessary for adequate training or treatment, without objecting to the incidental result that this meant placing out in the competitive world

the persons thus dealt with in a position of positive advantage as compared with the lowest class of independent labourers, who plainly could get no such training or treatment. It does not appear necessary, for this period, to separate the analysis of the statutes from that of the orders of the Central Authority. Though the Acts of Parliament are numerous—one or two for every session—they relate principally to the machinery of administration,[1] and (except in the case of children) deal only slightly with policy. Parliament had, in fact, ceased to be interested in the Poor Law, and furnished for many years practically neither independent criticism nor initiative. "The Poor Law Board," observed Sir George Cornewall Lewis in 1851, "has now become purely administrative and has no character or policy of its own."[2] It got from Parliament just what additional powers it chose to ask for.[3] We may therefore

[1] It is a noticeable fact that certain classes of paupers are never mentioned in the legislation of this period, presumably because Parliament was satisfied with the result of giving wide powers to the Central Authority, and did not wish to interfere with its discretion. Apparently there is no single clause dealing with the treatment either of the able-bodied or of the aged. Women are almost equally ignored, wives only being referred to, and they merely in connection with questions of chargeability, and in such a way as to indicate their complete dependence on their husbands. Children, on the other hand, are the subject of numerous enactments, and the sick, lunatics and vagrants also obtain recognition.

[2] Lewis to Head, 19th May 1851, in *Letters of Sir G. C. Lewis*, edited by Sir G. F. Lewis, 1870, p. 245.

[3] Thus, under the Poor Relief Act, 1849, the Commissioners might make rules "for the management and government of any house or establishment wherein any poor person shall be lodged, boarded or maintained, for hire or remuneration, under any contract or agreement entered into by the proprietor, manager or superintendent, . . . with any guardians," unless such an institution be a county lunatic asylum, a hospital registered or house licensed for the reception of lunatics, or a "hospital, infirmary, school or other institution, supported by public subscriptions, and maintained for purposes of charity only" (12 & 13 Vic. c. 13, secs. 1, 2). By the Metropolitan Poor Act 1867 (30 & 31 Vic. c. 6), they were given power to combine Metropolitan unions and parishes into districts for the provision of sick, insane, infirm or other asylums (*see* sections on the sick and lunatics) and to direct the erection or adaptation of the necessary buildings; what use the Central Authority made of these powers will be seen presently. Another Metropolitan Poor Act in 1871 extended the application of the former to "any ship, vessel, hut, tent, or other temporary erection which may be used by the managers, with the approval of the Poor Law Board, for the reception of paupers, or otherwise for the purposes of the asylum" (34 Vic. c. 15, sec. 1). The Central Authority was also enabled (by the Paupers Conveyance Expenses Act 1870) to "direct in what cases (other than those expressly provided for by law) and under what regulations, the guardians . . . may pay the reasonable expenses incurred . . . in conveying any person chargeable . . . from one place to another in England" (33 & 34 Vic. c. 48, sec. 1).

include in one analysis both the statutes and the orders relating to relief policy.

A.—The Able-bodied

So far as may be gathered from new statutes, new general orders, or new circulars of the Central Authority, there was, between 1847 and 1871, no new policy prescribed to the local Poor Law authorities[1] for the relief of the able-bodied. It is true that in August 1852, revised in December 1852, we have a great General Order (still in force), the Outdoor Relief Regulation Order, which permitted outdoor relief to the able-bodied, unconditionally for women, and subject to test work for men. This, however, was but a codification, with slight amendments, of the separate Outdoor Labour Test Orders that had been issued between 1835 and 1852. It might, therefore, be inferred that the Central Authority did not, between 1847 and 1871, change its policy.[2]

(i.) *National Uniformity*

No attempt was made to secure national uniformity with regard to the treatment of the able-bodied.

Union after union was brought under one or other of the three systems which we have already described until, by 1871, with half-a-dozen exceptions, the whole area was covered. The Outdoor Relief Prohibitory Order of 1844 (forbidding, with certain exceptions, outdoor relief to the able-bodied, whether men or women) continued in force in, or was issued anew to, certain unions. This Order, coupled with an Outdoor Labour Test Order (sanctioning outdoor relief to able-bodied men and their families subject to test work by the man, but prohibiting outdoor relief to able-bodied independent women), continued in

[1] The episode of the Lancashire Cotton Famine, and its relief works, in which the boards of guardians were concerned only as nuisance-abatement authorities, will be dealt with under the head of Municipal Work for the Unemployed.

[2] It should perhaps be said that the Central Authority sought to widen the category of able-bodied, so as definitely to include persons over sixty, but in no way disabled (*Official Circular*, April 1849, No. 24, N.S., p. 63); and also "Children competent to render service" (Poor Law Board to Evesham Union, 3rd April 1869, in Twenty-second Annual Report, 1869-70, p. 5).

force in, or was issued anew to, certain other unions. To a third set of unions there was issued the Outdoor Relief Regulation Order (permitting outdoor relief to able-bodied women unconditionally, and to able-bodied men subject to test work). These three systems of outdoor relief to the able-bodied remained, between 1847 and 1871, essentially as they had been elaborated between 1834 and 1847.

But meanwhile a great change in the policy of the Central Authority was silently taking place. The areas over which the three systems were applied completely shifted in relative importance. In 1847 the Outdoor Relief Prohibitory Order, issued alone, which may be said to come nearest to the "principles of 1834," had been imposed on 396 unions; the two other systems standing out only as relatively small exceptions, temporarily applicable to 142 places in all.

It is clear that at that period the Central Authority was "of opinion that where there is a commodious and efficient workhouse, it is best that *the able-bodied paupers* should be received and set to work therein." [1]

Yet for the next twenty years the part of England and Wales to which the Central Authority sought to apply this policy steadily shrank. In 1871, the Outdoor Relief Prohibitory Order, issued alone, applied only to 307 unions, containing a steadily declining proportion of the total population.

That Order was mitigated in 217 unions, comprising a steadily increasing population, by being accompanied by a Labour Test Order. Finally, the Outdoor Relief Regulation Order, since 1852 adopted as a permanent policy, had crept over the Metropolis, Lancashire, and Yorkshire, and the majority of urban centres elsewhere, to the number of no fewer than 117. In these important districts the Central Authority had become convinced, to use its own words, that it was "*not expedient. . . to prohibit out-relief to any class of paupers.*" [2]

The able-bodied in the workhouse remained under the General Consolidated Order of 1847 essentially as we have already described them.

[1] Circular of 25th August 1852 in Fifth Annual Report, 1852, pp. 21-2. Note the limitation which we have italicised.

[2] *Ibid.* p. 22.

(ii.) *Municipal Work for the Unemployed*

We must here mention the episode of the public works undertaken in 1863-6 by the municipal and public health authorities of Lancashire, etc., as a means of relieving the distress caused by the cotton famine. As this has been so clearly described by various writers, it will suffice here to draw attention to the fact that although directed by the Poor Law Board, these works of municipal improvement formed no part of its Poor Law policy. The Central Authority began by sanctioning "a large amount of relief given at variance with the provisions of the General Relief Regulations Order."[1] The problem was then tackled by extensive charitable funds. Finally the Poor Law Board itself came to the conclusion that "it appeared highly desirable that the large bodies of able-bodied men who had been so long deprived of their usual employment should not continue to be relieved either in idleness, or on the performance of a task of unremunerative labour, but should rather, if possible, have work at adequate wages placed within their reach which would enable them to obtain an independent livelihood."[2] What was then adopted was the policy of using public orders for necessary work as a means of partially filling the gap in the aggregate volume of employment caused by the stoppage of the mills. Various minor relief works, in the ordinary sense of the term,

[1] Fifteenth Annual Report, 1862-3, p. 14.

[2] Sixteenth Annual Report, 1863-4, p. 15. The boards of guardians did not, in this emergency, always turn round as quickly as did the Central Authority. Thus, in December 1863, the Manchester Town Council, which was building its Prestwich Reservoir, and applying for a loan of £130,000 under the new Act, offered to the Manchester Board of Guardians to take on any able-bodied paupers as labourers. That body, instead of gladly accepting under proper arrangements, passed a series of abstract resolutions, to the effect "that this Board conceives that the payment by boards of guardians of wages in return for labour to poor persons chargeable or seeking to become chargeable upon the rates, or the holding themselves responsible for the providing of such labour for wages—thus impairing the self-reliance of the poor—is opposed to the whole spirit and intent of the Poor Law, and it is inexpedient both upon social and economical grounds." The town council (which duly received its share of the Government loan from the Poor Law Board) persisted in its desire to be helpful in the great crisis, and let the work to a contractor, who undertook to employ only such unemployed operatives as were recommended by the board of guardians or any other body to be named by the town council, but with full control and right of dismissal. We do not find evidence that the guardians named any one (MS. Minutes, Manchester Board of Guardians, 3rd and 10th December 1863).

were started by local committees and private persons. But the main experiment, fostered by Government loans of nearly two millions, and the advice of a Government engineer, took the form of the execution by the municipalities, and other local authorities, of necessary works of public improvement, which, far from being artificially created in order to give employment, would in any event have had to be executed, and were, in fact, long overdue.[1] There was no attempt to set all the unemployed to work, and no desire to confine to them the staff that was engaged. As a matter of fact, about a third of the men taken on were workmen skilled in the particular work to be done, and these do not appear to have been drawn from the unemployed class at all. But for the mere unskilled manual work volunteers were (in some, but not all the cases) asked for among the distressed cotton operatives, from amongst whom the necessary number of labourers were selected, to be engaged *at labourers' rates of pay.* Thus, although in this utilisation of public orders to regularise the volume of employment there was just this element of relief works, that in some of the towns and some of the works use was made, for the unskilled manual labour, of the services of selected unemployed cotton operatives, the Lancashire authorities escaped what we have elsewhere called the essential dilemma that attends the artificial employment of the unemployed. As they were in the exceptional position of having to offer unskilled labourers' work to skilled and normally highly-paid operatives—and as they did not pretend to take on "the unemployed" as such, but merely asked for so many volunteers from among the cotton operatives to the exclusion of the actual labouring class—the wages that they gave, though sufficient for livelihood, offered no attraction to any of those whom they employed who had the alternative of returning to their accustomed occupation. The boards of guardians were concerned in these works only in their capacity

[1] "No work has been executed . . . which was not desirable as a work of permanent utility and sanitary improvement, altogether independent of the circumstances which, during the existence of the cotton famine, gave rise to the special Acts of Parliament. . . . During the rapid growth of these towns works necessary to health, comfort and trade, such as main sewering . . . had not been executed as rapidly as they were required" (Rawlinson's Report of 12th January 1866, in Eighteenth Annual Report of the Poor Law Board, 1865-6, pp. 44, 46).

as public health authorities. But the fact is important that in this emergency, the Poor Law Board itself, beginning with a mere relaxation of its regulations, turned then, as an alternative, to even less strictly regulated charity, and finally came to the conclusion that the best policy was to use the municipal orders for waterworks, sewers, and paving works, as far as possible, to make up a definitely ascertained deficiency in private orders. It was, we suggest, just because these were not relief works in the usual sense of the term, but merely public works of utility and even of necessity that were long overdue, and because they were, in the main, executed as such by labourers engaged at wages in the ordinary way, and not with a view of offering work to all who demanded it, that the Poor Law Board could come unhesitatingly to the conclusion that the experiment had been a great success. The success, however, of the Government loan of nearly two millions lay at least as much in the stimulus given to sanitary improvement and municipal enterprise as in the comparatively small amount of relief thereby directly afforded to the distressed cotton operatives.[1]

An incident of this great experiment is worth recording, as possibly affording a hint and a precedent. In October 1862—before the Government loans had actually started the municipalities engaging in municipal works—the Central Authority authorised the Manchester Board of Guardians to give outdoor relief to able-bodied men for whom a labour test could not be provided, on condition that they attended educational classes arranged by the guardians. This permission was largely acted upon. One whole trade union (the Society of Makers Up), asked "to be sent to school, instead of to labour." Not only were reading and writing taught, but what we should now term university extension lectures were delivered (by Professor Roscoe, etc.).[2]

[1] For this, the leading case in England of national relief works, *see* Professor Smart's Memorandum on the Poor Law Board, in Report of the Poor Law Commission, 1909, Appendix, vol. 12; Annual Reports of the Poor Law Board, 1862-3 to 1865-6 inclusive; *History of the English Poor Law*, by T. Mackay, 1899, vol. iii., pp. 398-424; *The Facts of the Cotton Famine*, by Dr. John Watts, 1866; *History of the Cotton Famine*, by R. A. (afterwards Sir Arthur) Arnold, 1864; *Lancashire's Lesson*, by W. T. M'Cullagh Torrens, 1864; *Public Works in Lancashire for the Relief of Distress*, 1863-6, by Sir R. Rawlinson, 1898.

[2] MS. Minutes, Manchester Board of Guardians, 30th October, 20th November, and 3rd December 1862.

B.—Vagrants

We left the Poor Law Commissioners, in 1847, at last awake to the fact that the policy of the Report of 1834 —that vagrants should be treated like any other able-bodied male paupers, and offered "the House"—had been a conspicuous failure. The new "union workhouses," rising up all over the country, afforded to the habitual tramp a national system of well-ordered, suitably situated, gratuitous common lodging-houses, of which he took increasing advantage.[1] Confronted by this growth of vagrancy, the Poor Law Commissioners, towards the end of their term, had pressed on boards of guardians a new vagrancy policy—that of making the night's lodging disagreeable to the wayfarer. By statute and order the Central Authority had authorised compulsory detention for four hours and the exaction of a task of work. This policy had not been generally adopted, nor particularly successful where tried. In the bad years of 1847-9 vagrancy was still increasing at a dangerous rate, and one of the first duties of the new Poor Law Board was to issue instructions on the subject.

The instructions given by Mr. Charles Buller, the first President of the Poor Law Board, adumbrated in the guise of a policy what were really two distinct and inherently incompatible lines of action. The Central Authority, on the one hand, pressed on boards of guardians the advisability of discriminating between the honest unemployed in search of work and the professional tramp—"the thief, the mendicant and the prostitute, who crowd the vagrant wards"—even to the extent of refusing all relief whatsoever to able-bodied men of the latter class, who were not in immediate danger of starvation. It seems as if the Central Authority was at this point almost inclined to press on boards of guardians the Scottish Poor Law policy of regarding the able-bodied healthy male adult as ineligible for relief. "As a general rule," it was laid down, the relieving officer "would be right in refusing relief to able-bodied and healthy men; though in inclement weather he might afford them shelter if really

[1] Reports and Communications on Vagrancy, 1848.

destitute of the means of procuring it for themselves."[1] Acting on this suggestion many boards of guardians closed their vagrant wards,[2] and the Bradford Guardians decided to "altogether dispense with" the meals heretofore given "at the vagrant office."[3] The honest wayfarer in temporary distress might, it was suggested, be given a certificate showing his circumstances, destination, object of journey, etc., upon production of which he was to be readily admitted to the workhouses, and provided with comfortable accommodation.[4] To aid in this discrimination, it was suggested that a police constable, who had knowledge of habitual vagrants and was feared by them, would be useful as an assistant relieving officer.[5] Nevertheless the other policy, that of the casual ward, admitting to its disagreeable and deterrent shelter every applicant who chose to apply for it, was not abandoned by the Central Authority. The orders and instructions about casual wards still remained in force, and continued to be issued or confirmed. These involved, not the refusal of relief to the able-bodied healthy male adult, but systematic provision for it, coupled with detention and a task of work.

Ten years later we find the Central Authority definitely abandoning, so far as the Metropolis was concerned, both its policy of discrimination among wayfarers and that of refusing, at any rate in weather not inclement, relief to the healthy able-bodied male vagrant. The London workhouses had become congested "by the flocking into them of the lowest

[1] Minute of Poor Law Board, 4th August 1848, in *Official Circular*, 1848, No. 17, N.S., p. 271.

[2] *On Vagrants and Tramps*, by T. Barwick L. Baker (Manchester Statistical Society, 1868-9, p. 62).

[3] MS. Minutes, Bradford Board of Guardians, 23rd November 1849. On this, the Central Authority evidently felt that it had gone too far. It informed the Bradford Guardians that the resolution must be rescinded; that "in affording relief to vagrants the guardians should be governed by the same rule that applies to relief in other cases, namely, the nature of the destitution and the amount of the necessity of the applicant. If the guardians or their officers are satisfied that there is no actual necessity, no danger to health or life, they will be justified in refusing to give more than shelter [Mr. Buller's circular had suggested refusing even shelter in weather not inclement]; but if the applicant appears to be really in want of food, it must be supplied" (Poor Law Board to Bradford Union, 29th November 1849; MS. Minutes, Bradford Board of Guardians, 30th November 1849).

[4] *Official Circular*, No. 17, N.S. July and August 1848, p. 270.

[5] *Ibid.* p. 271.

and most difficult to manage classes of poor."[1] They were now to be entirely relieved of the annoyance and disorganisation caused by the nightly influx of casual inmates. All persons applying for a night's lodging were to be subjected, whatever their antecedents, character, or circumstances, to a uniform "test of destitution," by being received only in "asylums for the houseless poor," six of which, conducted on a uniform system of employment, discipline, and deterrent treatment, were to be established in London apart from the workhouses.[2] This was admittedly a revival of the project of 1844,[3] which had failed from the "want of co-operation on the part of several of the boards of guardians."[4] The revived policy proved for six years equally unsuccessful and for the same reason. The six "asylums for the houseless poor" did not get built, and vagrants continued to be dealt with haphazard in the forty Metropolitan workhouses. In 1864 the Central Authority took what proved to be a decisive step. The Metropolitan Houseless Poor Acts, 1864 and 1865, made it obligatory on Metropolitan boards of guardians to provide casual wards for "destitute wayfarers, wanderers, and foundlings."[5] At the same time it bribed them to adopt that policy for all wayfarers by making (in accordance with a recommendation of the House of Commons Select Committee on Poor Relief of 1864) the cost of relief given in the casual wards a common charge upon the whole of London.[6] The casual wards so made a common charge had to be conducted under rules to be framed by the Central Authority; and these we have in the Circular of October 26th 1864, recommending that the new casual wards should consist of two large "parallelograms," each to accommodate in common promiscuity

[1] Mr. Sotheron Estcourt (President of Poor Law Board), 15th July 1858, *Hansard*, vol. 151, p. 1500). "The nightly occupants of the vagrant ward interfere with the regular inmates, harass the officers, and at some seasons and in some workhouses render it impossible to preserve the order or to carry out the ordinary regulations of the establishment" (Circular of 30th November 1857, in Eleventh Annual Report, 1858, p. 29). [2] *Ibid.* pp. 30-31.

[3] Mr. Sotheron Estcourt, 15th July 1858; *Hansard*, vol. 151, p. 1500.

[4] Minute of 23rd December 1863, in Sixteenth Annual Report, 1863-4, p. 31.

[5] 27 & 28 Vic. c. 116 (1864); 28 & 29 Vic. c. 34 (1865); Circular of 26th October 1864, in Seventeenth Annual Report, 1864-5, p. 77.

[6] The first expedient was to cause the sums so expended to be refunded by the Metropolitan Board of Works. In 1867 this was replaced by the Common Poor Fund.

as many of one sex as were ever expected; furnished with a common "sleeping platform" down each side, on which the reclining occupants were to be separated from each other only by planks on edge; without separate accommodation for dressing or undressing; and with coarse "straw or cocoa fibre in a loose tick," and a rug "sufficient for warmth."[1] To this was added, by the General Order of March 3rd 1866, a uniform dietary "for wayfarers" in these wards of bread and gruel only,[2] thus definitely marking the abandonment, so far as London was concerned, of all attempt, either at refusing a night's lodging to able-bodied healthy males, or at doing anything more or anything different for the honest unemployed wayfarer than for the professional tramp.

Notwithstanding the apparent decisiveness of policy as to vagrants embodied in the Metropolitan Houseless Poor Act of 1864, we find the Central Authority, disturbed by the steady growth of vagrancy throughout the country,[3] still continuing to talk about discrimination. In 1868, Sir M. Hicks-Beach, in announcing that the Poor Law Board contemplated extending to the whole country the Metropolitan system of dealing with vagrants, added, with an inconsistency which we do not understand, that "it would be required . . . . that guardians should take the responsibility of a sound and vigilant discrimination between deserving travellers in search of work and professional vagrants not really destitute, by the appointment of officers capable of exercising such discrimination; and that, where practicable, the police should be appointed assistant relieving officers. The forthcoming Order would likewise suggest, in cases where it might be practicable, that the accommodation for deserving travellers should be different from that given to professional vagrants."[4] Yet even

[1] Circular of 26th October 1864, in Seventeenth Annual Report, 1864-5, p. 78. It may be added that from 1863 onward, the police acted as assistant relieving officers for vagrants in the Metropolis. The police complained of the filth and vermin brought to the police stations by applicants for relief, and they were relieved of the duty in 1872 (Report of Departmental Committee on Vagrancy, 1906, Cd. 2852, vol. i. p. 12). The police also acted for some rural boards of guardians, the police stations serving as "vagrant relief stations," *e.g.* at Bakewell, where they were discontinued in 1869 (MS. Minutes, Bakewell Board of Guardians, 15th March 1869).

[2] General Order of 3rd March 1866, in Nineteenth Annual Report, 1867, p. 37.

[3] Reports on Vagrancy made to the President of the Poor Law Board, 1866.

[4] Sir M. Hicke Beach, 28th July 1868 (*Hansard*, vol. 193, p. 1910).

for the professional vagrant the promiscuous London casual ward of 1864 was not to be extended. "It was," said the President of the Poor Law Board in 1868, "very desirable that . . . . each person should have a separate or divided bed place."[1] The new policy, which the President seems to have thought was the London policy of 1864, but which was really a revival of Mr. Charles Buller's policy of 1848, was embodied in a Circular, which admittedly reproduced, in all essentials, the Minute of 1848 — the necessity of discrimination, the employment of the police, the issue of tickets to genuine honest wayfarers, their comfortable accommodation in workhouses without task of work, and the desirability of uniformity of treatment in the different unions.[2]

It must be added that, before the end of its tenure of office, the Poor Law Board had become convinced that it had as completely failed to solve the problem of vagrancy as had the Poor Law Commissioners. In the Metropolis it was forced on its attention that "the great increase in the pauper population may be traced to the operation of the Houseless Poor Act, which has practically legalised vagrancy and professional vagabondism."[3] Throughout the whole country the number of vagrants nightly relieved in the workhouse, which had between 1858 and 1862 always been under 2000, rose between 1862 and 1870 to between five and six thousand, and to a maximum of 7946 on 1st July 1868, though falling to less in the exceptionally good trade of 1870-1.[4] The fact is that the boards of guardians felt themselves between the horns of a dilemma, against which the inconsistent see-saw policy of the Central Authority was no protection. If they refused relief to those whom their relieving officers deemed worthless loafers, these bad characters became

[1] Sir M. Hicks Beach, 28th July 1868 (*Hansard*, vol. 193, p. 1910).

[2] Circular of 28th November, 1868, in Twenty-first Annual Report, 1868-9, pp. 74-76. It is curious that the dietary suggested in this Circular allowed (without explanation), the guardians to give male adults eight ounces of bread and a pint of gruel, whereas the General Order to the Metropolitan Unions of the preceding year had definitely limited adult males to six ounces of bread and a pint of gruel.

[3] St. George's, Hanover Square, to Poor Law Board. The numbers of "casual and houseless poor" relieved in the Metropolis went up from 1086, on 1st July 1866, to 2085 on 1st July 1868, and 1760 on 1st July 1870 (Twenty-third Annual Report, 1870-1, p. xxiv).

[4] *Ibid.* pp. 394-5.

"masterful beggars," pertinacious tramps, and sources of danger to the countryside, whilst in the bad times of 1866 some of those refused relief suffered hardship and even death.[1] Hence the general reversion to a policy of relief. The Central Authority, under Mr. Goschen's presidency, was at this point considering a new policy, that of penal detention after relief. Mr. Goschen explained to the House of Commons that this would amount, practically, to "a kind of imprisonment," and be "a stronger measure than the administration by the police of the law as at present existing," which had also been proposed, but "if Parliament were inclined to concede power to detain paupers for a longer period than they were now detained, and to keep them at work, he believed that would be a very effectual means of diminishing vagrancy and pauperism."[2]

C.—Women

Women, of whom there were always between 80,000 and 100,000 on outdoor relief, were almost wholly ignored in the Poor Law Legislation of 1847-71, as in the Orders of the Central Authority. The policy of the Central Authority, so far as it appears from the documents, continued to be to permit able-bodied independent women unconditionally to receive outdoor relief, whether or not they were in receipt of wages, so far as concerned the unions under the Outdoor Relief Regulation Order; and to forbid outdoor relief to such women in unions under the Outdoor Relief Prohibitory Order, whether or not this Order was accompanied by an Outdoor Labour Test Order (for men).[3]

[1] *On Vagrants and Tramps*, by T. Barwick L. Baker (Manchester Statistical Society, 1868-9, p. 62).

[2] Mr. Goschen (President of Poor Law Board), 13th May, 1870, *Hansard*, vol. 201, pp. 660-2.

[3] The prohibition was made even more embracing in the *Official Circular* for April and May 1848 (Nos. 14 and 15, N.S., pp. 227-8), where the term "able-bodied" (though the Central Authority expressed itself as willing to consider relief by gifts of clothing in special cases) was held to include females, not sick or disabled, who were nevertheless unable to earn sixpence a day at field work; "young females" just emancipated; persons of weak constitution, or having frequent ailments, but in receipt of "full wages"; and persons not of weak constitutions, but employed at low wages from inaptitude to labour. Thus, for outdoor relief in the part of England to which this Order applied, the term "able-bodied" ceased to have any relation to any physical conditions whatsoever, but was used as a term covering a heterogeneous class of men and women, strong or weak,

The women dependent on able-bodied men, whether themselves able-bodied or not, might be maintained in their homes, on condition of their husbands being employed in test work, not only in all unions under the Outdoor Relief Regulation Order, but also in those in which the Outdoor Relief Prohibitory Order was accompanied by a Labour Test Order. On the other hand, such women, however feeble or infirm, were not allowed to be maintained in their homes, even if their husbands were willing to do test work, in those unions in which the Outdoor Relief Prohibitory Order was alone in force. No reason appears for these differences in policy as to the method of relief of identical categories of women in the different geographical regions into which the Central Authority had divided England and Wales. But although the policy of the Central Authority with regard to women remained, in each of the three regions into which England was divided by these Orders, apparently unchanged, the regions themselves, as we have mentioned, were being silently altered. The great enlargement of the territory to which the laxer Order was applied and the narrow limitation of the territory governed by the stricter Order, involved an enormous extension of the outdoor relief to women permitted by the Central Authority.

In that part of England and Wales which was under the Outdoor Relief Prohibitory Order, a widow without children continued to be allowed to receive outdoor relief only during the first six months of her widowhood. In all the rest of the country she continued to be allowed to receive outdoor relief indefinitely. Widows with children continued to be allowed to receive outdoor relief under all the Orders.

We have, however, in these years, the first recognition (so far as we can trace) of the difficulty of the problem presented by the inadequate earnings of independent able-bodied women.[1] In Bermondsey, in 1850, where there was no Order in force as

healthy or subject to epileptic fits, able or unable to earn complete sustenance. On the other hand, within the workhouse, as we have seen, the same term was becoming more and more definitely restricted to adult persons on normal diet, requiring no medical treatment.

[1] Besides the widows and deserted wives, and the unmarried mothers, the class of able-bodied single women unencumbered by children, in receipt of relief, was not insignificant. In 1859 there were 5173 such in receipt of outdoor relief (Twelfth Annual Report, 1859-60, p. 15 ; *see* also corresponding figures in Thirteenth Annual Report, 1860-1, p. 13).

to outdoor relief, the Central Authority was forced to face the problem presented by "widows and other females who, though in very constant work as sempstresses or shirtmakers," obtained so trifling a remuneration as to be unable to live. The Central Authority admitted that it was lawful to grant them relief, but discouraged this course, "persuaded that the practice of making up insufficient earnings by outdoor relief must tend to produce and perpetuate the evil." The guardians were advised to refuse partial relief, so that some of the women might be wholly maintained in the workhouse and so taken off the labour market, when pressure of competition on the others would be thereby relieved and their wages would rise. The Central Authority did not, however, take the responsibility of issuing an Order specially enforcing this policy; and it is to be noted (as already mentioned) that by gradually substituting the Outdoor Relief Regulation Order for the Outdoor Relief Prohibitory Order, the Central Authority was, in fact, retreating from the advice to the Bermondsey Guardians of 1850.[1]

Not until 1869 (so far as we can trace) did the Central Authority face the problem presented by the widow with children. Mr Goschen's celebrated Minute of November 20th 1869, incidentally referred (as a frequent exception to the rule against a "rate in aid of wages") to the grant of partial relief "in the case of widows with families, where it is often manifestly impossible that the woman can support the family." Mr. Goschen does not appear to have made any definite suggestion of an alternative policy in these cases. He seems to have regarded it as merely an exception, of no great importance. But the Holborn Board of Guardians, in their reply to the Circular, pointed out that "the exception of widows would of itself constitute so large a proportion that the rule is virtually swallowed up thereby." The Holborn Guardians, apparently understanding that the Central Authority was hinting at the stoppage of outdoor relief in these cases, also pointed out that "it would be impossible to find workhouse accommodation for over 20,000 widows in the Metropolis

[1] In 1861, indeed, when the guardians asked advice of the Central Authority, the recommendation to offer relief in the workhouse was distinctly limited to able-bodied males (Poor Law Board to St. James's, Westminster, 19th January 1861, in Thirteenth Annual Report, 1860-1, p. 35).

and their 60,000 children." These figures were indeed exaggerated; but it was incidentally observed by the Central Authority itself that "the amount of destitution in the country generally, caused by the death, absence, or desertion of the male head of the family . . . we should estimate . . . to be 35 per cent of the whole."[1] In 1858, the "able-bodied widows relieved out of doors" in the whole country numbered 50,468, and the children dependent on them 126,658, making together over 25 per cent of the total pauper population.[2] In the Metropolis alone, out of an outdoor pauper population in 1869 of 121,012 (excluding lunatics and vagrants), the women relieved because of the death or absence of their husbands numbered 11,851, and their children 28,569, making a total of 40,420, or one-third of the whole outdoor pauperism.[3] It was perhaps in view of such statistics that the Central Authority, in reporting on the reply of the Holborn Board of Guardians, among other replies, made no criticism of the grant of outdoor relief to widows with children, and offered no suggestion of an alternative policy. The only suggestions made were that there should be more relieving officers to check the overlapping of outdoor relief and private charity, and that the outdoor relief granted should be "adequate."[4] A special Commissioner (Mr. Wodehouse) was told off to make an official inquiry into the administration of outdoor relief, in which the facts were again laid bare.[5] We do not find that the Central Authority—now fully aware that the category of widows with children, "where" (to use Mr. Goschen's words) "it is manifestly impossible that the earnings of the woman can support the family," comprised about 177,000 persons, and made up at least a quarter of the whole outdoor pauperism—issued any order prescribing what ought to be done in these cases, or ever made any authoritative suggestion on the subject. The Holborn and other boards of guardians had therefore warrant for believing that the grant of outdoor relief to widows with children, even in supplement of earnings, permitted as it was

[1] Twenty-second Annual Report, 1869-70, pp. xxviii, 9, 17-22.

[2] Eleventh Annual Report, 1858, p. 166; *see* the corresponding statistics in the Twelfth and Thirteenth Annual Reports.

[3] Twenty-second Annual Report, 1869-70, p. xxi.

[4] *Ibid.* pp. xxxii-xxxiii, 9-30.

[5] Twenty-third Annual Report, 1870-1, pp. 32-93.

by the Orders, continued, as from 1834 onwards, to have the sanction of the Central Authority.

D.—Children

It was with regard to children that the policy of the Central Authority in this period made the greatest advance. This, however, applies chiefly to the 40,000 children who were being relieved in institutions. With regard to the children being maintained on outdoor relief—who were at least five times as numerous—we do not find that the Central Authority in this period took any cognisance of their condition,[1] except to some small extent with regard to their schooling. Even this was a new feature. In 1844, as already mentioned, the Central Authority had expressly refused to allow 2d. a week to be paid for the schooling of such a child, or even to permit that sum to be added to the outdoor relief to the parent with the same object.[2] This decision was emphasised by a Circular in 1847, laying down that pauper children living at home were not to be educated at the expense of the poor rate.[3] For years the Manchester Board of Guardians, under the leadership of Mr. Hodgson, had tried to get some of their outdoor pauper children to school, the guardians actually maintaining a primitive day school of their own for this purpose. The Central Authority refused to sanction this experiment, forbade its extension, questioned the lawfulness of the guardians' action, and between 1850 and 1855 seems always to have been complaining about it.[4] In 1855, how-

[1] The Central Authority observed in 1858 that "more than one-third of the paupers are children under sixteen." The numbers at that date were 44,989 indoors, and 263,994 out of doors, or 37·4 per cent of the whole (Eleventh Annual Report, 1858, p. 166). It is not clear to us whether this total of children on outdoor relief includes in all cases the children of men in receipt of medical relief only.

In 1869, in answer to Mr. Goschen's Minute, the Holborn Board of Guardians forced on the attention of the Central Authority the fact that they, like the other Metropolitan guardians, were allowing for each child on outdoor relief 1s. and one loaf of bread. "No one can pretend," they said, "that this amount is of itself adequate support" (Twenty-second Annual Report, 1869-70, p. 20). The Holborn Board of Guardians practically defied the Central Authority to find any other policy. The Central Authority did not reply to this challenge.

[2] *Official Circular*, 31st January 1844, No. 31, pp. 178-9.

[3] *Ibid.* 1st September 1847, No. 9, N.S. p. 131.

[4] MS. Minutes, Manchester Board of Guardians, 1850-5.

ever, Parliament reversed the policy of non-responsibility for outdoor pauper children, so far as to allow the boards of guardians, if they chose, to pay for the schooling of such children between the ages of four and sixteen.[1] They were, however, expressly forbidden to make it a condition of relief that the child should attend school, for fear of exciting religious jealousies, all schools being then denominational. The Central Authority, in transmitting this statute ("Denison's Act") to the boards of guardians, laid stress on its permissive character. No instructions or suggestions were given as to the kind of school to be chosen, though if the guardians in their exercise of their discretion did pay the fees of any children, they were to satisfy themselves of their due attendance.[2] But it trusted that "it will be soon brought into extensive operation," and presently 3986 out of the 200,000 outdoor pauper children were at school.[3] Special efforts were made during the Lancashire cotton famine to get the Act carried out,[4] and gradually more of the boards of guardians adopted the policy.[5] In 1870 the Elementary Education Act made education compulsory over a large part of the

[1] 18 & 19 Vic. c. 34 (Education of Poor Children Act 1855). "An enactment involving the important admission that want of education was a form of destitution, which ought to be adequately relieved" (*History of the English Poor Law*, by T. Mackay, 1899, vol. iii. p. 428).

[2] Circular of 9th January 1856, in Ninth Annual Report, 1857, pp. 13, 15. In 1856 it was reported that there were in Lancashire and the West Riding 48,412 children on outdoor relief, of whom about 30,000 ought to be at school. Yet down to December 1855, the boards of guardians had taken no steps to get them to school, in spite of the inspector's protests (Eighth Annual Report, 1855, p. 63).

[3] House of Commons Return, No. 437 of 1856; Ninth Annual Report, p. 8. Newcastle-on-Tyne adopted it at once (MS. Minutes, Newcastle Board of Guardians, 10th October 1855).

[4] Fifteenth Annual Report, 1862-3, p. 18; Circular of 29th September 1862.

[5] MS. Minutes, Manchester Board of Guardians, 9th October 1862. The Manchester Guardians, whose early school experiment we have already mentioned, largely nullified their own action (and apparently contravened the spirit, if not the letter of the law), by insisting on the attendance of the outdoor paupers exclusively at the guardians' own school, which gave "undenominational" religious instruction, and refusing to pay fees for children to go to any other schools (except for a short time in 1862-3 when their own schools were over-full). In vain did the Roman Catholics and the Manchester and Salford Education Aid Society protest, pointing out that the children were in consequence growing up untaught (*ibid.* 26th May, 23rd and 30th June, and 10th November 1864; 19th June 1865). The Central Authority does not appear to have intervened.

country, and authorised boards of guardians not only to pay fees, but also to make attendance at school a condition of relief. This, however, came as part of the educational policy of Parliament, not as part of the Poor Law policy of the Central Authority. So far as these children were concerned (though nominal fees continued to be paid out of the poor rate until 1891), the provision of schooling became merged in the general communistic provision of schooling for the whole population. By this beginning of communistic provision of education for the whole population (completed by the Free Education Act of 1891), the Poor Law authorities were enabled to escape—so far as education was concerned—from the embarrassing dilemma of either placing the pauper child in a position of vantage, or of deliberately bringing up the quarter of a million pauper children in a state of ignorance similar to that of the children of the poorest independent labourer prior to 1870. In respect of everything but education the problem remained. So far as regards the couple of hundred thousand children maintained on outdoor relief, the Central Authority left the boards of guardians without advice on this dilemma.

Passing now to the 40,000 children in Poor Law institutions, we have described how, between 1834 and 1847, the Central Authority, in disregard of the recommendations of the 1834 Report,[1] had adopted the policy of having one common workhouse for each union, under a single head, and with an almost identical regimen for all classes of inmates. It was necessarily incidental to the policy of the Outdoor Relief Prohibitory Order which was then widely prevalent, that the wife and children of the destitute man should be relieved only in the workhouse. These institutions came, therefore, to be the homes and places of education of not only orphans and foundlings, but also of tens of thousands of other children, who were often immured in them from birth until they could be placed out in service. Apparently the idea of one general workhouse for each union, under one uniform discipline, was too deeply rooted in the Poor Law Commissioners to allow of any provision being made for children in the Orders concerning

[1] That the children should be accommodated in a separate building, under a separate superintendent, and educated by "a person properly qualified to act as a schoolmaster" (page 307 of Report of 1834, reprint of 1905).

workhouse management. No provision was made for the children going out for walks or games or play.[1] No Order required the guardians to appoint a qualified schoolmaster, or, indeed, any teacher at all, or to buy any school-books. Year after year the returns from many unions continue to state "No teachers in workhouse," without evoking from the Central Authority any compulsory Order.[2]

It is to the credit of the new Poor Law Board that it at once admitted that the much-vaunted general workhouse system was, so far as the children were concerned, simply manufacturing paupers. "Too many of those brought up in the workhouse," said Mr. Charles Buller in 1848, "were marked by a tendency to regard the workhouse as their natural and proper home. . . . They had been accustomed to the workhouse from their earliest infancy and . . . . to the confinement, ... and when they became adults there was nothing to deter them from entering it."[3] The remedy now proposed was the removal of all children from the workhouses to separate Poor Law schools, and their education, irrespective of cost, in such a way "as may best tend to raise them from the class of paupers to that of independent labourers *and artisans*."[4] To attain this end the Central Authority secured another statute in amendment of the hitherto abortive Act of 1844, permitting the establishment of "district schools" by com-

[1] The children in the Bakewell Workhouse were found, in 1855, to be in a dreadful state of health, owing to the literal application throughout the workhouse of the principles of the General Consolidated Order of 1847. The inspector protested at last, and recommended special arrangements for the children in the way of more nourishing diet and outdoor exercise. The guardians framed a new dietary, ordered "the swings, etc. recommended by the inspector," and directed the schoolmistress "to take the girls out for a walk every day when the weather is fine" (MS. Minutes, Bakewell Board of Guardians, 1st October 1855 and 29th September 1856.)

[2] From 1846 onwards the Committee of the Privy Council on Education had, as part of the nation's educational policy, actually made grants to the boards of guardians to pay the salaries of qualified workhouse schoolmasters and schoolmistresses. In 1848 it was announced to the boards of guardians that, whereas "no comprehensive effort has hitherto been made" to raise the standard of efficiency, henceforth the inspector of pauper schools will examine the schools and the qualifications of the teachers as part of the conditions for sharing in the grant (MS. Minutes, Newcastle Board of Guardians, 31st March 1848).

[3] Hansard, vol. 100, p. 1217 (8th August 1848).

[4] Third Annual Report, 1850, p. 6. Few children of independent labourers' families could at that date rise to be artisans.

binations of unions.[1] But what enabled this policy to be begun in the teeth of persistent opposition was a terrible outbreak of cholera at Mr. Drouet's establishment at Tooting, where the pauper children of many parishes had continued (as a survival of the old Poor Law, not yet interfered with by the Central Authority) to be "farmed out."[2]

In the course of the same year the Central Authority succeeded in forming half-a-dozen school districts, and approved the establishment of a gigantic boarding-school for each of them, accommodating 800, and even 1000 children. The General Order issued in 1849 for the government of these "district schools" did not prescribe the details of administration so precisely as did the General Consolidated Order of 1847; and much latitude was left to the enterprise of the governing body. Against the formation of these school districts the boards of guardians successfully rebelled, much preferring to have a separate school for each union, and outside London this was the system generally adopted by the more populous unions. These separate schools, which were in all cases distinct from the workhouse, were regulated by special Orders, providing in similar general terms for the elements of good administration, but also leaving much to the discretion of the guardians.[3] The Central Authority now pressed the policy

[1] Poor Law (Schools) Act 1848 (11 & 12 Vic. c. 82).

[2] Second Annual Report, 1849, p. 13. The Central Authority, which had for fourteen years let the establishments alone, now used its influence against them. Mr. Drouet's was closed. Another similar contractor's establishment (Mr. Aubin's at Norwood) was presently taken over by the Committee of the Central London School District and continued as a district school, with Mr. Aubin as salaried superintendent. Three or four other small places were discontinued. Two others at Margate, used for sick and convalescent young paupers, continued with the approval of the Central Authority. An act of Parliament (12 & 13 Vic. c. 13) was passed for their regulation (Second Annual Report, 1849, pp. 16-17).

[3] The Manchester Board of Guardians had had its own boarding-school at Swinton since 1844, where, on the advice of Mr. Tufnell (assistant Poor Law inspector), the children were eighteen hours a week "at school" and eighteen hours "at labour" (MS. Minutes, Manchester Board of Guardians, 22nd August 1844). For the next few years we see them taking great pride in this school, and receiving the highest commendation from the inspectors. But the district auditor, in 1846, complains bitterly of the "costly establishment," warning the guardians that the expense of this school has "already reached an amount that is inconsistent with the class of children for whom the schools were designed," and is "creating dissatisfaction amongst the ratepayers" (*ibid.* 25th June 1846). And in 1861 the Central Authority itself deprecates the payment of so large a salary as £250 a year with board and lodging to the

of separate schools on the boards of guardians at every opportunity.[1] In 1856, for instance, we find it saying to the Holborn Guardians that it cannot "too strongly urge upon the guardians the importance of the children being so brought up as to preserve them, as far as possible, free from the habits and associations contracted in a workhouse; and of their receiving such instruction as will fit them to earn their own livelihood. These objects will be best secured by the removal of the children to a separate school."[2] The Central Authority made useful suggestions, and it also encouraged improvements by laudatory description of the best schools in the *Official Circular* and the Annual Reports.[3] When it was objected by some boards of guardians that to teach writing and arithmetic to the pauper children was to give them advantages superior to those of the children of the independent labourer, the Central Authority replied that the provision of a good education for the children was not likely to encourage voluntary pauperism in the parents, and therefore there was no need to apply the principle of less eligibility in this case.[4]

On the other hand, it has to be recorded that there were apparently opposing influences at work, as the Norwich Board of Guardians found to its cost in 1854. That board had in 1846, apparently of its own accord, begun a most interesting experiment. As the workhouse was old and overcrowded, and obviously contaminating to the hundreds of children it contained, separate "Boys' and Girls' Homes" were established, away from the workhouse and under separate management. At

headmaster, and urges the great importance of the industrial as distinguished from the intellectual training of the children (*ibid.* 10th and 16th January 1861).

[1] In 1849, at the instance of the Committee of Council on Education, it issued a Circular extending to workhouse schools the privilege of getting at a low price the school-books of which the Government had arranged the publication for elementary schools (Circular of 25th January 1849, in the Second Annual Report, 1849, p. 25).

[2] House of Commons, No. 50 of 1867, p. 158 (Letter to Guardians of the Holborn Union).

[3] Thus, in 1850, it is reported with laudation that "there are workhouses, like that of the Atcham Union, in which the children receive an education beyond all comparison better than is within the reach of labourers in any part of the county. In the girls' school of the Ludlow Union the children now receive an education in all respects superior to what the humbler ratepayers are able to purchase for their children. This high standard of workhouse education is fast ceasing to be exceptional" (Third Annual Report, 1850, p. 7).

[4] *Official Circular*, No. 17, N.S. July and August 1848, p. 264.

these early types of Poor Law schools the children received both scholastic and industrial training. Their special feature was, however, that the boys of sufficient age were placed out in situations in the town, continuing to use the institution as their home, and contributing the wages that they earned towards the cost of their maintenance. The Norwich Guardians had found, as others have done since, that the old style of indoor apprenticeship was nearly extinct. They had resorted to what they called "outdoor apprenticeship." "In nineteen cases out of twenty the apprentices bound out . . . have been outdoor apprentices and have resided with their parents, and received certain weekly allowances. Masters will not consent to take into their houses pauper apprentices."[1] The Central Authority had objected to this, and had insisted on enforcing the usual apprenticeship order.[2] Apparently it was not found possible to place boys out on this obsolete system, and the plan was adopted of getting the boys situations at wages, low at first, and not for some years amounting to enough fully to maintain them. This experiment had been undertaken with the full knowledge of the Poor Law inspectors, who constantly visited the homes, and who expressed themselves in high praise of their success, and it had even been specially described in print, with great commendation, by the inspector of pauper schools. Indeed, the eighty-seven boys who had already passed out of the homes (presumably as soon as their wages were big enough to keep them) were, with fewer than a dozen exceptions, well launched in the world and doing well. In 1854, however, after eight years, the Central Authority intimated that the whole expenditure on the homes was illegal, as being unauthorised, and it was in fact disallowed. It added that, whilst it was prepared to sanction the continuance of the homes as mere schools, it could not permit them to be used as homes for the elder boys who went out to work. The grounds on which this decision was arrived at are not clear. In one place it is stated that the Poor Law Board "conceive it to be unjust to the children of the independent poor," presumably unjust to give the pauper boys such advantages. In another place it is stated that the Poor Law Board had

[1] MS. Minutes, Norwich Board of Guardians, 1845.
[2] Special Order of 30th January 1845.

only been induced to permit the homes temporarily on the understanding that they were self-supporting—a contention hardly consistent with that of their illegality—whereas the boys who went out to work proved to cost something to the rates, though admittedly less than they would have cost in the workhouse. In a third place it is pointed out that the projected new workhouse will amply accommodate all the children, so that the homes will be unnecessary even as schools —an argument which seems inconsistent with the general policy of the Poor Law Board, unless we are to infer that it wanted only district schools by combinations of unions. We may note, as a final hint of the uncertainty that prevailed, that, after three years' correspondence, the Poor Law inspector advised the guardians to ask the Central Authority to sanction temporarily the continuance of the homes, as "it is quite possible . . . . that within the next two years the Legislature may resolve on communicating greater vitality to the provisions for the establishment of district schools." He had told the clerk to the guardians verbally that it was probable that Parliament would make it compulsory to provide for pauper children in establishments apart from workhouses, but that he saw "with regret how strongly different views are pressed" in regard to these homes; and that the guardians would meanwhile do well to delay proceeding with any but the adults' wards of the new workhouse.[1]

No such legislation as was thus foreshadowed took place, but the policy of removing the children from the workhouses was meanwhile incidentally promoted by an Act of 1849, which enabled use to be made of any establishment in which paupers were maintained by contract "for the education of any poor children therein."[2] Similarly the various Industrial Schools Acts opened up another class of schools to

[1] MS. Minutes, Norwich Board of Guardians, 3rd January and 7th February 1854, 1st April 1856, and 6th January 1857. We gather that the inspector's prescience was so far justified that the Norwich Guardians managed to retain their children's homes, which were in existence a generation later.

[2] 12 & 13 Vic. c. 13, sec. 1 (The Poor Law Relief Act 1849). Out of this sprang the Certified Schools Act of 1862 (25 & 26 Vic. c. 43), and the provision in the Poor Law Amendment Acts of 1866 and 1868 (29 & 30 Vic. c. 113, sec. 14, and 31 & 32 Vic. c. 122, sec. 23), enabling the Central Authority peremptorily to order the removal to a certified school of a child of non-Anglican parents, when the board of guardians refused to allow religious freedom.

pauper children.[1] Finally, the Metropolitan Poor Act of 1869 enabled training ships to be established by school districts and the Metropolitan Asylums Board for the education of pauper boys for the sea service.[2] Already by 1856 it was reported with satisfaction that 78 per cent of the children under boards of guardians in the Metropolis were in separate schools —statistics, however, which continued to ignore the much larger number of children on outdoor relief, of whose existence the Central Authority only gradually became aware.[3]

During the next twenty years we see this policy of separate boarding schools for such of the Poor Law children as were on indoor relief being constantly pressed on boards of guardians. The erection of these costly barrack schools, which were each regulated by a separate Special Order, differing slightly from school to school,[4] the steady improvement in their accommodation and diet, and the continuous rise in the educational standard attained, which is the great feature of the ensuing period (though in accordance with the recommendations of the 1834 Report), marks a definite abandonment, as regards the children, of the principle that the condition of the pauper should always be less eligible than that of the lowest class of independent labourer. But although in the course of the period 1847-71, in the Metropolis and various large towns, the greater number of the boys and girls between five and fourteen were removed from the workhouses to these "barrack schools" and similar institutions, such schools were not made compulsory; the retention of children in the workhouse was not forbidden, and in hundreds of unions[5] they remained

[1] 20 & 21 Vic. c. 48 of 1857; 24 & 25 Vic. c. 113 of 1861; 29 & 30 Vic. c. 118 of 1866.

[2] 32 & 33 Vic. c. 63, sec. 11 (Metropolitan Poor Act of 1869); these ships were regulated by Special Orders.

[3] "The vast number of the (outdoor) pauper children in London is as melancholy as it is remarkable" (Twenty-second Annual Report, 1869-70, p. xxii).

[4] *See*, for instance, as to the Swinton school of the Manchester Board of Guardians, Special Order of 6th July 1852; as to the Cowley school of the Oxford Board of Guardians, Special Order of 24th November 1854; as to the Kirkdale School of the Liverpool Select Vestry, Special Order of 7th August 1856.

[5] Even so populous a town as Newcastle-on-Tyne refused to remove its children from the workhouse. We see the Poor Law inspector arranging a special visit to inspect them, and to confer with the guardians to urge a district school (MS. Minutes, Newcastle Board of Guardians, 10th August and 21st September 1849). He then presses for a joint conference, which does

unaffected by the new policy of the Central Authority, which apparently felt unable to require the boards of guardians to adopt it. Even when the bulk of the children were placed in separate schools, there were always some in the workhouse itself; and it is remarkable that the Central Authority made no attempt to modify for these the provisions of the General Consolidated Order of 1847, the effect of which upon the workhouse administration of the period we have already described.[1]

Meanwhile the "workhouse schools" continued to improve very slowly in educational efficiency. The policy of the Central Authority was apparently to develop industrial training—agricultural work, the simpler handicrafts, and domestic service—on the model of the "Quatt School" in Shropshire. Whether or not this industrial work militated against more intellectual accomplishments is a moot point, but we hear of "the

nothing but adjourn (*ibid.* 17th January and 14th March 1850). Nothing is done. Six years after he finds the education is still in a deplorable state (*ibid.* 29th August and 3rd October 1856), and gets the infants into a separate building. The guardians will not appoint a resident schoolmaster (*ibid.* 12th December 1856; 23rd January, 29th May, 18th August, 4th September 1857). It takes three months and three urgent appeals to get them to appoint an additional infants' mistress (*ibid.* 19th November 1858; 21st January, 11th February, 25th February 1859).

[1] The disfavour with which, as we have noted, the Central Authority regarded apprenticeship, seems to have continued. The Special Orders of 31st December 1844, and 29th January 1845 (issued to several hundred unions), severely restricting apprenticeship, and the amending Special Orders of 15th and 22nd August 1845, which slightly mitigated these restrictions, were continued in force. Some of the provisions were relaxed in special cases (*e.g.* Special Order of 11th August 1855, to Leicester Union for a deaf and dumb girl). No General Order seems to have been issued on the subject between 1847 and 1871; nor do we trace any instructions or advice to boards of guardians as to the steps to be taken to place boys and girls out in advantageous callings. A few decisions on legal points tended rather to restrict apprenticeship. The Central Authority held that a child could not be apprenticed to domestic service as it was not a "trade or business"; nor bound to a married woman, nor beyond the age of twenty-one (*Official Circular*, No. 54, N.S., 1856, p. 38; *ibid.* No. 46, N.S., February 1851, p. 17; *ibid.* No. 34, N.S., February 1850, pp. 17-18). In 1851, Parliament passed the Poor Law (Apprentices) Act (14 & 15 Vic. c. 11), for preventing cruelty to apprentices; and the Central Authority, in transmitting this statute to the boards of guardians, carefully abstained from any indication of policy, as to how pauper children should be placed out in life (Circular Letter, 26th June 1851, in Fourth Annual Report, 1851, pp. 19-21). As a minor instance of the merging of branches of the Poor Law into the general treatment of all classes of the community, it may be noted that this Act was repealed in 1861, its provisions being practically embodied in the Offences against the Person Act (24 & 25 Vic. c. 100, sec. 26).

reports of 'the stagnant dulness of workhouse education' which annually proceed from Her Majesty's Inspectors of Schools."[1]

Whether or not from a certain divergence of aim between the departments, the connection was in 1863 severed,[2] and the Poor Law Board thenceforward had its own inspectors of Poor Law Schools, whose criticisms and complaints, all in favour of the large district schools as compared with the single union school, appear from 1867 onward in the Annual Reports.[3]

At the very end of the period we may note the beginning of a reaction against the "barrack schools." It was pointed out by those acquainted with the Scottish system of boarding-out, as well as by persons experienced in English Poor Law administration, that these expensive boarding schools were not answering so well as their admirers claimed, especially as regards the girls. During 1866-9 the alternative of "boarding-out" children in private families at 4s. a week (now 5s.) was warmly discussed, and experimentally adopted in a few places.[4] In 1869 the Central Authority so far yielded to the criticisms made upon these institutions as to permit, under elaborate restrictions and safeguards, the "boarding-out," in families beyond the limits of the union, of the comparatively small class of children who were actually or practically orphans.[5] In these cases all idea of making the condition of the pauper child less eligible than that of the lowest independent labourer was definitely abandoned. The whole concern of the Central Authority was to see that the provision for the boarded-out child was good and complete. Far from being assimilated to the children of the lowest independent labourers, the boarded-out children were only to be

[1] Eighth Annual Report, 1855, p. 58.

[2] Circular of 5th September 1863; in Sixteenth Annual Report, 1863-4, pp. 19, 34.

[3] *See* the first set, in Twentieth Annual Report, 1867-8, pp. 128-58.

[4] *Home Training for Pauper Children*, 1866; *Children of the State*, by Miss F. Hill, 1869; *The Advantages of the Boarding-out System*, by Col. C. W. Grant, 1869; *Pall Mall Gazette*, 10th April 1869; debate in House of Commons, 10th May 1869.

[5] Poor Law Board to Evesham Union, 3rd April 1869; House of Commons, No. 176 of 1869; Circular of 30th October 1869; Twenty-first Annual Report, 1868-9, pp. 25-6; House of Commons, No. 176 of 1870, pp. 123-189; Twenty-second Annual Report, 1869-70, pp. lii-lv and 2-8. It was explained to boards of guardians that they were at liberty to board-out children within the area of the union at their own discretion, "no orders or regulations to the contrary having been issued" (Poor Law Board to Newcastle Union, 17th March 1871).

entrusted to specially selected families superior to the lowest, who undertook to bring them up as their own, to provide proper food, clothing and washing, to train them in good habits as well as in suitable domestic and industrial work, and to make them regularly attend school and place of worship. For all this the foster parents were to receive with each child a sum three or four times as great as was, with the sanction of the Central Authority, commonly allowed for the maintenance of each of the couple of hundred thousand children at that date on out-door relief; and which (as Professor Fawcett vainly objected) was far in excess of what the ordinary labourer could afford to expend on his own children.[1] "A plan," observed Mr Fowle, "which cannot be defended on any sound principles of Poor Law."[2] "It is indeed impossible," says Mr. Mackay in this connection, "to deny that apparently every provision for pauper children may be regarded as a contravention of this rule. . . . Professor Fawcett's . . . argument has been tacitly neglected."[3]

E.—The Sick

We have shown that, between 1834 and 1847, it was not contemplated that persons actually sick would be received in the workhouse, and that there was no trace in the documents of any desire on the part of the Central Authority to interfere with the usual practice of granting to them outdoor relief, which had not been in any way condemned or discredited by the 1834 Report. The same may be said of the Statutes, Orders, and Circulars of 1847-71. We find no suggestion that the boards of guardians ought not to grant outdoor relief in cases of sickness, or that sick paupers ought to be relieved in the workhouse. On the contrary, the exceptions specifically made in favour of sick persons seem to be even widened in scope. Thus, in 1848, the Central Authority laid it down that widows with illegitimate children were not to be refused outdoor relief, if the children were sick.[4] By the Outdoor Relief Regulation Order of December 1852, it was definitely provided that outdoor relief might be given in case of sickness

[1] *Pauperism*, by H. Fawcett, 1871, pp. 79-91.
[2] *The Poor Law*, by Rev. T. Fowle, 1881, p. 144.
[3] *History of the English Poor Law*, by T. Mackay, 1899, vol. iii. p. 434.
[4] *Official Circular*, Nos. 14 and 15, N.S. April and May 1848, p. 228.

in the family, even if the head of the family was simultaneously earning wages.[1] The same policy was embodied in the corresponding General Order issued on 1st January 1869, to certain Metropolitan unions.[2] Further, in the panic about cholera in 1866, the Central Authority informed the boards of guardians by circular that in cases of emergency they might call in any medical and other assistance that was needed, and even provide whatever sustenance, clothing, etc., was required,[3] apparently irrespective of "destitution" and of all General Orders, etc., to the contrary. Moreover, early in this period we note the beginning of the special definition of "destitution" as regards medical relief which has since been acted upon, that is to say, the inability to pay for the medical attendance that the nature of the case requires. Thus it was declared by the Central Authority in 1848 that the parish doctor might attend sick servants living in their master's household, who were plainly not destitute in the ordinary sense, as not being without food and lodging, but who, if there were no wages due to them, might be unable to pay for medical attendance.[4] A similar line of thought may be traced in that provision of the Act of 1851 which authorised boards of guardians to make annual subscriptions out of the poor rate to public hospitals and infirmaries, to enable these non-pauper institutions the better to provide "for the poor."[5] "The sick wards of the workhouses," as the Central Authority explained in 1869, "were originally provided for the cases of paupers in the workhouse who might be attacked by illness; and not as State hospitals into which all the sick poor of the country might be received for medical treatment and care. So far is this, indeed, from being the case that at least two-thirds of the sick poor receive medical attendance and treatment in their own homes."[6] When in 1869-71, the Central Authority obtained elaborate reports showing, for all parts of England, the practice that prevailed of normally giving outdoor relief to the sick, and of taking them into the work-

[1] Outdoor Relief Regulation Order of 14th December, 1852.
[2] General Order of 1st January 1869, in Twenty-first Annual Report, 1868-9, pp. 28, 79-82.
[3] Circular of 27th July 1866, in Nineteenth Annual Report, 1866-7, p. 39.
[4] *Official Circular*, No. 20, N.S. Nov. and Dec. 1848, p. 297.
[5] Fourth Annual Report, 1851, p. 15; 14 & 15 Vic. c. 105, sec. 4.
[6] Twentieth Annual Report, 1867-8, pp. 27-8.

house infirmaries only when this was called for by (*a*) the nature of the disease, (*b*) the wishes of the patient, or (*c*) the nature of the home, and then only where suitable infirmary accommodation was available, there is no indication that any objection was entertained to the policy of outdoor relief to this large class.[1]

What is new in this period is the appearance, as a positive policy, of bringing pressure to bear on the boards of guardians to improve the quality of the medical attendance and medicine supplied. This led to an explicit disavowal, so far as regards the sick paupers, of any application to them of the principle of making the pauper's condition less eligible than that of the lowest grade of independent labourers. It is noteworthy that this new departure applied to outdoor medical relief quite as much as to institutional medical treatment, in which it has subsequently been sometimes excused on the ground that the superior treatment is accompanied by a loss of liberty. The new departure took three directions. It was definitely laid down that the medical attendance afforded to the outdoor paupers was to be of good quality, and thus necessarily above that obtained by the poorest independent labourer, or even by "the poor" generally. This was the outcome of a long campaign on behalf of the poorer members of the medical profession, of which Wakley was the leader in the House of Commons, and the *Lancet* the efficient organ.[2] In 1853 the Poor Law Board considered that the qualifications of the Poor Law medical officers "ought to be such as to ensure *for the poor* a degree of skill in their medical attendants equal to that which can be commanded by the more fortunate classes of the community."[3] On the suggestion of the House of Commons Committee on Poor Relief[4] it was authoritatively enjoined on boards of guardians in 1865 by a special circular that they were to supply freely quinine, cod-liver oil, and "other expensive medicines" to the sick poor;[5]

[1] Twenty-second Annual Report, 1869-70, pp. xxiv-xxvii, 38-108; Twenty-third Annual Report, 1870-1, pp. xliv-lii, 173-188.

[2] *See*, for instance, *The Administration of Medical Relief to the Poor—Reports by the Poor Law Committee of the Provincial Medical and Surgical Association*, 1842; *Life and Times of Thomas Wakley*, by S. Squire Sprigge, 1897.

[3] Mr. Baines (President of the Poor Law Board), 12th July 1853; *Hansard*, vol. 129, p. 138.

[4] Sixteenth Annual Report, 1863-4, p. 108.

[5] Circular of 12th April 1865, in Eighteenth Annual Report, 1865-6, pp. 23-24.

although it must have been plain that such things were beyond the reach of the independent labourers consulting the "sixpenny doctor," and even beyond the usual resources of the provident dispensaries of the period.[1] Finally, in 1867, the Metropolitan Poor Act authorised the establishment throughout London of Poor Law dispensaries. These institutions were consistently pressed on the Metropolitan boards of guardians by the Central Authority, as having been successful in Ireland in reducing the amount of sickness among the poor, and as ensuring, not only regular and more successful medical attention, but also a sufficient supply of medicines and medical appliances of standard quality.[2] By this elaborate systematisation of outdoor medical relief, the Central Authority not only put within the reach of the sick paupers medical attendance far superior to that accessible to the lowest grade of independent labourers, but even placed the sick pauper in the Metropolis, without loss of liberty, in a position equal to that of the superior artisan subscribing to a good provident dispensary.

The most remarkable change of front was, however, that relating to the institutional treatment of the sick. Down to 1847, it is not too much to say that "what may be called the hospital branch of Poor Law administration"[3] was ignored alike by Parliament, public opinion, and the Central Authority. We have shown that the institutional provision for the sick was not so much as mentioned in the Report of 1834, and that it remained practically ignored in all the Orders, Circulars, and Reports of the Poor Law Commissioners. The same is true of the first eighteen years of the Poor Law Board. Few and far between are the incidental references to the "sick wards" of the workhouses. There is not even a hint of a suggestion that relief to the sick poor could most advantageously take the form of an offer of "the House." On the contrary, it was held in 1848 that applicants for

[1] Some boards of guardians rebelled in this connection against a departure from the principle of "less eligibility" that they did not understand. When the circular of the Central Authority inviting compliance with the recommendation of the House of Commons Committee reached the Manchester Board of Guardians, it was referred to a committee. When the committee, after eighteen months' delay, recommended compliance, its report was rejected (MS. Minutes, Manchester Board of Guardians, 20th April 1865, and 25th October 1866).

[2] Twenty-second Annual Report, 1869-70, pp. xliv-lii. [3] *Ibid.* p. x.

admission suffering from "fever" might even be refused admission, the relieving officer being enjoined to find lodging elsewhere for them,[1] though how this was to be done the Central Authority did not, in 1848, say. In 1857, the Metropolitan Boards of Guardians were recommended to send such cases to the London Fever Hospital[2] (involving a payment by the guardians of 7s. weekly). Finally, in 1864-5, we have an outburst of public indignation at the condition into which the sick wards of the workhouses had been allowed to drift. The death of a pauper in Holborn workhouse, and of another in St. Giles's workhouse, under conditions which seemed to point to inhumanity and neglect, led to an enquiry by three doctors (Anstie, Carr, and Ernest Hart), commissioned by the *Lancet* newspaper, the formation of an "Association for improving the condition of the sick poor," and a deputation to the Poor Law Board.[3] The publication of various reports on the workhouse infirmaries, in which terrible deficiencies were revealed,[4] led to public discussion and Parliamentary debates. The Central Authority at once accepted the new standpoint. It made no attempt to

[1] *Official Circular*, Nos. 14 and 15, N.S., April and May 1848, p. 237.

[2] Circular of 1st August 1857, in Tenth Annual Report, 1857, p. 37. The Central Authority did not, prior to 1867, face the responsibility of deciding to require boards of guardians to provide hospital accommodation even for infectious diseases. In 1863, indeed, under fear of smallpox, it got so far as to transmit to Metropolitan boards of guardians an alarmist letter by Dr. Buchanan, and to permit the taking of temporary premises for "the destitute poor attacked by contagious or infectious disease" (Circular of 30th April 1863, in Fifteenth Annual Report, 1862-3, pp. 37-9). We believe that practically nothing was done upon this. In 1866, when cholera was imminent, another Circular was sent which, significantly enough, makes no mention of temporary hospitals, but points to an increase of the outdoor medical relief, disinfectants, sustenance and clothing to meet the "great increase of destitution" to be apprehended. "As far as practicable . . . the admission of cholera patients into the workhouse should be prevented" (Circular of 27th July 1866, in Nineteenth Annual Report, 1866-7, pp. 39-40).

[3] *See* for all this the Eighteenth Annual Report, 1865-6, pp. 15-16; Nineteenth Annual Report, 1866-7, pp. 15-18, 39; Twentieth Annual Report, 1867-8, pp. 25-28; Report of Dr. E. Smith on Metropolitan Workhouse Infirmaries and Sick Wards, in House of Commons, No. 372 of 1866; *The Condition of the Sick in London Workhouse Infirmaries* (Association for the Improvement of the London Workhouse Infirmaries, 1867); *Opinions of the Press upon the Conditions of the Sick Poor in London Workhouses* (*ibid.* 1867); *The Management of the Infirmaries of the Strand Union, the Rotherhithe and the Paddington Workhouses* (1867 ?).

[4] The provincial newspapers took up the work that the *Lancet* had begun. On 31st January 1865, a long report appeared in the *Manchester Examiner* revealing serious deficiencies in the Manchester Workhouse sick wards.

resist the provision of the necessarily costly institutional treatment for the sick poor, whether or not their ailments were infectious or otherwise dangerous to the public. The progressive improvement of "the hospital branch of Poor Law administration," to use the phrase of the Central Authority itself, which had in the preceding thirty years grown up unawares, was now definitely accepted as an important feature of its policy. Statutory powers were obtained for the provision of hospitals in the Metropolis by combinations of boards of guardians. Urgent letters were written pressing the boards of guardians to embark on the expenditure required to enable them to provide efficiently for the sick paupers.[1] From 1865 onward, we see the Central Authority, on the public-spirited initiative of Mr. W. Rathbone and the Liverpool Select Vestry, pressing on the boards of guardians the employment of salaried and qualified nurses to attend to the sick paupers, whatever their complaints.[2] We have even in 1867, so far as the sick are concerned, the explicit disavowal by the Central Authority of the very idea of the deterrent workhouse, which had formed so prominent a part of the policy of 1834-1847. Mr. Gathorne Hardy, speaking as President of the Poor Law Board, said "there is one thing . . . which we must

[1] Twentieth Annual Report, 1867-8, pp. 17-21. This new departure of the Central Authority was long strenuously resisted by many of the boards of guardians who prided themselves on the purity of their Poor Law policy. Thus, the published complaints of the Manchester Workhouse Infirmary led to an inquiry by the inspector, who made various suggestions for improvement. The board of guardians, on the advice of their own medical officer, held that the existing conditions were sufficiently satisfactory. Finally, after fifteen months, the Central Authority censured the master, asked for more nurses and (while avoiding any censure of the guardians for their past policy) practically invited them to adopt the new standpoint (MS. Minutes, Manchester Board of Guardians, 1st February 1865; 22nd February and 3rd May 1866). Two years later, Manchester was still objecting. When a conference of important North Country boards of guardians in 1862 (W. Rathbone presiding) had recommended a national grant-in-aid to improve the "pauper hospitals," the Manchester Board of Guardians formally dissented (though now only by a majority of one), protesting: "That the much higher system of medical treatment and nursing and the other advantages sought to be introduced into workhouse hospitals by the proposed measures would tend to discourage the provident habits and self-reliance of the industrious poor by providing for them therein far better accommodation and treatment than they can usually secure for themselves in cases of sickness" (MS. Minutes, Manchester Board of Guardians, 20th February 1868).

[2] Circular of 5th May 1865; Eighteenth Annual Report, 1865-6, pp. 16, 24-5, 62-8; *Nurses in Workhouses and Workhouse Infirmaries*, by Miss Wilson, 1890.

peremptorily insist on, namely, the treatment of the sick in the infirmaries being conducted on an entirely separate system, because the evils complained of have mainly arisen from the workhouse management—which must to a great degree be of a deterrent character—having been applied to the sick, *who are not proper objects for such a system.*"[1]

At first the new policy of the Central Authority for the institutional treatment of the sick took the form of the erection of special hospitals by "Sick Asylum Districts."[2] Presently, however, it came to the conclusion that this involved an unnecessary expense, and that it would be cheaper to revert to the idea of the Report of 1834, and use the existing workhouse buildings by a system of classification by institutions.[3] So definitely was this recognised as a reversion to 1834 that the Central Authority actually quoted the passage of the 1834 Report in justification of its plan.[4] From this point may be dated the adoption of the policy of the provision, in connection with the workhouse, but practically as a separate institution, of what is now called the Poor Law Infirmary.[5] In 1870 the Central Authority took pains to collect special statistics as to the extent to which this recently developed provision for the sick was being taken advantage of. It observes (and, significantly enough, without expression of disapproval) that "the numbers on the lists of relieving officers may be swollen

[1] *Hansard*, 8th February 1867, vol. 185, p. 163.

[2] *See*, for instance, the Special Orders for the Poplar and Stepney Sick Asylum District, 23rd April and 16th May 1868, and 7th March 1871; and that for the Central London Sick Asylum District of 2nd May 1868.

[3] Twenty-first Annual Report, 1868-9, pp. 16-18; Circular of 30th October 1869; Twenty-second Annual Report, 1869-70, pp. xxxvii-xli.

[4] The "policy of providing workhouses for separate classes of the poor was fully recognised by the Commissioners of Inquiry into the operation of the Poor Law in 1834, who in their Report recommended 'that the Central Board should be empowered to cause any number of parishes to be incorporated for the purpose of workhouse management, and for providing new workhouses where necessary, and to assign to those workhouses separate classes of poor though composed of the poor of distinct parishes.' And in another part of the same Report they say that it appears to them 'that both the requisite classification and the requisite superintendence may be better obtained in separate buildings than under a single roof. Each class then might receive an appropriate treatment; the old might enjoy their indulgences without torment from the boisterous, the children be educated, and the able-bodied subjected to such courses of labour and of discipline as will repel the idle and vicious'" (Twenty-first Annual Report, 1868-9, pp. 16-17).

[5] For a Special Order for such an Infirmary, *see* that of 27th June 1871.

by poor persons who in previous years, though really poor, refrained from coming on the rates, but whom changes in the law or in the mode of its administration have since attracted."[1] "Workhouses," it notes, "originally designed mainly as a test for the able-bodied, have, especially in the large towns, been *of necessity* gradually transformed into infirmaries for the sick. The higher standard for hospital accommodation has had a material effect upon the expenditure. So again it has been considered necessary to attach to workhouses separate fever wards; and wherever it was possible, these wards have been isolated by the erection of a separate building."[2] The extent to which the Poor Law had become the public doctor was indeed remarkable. The number of persons on outdoor relief who were "actually sick," apart from mere old age infirmity, and without their families, was found to be 13 per cent of the whole, equal to about 119,000. The number in the workhouses who were "actually sick," irrespective of "the vast number of old people disabled by old age, but not actually upon the sick list," varied in different unions from 14 to 39 per cent in the provinces, and up to nearly 50 per cent in some Metropolitan Unions; amounting, for the whole country, to about 60,000 actual sick-bed cases.[3] Taking indoor and outdoor patients together, the total simultaneously under medical treatment in the twelfth week of the half-year ending Lady Day 1870, was estimated at 173,000, being three quarters of one per cent. of the population, and perhaps one out of four of all the persons under medical treatment in the whole population. The story from this date is one continuous record, on the one hand of an ever-increasing number of patients treated, and, on the other, of never slackening pressure by the Central Authority to induce apathetic or parsimonious boards of guardians to expend money in making both the outdoor medical service and the workhouse infirmaries as efficient and as well adapted and as well equipped for the alleviation and cure of their patients—without the least notion of "the principle of less eligibility"—as the most scientifically efficient

[1] Twenty-second Annual Report, 1869-70, p. xi.

[2] *Ibid.* p. x.

[3] *See* the statistical inquiries summarised in the Twenty-second Annual Report, 1869-70, pp. xxiv-xxviii; House of Commons, No. 312 of 1865; No. 372 of 1866; No. 4 of 1867-8; No. 445 of 1868; House of Lords, No. 216 of 1866.

hospitals and State medical service in any part of the world. After 1867, indeed, there was developed, for the Metropolitan paupers suffering from infectious diseases, the splendid hospital system of the Metropolitan Asylums Board.[1] At the very end of the existence of the Poor Law Board, Mr. Goschen seems almost to have been contemplating a yet further extension. "The economical and social advantages," he observed, "of *free medicine to the poorer classes generally as distinguished from actual paupers, and perfect accessibility to medical advice at all times under thorough organisation,* may be considered as so important in themselves as to render it necessary to weigh with the greatest care all the reasons which may be adduced in their favour."[2]

F.—Persons of Unsound Mind

It is difficult to discover what was the policy of the Central Authority during this period with regard to lunatics, idiots, and the mentally defective. Lunacy had always been, and remained, a ground of exception from the prohibition to grant outdoor relief. The provision of a lodging for a lunatic was, moreover, an exception to the prohibition of the payment of rent for a pauper. As a result of these exceptions, there were on 1st January 1852, 4107 lunatics and idiots on outdoor relief,[3] and this number had increased by 1859 to 4892[4] and by 1870 to 6199.[5] The Central Authority took no steps to require or persuade boards of guardians not to grant outdoor relief to lunatics, nor yet to get any appropriate provision made for them in the great general

[1] *See* the Special Orders of 15th May, 18th June, and 17th July 1867; and 23rd December 1870.

[2] Twenty-second Annual Report of Poor Law Board (G. S. Goschen, president), 1869-70, p. lii. Already in 1846 and again in 1853 the Central Authority had expressed its "decided opinion . . . that money judiciously expended . . . in the improvement of the sanitary condition of the poorer classes, and in the prevention or removal of causes of disease, has a direct tendency to diminish or prevent future destitution and pauperism; and will thus be found to be most profitably expended, even in reference to the more direct object of the duties of the guardians" (Circular of 21st September 1853; in Sixth Annual Report, 1853, p. 36).

[3] Fifth Annual Report, 1852, pp. 7, 152.

[4] Twelfth Annual Report, 1859-60, p. 17.

[5] Twenty-third Annual Report, 1870-71, p. xxiii.

workhouses on which it had insisted. Parliament in 1862 (in order to relieve the pressure on lunatic asylums) expressly authorised arrangements to be made for chronic lunatics to be permanently maintained in workhouses, under elaborate provisions for their proper care.[1] These arrangements would have amounted, in fact, to the creation, within the workhouse, of wards which were to be in every respect as well equipped, as highly staffed, and as liberally supplied as a regular lunatic asylum.[2] The Central Authority transmitted the Act to the boards of guardians, observing, with what almost seems like sarcasm, that it was not "aware of any workhouse in which any such arrangements could conveniently be made";[3] and the provisions of this Act were, we believe, never acted upon. Whilst consistently objecting to the retention in workhouses of lunatics who were dangerous, or who were deemed curable, we do not find that the Central Authority ever insisted on there being a proper lunatic ward for the persons of unsound mind who were necessarily received, for a longer or shorter period, in every workhouse.[4] Moreover, the Central Authority took no steps to get such persons removed to lunatic asylums. In 1845 it had agreed with the Manchester Board of Guardians (who did not want to make any more use of the county asylum than they could help) that they were justified in retaining in the workhouse any lunatics whom their own medical officer did not consider "proper to be confined" in a lunatic asylum.[5] In 1849 it expressly laid it down that a weak-minded pauper or, as we now say, a mentally defective, must either be a lunatic, and be certified and treated as such, or not a lunatic, in which case no special treatment could be provided for him or her in the one general workhouse to which the Central Authority still adhered.[6] We can find no indication of policy as to whether it was recommened that such mentally

[1] 25 & 26 Vic. c. 111, secs. 8, 20, 31 (Lunacy Acts Amendment Act, 1862).

[2] Sixteenth Annual Report, 1863-4, pp. 21, 38-9.

[3] Circular of 15th December 1862, in Fifteenth Annual Report, 1862-3, pp. 35-7.

[4] On 1st January 1859, the number of persons of unsound mind in the workhouses was 7963 (Twelfth Annual Report, 1859-60, p. 17). This had risen by 1870 to 11,243 (Twenty-third Annual Report, 1870-71, p. xxiii).

[5] Poor Law Commissioners, 24th December 1845; in MS. records, Manchester Board of Guardians.

[6] *Official Circular*, No. 25, N.S., May 1849, pp. 70-1.

defectives should be granted outdoor relief, or (as one can scarcely believe) required to inhabit a workhouse which made no provision for them.[1]

The explanation of this paralysis of the Central Authority, as regards the policy to be pursued with persons of unsound mind, is to be found, we believe, in the existence and growth during this period of the rival authority of the Lunacy Commissioners, who had authority over all persons of unsound mind, whether paupers or not. The Lunacy Commissioners had not habitually in their minds the principle of "less eligibility"; and they were already, between 1848 and 1871, making requirements with regard to the accommodation and treatment of pauper lunatics that the Poor Law authorities regarded as preposterously extravagant. The records of the boards of guardians show visits of the inspectors of the Lunacy Commissioners, and their perpetual complaints of the presence of lunatics and idiots in the workhouses without proper accommodation; mixed up with the sane inmates to the great discomfort of both;[2] living in rooms which the Lunacy Commissioners considered too low and unventilated, with yards too small and depressing, amid too much confusion and disorder, for the section of the paupers for whom they were responsible.[3] Such reports, officially communicated to the Poor Law Board, seem to have been merely forwarded for the consideration of the board of guardians concerned. But other action was not altogether wanting. Under pressure from the Lunacy Commissioners, the Central Authority asked, in 1857, for more care in the conveyance of lunatics;[4] urged, in 1863, a more liberal dietary for lunatics in workhouses;[5] in 1867 it reminded the boards of guardians that lunatics required much food, especially milk and meat;[6] it was thought "very

[1] In 1868 visiting committees were recommended to see that weak-minded inmates were not entrusted with the care of young children (Circular of 6th July 1868 in Twenty-first Annual Report, 1868-9, p. 53).

[2] MS. Minutes, Plymouth Board of Guardians, 28th January 1846.

[3] *Ibid.* 5th November 1847. Some of the rooms were only 3¼ feet long and 7 feet wide, in fact, mere cupboards, which the Lunacy Commissioners said were unfit for any one. Yet nothing was done, and the "rooms" were still occupied in 1854 when the district auditor mildly commented on the fact (Letter Book, Plymouth Board of Guardians, August 1854).

[4] Circular of 27th February 1857, in Tenth Annual Report, 1857, p. 34.

[5] House of Commons, No. 50, Session 1 of 1867, p. 247.

[6] Twentieth Annual Report, 1867-8, p. 60.

desirable that the insane inmates . . . . should have the opportunity of taking exercise";[1] it concurred "with the Visiting Commissioner in deeming it desirable that a competent paid nurse should be appointed for the lunatic ward," in a certain workhouse;[2] it suggested the provision of leaning chairs in another workhouse;[3] and, in yet another, the desirability of not excluding the persons of unsound mind from religious services.[4] In 1870 it issued a circular, transmitting the rules made by the Lunacy Commissioners as to the method of bathing lunatics, for the careful consideration of the boards of guardians.[5] But we do not find that the Central Authority issued any Order amending the General Consolidated Order of 1847, which, it will be remembered, did not include among its categories for classification either lunatics, idiots, or the mentally defective; and the Central Authority did not require any special provision to be made for them.

The policy of the Lunacy Commissioners was to get provision made in every county for all the persons of unsound mind, whatever their means, in specially organised lunatic asylums in which the best possible arrangements should be made for their treatment and cure irrespective of cost, and altogether regardless of making the condition of the pauper lunatic less eligible than that of the poorest independent labourer. Unlike the provision for education, and that for infectious disease, the cost of this national (and as we may say communistic) provision for lunatics was a charge upon the poor rate. Under the older statutes, the expense of maintaining the inmates of the county lunatic asylums was charged to the Poor Law authorities of the parishes in which they were respectively settled; and the boards of guardians were entitled to recover it, or part of it, from any relatives liable to maintain such paupers, even in cases in which the removal to the asylum was compulsory and insisted on in the public interest.[6] The great cost to the poor rate of lunatics sent

[1] House of Commons, No. 50, Session 1 of 1867, p. 444.
[2] *Ibid.* p. 426. [3] *Ibid.* p. 407. [4] *Ibid.* p. 114.
[5] Circular of 21st March 1870, in Twenty-third Annual Report, 1870-71, p. 3.
[6] There had apparently been a doubt as to whether a husband was legally bound to contribute towards the maintenance of a wife who had been removed

to the county lunatic asylums, and the difficulty of recovering the amount from their relatives, prevented the whole-hearted adoption, either by the boards of guardians, or the Central Authority, of the policy of insisting on the removal of persons of unsound mind to the county asylums. For the imbeciles and idiots of the Metropolitan Unions, provision was made after 1867 in the asylums of the Metropolitan Asylums Board.[1] But no analogous provision for those of other unions was made. The result was that, amid a great increase of pauper lunacy, the proportion of the paupers of unsound mind who were in lunatic asylums did not increase.[2] On the other hand the indisposition of the Central Authority to so amend the General Consolidated Order of 1847 as to put lunatics in a separate category, and require suitable accommodation and treatment for them—an indisposition perhaps strengthened by the very high requirements on which the Lunacy Commissioners would have insisted—stood in the way of any candid recognition of the fact that for thousands of lunatics, idiots, and mentally defectives, the workhouse had, without suitable provision for them, and often to the unspeakable discomfort of the other inmates, become a permanent home.

G.—Defectives

During this period, the blind, the deaf and dumb, and the lame and deformed were increasingly recognised by Parliament as classes for whom the Poor Law authorities might,

under legal authority to a lunatic asylum. In 1850 the Central Authority got an Act passed to require him to pay (13 and 14 Vic. c. 101, sec. 4) on the ground that "great hardship has been frequently occasioned to parishes, who have been burthened with the heavy expense of such maintenance without the means of recovering from the husband even a partial reimbursement" (Third Annual Report, 1850, p. 16).

[1] Special Orders of 18th June 1867, 6th October 1870, 23rd December 1870, 17th June 1871, etc. It may be noted that in 1862 the Guardians of St. George's, Southwark, provided a separate establishment at Mitcham for their idiotic and imbecile paupers, which was regulated by Special Order of 30th April 1862.

[2] On 1st January 1852, the number in the county or borough asylums was 9412, and in licensed houses 2584; making a total of 11,996 out of 21,158 paupers of unsound mind (Fifth Annual Report, 1852, p. 152). On 1st January 1870, the number in asylums had risen to 26,634, and that in licensed houses had fallen to 1589, making a total of 28,223 out of 46,548 paupers of unsound mind (Twenty-third Annual Report, 1870-71, p. xxiii).

if they chose, provide expensive treatment. This was done by authorising boards of guardians, if they chose, to pay for their maintenance, whether children or adults, in special institutions.[1] We do not find that the Central Authority suggested the adoption of this or any other policy or gave any lead to the boards of guardians with regard to these cases.[2]

H.—The Aged and Infirm

We have shown that neither the Report of 1834 nor the Central Authority between 1834 and 1847 even suggested any departure from the common practice of granting outdoor relief to the aged and infirm. This continued, so far as the official documents show, to be the policy of the Central Authority during the whole of the period 1847-1871.[3] The only two references to the subject in the Orders and Circulars of this period assume that the aged and infirm will normally be relieved in their own homes. Thus, in 1852, in commenting on the provision requiring the weekly payment of relief, the Central Authority said, "as to the cases in which the pauper is too infirm to come every week for the relief, it is on many accounts advantageous that the relieving officer should, as far as possible, himself visit the pauper, and give the relief at least weekly."[4] And in the first edition of the Out-relief Regulation Order of 1852 (that of 25th August 1852) the Central Authority, far from prohibiting outdoor relief to persons "indigent and helpless from age, sickness, accident, or bodily or mental infirmity," formally sanctioned this practice, by ordering that "one third at least of such relief" should be given in kind (viz., "in articles of food or fuel, or in other

[1] 25 & 26 Vic. c. 43, sec. 10 (Poor Law Certified Schools Act of 1862); 30 & 31 Vic. c. 106, sec. 21 (1867); 31 & 32 Vic. c. 122, sec. 42 (1868).

[2] In 1849 the expenses of conveying a blind pauper to hospital were allowed to be paid under the head of non-resident relief in case of sickness (*Official Circular*, No. 24, N.S., April 1849, p. 64).

[3] For instance, in 1861, the Central Authority, in reply to a request from the Guardians of St. James's, Westminster, recommended the application of the workhouse test for the able-bodied males, but as regards the aged and infirm, warmly approved the policy of the guardians, to "cheerfully supply all that their necessities and infirmities require" (Poor Law Board, 19th January 1861, in Thirteenth Annual Report, 1860-1, p. 36).

[4] Letter to Board of Guardians, Barnsley Union, 26th October 1852, in House of Commons, No. 111 of 1852-3, p. 17.

articles of absolute necessity "),[1] the object being expressly explained to be, not, as might nowadays have been imagined, the discouragement of such relief, but the prevention of its misappropriation.[2] This provision was objected to by boards of guardians up and down the country, on the ground that it would be a hardship to the aged and infirm poor. The Poplar Board of Guardians, for instance, stated "that there are a large number of persons under the denomination of aged and infirm whom the guardians have, in their long practical experience, found it expedient and not objectionable to relieve wholly in money, feeling assured that it would be beneficially expended for their use, and that in consequence of their infirmity the relieving officer or his assistant, if necessary, is thereby enabled to conveniently relieve them at their own house."[3] The Norwich Guardians stated that it would be difficult "to determine (especially for the aged and sick poor) what kind of food or articles should be given." They also communicated with forty other unions, summoning them to concerted resistance.[4] A deputation "from most of the large and populous unions in the north of England . . . and from several Metropolitan parishes, representing in the aggregate upwards of 2,000,000 of population,"[5] assembled in London, and objected to nearly all the provisions of the Order. Accompanied by about twenty-five members of Parliament, the deputation waited on the Poor Law Board, and specially urged their objection to being compelled to give a third of all outdoor relief in kind. After two hours' argumentative discussion, Sir John Trollope said that the board would reconsider the whole Order, which need not in the meantime be acted upon; and he hinted at a probable modification of the Article relating to relief in kind.[6] In response to these objections, the Central Authority does not seem even to have

[1] General Order of 25th August 1852, art. 1 (in Fifth Annual Report, 1852, p. 17).

[2] Circular of 25th August 1852, in Fifth Annual Report 1853, p. 22.

[3] MS. Minutes, Poplar Board of Guardians, 18th October 1852.

[4] *Ibid.* Norwich Board of Guardians, 5th October 1852.

[5] *Ibid.* 7th December 1852.

[6] *Ibid.*; also Circular of 14th December 1852, in Fifth Annual Report, 1852, pp. 28-31. The Salford Union took part in a meeting of Lancashire Guardians on the subject (Salford Union to Poor Law Board, 26th October 1855, in Eighth Annual Report, 1855, p. 50).

suggested that outdoor relief to the aged and infirm was contrary to its principles. It first intimated its willingness to modify the Order if its working proved to be "accompanied with hardship to the aged or helpless poor"[1] and then within a few weeks withdrew the provision altogether as regards any but the able-bodied.[2] It was expressly explained that the Order, as re-issued, was intended as a precaution "against the injurious consequences of maintaining out of the poor rate *able-bodied labourers and their families* in a state of idleness," and that the Central Authority left to the boards of guardians "full discretion as to the description of relief to be given to indigent poor of every other class."[3] From that date down to the abolition of the Poor Law Board in 1871, we can find in the documents no hint or suggestion that it disapproved of outdoor relief to the aged and infirm. On 1st January 1871, nearly half the outdoor relief was due to this cause.[4]

I.—Non-Residents

There was no change in the policy of preventing relief to paupers not resident within the union. The Outdoor Relief Regulation Order of 1852 embodied the prohibition with the same exceptions as had been contained in the Outdoor Relief Prohibitory Order of 1844, omitting, however, that of widows without children during the first six months of their widowhood. But, as has been already mentioned, at the very end of the period the Boarding-Out Orders of 1869, etc., permitted children to be maintained outside the union.

J.—The Workhouse

We have seen that between 1834 and 1847 the Central Authority turned directly away from the express recommendations of the 1834 Report with regard to the institutional accommodation of the paupers. Instead of a series of separate

[1] Letter to Board of Guardians, Ashton-under-Lyne Union, 8th October 1852; in House of Commons, No. 111 of 1852-3, p. 14.

[2] General Order, 14th December 1852, and Circular of same date, in Fifth Annual Report, 1852, pp. 24, 29.

[3] Circular of 14th December 1852, in Fifth Annual Report, 1852, p. 29.

[4] Out of a total of outdoor paupers on 1st January 1871 (exclusive of vagrants and the insane) of 880,709, the destitution was "caused by old age or permanent disability" in the case of 423,206, viz. 117,681 men, 265,638 women, and 39,887 children dependent on them (Twenty-third Annual Report, 1870-1, p. 378).

institutions appropriately organised and equipped for the several classes of the pauper population — the aged and infirm, the children, and the adult able-bodied—the Central Authority had got established, in nearly every union, one general workhouse; nearly everywhere "the same cheap, homely building," with one common regimen, under one management, for all classes of paupers.

The justification for the policy which, as we have seen, Sir Francis Head induced the Central Authority to substitute for the recommendations of the 1834 Report, may have been his confident expectation, in 1835, that the use of the workhouse was only to serve as a "test," which the applicants would not pass, and that there was accordingly no need to regard the workhouse building as a continuing home.[1] This was the view taken by Harriet Martineau, who, in her *Poor Law Tales,* describes the overseer of the depauperised parish as locking the door of the empty workhouse when it had completely fulfilled its purpose of a test by having made all the applicants prefer and contrive to be independent of poor relief. By 1847, however, it must have been clear that, even in the most strictly administered parishes, under the most rigid application of the Outdoor Relief Prohibitory Order, there would be permanently residing in the workhouse a motley crowd of the aged and infirm unable to live independently; the destitute chronic sick in like case; the orphans and foundlings; such afflicted persons as the village idiot, the senile imbecile, the deaf and dumb, and what we now call the mentally defective; together with a perpetually floating population of acutely sick persons of all ages; vagrants; girls with illegitimate babies; wives whose husbands had deserted them, or were in prison, in hospital, or in the Army or Navy; widows beyond the first months of their widowhood and other women unable to earn a livelihood; all sorts of "ins and outs"; and the children dragging at the skirts of all these classes. The workhouse population in 590 unions of England and Wales on 1st January 1849, was, in fact,

[1] It must be remembered that, as already mentioned, it was no part of the policy of the Central Authority to relieve in the workhouse any of the aged and infirm or of the sick who preferred to remain outside, and who were (so far as the published documents show) to continue to receive outdoor relief.

121,331.[1] The condition of these workhouse inmates, and the character of the regimen to which they were subjected, had been brought to public notice in 1847 in the notorious Andover case. The insanitary condition of the workhouses of the period as places of residence, and, in particular, their excessive death-rate, was repeatedly brought to notice not only by irresponsible agitators, but also by such competent statistical and medical critics as McCulloch and Wakley.[2] But the very idea of the general workhouse was now subjected to severe criticism. "During the last ten years," said the author of an able book in 1852, "I have visited many prisons and lunatic asylums, not only in England, but in France and Germany. A single English workhouse contains more that justly calls for condemnation in the principle on which it is established than is found in the very worst prisons or public lunatic asylums that I have seen. The workhouse as now organised is a reproach and disgrace peculiar to England; nothing corresponding to it is found throughout the whole continent of Europe. In France the medical patients of our workhouses would be found in 'hopitaux'; the infirm aged poor would be in hospices; and the blind, the idiot, the lunatic, the bastard child and the vagrant would similarly be placed each in an appropriate but separate establishment. With us a common *Malebolge* is provided for them all; and in some parts of the country the confusion is worse confounded by the effect of Prohibitory Orders, which, enforcing the application of the notable workhouse-test, drive into the same common sink of so many kinds of vice and misfortune the poor man whose only crime is his poverty, and whose want of work alone makes him chargeable. Each of the buildings which we so absurdly call a workhouse is, in truth (1) a general hospital; (2) an almshouse; (3) a foundling house; (4) a lying-in hospital; (5) a school house; (6) a lunatic asylum; (7) an idiot house; (8) a blind asylum; (9) a deaf and dumb asylum; (10) a workhouse; but this part of the establishment is generally a *lucus a non lucendo*, omitting to find work even for able-bodied paupers. Such and so varied are the destinations of these

[1] Second Annual Report, 1849, p. 159.

[2] *Life and Times of Thomas Wakley*, by S. Squire Sprigge, 1897. *See*, for a contemporary indictment, *The Russell Predictions on the Working Classes, the National Debt and the New Poor Law Dissected*, by John Bowen, 1850.

common receptacles of sin and misfortune, of sorrow and suffering of the most different kinds, each tending to aggravate the others with which it is unnecessarily and injuriously brought into contact. It is at once equally shocking to every principle of reason and every feeling of humanity, that all these varied forms of wretchedness should be thus crowded together into one common abode, that no attempt should be made by law to classify them, and to provide appropriate places for the relief of each."[1]

During the period now under review, 1847-71, we see the Central Authority becoming gradually alive to the drawbacks of this mixture of classes. At first its remedy seems to have been to take particular classes out of the workhouse. We have already described the constant attempts, made from the very establishment of the Poor Law Board, to have the children removed to separate institutions and to get the vagrants segregated into distinct casual wards. It was the resistance and apathy of the boards of guardians that prevented these attempts being particularly successful,[2] and the Central Authority appears not to have felt able to issue peremptory orders on the subject. The policy of the Lunacy Commissioners drew many lunatics out of the workhouses, but this was more than made up by the increasing tendency to seclude the village idiot, so that the workhouse population of unsound mind actually increased.

We do not find that there was during the whole period any alteration of the General Consolidated Order of 1847, upon which the regimen of the workhouse depended. In spite of the increasing number of the sick and the persons of unsound mind, the seven classes of workhouse inmates determined by that Order were adhered to, and received no addition, though the Poor Law Board favoured the subdivision of these classes so far as it was reasonably possible in the existing buildings, especially in the case of women. In a letter of 1854[3] it lamented the evil which arose "from the

[1] *Pauperism and Poor Laws*, by Robert Pashley, Q.C., 1852, pp. 364-5.

[2] On 1st January 1871 we estimate that of the 55,832 children on indoor relief, only 4979 were in district schools, and some 9000 in union boarding schools, leaving about 40,000 living in the workhouses.

[3] Regulations relating to the Classification of Workhouse Inmates, in House of Commons, No. 485 of 1854.

association of girls, when removed from workhouse union schools, with women of bad character in the able-bodied women's ward," and wished that it could be prevented. At the same time it stated that in the smaller workhouses it was "often impracticable to provide the accommodation" which would be necessary in order to maintain a complete separation; and while pointing out that it was legally competent for the guardians (with its approval) to erect extra accommodation, by means of which this contamination could be avoided, the Central Authority did not even remotely suggest that it was the guardians' duty so to do. By 1860 it "had given instructions that every new workhouse should be so constructed as to allow of the requisite classification."[1]

From about 1865 onwards we note a new spirit in all the circulars and letters relating to the workhouse. The public scandal caused by the *Lancet* inquiry into the conditions of the sick poor in the workhouses, and the official reports and Parliamentary discussions that ensued, seem to have enabled the Central Authority to take up a new attitude with regard both to workhouse construction and workhouse regimen. From this time forth the workhouse is recognised as being, not merely a "test of destitution" for the able-bodied, which they were not expected long to endure, but also the continuing home of large classes of helpless and not otherwise than innocent persons. "Able-bodied people," reported the Medical Officer in 1867, "are now scarcely at all found in them during the greater part of the year. . . . Those who enjoy the advantages of these institutions are almost solely such as may fittingly receive them, viz. the aged and infirm, the destitute sick and children. Workhouses are now asylums and infirmaries."[2]

From now onwards we see the Central Authority always striving to improve the workhouse. In the Circulars of 1868 much attention was paid to the sufficiency of space and ventilation. It was required that parallel blocks of building should be so far apart as to allow free access to light and air; blocks connected at a right or acute angle were to be avoided.

[1] Mr. C. P. Villiers, *Hansard*, 4th May 1860, vol. clviii. p. 694.

[2] Dr. E. Smith, Medical Officer to Poor Law Board, in Twentieth Annual Report, 1867-8, p. 43.

Ordinary wards were to be at least ten feet high and eighteen feet wide, the length depending on the number of inmates; 300 cubic feet of space were required for each healthy person in a dormitory, 500 for infirm persons able to leave the dormitory during the day, and 700 in a day and night room.[1] The Visiting Committee was to "ascertain not merely whether the total number for which the workhouse is certified has been exceeded, but whether the number of any one class exceeds the accommodation available for it."[2] No wards were to be placed side by side without a corridor between them; the corridors were to be six feet wide, and ordinary dormitories were to have windows into them. Windows and fanlights into internal spaces were to be made to open to be used as ventilators, and ventilation was also to be "effected by special means, apart from the usual means of doors, windows, and fireplaces," air-bricks being recommended as a simple method.[3] No rooms occupied by the inmates as sleeping-rooms were to be on the boundary of the workhouse site. Hot and cold water was to be distributed to the bath-rooms and sick wards. Airing yards for the inmates were to be "of sufficient size"—with a rider that "if partially or wholly paved with stone or brick or asphalted or gas-tarred they are often better than if covered with gravel."[4] Yards for the children, sick, and aged were to be enclosed with dwarf walls and palisades where practicable, presumably with the object of giving a look-out, and making the yard slightly less prison-like.[5] "Small yards, and a work-room, and a covered shed for working in in bad weather," were to be provided for vagrants.[6] For workhouses having a large number of children the Poor Law Board recommended, "in addition to the school-rooms, day-rooms, covered play-sheds in their yards, and industrial work-rooms."[7] The staircases were to be of stone; the timber, Baltic fir and

[1] Circular of 15th June 1868, in Twenty-first Annual Report, 1868-9, pp. 48-9; Circular of 29th September 1870, in Twenty-third Annual Report, 1870-1, p. 9. This was the more important as Dr. Smith held that "*during the night at all seasons*, and during a large part of the day in cold and wet weather, the windows cannot be opened with propriety" (Report of Dr. E. Smith on Metropolitan Workhouse Infirmaries and Sick Wards, in House of Commons, No. 372 of 1866, p. 53).

[2] Circular Letter of 6th July 1868, in Twenty-first Annual Report, 1868-9, p. 55. [3] Circular of 15th June 1868, in *ibid.* pp. 48-50.

[4] *Ibid.* p. 50. [5] *Ibid.* [6] *Ibid.* p. 51. [7] *Ibid.* p. 49.

English oak; fire escapes were to be provided; these and many other details were laid down, all tending to make the building solid and capacious.[1] There was no mention of ornament, no regard to appearance, no hint that anything might be done to relieve the dead ugliness of the place; but it must be recognised that the Central Authority had, by 1868, travelled far from the "low, cheap, homely building" which it was recommending thirty years before.[2]

Separate dormitories, day-rooms, and yards (apparently not dining-rooms) were required for the aged, able-bodied, children, and sick of each sex, and these were the only divisions laid down as fundamental, but the Circular went on to recommend provision (1) "so far as practicable for the sub-division of the able-bodied women into two or three classes with reference to moral character, or behaviour, the previous habits of the inmates, or such other grounds as might seem expedient," and (2) "in the larger workhouses" for the separate accommodation of the following classes of sick—

Ordinary sick of both sexes.
Lying-in women, with separate labour room.
Itch cases of both sexes.
Dirty and offensive cases of both sexes.
Venereal cases of both sexes.
Fever and small-pox cases of both sexes (to be in a separate building with detached rooms).
Children (in whose case sex was not mentioned).[3]

In the furnishing of the wards the simplicity of 1868 was equally far removed from that of 1835. Ordinary dormitories contained beds 2 feet 6 inches wide, chairs, bells, and gas where practicable. Day-rooms were to have an open fireplace, benches, cupboards (or open shelves, which were pre-

[1] Circular of 15th June 1868, in Twenty-first Annual Report, 1868-9, p. 51.

[2] We soon see the effect of this action by the Central Authority in the rapid growth of the capital expenditure of the boards of guardians. The annual reports of the next few years record extensive new buildings. In the thirty-one years down to 1864-5, the total sum authorised for the building, altering, and enlarging of workhouses and schools had reached £6,059,571, or an average of £195,541 a year (Seventeenth Annual Report, 1864-5, pp. 328-9). Within six years this had risen to £8,406,215 (Twenty-third Annual Report, 1870-1, pp. 446-53). Of the new capital outlay in these six years of no less than £2,346,644 or £391,108 a year, half had taken place in the Metropolis, and a quarter in Lancashire.

[3] Circular of 15th June 1868, in Twenty-first Annual Report, 1868-9, pp. 47-8.

ferred), tables, gas, combs, and hairbrushes. "A proportion of chairs" were to be provided "for the aged and infirm"; and of the benches, likewise, "those for the aged and infirm should have backs, and be of sufficient width for reasonable comfort." In the dining-rooms were to be benches, tables, a minimum of necessary table utensils, and if possible gas and an open fireplace. The sick wards were to be furnished with more care, and with an eye to medical efficiency. It is unnecessary to go into the long and detailed list of the medical appliances which were required. There is even some notice of appearances in a suggestion that "cheerful-looking rugs" should be placed on the beds, and of comfort in the arm and other chairs "for two-thirds of the number of the sick." There were also to be short benches with backs, and (but these only for special cases) even cushions; rocking-chairs for the lying-in wards, and little arm-chairs and rocking-chairs for the children's sick wards.[1] Dr. Smith had further recommended a Bible for each inmate, entertaining illustrated and religious periodicals, tracts and books, games, and a foot valance to the bed to "add to the appearance of comfort."[2] These suggestions were not specifically taken up by the Central Authority, but Dr. Smith's report was circulated to the guardians, without comment.[3] We have the beginning, too, between 1863 and 1867, of the improvement of the food, which was regulated in each workhouse by a separate Special Order, prescribing a dietary, differing widely from union to union.[4] In 1866 the report

[1] Circular of 13th June 1868, in Twenty-first Annual Report, 1868-9, pp. 44-6.

[2] Report of Dr. E. Smith on Metropolitan Workhouse Infirmaries and Sick Wards, in House of Commons, No. 372 of 1866, pp. 51-2.

[3] Circular of 20th July 1866, in Nineteenth Annual Report, 1866-7, p. 39.

[4] It appears from a Minute of Lord Ebrington that, on entering the Poor Law Board, he was much struck by there being no physiological information available in the office as to the proper amount of food required or as to the physiological equivalents of different foods. The dietaries had apparently all been sanctioned without reference to such an inquiry. He called for a report, and, we believe, had an investigation made by Dr. Lyon (afterwards Lord) Playfair. The Report (signed Thomas Harries, and dated June 1st 1850) reveals the most astounding differences between the amounts of food, the proportions and amounts of nitrogenous materials, and the cost of the dietaries sanctioned for 529 unions. (Eighty-four unions had no dietary sanctioned.) In Berkshire, for instance, the Central Authority had approved of the pauper in the Cookham Union getting only $15\frac{2}{16}$ oz. of nitrogenous ingredients (per day?), whilst the pauper in the Wokingham Union was allowed $24\frac{1}{16}$ oz. In the Metropolis, the inmates of the West London Workhouse had been directed to exist on $14\frac{7}{16}$ oz. a day, whilst those in the Bermondsey Workhouse had been permitted to con-

of the medical officer in favour of skilled cooking, by a professional cook, instead of by a pauper inmate, really hot meals (even to the use of "hot water dishes"), and efficient service, so as to increase the comfort of the inmates, was circulated to the boards of guardians.[1] After many reports and elaborate inquiries, the Central Authority in 1868 issued a Circular of very authoritative suggestions for a general improvement in the workhouse dietaries. After a protest that no cause had been shown for any fundamental change in the principles which had been hitherto recommended, it was urged that there were various points which the guardians should remember in framing dietaries. The first of these points was the addition of several classes who were to have separate dietaries, viz.:—

(*a*) The aged and infirm not on the medical officer's book.

(*b*) Inmates on the medical officer's book for diet only and not on the sick list.

(*c*) Inmates allowed extra diets on account of employment, and those allowed alcohol for the same reason.

(*d*) Children aged nine to sixteen, if the guardians thought they should be separately dieted.

(*e*) Sick diets to be framed by the medical officer as before.

(*f*) Imbeciles and suckling women to be dieted as the aged, "with or without the substitution of milk porridge and bread at breakfast or supper or at both meals."

sume $27\frac{8}{10}$ oz. It was found, contrary to the common belief, that the dietaries of the workhouses in the Metropolis and the great towns were, on an average, lower than those of rural unions. There had, moreover, been a total lack of quantitative definition of the ingredients of soups, puddings, etc., with the result of extraordinary diversity. Sometimes able-bodied women were allowed the same quantities as men; sometimes much smaller quantities. We cannot trace whether any action was taken on this Memorandum. No General Order or Circular was issued on the subject at the time, or, indeed, for more than a dozen years; and the workhouse dietaries remained extremely diverse. But the Central Authority doubtless acted on the information in its possession. In September 1850, for instance, it demurred to approving a dietary proposed by the Bradfield Guardians, on the ground that it was "so decidedly less nutritious than those of other unions, in fact, only half what is given in some, and more than a quarter less than the general average." The Bradfield Guardians triumphantly retorted that their proposed dietary for paupers provided more nourishment than the independent labouring classes of the neighbourhood got in their own homes! (MS. Minutes, Bradfield Board of Guardians, 10th September 1850); which, considering the wages of the Berkshire farm labourers, is not unlikely to have been true.

[1] Circular of 14th September 1866, in Nineteenth Annual Report, 1866-7, pp. 395-6.

Then followed various detailed suggestions, some of which dealt with ingredients and methods of cooking. Soup or broth dinners were not to be given more than twice a week; nor were bread and cheese or suet pudding dinners, except to the able-bodied. Fresh vegetables were to be provided, if possible, five times a week, and boiled rice alone was not to be made a substitute for them. Rice pudding was not to be given as a dinner except to children under nine, and to them not more than twice a week. Children were not to have tea or coffee, except for supper on Sunday, but milk at breakfast and supper, and they were to be given two or three ounces of bread at 10 A.M. It was "suggested that tea, coffee, or cocoa, with milk and sugar, and accompanied by bread and butter or bread and cheese, should be allowed to all the aged and infirm women at breakfast and supper, and the same to aged and infirm men, or milk porridge with bread" might be given at one of those meals. The ordinary rations were—of meat (cooked, without bone), for men four ounces, for women three ounces; of soup, one to one and a half pints (containing three ounces of meat) for an adult; and of bread at breakfast or supper, six ounces for able-bodied men, for the aged, women, and children over nine five ounces, and proportionately less for younger children.[1]

The movement for the improvement of the workhouse thus initiated by the Central Authority in 1865-70 represents a

[1] Circular of 7th December 1868, in Twenty-first Annual Report, 1868-9, pp. 41-4. In the different Metropolitan workhouses the Central Authority sought to obtain absolute uniformity, and to this end had a model drawn up which was submitted to the guardians for their adoption. It is strange that this dietary allowed less bread and more meat than was recommended by the Board in the circular just described, only a few months later—perhaps because larger allowances of meat were made in the dietaries already in force in London unions. This dietary, prepared by Dr. Markham, contained tables for the able-bodied, the aged, and inmates engaged on extra labour, in each case of both sexes, but not for the other classes named in the above-mentioned circular. The points chiefly dwelt upon were the necessity of good cooking, of giving reasonable quantities of food, sufficient but not wasteful, and of obtaining materials of good quality, so as to attain the greatest possible economy (Circular of 23rd April 1868, in *ibid.* pp. 35-41). It is to be noted that the Central Authority issued no order on the subject. The result was that in most cases the guardians practically ignored the suggestions, and continued in their diversity. Camberwell, for instance, continued to allow the able-bodied pauper 107 oz. of bread per week, whereas the Poor Law Board had suggested 76 oz. only. The hated oatmeal porridge and suet pudding were minimised (Report of Mr. J. H. Bridges, 15th May 1873).

vast departure, not only from the policy of the Poor Law Commissioners of 1835-47, but also from that of the Poor Law Board itself from 1847 to 1865. Unfortunately, in the absence of any embodiment of the new policy in a General Order, it was left to the slow and haphazard discretion of the six hundred boards of guardians how far it was carried into practice.[1] There is, however, evidence that by 1872, at any rate, the Metropolitan workhouses were reported to have become "attractive to paupers," and to contain "many persons . . . who could maintain themselves out of doors; and, in short, that the workhouse furnishes no test of destitution."[2] Moreover, though the Central Authority sought to improve the physical conditions of workhouse life, and even to promote the comfort of the classes who now formed the great bulk of the workhouse population, it does not seem to have had any idea of remedying the mental deadness of the workhouse, the starvation of the intellect, the paralysis of the will, and the extinction of all initiative to which such an existence inevitably tended. The only hint that we can find during the whole period of any consciousness that the hundred and fifty thousand workhouse inmates had minds is a statement by Mr. C. P. Villiers in 1860 that "the board had readily consented to establish libraries" for the inmates.[3] We cannot find any order authorising the provision of workhouse libraries, or any circular suggesting them; nor do we discover their existence from such local records as we have been able to consult.

[1] The average cost of in-maintenance throughout the Kingdom (apart from buildings, repairs, rates, salaries, etc.) appears to have risen between 1863 and 1870 from £4·340 for the half-year to £4·781, or by over 10 per cent. The 125,368 indoor paupers on 1st July 1863 cost £521,292 for the half year ended Michaelmas 1863 (Seventeenth Annual Report, 1864-5, pp. 189 and 198); whereas, the 144,470 indoor paupers on 1st July 1870 cost £690,812 for the half-year ended Michaelmas 1870 (Twenty-third Annual Report, 1870-1, pp. 349 and 367). In the Metropolitan unions the average cost for the half-year rose from 5·077 to 5·588, or by slightly over 10 per cent. We gather that the corresponding amounts for 1905 were not much above £6 for the whole country and £7 for the Metropolis, which does not seem a great further advance for a quarter of a century.

[2] Office Minute of 1873. This had been pointed out by Mr. Corbett in 1868. "In none of these workhouses is it possible to apply the workhouse as a test of destitution to single able-bodied men, nor can indoor relief be afforded to those with families in many instances in which it would be desirable" (Mr. Corbett's Report, 4th January 1868, in Twentieth Annual Report, 1867-8, p. 126).

[3] Mr. C. P. Villiers, President of the Poor Law Board, 4th May 1860, *Hansard*, vol. clviii. p. 694.

K.—Emigration

Emigration was not made the subject, during this period, of statute, order, or circular. At first we find the Central Authority continuing the favour to it which had been expressed in the 1834 Report and in the documents and action of the Poor Law Commissioners. In 1849 the Central Authority got a Bill through Parliament increasing the powers of promoting and assisting emigration,[1] in support of which the Manchester Board of Guardians petitioned in characteristic phraseology.[2] In the same year the Central Authority even approved the sending out of a convict's family to join him; "the transportation of the convict is not a voluntary desertion of the family, and when the Government promotes the sending out of the family . . . the expenditure of the poor rate in furtherance of that object may properly be sanctioned."[3] By 1852 the number of persons emigrated at the expense of the poor rate had risen to 3271 in a single year, four-fifths going to the Australian Colonies.[4] By this time the total number of persons assisted to emigrate at the expense of the poor rates, between 1834 and 1853, had mounted up to nearly 24,000.[5] The policy then changes. The number of persons emigrated at the expense of the poor rate suddenly declines, falling from 3271 in 1852 to 488 in 1853.[6] In 1854 it is recorded that the Central Authority had "declined during the past year to sanction any expenditure from the poor rate in aid of emigration to the Australian Colonies (except in . . . special circumstances), on the ground that the condition of those colonies [appeared] to be such as of itself to attract largely voluntary and independent emigration"[7]—a reason, we may observe, which does not seem relevant to a discussion of the advantage or disadvantage of emigration as a means of reduc-

[1] 12 & 13 Vic. c. 103, sec. 20; Second Annual Report, 1849, p. 12.

[2] "Your petitioners having had practical proof of the tendency of labour to accumulate beyond the bounds of remunerative investment for capital, consider that a well-arranged system of emigration is the present most feasible mode of preserving a correct equilibrium between the supply and demand for labour" (MS. Minutes, Manchester Board of Guardians, 12th July 1849).

[3] Second Annual Report, 1849, p. 12. [4] Fifth Annual Report, 1852, p. 7.

[5] *See* the total given years later, in Ninth Annual Report, 1856, p. 119.

[6] Sixth Annual Report, 1853, p. 6. [7] Seventh Annual Report, 1854, p. 8.

ing pauperism at home. It does not appear that the change of policy was due, as it might have been, to a conviction that a colony in a period of excitement over "gold rushes" was not a suitable place to which to send a young person in whose welfare one took a personal interest. It may be that the real reason was a political one, viz. objections expressed by the Australian colonies themselves. Whatever the motive, however, rate-aided emigration remained in disfavour. "We must consider," said the Poor Law Board in 1860, "that at present emigration cannot be considered as any practical remedial measure for the repression of pauperism."[1] In 1863, Mr. Villiers, speaking as President of the Poor Law Board, gave a new reason for the disfavour into which emigration had fallen. "I do not mean to say," he protested, on a discussion about the distress caused by the Lancashire Cotton Famine, "that the Government should discourage emigration. . . . [But] when we know the large amount of capital in the country, and the great increase of it, and are also cognisant of the demand for labour a few years since, I do not think it would be wise of the Government to expend public money in the promotion of emigration."[2] For the next seven years emigration at the expense of the poor rate practically ceases, the number of persons so assisted falling in 1866-7 to eighteen.[3] In the following year, 277 persons were sent from Poplar, then exceptionally distressed,[4] but there was no general resumption of the policy, so far as adults were concerned. In 1869 the Central Authority, whilst disavowing any intention of reviving the policy, tried to simplify the procedure with regard to emigration, but found the representatives of the colonies adverse.[5] In 1870 there was, however, a slight revival, accompanied by the new feature of the emigration to Canada of orphan or deserted children (Miss Rye's scheme),[6] destined to become thenceforth a constant feature, though not in any one year attaining any considerable magnitude. The total number of persons

[1] Twelfth Annual Report, 1859-60, p. 19.

[2] Mr. C. P. Villiers, President of Poor Law Board, 27th April 1863, *Hansard*, vol. clxx. pp. 814-15.

[3] Nineteenth Annual Report, 1866-7, p. 19.

[4] Twentieth Annual Report, 1867-8, pp. 33, 398.

[5] Twenty-second Annual Report, 1869-70, pp. lvi.-lvii.

[6] Twenty-third Annual Report, 1870-1, pp. xlvi., 441.

emigrated at the expense of the poor rate in the seventeen years between 1853 and 1870 was between three and four thousand, as contrasted with nearly 24,000 in the preceding nineteen years.[1]

L.—Relief on Loan

We may note that the Central Authority did not advise making use of the statutory power to grant relief in the form of a loan, as a means of discouraging applicants, but regarded it solely as a way of saving the rates. Such relief was to be granted with due consideration and the *bona fide* intention of recovering.[2] Relief could not be given on loan if it would be contrary to Order to grant it not on loan.[3] In fact, what might not lawfully be given, was not to be lent.[4] Whatever was granted on loan should always be strictly recovered in due time. "The power of lending is only to be exercised where the guardians think fit to do something less than absolutely give the relief applied for in cases where the application is lawful."[5] As examples of occasions suitable for relief on loan, the Central Authority adduced that of a mentally defective person having a regular and sufficient income, but yet occasionally destitute from incapacity to manage his expenditure.[6] Other cases are those of wives or children found destitute, when the relief may be made on loan to the husbands or parents.[7] A further instance is supplied by relief applied for by the mother of an illegitimate child who is entitled to periodical payments from the putative father. The putative father may be asked to make his payments in such a way as to facilitate the recovery of the loan from the mother.[8] We find no revival of the idea mooted in 1840 of granting medical relief on loan.

[1] *See* the total in Twenty-third Annual Report, 1870-1, p. 441.

[2] Letter of 8th April 1850, in *Official Circular*, July 1850, No. 39, N.S. p. 108.

[3] Outdoor Relief Regulation Order, 25th August 1852, and 14th December 1852, in Fifth Annual Report, 1852, pp. 19, 26 ; General Order of 1st January 1869, in Twenty-first Annual Report, 1868-9, p. 81.

[4] Circular of 25th August 1852, in Fifth Annual Report, 1853, p. 23.

[5] *Ibid.*

[6] Letter of May 1849, in *Official Circular*, No. 25, N.S. 1849, p. 71.

[7] Outdoor Relief Regulation Order of 25th August and 14th December 1852, in Fifth Annual Report, 1852, pp. 19, 26 ; General Order of 1st January 1869, in Twenty-first Annual Report, 1868-9, p. 81.

[8] *Official Circular*, September 1850, No. 41, N.S. p. 131.

M.—Co-operation with Voluntary Agencies

A noteworthy feature of the very end of this period was the emphasis suddenly laid upon the importance of systematic co-operation between the Poor Law and voluntary charitable agencies. This was the novel feature of Mr. Goschen's celebrated Minute of 20th November 1869. His object was "to avoid the double distribution of relief to the same persons, and at the same time to secure that the most effective use should be made" of voluntary funds. With this view he sought "to mark out the separate limits of the Poor Law and of charity respectively, and [to find out] how it is possible to secure joint action between the two." He suggested that voluntary agencies should undertake the following :—

(*a*) The necessary supplementing of insufficient incomes —and he does not here distinguish between earnings, dividends, pensions, and family contributions— "leaving to the operation of the [Poor] Law the provision for the totally destitute."

(*b*) Donations of bedding, clothing, or other similar articles not provided by the guardians (as distinguished from food or money)[1] to persons in receipt of outdoor relief.

(*c*) Services to such persons which are beyond the power of the guardians (such as the redemption from pawn or the purchase of tools or clothes, and the expenses of migration).

It was suggested that charitable agencies and the relieving officers should bring to each other's notice all cases falling within each other's spheres, in order that none might be overlooked; systematically giving each other also information of all cases that were being relieved, so as to prevent any overlapping. Mr. Goschen seems to have thought

[1] The policy of the Central Authority seems, down to this date, to have contemplated the supplementing of outdoor relief, not only by charitable gifts in kind, but also by money. At Poplar, in 1868, a special committee draws attention to the "instruction" of the Poor Law Board that when relief is given to persons in receipt of charitable relief, the relief given must be only so much as, with the assistance of the charitable relief, will suffice for the relief of such person's actual necessities (MS. Minutes, Poplar Board of Guardians, 22nd September 1868).

it beyond the power of the Poor Law Board to do anything to set going any joint action between the Metropolitan boards of guardians and charitable agencies. He did not convene a conference or initiate a joint committee, or even circulate his proposal to the Metropolitan charities; though he had evidently been advised that the services both of the officers of the Poor Law Board and of those of the guardians could legally be used "to assist in systematising . . . relief operations in various parts of the Metropolis," and "to facilitate the communication between the official and private agencies"; and that Poor Law funds could be drawn on for remuneration for their extra work and for the necessary printing. He confined himself literally to sending his Minute to the Metropolitan boards of guardians, with a request for their views upon it. In reply, he got little beyond a series of expositions of the apparent impracticability of his proposals. In commenting on these replies, the Central Authority did not pursue Mr. Goschen's suggestions, but urged only "increased vigilance and the appointment of more relieving officers" on the one hand,[1] and on the other the grant of "more adequate relief."[2] There the matter rested, for though systematic co-operation between charities and the Poor Law has since been assumed to be the policy of the Central Authority, we cannot find that there has ever been any second official statement on the subject.[3]

To the historian of Poor Law policy, Mr. Goschen's Minute is important as the first indication of what we shall see developing in the ensuing period—an attempt to restrict the

[1] The number of relieving officers in the Metropolis had already increased from 102 in 1866 to 161 in 1870. It now rose further to 190 in February, 1873 (Mr. Corbett's Report of 10th August 1871, as reprinted for circulation in 1873). The number is now (1907) about 205.

[2] Twenty-second Annual Report, 1869-70, pp. xxxii-xxxiv, 9-30. Mr. Goschen directed an inspector to make a special inquiry into the administration of outdoor relief in the Metropolis, and this was followed by similar inquiries in the provinces (Twenty-third Annual Report, 1870-1, pp. ix-xxi, 32-173; First Annual Report of the Local Government Board, 1871-2, pp. xv, 88-215; Second Annual Report, 1872-3, pp. xvi-xviii; Third Annual Report, 1873-4, pp. xx, 66-116, 136-209). The reports that resulted revealed many defects and some malpractices, but we do not find that there was any action by the Central Authority.

[3] It should perhaps be mentioned that in the Third Annual Report, 1873-4 (pp. xvii. and 126-35), reports by Miss Octavia Hill and Colonel Lynedoch Gardiner, on the Co-operation of Charity with the Poor Law in Marylebone, are given and commended.

range of operations of the Poor Law, which here began to battle with the opposite tendency to extend the range of those operations, and to improve their quality, which, as we have seen, had marked the whole reign of the Poor Law Board with regard to children and persons of unsound mind; and which had, from 1865, taken such a stride onwards in the provision of hospitals and dispensaries for the sick, and improved accommodation for the workhouse inmates.

N.—The Position in 1871

In 1867 the Poor Law Board, which had been continued from time to time by temporary statutes, was made permanent,[1] and in 1871 it was merged in a new and permanent department, the Local Government Board, established to take over not only the Poor Law business, but also the Local Government Act Department of the Home Office and the growing public health service, which had, since the abolition of the General Board of Health, been under the Privy Council. This amalgamation, which was not brought about by anything to do with the Poor Law side, does not mark any significant epoch in Poor Law policy. It is therefore unnecessary to attempt any summary of the whole policy of the Poor Law Board as such. It need only be noted at this point that the new establishment of the Central Authority on a permanent basis, no longer dependent on temporary statutes, but definitely one of the departments of the national executive, with its President more frequently than not a member of the Cabinet, greatly strengthened the authority and augmented the confidence with which it dealt with boards of guardians. And this authority was in these years being fortified by the growth of an official staff, on a more permanent basis than the temporarily serving inspectors and assistant inspectors of a professedly temporary board. We are already conscious, at the end of this period, of a growing firmness of touch and an increasing consciousness of there being once more a deliberate policy, which the new department will strive to carry out and enforce.

[1] The Liverpool Vestry and various boards of guardians objected to the Poor Law Board being made permanent, as its very existence tended to lessen the sense of responsibility of the local Poor Law authorities (Report of Special Vestry Meeting, Liverpool, in *Liverpool Mercury*, 27th June 1867).

CHAPTER IV

THE LOCAL GOVERNMENT BOARD

As we have already mentioned, the merging of the Poor Law Board in the newly established Local Government Board came about for reasons unconnected with the Poor Law, and it coincided with no definite change in Poor Law Policy. But, as already indicated, the placing of the Central Authority on a permanent basis coincided with a gradual improvement in the quality of the inspectorial staff, who, in the ensuing decades, remind us more of the masterful assistant commissioners of the 1834-47 period. On the other hand, the development of the office from a mere specialised authority, concerned only with a single function, into what became practically a Ministry of the Interior, charged with the supervision of all the local government of the country (with the partial exception of police and schools), necessitated both an increase and a development of the permanent secretariat. To this secretariat, with its graded hierarchy and multiplicity of departments, boards of guardians and the administration of the Poor Law tended inevitably to take their place among municipal corporations, local boards of health, highway authorities, and the administration of other statutory powers. There is even a third element to take into account. The revival of public interest in Poor Law problems, beginning about 1867 [1] in the

[1] The sequence in the Metropolis seems to have been, first, the exceptional distress in the East End during 1866-7; then a strict administration on deterrent principles, agreed to by conferences of East End Guardians in 1869, under the influence of Mr. Corbett, who had become inspector for the Metropolis in 1866; Mr. Goschen's Circular of 20th November 1869, and the consequent inquiries into Poor Law practice; Mr. Corbett's powerful Report of 10th August 1871; and then the Circular of 2nd December 1871, with the conferences

Metropolis and some of the large towns, and spreading later to the whole country, had its effect in the House of Commons, especially after the extension of the franchise in London and the boroughs (1867), and in the counties (1884). We see this manifesting itself in Poor Law policy in various minor statutes, and, above all, in sporadic circulars and other declarations of policy by the Parliamentary President of the Local Government Board.

Thus the student who seeks to discover what was the policy of the Central Authority between 1871 and 1907 finds two distinct influences at work on Boards of Guardians, each of which carries with it the weight of the Central Authority, but one of them is seen to be predominant between 1871 and 1885, whilst the other predominates after 1885.

The able, zealous, and somewhat doctrinaire inspectorate, especially between 1871 and 1885, stands always on the "principles of 1834" in their strictest interpretation—constantly using language, indeed, which went beyond any proposals of the 1834 Report, or any policy embodied in the documents of the Central Authority of 1834-47. On the other hand, the president (and Parliament with his concurrence) sporadically brought in (especially after 1885) a note that some might term a sentimental, others an enlightened humanitarianism, with regard to particular sections—the unemployed, the decayed members of friendly societies, the "deserving aged poor" generally. This humanitarianism was certainly in direct contradiction of the "principles of 1834." How far it may be said to have embodied, perhaps unconsciously, other principles will subsequently appear.

The cleavage in policy between the inspectorate and the president did not at first manifest itself. For the first decade or so, the successive presidents and the inspectorate seem to be at one in a policy of "strict administration"—a policy as to which we cannot discover whether it was due to the influence of such presidents as Mr. Goschen and Mr. Stansfeld upon such inspectors as Mr. Corbett, Mr. Doyle, Mr. Wodehouse, and Mr. Longley, or *vice versa*. We may perhaps ascribe to the caution of the secretariat the confining of this policy to

resulting therefrom. Mr. Longley was appointed inspector for the Metropolis in March 1872 (Mr. Longley's Report, in Third Annual Report, 1873-4, pp 196-7)

the general terms of circulars and minutes, thus avoiding alike the necessary precision of orders and statutes and any explicit extension of the "principles of 1834" to classes other than the able-bodied.

From 1871 to about 1885 the outstanding feature of the policy of the Central Authority was the steady pressure exercised through the inspectors with the object of reducing outdoor relief. This arose out of the inquiries set on foot by Mr. Goschen, which had revealed, not only the granting of a large amount of outdoor relief to able-bodied men and women and their families, but also great differences in practice between one union and another. As we have shown, neither Mr. Goschen nor the Central Authority under any other president had, down to 1871, so far as the aged and infirm and cases of sickness were concerned, ever indicated or advocated, in any official document that we have been able to find, any alternative policy to that of outdoor relief. The Circular on Outdoor Relief[1] now issued to the inspectors and widely published, which set the tone for the ensuing decade, did not explicitly declare any new policy with regard to these classes, which then made up at least three-fourths of the total outdoor relief cases. Moreover its illustrative examples and its specific recommendations related entirely to the able-bodied. Indeed, except for an important new departure in the treatment of able-bodied widows with children, the recommendations to be pressed on Boards of Guardians amounted to no more than the substitution of the practice of the Outdoor Relief Prohibitory Order for either that of the Outdoor Relief Regulation Order or that of the Labour Test Order, where one or other of these latter was in force. The differences between these orders, as we have shown, relate only to the able-bodied. Thus, an acute clerk of a board of guardians would have been warranted in saying that, so far as concerned the aged and infirm and the sick, the Circular of 1871 announced no new policy.

But the Circular appeared to the casual reader to be against outdoor relief as such to any class of paupers. The expression "Outdoor Relief" was nowhere defined or limited. Particular unions were compared one with another as to the

[1] Circular of 2nd December 1871, in First Annual Report, 1871-2, pp. 63-8.

amount and proportion of their total outdoor relief to all cases, those having a large amount being held to blame, without a consideration of whether their outdoor relief was to the able-bodied or to the aged and infirm and the sick; and even without any consideration of the relative proportion of persons over sixty, or the relative prevalence of ill-health in their several populations.[1]

Moreover, some of the other recommendations of the Circular implied, though they did not express, a suggestion that the "offer of the House" might be used as a means of preventing the aged and the sick from coming on the rates at all. Quite a new stress was laid on getting contributions from relatives, and on the most vigilant inquiry into circumstances, recommendations which certainly applied to the aged and infirm and to the sick, and which seemed to carry with them the hint that, if confronted with the workhouse, even the aged and the sick would be maintained by their relations.

Whether or not the Central Authority can be held in these years to have deliberately adopted the new policy of the offer of the workhouse for the aged and infirm and for the sick, as well as for the able-bodied, it was this policy which, from 1871 onwards, was increasingly pressed on boards of guardians by the abler and more energetic of the inspectors. We cannot find any official document in which any inspector explicitly committed himself to the statement that the time had come when outdoor relief should, as a matter of principle, be refused to the aged and infirm, or to the sick, as had long been the official advice with regard to the able-bodied.[2] But it was in these years that these inspectors took to circulating

[1] The first notice that we have seen of the fact that some districts contain "a much higher proportion of the weak and old," than others, and that some have also a much higher rate of mortality among husbands than others, which vitiates any simple comparison of their pauperism, is in a Report by Mr. Culley (inspector) in 1873 (Third Annual Report, 1873-4, pp. 66, 72-3). But the hint was not acted on in the tables of statistics used by the inspectors.

[2] Mr. Longley did definitely recommend that outdoor relief, even to the widows with families, the sick and the "disabled"—by which he meant the aged—should be discontinued, except in cases that might be found to fall outside a series of categories so defined, and so extensive, as practically to include the whole of these classes. Moreover, in his view it was to be "regarded as the next step in the advance towards improved administration that applicants for out-relief shall be called upon to show special cause why they should not receive indoor relief" (Mr. Longley's Report in Third Annual Report, 1873-4, p. 142).

among their boards of guardians the comparative tables showing their relative position in order of merit according to the smallness of their out-relief—always without making any distinction between the out-relief to the aged and the sick on the one hand, and that to the able-bodied on the other. In their published reports on their districts we see the inspectors taking the same tone and using the same unguarded phrases implying the inherent badness of outdoor relief (without any limitation to the able-bodied), that marked the Circular of 1871. The minutes of the boards of guardians of this period occasionally preserve a record of, or contain a reference to the inspector's letters or personal advice to the same effect.[1]

It was a feature of this period that the inspectors were in close personal contact with the president. Mr. Stansfeld inaugurated a system of occasional dinners at which he met all the inspectors and discussed with them their difficulties. They had also periodical conferences in London for a week at a time, at which they formulated a common policy. In these years began, too, the Poor Law conferences, where the inspectors (and occasionally also the president) came in contact with the new school of unofficial Poor Law experts, who were in favour of the "logical development" of the "principles of 1834." It was, in fact, "now argued" that, just as under the Act of 1834, the "offer of the workhouse" had "obliged the able-bodied to assume responsibility for the able-bodied period of life . . . an application of the same principle to the other responsibilities of life would produce equally advantageous results."[2] The presidents of the first decade of the Local Government Board seem, indeed, sometimes to have accepted the view that all relief ought, strictly speaking, to be given in the workhouse. Mr. Longley's Report on outdoor relief in the Metropolis was sent officially to the boards of guardians and commended as laying down "sound lines of policy."[3] Mr. Dodson, in 1881, declared as president that "the whole object and system of the Poor Law as established in this country is that it should be strictly administered, with the aim simply to testing and reliev-

[1] *E.g.* MS. archives, Newcastle Board of Guardians (lithographed letter of Mr. Hedley, inspector, drawing attention to the comparative outdoor pauperism of his unions, and urging reduction).

[2] *History of the English Poor Law*, by T. Mackay, 1899, vol. iii. p. 154.

[3] Fourth Annual Report, 1874-5, pp. xix-xx.

ing absolute destitution; and no effectual means have yet been devised of so testing the destitution except by offering the house. And just in proportion as the Poor Law is strictly administered, and in proportion as entrance into the house is insisted upon as a condition of relief, so, on the whole, is the Poor Law better administered—better administered, I do not hesitate to say, not only in the interest of the poor themselves, but in the interest of the ratepayers at large. Now, you must remember, in the case of outdoor relief it is impossible absolutely to test the cases. They cannot be closely watched, and you cannot tell when a man is receiving outdoor relief that he is not having aid from other sources, or that he is not to some extent earning something for himself, and might possibly, if left to his own resources, earn more. Well, then, it is a system which in that way acts as a check upon personal exertions and upon providence, and I need not say that anything which acts as a check upon exertion and providence cannot but result in an increase of pauperism and the demoralisation of the labouring classes, and must end in an increased charge to the ratepayers."[1]

A notable step towards stricter administration in these years was the adoption in 1875 by the Manchester Board of Guardians of by-laws for its own guidance, putting additional restrictions on the grant of outdoor relief.[2] These by-laws were made much of by the inspectors, and carried from board to board. Their object was to discourage as much as possible the grant of outdoor relief as such. Yet it is noteworthy that they apply primarily to the able-bodied (male and female), and that they do not mention at all the case of the aged, and that they allude to the sick only by way of restricting the duration of each order of outdoor relief to two weeks. But here again we detect the hint that the "offer of the house" might be used, in the case of the aged, as a means of extracting contributions from relatives whether or not such contributions were legally due.

In 1877 we see a great effort made to get the new departure embodied in a general order. The Central Poor

[1] Mr. Dodson (President of the Local Government Board) to deputation from Newington and St. Saviour's, Southwark, November 1881, in *Local Government Chronicle*, 26th November 1881, p. 951

[2] Fifth Annual Report, 1875-6, pp. xvii-xix.

Law Conference, professing to sum up all the experience and knowledge both of the inspectors and of the new school of unofficial Poor Law experts, asked the Central Authority to issue new orders restricting outdoor relief generally. Even here it is noteworthy that no explicit suggestion was made that the aged and the sick ought not to be granted outdoor relief. What was asked for was practically the "Manchester Rules," with the addition of the suggestion that all relief should be given on loan. Here, however, the Central Authority made a stand. It refused to make any new order, specifically declining to extend the Prohibitory Order to the whole country, to make all relief recoverable as if granted on loan, to enable all medical relief to be made on loan, to impose a fixed limit for the grant of outdoor relief in cases of sickness, or to prohibit outdoor relief to widows in the first six months of their widowhood.[1]

Thus, the policy of 1871-85 resulted, not in any alteration of the classic orders of 1844, 1847, and 1852, or in any explicit reversal of the policy hitherto pursued with regard to the aged and the sick, but only in a general "tightening up" of the administration of relief by boards of guardians all over the country. We shall see this general "tightening up" more in detail in the examination of the treatment of various classes. That examination will also reveal the effect of the reaction against this tightening up, which set in about 1885 —a reaction which showed itself in the relaxation, usually at the instance or with the encouragement of Parliament and successive presidents, of the conditions of relief to specific classes.

A.—The Able-bodied

(i.) *National Uniformity*

In the absence of new Statutes, and of alterations in the General Orders relating to the relief by boards of guardians of the able-bodied, there was, of course, between 1871 and 1907, no step towards national uniformity. The country continued to be divided up geographically into three regions,

[1] Letter, signed by Sir John Lambert, to Mr. Albert Pell, M.P., Chairman of Central Poor Law Conference, 12th May 1877, in Seventh Annual Report, 1877-8, pp. 51-7.

according to whether or not the Central Authority had permitted the grant of outdoor relief to able-bodied men, subject to a labour test; and to whether or not it had permitted outdoor relief to able-bodied women without children. And unlike the period 1847-1871, that of 1871-1907 did not witness any important alteration in the geographical extension of these three regions, though the relative populations altered very considerably. The general policy of the Central Authority, in issuing the Outdoor Relief Prohibitory Order to rural districts, with or without the Labour Test Order when required, and in issuing to the large towns the Outdoor Relief Regulation Order, was continued throughout the whole period.[1]

(ii.) *The Workhouse Test*

What happened for the first five-and-twenty years of the Local Government Board was, as we have indicated, a general tightening up in the administration of all three regions. The Central Authority intimated that it would not easily give the approval that was necessary for any departure from the orders. "In unions where the Prohibitory Order is in force," said the circular to the inspectors of 2nd December 1871, "the workhouse test should be strictly applied. . . . The Board will not be prepared to sanction any cases which are not reported within the time limited by the order, and in which the reports do not contain a detailed statement of the paupers to which they refer, showing the number of their respective families with the ages and number of children employed, amount of wages of the several members of the family at work, cause of destitution, period during which they have been without employment, amount of relief, if any, given previously to the transmission of the report, and what extent of accommodation for all classes exists in the workhouse at the time." [2]

[1] It is to be noted that Mr. Longley, in 1873, drew attention to the uncertainty of practice caused by the lack of definition of "able-bodied," and the different senses in which it was used in the official documents. He pointed out that the absence of definition seriously impaired administration, and urged that authoritative instructions should be issued (Mr. Longley's Report in Third Annual Report, 1873-4, p. 174). We do not find that any action was taken.

[2] Circular of 2nd December 1871, in First Annual Report, 1871-2, p. 67. With regard to the 85,386 persons who received outdoor relief on 1st January

As times became bad, the Central Authority received "applications . . . for a relaxation of the provisions of the General Out-relief Prohibitory Order, and for the substitution of an outdoor labour test for the more effective test of destitution afforded by the offer of relief in the workhouse." Instead of yielding to these requests, as had formerly happened, the Central Authority now replied, "that the Supplemental Outdoor Labour Test Order is not intended to supersede, but to be subsidiary to the General Out-relief Prohibitory Order, and should not be brought into operation so long as there is sufficient room in the workhouse available for able-bodied paupers."[1] "A strict adherence to the workhouse test," said the Central Authority, "on such occasions when temporary relief is demanded solely from the state of the weather, is essentially beneficial to the labouring classes, and conducive to their real interest. A certainty of obtaining outdoor relief in his own home, whenever he may demand it, extinguishes in the mind of the labourer all motive for husbanding his earnings, and induces him to rely exclusively upon the rates, instead of upon his own savings, for any momentary relief which he may require from the sudden cessation of his usual employment. The unfailing application of the workhouse test, on the other hand, makes him at once aware that the only form in which he can receive relief is as an ordinary inmate of the work-

1873, as "able-bodied male paupers" (including, it must be remembered, 18,037 wives and 45,285 children of such men, 15,133 men relieved on account of their own sickness, 5572 on account of the sickness of wife or child, and only 1339 merely for want of work), the Central Authority observed without discrimination, that: "There would be, in our opinion, no material difficulty in enforcing, throughout all the unions, the *salutary provision* which forbids the allowance of relief to this class of persons except in a workhouse" (Third Annual Report, 1873-4, p. xiv). But no such "provision" existed, in any Statute or Order, or even in any official Circular, so far as we can discover. Mr. Corbett had once suggested that he should "encourage boards of guardians to abstain *far more than at present*, from giving out-relief to able-bodied men on account of their own sickness or accident." But even he did not propose its refusal in all cases (Mr. Corbett's Report of 10th August 1871). We cannot find that the Central Authority had ever before formally seemed to give its approval, if it really intended to do so by this *obiter dictum*, to the suggestion that sick persons ought not to receive outdoor relief.

[1] Fourth Annual Report, 1874-5, p. xvii. It also received "applications from a few other unions for assent to temporary out-relief in the case of boatmen or other persons thrown out of work by the frost." Sanction was not actually refused, but it was pointed out that the guardians should have offered the workhouse (*ibid.*).

house, and the strongest inducement to support himself and his family is thus held out to him, an inducement altogether wanting when the guardians, upon his application, readily grant him outdoor relief."[1]

But, as already mentioned, the Central Authority, though pressed to do so, did not consent to make the Out-relief Prohibitory Order coextensive with the country. "The Order," it replied, "is now in force in all the rural unions . . . and in many urban unions also, and the Board continue to apply its provisions from time to time to other unions as often as the circumstances enable them to do so, but it has never been attempted to apply the provisions of the Order to the Metropolis, or those centres of manufacturing industry where large numbers of persons are periodically thrown out of employment by sudden and extensive depressions of trade."[2] In such places, as it was explained, it would certainly be found necessary to abrogate the Order at those periods, and this would weaken its force generally.

(iii.) *The Labour Test*

Where the relief of able-bodied men outside the workhouse was not prohibited, we see the Central Authority in these years not only rigidly maintaining the rule as to a labour test (whether under the Out-relief Regulation Order or under a Labour Test Order supplementary to the Out-relief Prohibitory Order); but also seeking to make the administration more strict. This rule, it was explained in 1879, "is one the value of which has been experienced at various times, and in various parts of the country, as a test of the actual destitution of the applicant; and to the observance of which, in times of serious pressure, such as the present, the Board attach very great importance. The Board are not prepared to suspend the operation of the articles in question generally; but if while applying its provisions, the guardians should be of opinion that, in certain special cases which might arise, it would be proper that the strict application

[1] Fourth Annual Report, 1874-5, p. xviii.

[2] Letter of Local Government Board to Chairman of Central Poor Law Conference, 12th May 1877, in Seventh Annual Report, 1877-8, p. 56.

of these provisions should not be enforced, the Board, on receiving a particular report of the circumstances under Article 10 of the Order, would be prepared to give their favourable consideration to the cases."[1] Even in such a severe crisis of unemployment as that of 1879-81, when the number of men thrown out of work was probably greater than at any date from 1841 down to the present day, the Central Authority held to its view of what the labour test should be. "For this object," it was explained, "the operations of breaking stone and picking oakum (when performed under proper superintendence) are in many respects very appropriate, and, having regard to the objection to employing paupers on work of a productive character, which may interfere with the ordinary callings or employment of any portion of the independent population of the district, the Board are unable to suggest any other kind of work than those named."[2] Nor was even breaking stone or picking oakum to be paid for as wages, or regarded as employment. "With regard to the proposal of the [Warrington] guardians to pay 2s. 6d. for each ton of stones broken," the Central Authority stated "that the task is intended merely for a test of destitution, and that the relief granted to each pauper should not be proportioned to the quantity of stone broken by him, but to the necessities of his case."[3] The inspectors were instructed to press the guardians everywhere not to grant even admission to "the stoneyard" as a matter of course; "orders to able-bodied men for relief in the labour yard should only be given from week to week"; and the homes of the men so relieved should be visited by the relieving officer at least once a fortnight.[4] Moreover, even this relief was intended to be only temporary; and the conditions were sometimes made more onerous after the first few weeks. "In the Poplar Union, at the expiration of the first month, the applicant is required to come to the stoneyard an hour earlier and to

[1] Local Government Board to Bristol Union, 16th January 1879, *Local Government Chronicle*, 25th January 1879, p. 69.

[2] Local Government Board to Bedminister Union, January 1881; in *Local Government Chronicle*, 8th January 1881, p. 35.

[3] Letter, Local Government Board to Warrington Union, March 1878; in *Local Government Chronicle*, 30th March 1878, p. 253.

[4] Circular of 2nd December 1871, in First Annual Report, 1871-2, p. 67; *see* Mr. Corbett's Report of 10th August 1871.

leave an hour later than before, and to break an additional bushel of stones."[1] Gradually we see it being assumed, even as regards unions under the Out-relief Regulation Order, that it is merely "when the workhouse accommodation is insufficient,"[2] or "so long as they have not adequate workhouse accommodation,"[3] that relief should be given with a labour test. Right down to February 1886, the Central Authority declared that it "would not feel justified in relaxing" the regulations which prohibited relief to able-bodied men, however temporary and undeserved might be their want of employment, "without any such test of destitution as is provided by admission to a properly managed workhouse, or the performance of an adequate task of work." To cope with the distress caused by unemployment, the Holborn Guardians on 9th February 1886 were, in fact, expressly told to hire a stoneyard.[4]

(iv.) *The Modified Workhouse Test Order*

In one union there was an attempt, to which the Central Authority in 1887 gave its approval by Special Order, to substitute for the labour test provisions of the Out-relief Regulation Order, a special application of the "Workhouse Test."[5] This Order, limited in duration to twelve months, permitted outdoor relief to be given to the wife and family of an able-bodied man, without a labour test, on condition that the man himself entered the workhouse. This device was intended to get over the three principal obstacles to the universal adoption of the "Workhouse Test" for the able-bodied, viz. the lack of sufficient accommodation in workhouses; the objection to "breaking up the home"; and the undesirability of bringing the wives,

[1] Mr. Corbett's Report of 10th August 1871.

[2] Instructional letter to inspectors (?) December 1878; cited by Mr. Culley (inspector), to Newcastle Board of Guardians, *see* MS. archives, 28th December 1878.

[3] Local Government Board letter to Holborn Union, 9th February 1886, in House of Commons, No. 69 of 1886, p. 40.

[4] *Ibid.* pp. 40-1.

[5] Special Order to Whitechapel Union, 18th April 1887. This new departure was not mentioned in the Annual Report, and the Order has not, as far as we know, been generally published.

and especially the children, under workhouse influences. This Order, which was not renewed on its expiry, and not issued to any other union for nearly twenty years, was, as we have said, asked for as a means of making the administration of relief more stringent than it was under the Out-relief Regulation Order. Combined with the establishment of a special "Test Workhouse," which we shall presently describe, it might come near to being a penal alternative. But it is, as we shall see afterwards, important rather as a precedent capable also of application in an entirely humanitarian way.

(v.) *The Test Workhouse*

It must be noted that, whilst the inspectorate was in these years doing its utmost to insist on "the offer of the house" to all able-bodied persons, it was also encouraging boards of guardians to make the workhouse for such persons an exclusively disciplinary institution. This had, as we have mentioned, been suggested by Mr. Corbett in 1868. The pressure on the accommodation of the Metropolitan workhouses, and the mixing together of so many different classes of inmates, made it impossible, Mr. Corbett had pointed out, "to apply the workhouse as a test of destitution to single able-bodied men."[1] "In urging upon boards of guardians in the Metropolis," repeated his successor, Mr. Longley, "as I have lately had occasion to do almost daily, the application of the workhouse test, I have not infrequently been met by the startling admission that the workhouse is attractive to paupers; that there are many persons in the workhouse who could maintain themselves out of doors; and, in short, that the workhouse furnishes no test of destitution. All arguments in support of the workhouse test which assume the existence of a 'well-regulated workhouse' (to use the language of the Poor Law Commissioners of Inquiry, 1833) must fail at once when addressed to guardians whose workhouse offers attractions to the indolent. And I have reason to think that the aversion to the proper and free use of the workhouse which distinguishes many Metropolitan boards of guardians,

[1] Mr. Corbett's Report of 14th January 1868, in Twentieth Annual Report of the Poor Law Board, 1867-8, p. 126; repeated in his Report of 10th August 1871.

is in some measure due to the failure of the workhouses, as at present administered, to satisfy the essential conditions of their establishment."[1]

Mr. Longley was told to prepare an elaborate report on indoor relief in the Metropolis, and in this he expressed his emphatic opinion that "the deterrent discipline . . . fails at present to be duly enforced in London workhouses almost without exception . . . The general tone of their administration is that of the *almshouse* rather than of the *workhouse* system."[2] He traced this inconvenient laxity to the very nature of the general workhouse for all classes, which the Central Authority had substituted for the series of specialised institutions recommended in the Report of 1834. "The presence in a workhouse," he said, "of the sick, or of any class in whose favour the ordinary discipline must be relaxed, and who receive special indulgences, has an almost inevitable tendency to impair the general discipline of the establishment."[3] The very improvement in the workhouses, which, under the Central Authority's own pressure, was taking place in these years, had, in fact, brought to light the inherent drawback of the general workhouse. Hence the able-bodied, like the children and the sick, were now to be accommodated by themselves. Thus we find, from 1871 onwards, the idea of the "Test Workhouse," an institution set apart exclusively for the able-bodied, where they could be subjected (to use Mr. Longley's words) to "such a system of labour, discipline, and restraint as shall be sufficient to outweigh," in the estimation of the inmates, "the advantages" which they enjoy. Mr. Longley declared that the main object of the Metropolitan Poor Act of 1867 had been, not exclusively, or even principally, the better accommodation of the sick, but the introduction of classification by institutions, with the double object of, on the one hand, an improved treatment of the sick, and, on the other, "the establishment of a stricter and more

[1] Office Minute by Mr. Longley, 1873. Much the same words occur in his Annual Report. The "lax discipline of the workhouse" in London is described as tending "to deprive it of its function as a test" (Mr. Longley's Report in Third Annual Report of the Local Government Board, 1873-4, p. 166).

[2] Mr. Longley's Report on Indoor Relief in the Metropolis; in Fourth Annual Report, 1874-5, p. 49.

[3] *Ibid.* p. 42.

deterrent discipline in workhouses."[1] Circumstances, he said, had delayed the accomplishment of the latter purpose, but it was now time for the Central Authority to "urge upon guardians the establishment in workhouses of a more distinctly deterrent system of discipline and diet than has hitherto been secured," involving "a reconsideration of the conditions of pauper labour and service in workhouses."[2]

Under the influence of the inspectorate, we see half the unions in London gradually agreeing to take advantage of the powers given by the Metropolitan Poor Act of 1867, and to make use, for their able-bodied paupers, of the workhouse of the Poplar Union, which now sent its sick to the new "sick asylum," its children to the district school, and its aged and infirm to the workhouse of another union.[3] This establishment of a test workhouse for the able-bodied received at first the warm commendation of the Central Authority.[4] The Poplar workhouse, with its rigid discipline, its absolutely limited diet and its severe task of monotonous toil (oakum-picking and stone-pounding), measured not by time but by a prescribed quantity, became a terror. For the next seven years, we see the guardians offering, sometimes to "trouble-

[1] Mr. Longley's Report on Indoor Relief in the Metropolis, in Fourth Annual Report, 1874-5, p. 43.

[2] *Ibid.* p. 47. We have not verified the statement that the intention of the Metropolitan Poor Act of 1867 included the allocation of separate workhouses exclusively for the able-bodied. We see that in January 1868 Mr. Corbett was suggesting it as if it were an idea of his own. "I am more than ever convinced," he says, "that one of the great wants of the Metropolis is the establishment of new, or the appropriation of existing workhouses for the able-bodied classes of *groups* of unions, in each of which one sex only should be received; a far more complete system of classification maintained than has hitherto been attempted, at least in Metropolitan workhouses; and strict discipline enforced under proper regulations and superintendence" (Mr. Corbett's Report of 4th January 1868, in Twentieth Annual Report of the Poor Law Board, 1867-8, p. 126). Whether or not this was exactly in the mind of the legislature or of the Central Authority in 1867, it seems true, as Mr. Longley pointed out, that the provisions of the Metropolitan Poor Act were extensive enough to cover, "whether directly or indirectly," not merely an improvement in workhouse sick wards, but "the reception in distinct buildings of separate classes of paupers or . . . classification, not in a workhouse, but by workhouses" (Mr. Longley's Report on Indoor Relief in the Metropolis, in Fourth Annual Report of the Local Government Board, 1874-5, p. 42).

[3] Special Order to Poplar and Stepney, 19th October 1871; Special Order to Poplar, 6th March 1872 (extending the use of the Poplar Workhouse to the able-bodied of any Metropolitan union); Mr. Corbett's Report of 10th August 1871.

[4] First Annual Report, 1871-2, p. xxiv; Second Annual Report, 1872-3, pp. xxvi-xxvii.

some" paupers, sometimes to all able-bodied applicants, male or female—not outdoor relief upon a labour test—but "an order for Poplar." "Notwithstanding the considerable number of unions which have availed themselves of this privilege, the number . . . who have accepted the relief, or having accepted it, have remained in the workhouse, has been so small that, although the workhouse will contain 768 persons, there were in it at the close of last year only 166 inmates."[1] In 1878, however, the Metropolitan police magistrates seem to have expressed disapproval of the penal character which the institution had assumed. A woman brought up for refusing to do her task of oakum-picking at Poplar was discharged, with the observation that such work was not a fit task to set to women in receipt of Poor Law relief. On these sentiments becoming known, as the Poplar Guardians informed the Central Authority, "the master of the workhouse has a very considerable amount of trouble in getting any work done now by the inmates." The Central Authority, in reply, sympathised with the difficulty, but could, after six weeks' deliberation, do nothing but express the hope that the Poplar Guardians would be able to convert the magistrates to their views.[2]

[1] Second Annual Report, 1872-3, p. xxvii.

[2] Letters, Poplar Guardians to Local Government Board, 4th November 1878; Local Government Board to Poplar Guardians, 19th December 1887. Even this very strict Board of Guardians had, in 1871, used, as a labour test for women, "a task of work *in a needle-room* . . . provided by the guardians," and this had been recommended even by Mr. Corbett (Mr. Corbett's Report of 10th August 1871). But oakum-picking had apparently been substituted for needlework, and the Central Authority, in 1878, did not see its way to any alternative. "With regard to the objection . . . to oakum-picking as an employment for women . . . very great difficulty was experienced in finding labour which shall not interfere with the market for the work of the independent poor, and . . . even oakum-picking is not altogether free from this objection. . . . Work of this description is in use in workhouses in various parts of the country, not as punishment . . . but as one of the most available means of employing the able-bodied indoor paupers. . . . General experience has shown that it is not physically injurious, and in this particular workhouse it is found that many of the female paupers can pick the prescribed quantity with ease. . . . It is erroneous to suppose that a particular description of work is necessarily degrading because it happens to be exacted in gaols, since there are but few kinds of menial work in all large institutions to which the same objection may not also be applied; and it should be added that, unless this kind of employment is resorted to, it would not be practicable to find sufficient occupation for the female inmates of the workhouses, and that enforced idleness is more demoralising than even disagreeable work'" (Local Government Board to Poplar Union, 19th December 1878, in *Local Government Chronicle*, 4th January 1879, pp. 8-9). Twenty years later the official view, as we shall see, completely changed.

The difficulty seems to have continued, for, in 1881, the Central Authority issued an Order permitting the Poplar Guardians to use their workhouse for other than the able-bodied, thus bringing the experiment to an end.[1]

It is to be noted that, in spite of the Poplar experience, the policy of a special "Test House," devoted exclusively to the able-bodied, continued to be pressed on guardians by the Inspectorate. The Birmingham Guardians established such a "test house," in 1880, but it seems to have been opened to other classes in 1887.[2] In the latter year, notwithstanding this renewed abandonment, we see Mr. Henley pressing the same policy on the Manchester Guardians, leading them to visit Birmingham to inspect the test house there.[3] In the Metropolis, the inspectorate got the Kensington workhouse made use of in 1882, in substitution for that of Poplar, though only for males; and able-bodied applicants were, for thirteen years, referred thither. This arrangement came to an end in 1905, greatly to the regret of the inspectorate. This Kensington test house, it was said, "for many years did useful work as a place where really able-bodied men were received from all parts of London, and kept hard at work under strict surveillance. As the Kensington Guardians now need the workhouse for their own purposes this arrangement has of necessity ceased . . . The number of really able-bodied men in the London workhouses at one time is never very large, but it is large enough to make it extremely desirable that there should be at least one workhouse exclusively for such a class, to which, and to which only, they might be admitted."[4]

[1] Special Order to Poplar Union, 4th February 1881; Local Government Board to Poplar Guardians, 9th February 1881; MS. Minutes, Poplar Guardians, 18th February 1881.

[2] Special Orders of 13th October 1880, 24th August 1881, and 11th February 1887.

[3] MS. Minutes, Manchester Guardians, July and August 1887. The Manchester Guardians did not act on this, but ten years later united with the Chorlton Guardians in setting aside (under the Poor Law Act 1879) one workhouse for the double purpose of a casual ward and "a test house for able-bodied paupers" (*See* Special Orders to Manchester and Chorlton, dated 20th March 1897, and 9th April 1898; Twenty-Seventh Annual Report, 1897-8, pp. 127-8). This still continues. The whole experience of these Able-bodied Test Workhouses is reviewed in the Minority Report, 1909.

[4] Mr. Lockwood's Report, in Thirty-fifth Annual Report, 1905-6, p. 446. Already in 1898, however, the Central Authority had told its inspectors to urge that oakum-picking, which had been the staple of the test workhouse, should be

As an adjunct of the policy of the deterrent workhouse for the able-bodied, we have to note the coming-in of compulsory detention. This, of course, had been entirely absent from "the principles of 1834," according to which every inmate of the workhouse was to be free to quit it, with no more notice than was required for the convenience of the establishment. "Much evil," said a Circular of 1871, "has arisen, and . . . the discipline of the workhouse has been seriously impaired by the frequent exercise of the power which the inmates have hitherto possessed of discharging themselves from the workhouse at short and uncertain notice, claiming re-admission as might best suit their inclination and convenience." This was remedied by a statute in 1871 which gave the guardians a power to detain, with which we shall deal in our section on the workhouse.[1]

(vi.) *The Provision of Employment*

In the midst of all the efforts of the inspectorate to secure stricter administration, made apparently with the ungrudging support of the Central Authority, there came, in February 1886, an altogether incongruous intervention by the new President (Mr. Chamberlain), who had then been only a few weeks in office. On 19th February 1886, he addressed a public letter to the Chairman of the Metropolitan Board of Works, saying that "there is considerable distress amongst workpeople of a class above that of the persons who usually

given up, as an occupation for workhouse inmates, especially for women; and did not suggest any possible alternative (Twenty-eighth Annual Report, 1898-9, p. lxxxiv). "Oakum-picking by the inmates of the workhouses should be discontinued," said Mr. Chaplin (*Hansard*, 23rd May 1898, vol. 58, p. 326). This was a complete reversal of policy. As recently as 1890 the Central Authority had actually invited the Poplar Board of Guardians to undertake some oakum-picking for the Government, and the board had undertaken to pick 30 tons at £3 per ton (Local Government Board to Poplar Board of Guardians, 9th July 1890). By 1904, not only oakum-picking, but also corn-grinding with a piecework task, was given up. "As regards the proposed task of corn-grinding, the board state that in cases where their consent is necessary they do not sanction a task of corn-grinding by quantity, and they consider that a time limit should be fixed for such work. As to oakum-picking, they are of opinion that, on account of its associations, it is open to objection as a task for workhouse inmates, and as far as practicable, it should be discontinued for all inmates of workhouses" (Local Government Board to Islington Union, September 1904; *Local Government Chronicle*, 8th October 1904, p. 1049).

[1] 34 & 35 Vic. c. 108, sec. 4; Circular of 18th November 1871, in First Annual Report, 1871-2, p. 54.

apply for poor law relief"; and urging the Board "to expedite as far as practicable the commencement of any public works which they may be contemplating, so that additional employment may be afforded."[1] Four weeks later this policy was embodied in a circular to all boards of guardians, which may be said to have begun, for good or for evil, a new era as regards the treatment of such of the able-bodied as were classed as "the unemployed." Whilst nominally upholding the workhouse test and, when that is impossible, the labour test,[2] for the relief of the able-bodied pauper, the circular lays it down emphatically that an altogether different provision must be made for the unemployed wage-earner. The President was "convinced that in the ranks of those who do not ordinarily seek poor law relief there is evidence of much and increasing privation," among persons "usually in regular employment." It was, in his view, "not desirable that the working classes should be familiarised with Poor Law Relief"; and the guardians were recommended "to endeavour to arrange" with the local municipal authorities for the execution of such public works as the laying out, paving and cleansing of streets, sewerage and water works, the laying-out of recreation grounds and new cemeteries, and "spade husbandry on sewage farms." The men to be selected from among the special class referred to were to be engaged by the municipal authorities upon the recommendation of the guardians. They were to be paid wages, though at somewhat below the ordinary rates; every encouragement being given to the municipal authorities to raise loans for the purpose. The men would thus not be paupers, nor in receipt of anything from the Poor Rate, the intervention of the guardians being confined to inciting the local municipal authorities to undertake the work, and to recommending the candidates for employment.[3]

[1] Mr. Chamberlain to Metropolitan Board of Works, 19th February 1886, in House of Commons, No. 69 of 1886, p. 44.

[2] The Circular incidentally criticised the character of the labour test usually imposed on the able-bodied applicant for poor relief, as being unfit for skilled artisans. Spade labour was suggested as "less objectionable"; and "the board will be glad to assist the guardians by authorising the hiring of land for the purpose" of setting a task of work to able-bodied paupers on outdoor relief (Circular of 15th March 1886, in Sixteenth Annual Report, 1886-7, p. 6). This has now been done at Leicester, where the board of guardians hires land on which to set the able-bodied to dig (Thirty-third Annual Report, 1903-4, p. 205).

[3] Circular of 15th March 1886, in Sixteenth Annual Report, 1886-7, pp. 5-7.

The policy thus laid down by Mr. Chamberlain, of finding municipal work for the unemployed, was, it will be seen, a revival of the expedient adopted in the Lancashire Cotton Famine. But Mr. Chamberlain omitted to safeguard his proposal in the way in which the works started out of the Government loans to the Lancashire municipal authorities in 1863-6 had been (in practice, though not explicitly in terms) safeguarded. It was not explained—perhaps it was not realised—that the conditions of success in the Lancashire experiment had been: (i.) that no pretence should be made of taking on the unemployed as such, and, in particular, that the casual labourer class, whether temporarily unemployed or not, should be definitely excluded; and (ii.) that the direct advantage to unemployed workmen should be limited to the taking on, to do the unskilled labourer's work, of a restricted proportion of selected applicants, not of the labouring but of the skilled artisan class. These necessary conditions were not expounded by the Central Authority either in 1886 or in subsequent years. Successive presidents repeated Mr. Chamberlain's suggestions, with no more limitations than he had laid down. Mr. Ritchie, for instance, in the following year, told a deputation of Boards of Guardians that, although they could not legally give employment, as distinguished from poor relief, they "might assist the local authorities, if the latter undertook public works, by sending to them persons applying for relief, who would no doubt prefer to be relieved by temporary employment rather than by becoming a burden on the rates."[1] In 1891 (a year of "good trade," by the way) Mr. Ritchie sent a circular to the Metropolitan vestries and district boards, urging them to provide employment by street cleaning, etc., "in concert with the Boards of Guardians," who were to be "afforded the opportunity of recommending for employment persons who from their previous circumstances and condition it is most desirable should not be placed under the necessity of receiving relief at the cost of the rates."[2]

[1] Mr. Ritchie to deputation as to children in workhouses, *see Local Government Chronicle*, 17th December 1887, p. 1058.

[2] Circular of 16th January 1891, in Twentieth Annual Report, 1890-91, p. 206; Local Government Board to Poplar Board of Guardians, 21st January 1891 (*see* for the action thereon of Boards of Guardians, MS. archives, Poplar Board of Guardians, January 1891).

Similar letters were sent to the Boards of Guardians. In November 1892, Mr. Fowler, afterwards Lord Wolverhampton, reproduced Mr. Chamberlain's Circular of 1886, and recommended municipal works, "in order that the pauperisation of those persons whose difficulties are occasioned only by exceptional circumstances arising from temporary scarcity of employment . . . may as far as practicable be avoided."[1] In 1893 again, under Mr. Shaw Lefevre's presidency, similar circulars were sent out.[2] In 1895, Mr. Shaw Lefevre, afterwards Lord Eversley, again issued circulars using the very phrases of that of 1886, which were addressed, first to all the boards of guardians, and then to all the rural and urban district councils, asking the former about the distress, and urging the latter to undertake works, in conference with the boards of guardians, in order to afford employment to artisans and others, reduced to want through the prolonged frost.[3] The House of Commons, two days later, appointed a Committee to consider what could be done, at the request of which circulars were sent to all municipalities and district councils asking what had been done.[4] Called upon to justify itself by the Committee presided over by Mr., afterwards Sir Henry, Campbell-Bannerman, the Central Authority explained what had been done, both in the way of Presidential Circulars about unemployment, and in the way of Poor Law relief to the able-bodied. It did not in this emergency suggest or issue any new General Orders, but it sanctioned "departures from the rules as regards outdoor relief in particular cases."[5] Moreover, there was, as Sir Hugh Owen explained, "no indisposition on the part of the Local Government Board to comply with an application from a board of

[1] Circular of 14th November 1892, in Twenty-second Annual Report, 1892-3, p. 38.

[2] Circulars of 27th March and 30th September 1893, Twenty-third Annual Report, 1893-4, pp. lxiv-lxv; Board of Trade Report on Agencies and Methods for dealing with the Unemployed, 1893 (C. 7182), pp. 187-206.

[3] Twenty-fourth Annual Report, 1894-5, pp. lxxi-lxxiii. The local authorities were taking action before the Circular was sent; *see*, for instance, MS. Minutes, Bradford Board of Guardians, 4th February 1895, showing that they had decided on a deputation to the town council on 23rd January; and that the town council, on 25th January, had agreed to find work in clearing away snow.

[4] *Ibid.* p. lxxiii; First, Second, and Third Reports of the Select Committee on Distress from Want of Employment, 1895.

[5] Twenty-fourth Annual Report, 1894-5, p. lxxiv.

guardians for the issue of the Outdoor Labour Test Order when the circumstances have appeared to be such as to require it."[1] Meanwhile the public controversy that was taking place, the reports of the proceedings of the Committee, and above all the circulars demanding information from all the local authorities in the Kingdom, enormously stimulated the idea that the unemployed had got to be specially dealt with in such a way as to "prevent the stigma of pauperism, and the consequent loss of citizenship."[2] The Committee, after making elaborate inquiries, practically endorsed the policy of Mr. Chamberlain's Circular of 1886, of bringing municipal work to the aid of the unemployed, and carried it even further. They definitely recommended the adoption, as a constant feature of municipal work, though only in respect of the annually recurring slackness of employment in the winter months, of the policy of using the public orders in such a way as to regularise the aggregate volume of employment. As regards the Metropolis, it was recommended that individual boards of guardians might contribute, with the sanction of the Local Government Board, out of the Metropolitan Common Poor Fund, half the cost of the works undertaken by the vestries or district boards at their instance.[3] Moreover, as it had been discovered that the Acts of 1819 and 1830 had not been repealed, which authorised the local Poor Law authorities to purchase or hire not exceeding 50 acres of land on which to set the poor to work at reasonable wages—statutes which the Central Authority had persistently ignored as obsolete, and had refused to make the rules under which alone they could be made operative — the Committee recommended: "That the Local Government Board should consider the application of such powers, and make rules for the use of boards of guardians in relation thereto."[4]

[1] Third Report of Select Committee on Distress from Want of Employment, 1895, p. 560.

[2] The Lord Mayor of Manchester, in reply to deputation from the Chorlton Board of Guardians, 1895; *see* Second Report of Committee on Distress from Want of Employment, 1895, p. 54).

[3] Third Report of Committee on Distress from Want of Employment, 1895, p. v. The Committee also recommended the abolition of the penalty of disfranchisement, on persons in receipt of poor relief, so far as "the deserving man forced to become dependent on public aid" was concerned (*Ibid.*).

[4] *Ibid.* p. iv. *See* Mr. Shaw Lefevre's answer in House of Commons

Finally we come, with regard to the relief of the section of the able-bodied who may be deemed to be "the unemployed," to Mr. Long's scheme, embodied in the Unemployed Workmen Act of 1905, under which distress committees of the local municipal councils, formed partly of members nominated by the boards of guardians, are empowered to make special provision for those of the able-bodied who are "unemployed," without their becoming paupers, in the way of: (i.) emigration; (ii.) internal migration; (iii.) temporary employment; (iv.) farm colonies; or (v.) labour exchanges; at the expense, so far as emigration, migration, labour exchanges, and the cost of the whole machinery are concerned, of the local municipal rates, and, so far as the actual relief or wages is concerned, of voluntary subscriptions or subventions from the National Exchequer.[1]

(vii.) *The Farm Colony*

Meanwhile various boards of guardians had obtained the sanction of the Central Authority for another method of dealing with that section of the able-bodied who are termed "the unemployed." Upon the pressing and repeated advice of the Central Authority itself, the Poplar Board (which did not at first respond to the suggestion[2]) had in later years cordially co-operated with the local municipal authority in making employment for the unemployed. The increase in the number of able-bodied applicants had continued. The work-

18th February 1895 (*Hansard*, vol. 30, p. 969). The Central Authority persisted in its attitude with regard to these powers, and the rules, without which they cannot be used, have not in fact been issued; *see* Mr. Gerald Balfour's answer in House of Commons, 19th July 1905 (*Hansard*, vol. 149, pp. 1179-80). Similar powers were, however, granted to distress committees of local municipal authorities by the Unemployed Workmen Act 1905, under which the necessary rules have been issued.

[1] 5 Edw. VII. c. 18 (Unemployed Workmen Act 1905); Local Government Board to Metropolitan Mayors, 20th October 1904, and Circulars of 24th and 31st October 1904, 20th September, 10th October, 8th and 22nd December 1905, 13th January 1906; Orders of 20th September, 10th October, 6th December 1905, 13th January 1906. Thirty-fourth Annual Report, 1904-5, pp. cxxii-iii, 150-6; Thirty-fifth Annual Report, 1905-6, pp. clxxx-cxcii, 349-438.

[2] In answer to an inquiry in 1887, as to what action had been taken on the Circular of 1886, the Poplar Board of Guardians replied that no exceptional measures had been taken, and that they had found it unnecessary even to open a labour yard (Local Government Board to Poplar, 11th January 1887; Poplar to Local Government Board, 12th January 1887).

house was full, and indeed overcrowded. In October 1893 Mr. Lansbury had tried in vain to induce his fellow guardians to apply for the (Whitechapel) Modified Workhouse Test Order, permitting the admission to the workhouse of the men alone, whilst the families received outdoor relief. Two months later the Central Authority was asked to sanction the expenditure of £500 chargeable to the Metropolitan Common Poor Fund, to provide work for able-bodied applicants on three days a week. The Central Authority felt unable to sanction so vague a proposal, and practically iuvited a more definite scheme. Presently the idea of a farm colony, on which to employ able-bodied men, whilst their families remained on outdoor relief in London, received the approval of a conference of Metropolitan guardians. The Central Authority stated that, whilst it could not sanction any combination of areas with this object, it would consider any proposal by a board of guardians for the purpose. When, however, the Poplar Board of Guardians made such a proposal, the Central Authority declined to contemplate any action under the statutes of 1819 and 1830 already referred to, and persisted in regarding the proposed farm colony as merely a branch workhouse, deprecating it on account of the expense and distance.[1] Finally, by the generosity of Mr. Joseph Fels in placing land gratuitously at the disposal of the Poplar Board, the project in 1904 got under way, and the Central Authority (after suggesting, as an alternative, the use of the test workhouse at Kensington, which, as above mentioned, was on the point of coming to an end) sanctioned the extensive farm colony at Laindon under the pretence that it was a temporary workhouse, to which all the regulations of the General Consolidated Order of 1847, and all the elaborately prescribed dietaries of the Dietaries and Accounts Order of 1900, were nominally to apply.[2] At first the view of the Central

[1] Local Government Board to Poplar Board of Guardians, 15th January, 6th June, 17th August, and 4th October 1895 ; MS. Minutes, Poplar Board of Guardians, 1895-1900.

[2] No Order appears to have been issued, sanctioning or regulating this new experiment, the Local Government Board's approval being apparently conveyed, partly by a brief letter, partly by verbal communications through the inspector (MS. archives, Poplar Board of Guardians, 8th and 22nd July, 16th and 30th September, 21st October, 25th November 1903 ; 13th April 1904 ; Local Government Board to Poplar Union, 16th and 28th July 1903, and 11th April

Authority seems to have been that the men were not receiving indoor relief, but were, under the Out-relief Regulation Order of 1852, performing a task of work in a temporary workhouse, and were thus, we assume, receiving outdoor relief in respect of their wives and families in return for such a labour test. In February 1905, however, the so-called (Whitechapel) Modified Workhouse Test Order was issued to Poplar, under which the men alone could be admitted to the workhouse, and become indoor paupers, their wives and families receiving outdoor relief.[1]

Meanwhile the farm colony experiment was being tried in another form. The Central Authority gave its sanction, in March 1904, to the Poplar Board of Guardians sending some of their able-bodied male paupers to the Hadleigh farm colony of the Salvation Army, at a payment at the rate of £28 : 12s. per annum for each man, in addition to the outdoor relief granted to his wife and family.[2] In the following year it gave its sanction to a similar proposal by the Bradford Board of Guardians.[3] We do not know in what other instances the Central Authority tried this particular form of the farm colony experiment. The Lingfield farm colony of the Church Army was also being made use of by some boards of guardians, presumably with the sanction of the Central Authority.[4] We do not understand why these interesting farm colony experiments undertaken by Poplar, Bradford, and other boards of

1904. The Central Authority refused to modify the General Dietaries and Accounts Order 1900, which had prescribed model dietaries for inmates of workhouses, but had not included any for men engaged all day out-of-doors at agricultural labour, but it sanctioned the extra expenditure illegally incurred for a more appropriate dietary (Local Government Board to Poplar, 10th January 1905 ; MS. Minutes, Poplar Board of Guardians, 11th January 1905).

[1] Special Order to Poplar of 4th February 1905 (modified workhouse test). It is not clear whether : (i.) the men at the farm colony ; or (ii.) their families, were in 1904 included in the statistics of indoor, or in those of outdoor, pauperism ; nor whether any change in the actual statistical classification was made on receipt of the Order of February 1905.

[2] MS. Minutes, Poplar Board of Guardians, 30th March, 18th May, 15th June 1904 ; Local Government Board to Poplar Board of Guardians, 25th March and 2nd June 1904.

[3] Local Government Board to Bradford Board of Guardians, 14th January 1905. The Bradford Board had asked the Central Authority in vain, two years before, to get powers to enable Boards of Guardians to combine to form labour colonies of their own, especially for vagrants (MS. archives, Bradford Board of Guardians, February 1903).

[4] Local Government Board to Poplar Board of Guardians, 1st December 1903.

guardians, with the special sanction of the Central Authority, find no mention, either in its annual reports for 1904-5 or 1905-6, or in the reports for those years of the inspectors for the districts.

B.—Vagrants

The adoption, between 1886 and 1907, of a policy of discriminating between some able-bodied applicants and others, according to their character and circumstances, with a view (whether by Poor Law farm colony or by the relief works and labour exchanges of the distress committees) to the rehabilitation of the man really seeking work, makes all the more remarkable the retention, during the whole period, of a contrary policy with regard to wayfarers or vagrants. We find the Central Authority, from 1871 onwards, consistently maintaining for this class a policy of indiscriminate relief on demand, under deterrent conditions, distinctly "less eligible than the poorest accommodation of the independent labourer, free from any trace of wish for, or attempt at, reform or cure, and intended to be uniform throughout the kingdom. There was, for instance, after 1871, no reversion to the policy so frequently adumbrated between 1847 and 1871, of discriminating between the professional tramp and the *bona fide* workman in search of employment, reserving the deterrent casual ward for the one, and granting a night's lodging without conditions to the other. On the contrary, the basis of the new policy of 1871 was the universal establishment of the deterrent casual ward for all wayfarers, and the exclusion from the workhouse of even the worthiest among them. This uniformity was to be secured by the Pauper Inmates Discharge and Regulation Act, 1871,[1] which provided that a casual pauper should not be entitled to discharge himself before 11 a.m. on the day following his admission, or, if found a second time in one casual ward within a month, not till 9 a.m. on the third day, nor in any case until he had performed a prescribed task. The Act also made for uniformity by requiring the guardians to provide such casual wards as the Central Authority thought necessary, and by subjecting the admission, diet, and task to its Orders. From this time

[1] 34 & 35 Vic. c. 108, secs. 5, 6, 9.

forth, therefore, the Central Authority assumes complete responsibility for the treatment of vagrants. Its Circular of 1871 begins by condemning the work of its predecessors. "The result of the system hitherto adopted in the relief of this class of paupers cannot be regarded as successful, for while there has been no uniformity of treatment as to diet and work there has been neglect in many unions to provide proper and sufficient wards."[1] The Central Authority enunciated once more the need for national uniformity, pointing out that stringent regulations in one union caused vagrants to vary their route and resort to another place, and expressed an intention of requiring that suitable accommodation should be provided at every workhouse. But no uniformity was actually prescribed. The examples of Bath and Corwen unions were quoted for the guidance of others. At Bath vagrants had to apply for relief at the police station, whence able-bodied men were sent to the workhouse, where they were relieved, and required to perform a three hours' task of stone-breaking, while women, children, and old and infirm men were relieved at a refuge without any task. The Central Authority mentioned this system with apparent approval, and remarked that it had diminished the vagrancy of Bath by over 58 per cent. At Corwen a proposal was approved to place the vagrant wards in the yard of the police station, and appoint a police officer as assistant relieving officer.[2] But the

[1] Circular Letter on Vagrancy of 18th November 1871, in First Annual Report, 1871-2, p. 55.

[2] This Circular was issued after the passing of the Pauper Inmates Discharge and Regulation Act, and a few days before the General Order, of which the provisions will shortly be described. In the next year the Board reported a diminution in the number of vagrants, and allowed some of the less stringent of the Metropolitan casual wards to be closed, an action which caused difficulties in later years. In the unions where there were no casual wards, ordinary vagrants were referred to that of a neighbouring union, but the workhouse officials were bound to admit any applicants who, from sickness or other cause, were unable to proceed farther, and generally any case of urgent necessity (Second Annual Report, 1872-3, pp. xxii-xxiii). In 1872 also the Board advised guardians to dispense with the services of police constables as assistant relieving officers, and appoint the superintendents of the casual wards instead (Circular on Vagrancy in the Metropolis, of 30th May 1872; in *ibid.* p. 17). No reason is given for this change, and thirty years later the co-operation of the police in this manner is still assumed, for the board sanction a subscription by the guardians towards the cost of providing a mid-day meal for vagrants when proceeding from one workhouse to another, "where the superintendent of police is appointed assistant relieving officer for vagrants" (*Local Government Chronicle*, 29th November 1902, p. 1203).

stream of vagrants, after a merely temporary abatement, continued to grow. In 1882 the Central Authority got another statute, and issued another order, increasing the period of detention and otherwise making the conditions more deterrent[1]—still without laying down any policy of discrimination between wayfarers of one sort and wayfarers of another. A few more years' experience showed that the detention really operated against the virtuous wayfarer, who found himself discharged too late to get the work for which he had tramped. The remedy of the Central Authority was to issue circulars suggesting that the guardians should give orders that casual paupers who had done their task on the preceding day should be allowed to leave early in the morning.[2] Some boards of guardians acted on this, others did not—thus destroying the national uniformity at which the Central Authority had aimed. Finally, in 1892, in tardy response to a recommendation of the House of Lords Committee of 1888, a Circular and an Order were issued, "with the view of facilitating the search for work by casual paupers who are desirous of obtaining employment," which gave to every inmate of the casual ward, who had performed his task to the best of his ability, an absolute right to claim his discharge at 5.30 A.M. in summer, or 6 P.M. in winter, on the second day after admission, on his merely representing "that he is desirous of seeking work."[3] Whether from this or other causes, the stream of vagrants continued to grow, with the usual fluctuations. In 1904 the numbers passed all previous records, and so unsatisfactory had proved the policy of 1871-1904 that a Departmental Committee was appointed to find a new one.[4]

C.—Women

It was in this period of 1871-1907 that the Central Authority began to lay down a policy with regard to women

[1] 45 and 46 Vic. c. 36 (Casual Poor Act 1882); General Order of 18th December 1882, in Twelfth Annual Report, 1882-3, pp. 64-71. The Metropolis was now deemed to be one town for the purpose of punishing resort to the casual ward more than once in a month.

[2] Circulars of 16th April 1885, 7th November 1887, and 18th January 1888; *see* Fifteenth, Seventeenth and Eighteenth Annual Reports.

[3] Circular of 13th June 1892; Order of 11th June 1892; Twenty-Second Annual Report, 1892-3, pp. 14-15.

[4] *See* its Report, Cd. 2852 of 1906.

as women; significantly enough, as part of the restrictive policy brought in by the inspectorate. Women continued to be practically ignored in the statutes and orders, so that their legal position remained virtually unchanged.[1] But without any change in the orders, or in the division of the whole country into geographical regions under which, as we have shown, women had different claims to relief, the Central Authority sought by circulars, minutes, decisions, and the persistent pressure of the inspectorate, to discourage the grant of outdoor relief to particular classes of women. Thus outdoor relief to able-bodied single women without illegitimate children continued to be permissible, without any labour test or other conditions, in all the unions under the Out-relief Regulation Order; and the area under this Order continued to grow in population, until it amounted, by 1907, to three-fourths of the whole. But by Circular of 2nd December 1871, the Central Authority advised that outdoor relief should not be given in any case whatsoever of this class.[2] Such outdoor relief was specifically prohibited in the rules adopted by the Manchester Board of Guardians in 1875, which were frequently commended to the notice of other Boards of Guardians, who, under inspectorial pressure, voluntarily put themselves under similar rules.[3] In the same way, without alteration of the Orders, it was urged that deserted wives should not be given outdoor relief, at any rate during the first twelve months after the desertion.[4] It was

[1] By the Divided Parishes and Poor Law Amendment Act 1876, the law which had for poor relief purposes put a woman whose husband was beyond seas in the same position as a widow was extended to a married woman living separate from her husband (39 & 40 Vic. c. 61 sec. 18; *Selections from the Correspondence of the Local Government Board*, vol. iii. 1888, p. 186). It is also to be noted that under the Married Women's Property Act, 1882, a married woman having separate property was made liable to maintain her husband, and, concurrently with her husband, also her children and grandchildren if they became chargeable to the poor rate (45 & 46 Vic. c. 75, secs. 20, 21).

[2] Circular, 2nd December 1871, in First Annual Report, 1871-2, p. 67.

[3] For the "Manchester Rules" *see* Fifth Annual Report, 1875-6, pp. xvii-xix, 130-133. Somewhat similar rules were at the instance of the inspectorate adopted by the Cheshire Unions as late as 1891 (Twenty-first Annual Report, 1891-2, pp. 164-5).

[4] Circular of 2nd December 1871, in First Annual Report, 1871-2, p. 67. This suggestion we trace to Mr. Corbett, in 1869, though in the milder form of limiting the grant of outdoor relief to recently deserted wives, to two or three weeks only (Mr. Corbett's Report of 10th August 1871, as reprinted by the Central Authority for official circulation, February 1873). Ten years later the

officially declared to be "inexpedient to allow outdoor relief to the wives and children of persons who are in gaol"—not merely of convicted prisoners under sentence, but also of those not under sentence, nearly all of whom are still unconvicted, and, therefore, legally presumed to be innocent—and this in spite of the admitted fact that "the law has provided that regulations prescribed with regard to widows shall apply to the wives in these cases," so that the Central Authority had no power to make a prohibitory order.[1] So, too, the "wives of men in the first class Army Reserve," to whom relief could not be actually prohibited without trouble with the War Office, were declared not to need constant relief, as "an able-bodied woman with the Government allowance and such assistance as her husband ought to provide from his pay and allowances should have no difficulty in finding, if not immediately, at least within a reasonable period after her husband's departure, sufficient employment to enable her to maintain adequately herself and her children." But outdoor relief might be given for a short period, and, it was suggested, on loan.[2] Even to widows, who, it was now recognised, accounted for a third of the whole pauper population,[3] outdoor relief was—apparently for the first time in the whole history of the Central Authority from 1834, so far as we can find—now officially discouraged. It was strongly recommended that it should not be given at all to "any able-bodied widow with one child only." Even where there were "more than

Central Authority found that this policy was not justified by the law, so far as regards deserted wives having children under seven (as is the case with most of them). In such cases it was found necessary in 1880 to advise that outdoor relief could, in case of destitution, not be refused, even if the woman was able-bodied, and irrespective of her character, the cause or duration of the husband's absence, possible collusion with him, etc. The Central Authority decided that, "assuming that the applicant in this case is a married woman, whose husband, though living, is not residing with her, she would not be liable for the support of the children, who, being within the age of nurture, cannot lawfully be separated from her; and the guardians would not be justified, under these circumstances, in withholding out-relief *for the children*" (*Selections from the Correspondence of the Local Government Board*, vol. ii. 1880, p. 71).

[1] Local Government Board to Chairman of Central Poor Law Conference, 12th May 1877, in Seventh Annual Report, 1877-8, p. 56.

[2] Circular, 30th August 1882, in Twelfth Annual Report, 1882-3, pp. 43-4.

[3] "Widows and their dependent children [on 1st January 1873, 25,740] constitute 33 per cent of the total outdoor pauperism of London, and 57 per cent of so much of that pauperism as is caused otherwise than by age and permanent infirmity" (Third Annual Report, 1873-4, p. 179).

one child, it may be desirable to take one or more of the children into the workhouse in preference to giving outdoor relief."[1] It is characteristic that this policy was not based on any consideration of what was the appropriate treatment for the child, but was regarded only as a "test," by which it was intended to exclude every widow who could *possibly* maintain herself and family without poor relief. Six years later we have it observed, as a capital drawback to this policy, not that the children might suffer by being taken into the workhouse, but that "since the passing of the Elementary Education Acts this offer as a test of destitution has not the same effect as previously, inasmuch as the children being required to attend school, the mothers cannot have the benefit of any earnings which otherwise the children might obtain."[2] And though the Central Authority refused, in 1877, to make

[1] Circular of 2nd December 1871, in First Annual Report, 1871-2, p. 67. The injurious results of this policy were reported by Mr. Culley, *see* his Report in Third Annual Report, 1873-4, p. 74. On the other hand Mr. Longley preferred the "offer of the House" to widows, in order to make their deceased husbands provident. "The condition of a widow with a large family," said Mr. Longley, "however deplorable it undoubtedly is, is one of the ordinary contingencies of human circumstances, which may, in some degree or other, be provided against equally with sickness, or accident, or other bereavement. . . . A man in receipt of regular weekly wages may be fairly called upon to secure his widow if [un]able to work for her living, against dependence upon Poor Law relief" (Mr. Longley's Report, in Third Annual Report, 1873-4, pp. 183, 185).

[2] Local Government Board to Chairman of Central Poor Law Conference, 12th May 1877, in Seventh Annual Report, 1877-8, p. 56. Some of the inspectors altogether disapproved of the policy of taking the children into the workhouse (*see*, for instance, Mr. Culley's Report, in Third Annual Report, 1873-4, p. 74). One inspector, at least, realised the connection of the destitution due to widowhood with the absence of compensation for accidents and industrial diseases among workmen. "Male life, at least, is longer in the rural than in the manufacturing, mining, and seaport unions. In the latter . . . male life is more frequently cut short by illness or accident arising from the nature of the employment. . . . The proportion of children (exclusive of orphans) to widows . . . varies from 0·48 in the purely agricultural union of Bedale to 2·30 in the manufacturing and shipbuilding district of Jarrow. . . . I found . . . on examining the returns from the different relief districts that the highest rate of mortality amongst husbands prevailed in the inland portion of the union, a state of things which the relieving officers attributed to accidents in shipbuilding yards and the unwholesome nature of the employment in chemical works. In the same manner, in Tynemouth Union, I found that the proportion of widows with young families was considerably higher in the mining district than in the town of North Shields. . . . In Teesdale the rate of mortality amongst the leadminers is very great, owing, I was informed, to the bad ventilation of the mines" (Mr. Culley's Report, in Third Annual Report, 1873-4, pp. 72-3). We do not find that the point was followed up until the Workmen's Compensation Act of 1900.

illegal the grant of outdoor relief to "widows within six months of their widowhood"—declaring, indeed, that "a widow, with or without children, could not, on the death of her husband, in all cases be required to go into the workhouse"—it was not obscurely hinted that "it may be that the period of six months now allowed is too long," and that "the guardians should exercise their discretion in dealing with each case according to its merits."[1] The example of the Bradfield Union, where "the widow's month" had, since about 1873, been substituted for "the widow's six months," was always being commended to boards of guardians by the inspectorate. Moreover, in the Metropolis, at Manchester, at Birmingham, and various other places, it was strongly recommended in these years that outdoor relief to able-bodied independent women should be given only with a labour test; which might be (as at Manchester) "the enforced silence and order of the needle-room," where the women, at any rate, learnt to knit, and sew, and darn a stocking, or, as at Birmingham and Poplar, what Mr. Corbett called "the comparative licence and desultory work of the ordinary oakum room."[2] The task of oakum picking was eventually preferred by the Central Authority, and, down to the last decade of the century, it was this that was recommended to boards of guardians. The effect of this long-continued and persistent pressure for the first twenty years of the Local Government Board, without any alteration in the legal status of women by order or statute, is seen in the statistics of outdoor relief. The able-bodied women getting outdoor relief on 1st January 1871, numbered 116,407.[3] On 1st January 1892, they had been brought down to 53,571, the reduction having been principally in: (*a*) wives of able-bodied men; (*b*) single women without children; and (*c*) wives of men in gaol, in the Army, Navy, etc., or otherwise absent. But the number of widows on

[1] Local Government Board to Chairman of Central Poor Law Conference, 12th May 1877, in Seventh Annual Report, 1877-8, pp. 55-6. We find the policy of reducing "the widow's six months" suggested by Mr. Corbett in 1869. At the Conference of East End Guardians summoned by him, it was agreed "that the widows without children should, as a rule, after a period not exceeding three months from the commencement of their widowhood, be relieved only in the workhouse" (Mr. Corbett's Report of 10th August 1871; as reprinted by the Central Authority for official circulation, February 1873).

[2] *Ibid.*

[3] Twenty-third Annual Report of the Poor Law Board, 1870-1, p. 374.

outdoor relief had also been reduced from 53,502 in 1873 to 36,627 on 1st January 1892.[1]

After 1885, though some of the inspectors continued to recommend, with regard to women, the strict policy of 1871,[2] the Local Government Board itself, so far as we can discover, reverted to silence on the point, and gave no advice.

D.—CHILDREN

(i.) *On Outdoor Relief*

There seems to have been, so far as regards children, no explicit change in policy in 1871. To take first the 336,870 children under sixteen who were on outdoor relief on 1st January 1871[3]—almost exactly one-third of the aggregate pauperism—we see continued the same ignoring of their general condition. We do not find that the inspectors ever investigated what was happening to these children or that the Central Authority ever made any official inquiry, still less issued any order, on the subject. The general policy of restricting outdoor relief, which we have sufficiently described, had incidentally the effect, in the course of twenty years, of reducing the number of children on outdoor relief by nearly one-half.[4]

On one point, indeed, that of education, as we have seen, Parliament had explicitly over-ridden the implied contention that the Poor Law Authorities had no responsibility for the welfare of the children on outdoor relief. The policy of Denison's Act of 1855, which had been comparatively little acted upon, was extended in 1873 so as to make it compulsory on boards of guardians to see that such children between five and thirteen were regularly at school.[5] The guardians were

[1] Third Annual Report of the Local Government Board, 1873-4, p. 588; Twenty-first Annual Report, 1891-2, p. 365.

[2] It is, however, to be noted that in the model rules which the most zealous inspectors were pressing on Boards of Guardians in 1902—herein differing from the much commended Manchester rules of 1875—the widow with only one child is recognised as a fit case for outdoor relief (Mr. Preston-Thomas's Report, in Thirty-Second Annual Report, 1902-3, p. 100).

[3] Twenty-third Annual Report of the Poor Law Board, 1870-71, p. 378.

[4] On 1st January 1892, the 336,870 children of 1871 had fallen to 177,245, probably the lowest figure of the whole seventy years (Twenty-first Annual Report of the Local Government Board, 1891-2, p. 365).

[5] 36 & 37 Vic. c. 86, sec. 3 (Elementary Education Act 1873); 39 & 40 Vic. c. 79, sec. 40 (Elementary Education Act 1876); 43 & 44 Vic. c. 23,

even required to pay the school fees for children—even illegitimate children—who were not paupers, if they needed this, and the parents did not thereby become paupers.[1] We see the Central Authority communicating these decisions of the Legislature without comment, and the boards of guardians carrying them out as they chose;[2] sometimes even taking it upon themselves to petition the Education Department to relax the requirement of schooling after twelve, as being hard on the parent, useless to the child, and leading to "much necessary work being left undone," especially "the eradication of pernicious weeds."[3]

We may see further imposition of responsibility on the boards of guardians for the well-being of the children of the poor, in the series of Acts for the Prevention of Cruelty to Children. Already in 1868 boards of guardians had been expressly directed by statute to institute proceedings against parents who neglected their children.[4] In 1888 the Central Authority reminded the guardians of the power they had thus had for twenty years, without often making use of it.[5] In 1889 Parliament enacted that any person having the custody of a child under sixteen who "wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering or injury to its health, shall be guilty of a misdemeanour," and that the guardians might, "out of the funds under their control, pay the reasonable costs and expenses of any proceedings" which they direct to be taken. They were not definitely required to take such proceedings, but Parliament laid the duty upon them to do so. The Act of 1894 made the provisions more explicit, and defined injury to health so as to include

sec. 5 (Elementary Education Act 1880). It was held in 1877 that the guardians might, if they chose, pay, besides the school fee, also for books and stationery (*Selections from the Correspondence of the Local Government Board*, vol. i. 1880, p. 49).

[1] 39 & 40 Vic. c. 79, sec. 10 (Elementary Education Act 1876).

[2] Circulars of 30th December 1873 and 30th December 1876, in Third Annual Report, 1873-4, pp. 4-7, and Sixth Annual Report, 1876-7, pp. 23-6; MS. Minutes, Bakewell Board of Guardians, 12th January and 9th February 1874.

[3] *Ibid.* 30th August 1880.

[4] 31 & 32 Vic. c. 122, sec. 37 (Poor Law Amendment Act 1868).

[5] Circular of 31st December 1888, in Eighteenth Annual Report, 1888-9, p. 105.

"injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement."[1]

These statutes were applicable, among others, to the 170,000 children on outdoor relief, many of whom were plainly underfed, housed in insanitary conditions, half-clothed, and generally treated in a manner "likely to cause injury" to their health; but we do not find that the boards of guardians realised the great increase of power and responsibility thus entrusted to them. The Central Authority, which observed mildly that Parliament evidently meant the guardians to institute proceedings, did not point out to them the applicability of the new statutes to the children on outdoor relief; and the boards of guardians, so far as we can ascertain, seldom or never acted on them. In 1904, accordingly, the power to pay the expenses of prosecution was transferred to county and borough authorities, so that the guardians ceased to be responsible for taking proceedings; but the workhouse remains a "place of safety" to which a constable or other person authorised by a Justice may take a child, the guardians are required to provide for the reception of any child so brought to the workhouse, and the master is bound to admit such child if there is sufficient accommodation.[2]

After 1890 we find the responsibility of the Poor Law authorities for all the outdoor paupers beginning to be recognised by the inspectorate. "The absolute responsibility of the guardians for the material well-being of every one who is in receipt of outdoor relief,"[3] said Mr. Davy in 1893, had been officially recognised by the District Nurses Order, to which we shall recur. "If any relief at all is given to an applicant," Mr. Davy laid it down, "it is the plain duty of the guardians *to take precautions* to insure that . . . the pauper is sufficiently fed, clothed, and lodged."[4] This was notoriously not the case in many unions, the children especially being in an evil plight. "In many unions," said Mr. Baldwyn Fleming, in 1891, "the relieving officer and the inspector of nuisances could show guardians cases . . . where large families are

[1] 52 & 53 Vic. c. 44, secs. 1, 12 (1889); 57 & 58 Vic. c. 41, sec. 1 (1894); Circular of 30th September 1889, in Nineteenth Annual Report, 1889-90, pp. 92-5.

[2] 4 Edw. VII. c. 15, sec. 5.

[3] Mr. Davy's Report, in Twenty-Second Annual Report, 1892-3, p. 72.

[4] *Ibid.*

living in cottages too small for them, and the accommodation is in almost every respect unsatisfactory, where the children have little but rags to cover them by day or night, where school attendance is avoided to the utmost, where the feeding only just escapes starvation, where the physical and moral education of the children are equally impracticable, where infant life is one constant struggle with misery and privation."[1] The demoralising association of the outdoor pauper children with the pay-station was specially denounced by another inspector. "What," he said, "is the sense, I would ask—I *do* ask in board rooms—of all this trouble and outlay to put the children into cottage homes or scattered homes, to keep them, in fact, altogether away from the workhouse, if while doing all this the very same authority permit the precisely similar children of the outdoor poor to haunt the pay-stations, to hang about workhouse gates, or to sit mixed up in waiting-rooms with adult paupers. . . . The children, early in life, often at times when they ought to be at school, have their eyes opened to the facility with which by exaggerating your impecunious condition, 2s. 6d. or 3s. a week can be got without the labour of earning it. . . . The master of one of the board schools had written . . . to complain that three children systematically were kept from school on a particular day of the week for the purpose of drawing relief due to their parents."[2]

We cannot find, however, any order, minute, or circular explicitly taking official cognisance of the condition of these children (except in respect of the statutory requirement of school attendance); nor do the boards of guardians seem to have taken any trouble to inquire into their condition. In 1901 the Central Authority had reported to it, at its special request (in connection with the adequacy of the amount granted, especially for the aged), the amounts usually given in outdoor relief. In the majority of unions it must then have appeared that the amount allowed for the support of each child on outdoor relief was either the 1s. and one loaf per

[1] Mr. Baldwyn Fleming's Report, in Twentieth Annual Report, 1890-1, p. 222.

[2] Mr. Kennedy's Report, in Twenty-eighth Annual Report, 1898-9, pp. 168-9.

week, which had had the sanction of Mr. Corbett in 1869,[1] or frequently 1s. 6d. per week. The Bradford Board of Guardians, however, if no other, reported that it allowed to deserving widows with dependent children 4s. for the first child, 3s. for the second, and 2s. for each additional child (besides 5s. for the mother herself).[2] We do not find that any official view has been expressed as to this diversity.

At the very end of the period we find Parliament suddenly insisting on the responsibility of the boards of guardians for the condition, not only of the children on outdoor relief, but of all children in so far as sufficiency of food is concerned. By the Act of 1906 special provision is made for children at school who are in need of food. This Act, embodied in a General Order, was communicated to boards of guardians in a circular which explains the exact degree of responsibility which, in the opinion of the Central Authority, Parliament has thereby imposed on them. A parent is bound to supply his children with necessary food, and if he is unable to do so should apply to the guardians for help. When a father, being able to supply food, neglects to do so, or being unable neglects to apply to the guardians, so that the child is underfed, a "special application" on behalf of the child may be made to the guardians or relieving officer "by the managers, or by a teacher duly empowered by the managers, of a public elementary school, or by an officer duly empowered by the local education authority." If the food is urgently needed it is to be supplied at once, as a loan to the father, and he is to be informed as soon as possible that it has been so given. When there is no such urgency, the father is to be informed that food will be supplied before it is given, that he may have the opportunity of providing it himself; and the guardians are to inquire whether the need is due to habitual neglect; if it is so, the relief shall (and in any case it may) be given on loan.

Whenever relief under this order is given on loan, the guardians are obliged to take proceedings for its recovery, unless the Local Government Board specially approves of

[1] Mr. Corbett's Report of 10th August 1871, as reprinted by the Central Authority in 1873 for official circulation.

[2] Bradford Union to Local Government Board, 26th January 1901 (MS. archives, Bradford Board of Guardians).

their not doing so, which approval would only be obtainable in very special circumstances, *e.g.* if it were obviously impossible to recover the amount. It is held to be particularly important that these proceedings should always be taken, as they are the only means of safeguarding against abuse, for the rule that, as a condition of relief, the able-bodied father must enter the workhouse or be set to work by the guardians is specially abrogated in cases under this order, as being inapplicable to them. The order does not apply to any child who is blind or deaf and dumb, nor in the case of any relative except the father, nor if the child is not resident with the father. Relief is not to be ordered on a "special application" for a longer period than one month. "Where a special application is renewed within a short time, say six months, after the expiration of the period for which the relief has been given, and further relief has to be allowed, or where within this period special application is made and relief is given in respect of some other member of the same family, and the cause of the application is the habitual neglect of the father to provide food, the Board think that the guardians should consider whether the case is one in which proceedings could be taken against the father, either under the Vagrancy Act 1824, or the Prevention of Cruelty to Children Act 1904."

Finally, the Board "trust that the boards of guardians, particularly those of populous unions in which cases of under-fed children more frequently occur, will endeavour to co-operate with the local education authorities in dealing with really necessitous cases, whilst exercising due discrimination so as to avoid the pauperisation and consequent disfranchisement of parents who ought not to be brought under the Poor Law."[1]

The number of outdoor pauper children is now slightly more than in 1892, there being on 1st January 1906, 179,870 such, 96,804 being widows' children, 72,721 children with both parents or with fathers only, and 10,345 having no parents.[2]

Turning now to the much smaller number of children in Poor Law institutions, of whom there were on January 1st 1871, 55,832[3] (together with a very small number "boarded

[1] Circular of 27th April 1905, in Thirty-fifth Annual Report, 1905-6, pp. 317-20.

[2] Thirty-fifth Annual Report, 1905-6, p. cxxxi.

[3] Twenty-third Annual Report of the Poor Law Board, 1870-71, p. 374.

out"), we see a similar continuity of policy in the Central Authority, but in these cases it is continuity in the policy of a constant enlargement of responsibility, and of a steady improvement in the provision.[1]

(ii.) *In Poor Law Schools*

The main preoccupation of the Central Authority since 1871, so far as children are concerned, has been the increase, progressive improvement, and novel development of the Poor Law school entirely removed from the workhouse.[2] The recommendations and incitements to boards of guardians to remove from the workhouse the healthy children of school age are incessant down to 1900.[3] Such children are ordinarily accommodated in Poor Law schools, either district schools, where these exist, or much more frequently "separated" or "workhouse schools," which may be of the old aggregated type, or "cottage homes" or "scattered homes." The dramatic change from the views of 1850 is the abandonment of the "district school." The aggregated type, held in such esteem previously to 1871, fell gradually into disfavour, and is now

[1] There are few statutory provisions of this period which affect the institutional treatment of children, and these few deal simply with financial questions. It is worth noting, however, that they tend to improve accommodation, as they facilitate increased expenditure, by allowing a larger sum to be raised for building, fitting up, and furnishing Metropolitan District Schools (Poor Law Loans Act 1872, 35 Vic. c. 2, sec. 1), and by allowing the expenses of maintenance in a certified school to be paid up to any limit to be fixed by the Local Government Board; and provide against overcrowding by allowing no repayment from the common poor fund in respect of children in a school in excess of a maximum number fixed for the school by the board. The special provisions for the education of defective children will be considered under the heading "Defectives."

[2] In his Report for 1898, the inspector of Poor Law schools for the six northern counties describes the changes of the preceding thirty-seven years. In 1871-5 there were seventy-four unions, having considerable numbers of children, which educated them all in schools within the workhouse walls. Four had distinct schools, but on the workhouse premises; and four only had entirely separate schools. In 1898, only one union had workhouse schools for girls and two for boys; three had distinct schools, but on the workhouse premises; with half-a-dozen others with similar arrangements for part of the children, or for the children awaiting transfer only. Elsewhere the children were in entirely separate schools or cottage homes, or removed to certified schools; or in scattered homes or boarded out (Mr. Mozley's Report, in Twenty-eighth Annual Report, 1898-9, p. 183).

[3] The last in the published documents seems to be the incidental reference in the Circular of 4th August 1900 as to the aged and deserving poor (Thirtieth Annual Report, 1900-1, p. 18).

known as the "barrack school." Already in 1871 Mr. Corbett was criticising these schools as being far too large (as well as too indiscriminate in the kind of children admitted) to be really successful.[1] After repeated outbreaks of malignant ophthalmia, and continued experience of the mental drawbacks, especially of the large girls' schools, the Central Authority abandoned its policy, and presently came to decline to sanction proposals which would have the effect of "extending the large schools in the Metropolis and . . . most readily [to] entertain any proposals for applying to other purposes any of these large buildings, subject to other provision of a suitable character being made for the children."[2] The barrack school system grew up out of the five Metropolitan school districts; these also therefore shared in the condemnation, and in 1899 two had been dissolved.[3]

A "separate school" belonging to a single union or separate parish would naturally be much smaller than a district school, but nothing is said as to the merits or demerits of an aggregated school of moderate size. The method which seems to have won the approval of the Central Authority is that of "cottage homes," or the "block system," under which children are grouped in bodies of not more than twenty-five or thirty in separate houses on a common ground of considerable acreage, and with suitable common buildings, such as baths, chapels, etc., under the supervision, not only of "house-mothers," but also of a superintendent of the whole. Since 1894 the Board have constantly approved the erection of schools on this plan; they always require that the cottage homes should be entirely separated from the workhouse. The outstanding feature of this system is the great expense.[4]

An alternative plan is that of "scattered homes," *i.e.* cottages taken here and there throughout the union, not

[1] Mr. Corbett's Report of 10th August 1871.

[2] *Hansard*, 1st February 1897, vol. 45, p. 904.

[3] *Ibid.* 2nd June 1899, vol. 72, p. 258. The process of discovery of the evils of these large schools may be interestingly traced in the annual reports of the L.G.B. Inspectors of Poor Law Schools from 1871 to 1895; the *Report on the Health of Metropolitan Pauper Schools*, by J. H. Bridges, 1890; and Report of the Committee on Poor Law Schools, 1896.

[4] The "cottage homes" required special orders widely differing from those for the "barrack schools"; *see*, for instance, that for the Marston Green Cottage Homes of the Birmingham Union of 8th November 1879.

adjacent to each other, wherein the children live under the care of matrons or foster parents, and whence they attend the public elementary schools. In some cases the results of this system have been good, but the Central Authority received reports of certain cases of bad management, which made it cautious in regard to other proposals in that direction. The adoption of the system in Camberwell was sanctioned on the conditions that the guardians could satisfy the Central Authority that they could get proper houses for the scattered homes, and also that they could be quite sure of having an adequate system of inspection.[1]

Notwithstanding the great expense of these highly elaborated boarding-schools for the indoor pauper boys and girls—an expense reaching between £100 and £200 capital, and between £30 and £50 annual maintenance, for each child—we see the Central Authority constantly pressing for their multiplication. The very idea of "less eligibility" has been forgotten by the inspectors. To quote one of them in 1902: "The number and nature of obstacles (to the removal of children from the workhouse) conjured up in the minds of many of the country guardians is," he says, "quite surprising. One idea, which proves a great stumbling-block, is that the children will be put in a position above their deserts, and above that of the children living in their own homes with their parents."[2]

On 1st January 1906, the total number of children in "district or separate schools" was no more than 12,393, whilst in "cottage and other homes" there were 14,590; and 11,368 were in other institutions (mostly certified industrial schools, conducted by philanthropic committees not for profit).[3]

[1] Local Government Board to Camberwell Union. The Sheffield "Scattered Homes" were described in Mr. Kennedy's Report, in the Twenty-third Annual Report, 1893-4, p. 138. They were (as "isolated homes") regulated by Special Orders of 4th November 1896, 23rd February 1898, and 7th February 1906.

[2] Mr. Hervey's Report, in Thirty-first Annual Report, 1901-2, p. 80.

[3] Thirty-fifth Annual Report, 1905-6, p. cxxxi. The policy of placing children out in private venture homes run for profit (the old "farming" system) was not wholly given up. In 1874 the Central Authority decided to "withdraw from the almost nominal supervision" which it had exercised over the private venture seaside homes for children; and to leave these, as certified schools, entirely to the supervision of such boards of guardians as

(iii.) *The Workhouse Children*

Notwithstanding the desire of the Central Authority to remove the children from the workhouses, there remained on 1st January 1906 no fewer than 21,526 in these institutions.[1] The Central Authority has, for instance, never objected to the retention in workhouses of children of tender years, or of children of any age, in the interval before they can be sent to school. In 1889, indeed, it was especially forbidden to send children to separate schools under the age of three.[2] Though no alteration has been made in the General Consolidated Order of 1847, by which the internal economy of the workhouse is professedly governed, the Central Authority laid it down in 1895 that "in every workhouse in which there are several children too young to attend school, a separate nursery—dry, spacious, light, and well ventilated—should be provided, and should be suitably furnished."[3]

The children are always to be under the supervision of paid officers, a recommendation made in the days of the Poor Law Board, but still up to 1895 frequently urged—showing that at any rate till then it had not been effectively insisted on. Even in that year the Board had to write: "In no case should the care of young children be entrusted to inferior or weak-minded inmates"—a qualification which weakens the force of the prohibition of the use of paupers at all. "Unless young children are placed under responsible supervision they cannot be said to be 'properly taken care of'";[4] and again,

chose to make use of them, the payments being classed as non-resident relief (Circular of May 1874, in *Local Government Chronicle*, 23rd May 1874, p. 334). Yet a Special Order of 17th September 1879 regulated the admission of pauper children to the Metropolitan Infirmary for Children, Margate (John Weekly, proprietor). Others of 29th November 1880 and 30th June 1886, did the same for the Downlands Seaside Infirmary for Children, Rottingdean (J. F. Landguist, proprietor). In 1889, the North Surrey School District established a Convalescent Home of its own at Broadstairs (Special Orders of 8th February 1889 and 17th October 1891).

[1] Thirty-fifth Annual Report, 1905-6, p. cxxx. This includes a comparatively small number of sick children in Poor Law infirmaries.

[2] General Order of 22nd July 1889 (as to Metropolis); and of 10th February 1899 (to all unions). In 1878, indeed, the North Surrey District School had refused to receive children under four, and the Central Authority had declined to interfere (*Selections from the Correspondence of the Local Government Board*, vol. i. 1880, p. 178).

[3] Memorandum, "Duties of Visiting Committees," June 1895, in Twenty-fifth Annual Report, 1895-6, p. 122.

[4] *Ibid.*

more generally, "all children in workhouses should be under the charge of officers, either industrial trainers or caretakers, and should not be left to the charge of adult paupers."[1] The medical officer is responsible for the children's health, and with a view to the prevention of disease he is expected to inspect them, whether they are ill or not, "frequently and individually." In this connection may be mentioned a "Memorandum relative to Ophthalmia of New-born Children,"[2] in which the Board requested medical officers to give each nurse or midwife acting under their directions such written instructions as they might deem necessary in order to give effect to the recommendations of the Royal Commission on the subject. In 1882 the Central Authority refused to sanction any women's committee;[3] but by 1897 the guardians were urged to appoint women's committees for the supervision of the women and children in the workhouse.

It is interesting to trace the growth of opinion with regard to the provision for the children of means of enjoyment. For half a century after 1834 the Central Authority allowed no toys whatever for all its tens of thousands of indoor children of all ages. An auditor in 1883 disallowed sums spent on toys for sick children, and Mr. Hibbert was questioned in Parliament. He said "there have been similar disallowances previously, and the Local Government Board, while relieving the persons surcharged of their liability, have held that expenditure of this character should be defrayed by private liberality, rather than out of rates compulsorily levied." The disallowances had therefore hitherto been confirmed, the payments being thus decided to be actually illegal. "The subject," continued Mr. Hibbert, "had been considered in connection with the recent surcharge, and it is proposed to hold that the expenditure was within the legal powers of the guardians, and the auditor will be communicated with, with a view to a reversal of his decision."[4] It is not clear which

[1] Circular Letter, 29th January 1895, in Twenty-fifth Annual Report, 1895-6, p. 110.

[2] June 1897, in Twenty-seventh Annual Report, 1897-8, p. 24.

[3] *Selections from the Correspondence of the Local Government Board*, vol. ii. 1883, p. 258.

[4] *Ibid.* vol. iii. 1888, p. 55; *Hansard*, 13th March 1883, vol. 277, p. 365.

of these conflicting decisions of the Central Authority was in accordance with law.

In 1891 the Board wrote: "The supply of illustrated books and periodicals of children is especially desirable. Admirable publications of this class can now be obtained at a very small cost, and where it appears to be necessary an expenditure by the guardians for this purpose should, in the Board's opinion, be urged upon them. The question of the provision of bats, balls, skipping-ropes, etc., for the children and toys for the infants, is also one which the Board are desirous should receive the attention of the inspectors on the occasion of their inspections of the workhouses."[1]

"Special care should be taken that a sufficient part of each day is set apart for recreation only, and that the children should be allowed to take exercise frequently outside the workhouse premises, and that they should be encouraged in healthy games of all sorts."[2] The guardians were allowed to take girls from the Forest Gate Schools to see the sights of London, provided the places visited were approved by the school inspector,[3] and also to pay a donation to the funds of a Band of Hope, when the Poor Law children were allowed to share in the work of the society.[4]

In recent years, we see the inspectorate urging that even children of tender years ought not to live in the workhouse. This is a new idea which has not yet received more formal endorsement. As children under three may not, by the Central Authority's own order of 10th February 1899, be sent to a separate Poor Law school, there is as yet no place for them but the workhouse. "Nothing has been said," observed Mr. Jenner Fust, in 1901, "about the nursery children, at present retained at the workhouse till three years old, or even more, though the case of these requires attention as much as that of the older ones. They are almost always largely under the care of inmates, and the conditions are seldom improved even when these inmates are their own mothers . . . I

[1] Circular, "Supply of Books, Newspapers, etc.," 23rd January 1891, in Report of Royal Commission on the Aged Poor, 1895, vol. iii. No. C.7684, ii. p. 967; Twentieth Annual Report, 1890-1, p. xc.

[2] Circular Letter of 29th January 1895, on "Workhouse Administration," in Twenty-fifth Annual Report, 1895-6, p. 110.

[3] *Local Government Chronicle*, 18th August 1900, p. 841.

[4] *Ibid.* 14th June 1902, p. 614.

cannot but think that nursery homes with trained nurses as foster-mothers should form part of the equipment of all cottage homes, or, if a separate receiving home be established, the nursery children might conveniently be placed there, the removal from the workhouse not being delayed beyond the period when a child is able to walk."[1]

With regard to the education of the older workhouse children the Central Authority has changed its policy. It does not actually forbid the guardians to arrange for a school within the workhouse, which was the policy of 1850. But the plan now favoured is to send them out to the public elementary schools, as is also done when they are placed in scattered homes. At first the Central Authority only sanctioned this course with reluctance, only when the number of such children was small, and with special recommendations as to the appointment of officers to supervise the children out of school hours and impart industrial training.[2] In the case of one union, they "urged the guardians to reconsider the question, with a view to the appointment either of a caretaker of the children or a porter, who could give that attention to the boys when in the workhouse which was of such importance to their future welfare."[3] Later, perhaps, when the principle of paid "caretakers" had become more fully accepted, the Central Authority gave the system much more hearty support, noted its prevalence with satisfaction, and considered it highly desirable that children in Poor Law establishments should thus be given opportunities of mixing with other children.

When there is a choice of elementary schools, each child should be sent to the one conducted according to its own religious creed, and it was also recommended that the children should be sent out to Sunday schools of their own denomination. This denomination is ordinarily that of the child's parents, but if the religion is not known, he is to be brought up in the Church of England:[4] if the father changes his creed, that of the child changes also.[5]

[1] Mr. Jenner Fust's Report, in Thirtieth Annual Report, 1900-1, p. 147.
[2] *Local Government Chronicle*, 22nd June 1878, p. 489.
[3] *Hansard*, 6th September 1886, vol. 308, p. 1316.
[4] *Local Government Chronicle*, 2nd July 1904, p. 707.
[5] *Ibid.* 8th November 1902, p. 1126.

While in the workhouse the children are to receive instruction in industrial and manual work, but the Board strongly resisted proposals for sending them out to work in factories.[1]

Subject to these conditions, the 21,526 children living in the workhouse remain there to the knowledge and with the sanction of the Central Authority—at least, this is what the guardians contend, and, so far as we can discover, there is no order, circular, or minute to the contrary.[2]

Meanwhile the guardians are pressed to bestow on them an amount of salaried care and expensive attention that surprises the more old-fashioned among them, who have not yet quite abandoned the principle of "less eligibility." "One matter of some interest," says Mr. Baldwyn Fleming in 1902, "is the curious reluctance displayed by country guardians to have the children's teeth cared for. The argument used is, "The ratepayers do not take their children to the dentist, and why should we do so?" (in the case of the indoor Poor Law children.)[3]

[1] *Hansard*, 21st June 1888, vol. 327, pp. 809-10; *Selections from the Correspondence of the Local Government Board*, vol ii. 1883, p. 139.

[2] We ought perhaps to add that the Central Authority is found putting pressure on boards of guardians who refuse to make any adequate provision for their children. In 1898 it is reported that, because the Darlington Board of Guardians refused to make such provision, the Central Authority had refused to sanction any alteration of the workhouse whatsoever until such provision had been made (*Local Government Chronicle*, 19th February 1898, p. 175).

The 21,526 workhouse children appear to be made up of: (*a*) infants under three; (*b*) children between three and fourteen, scattered in groups of a dozen to as many as seventy in the workhouses of the unions having no separate schools of their own (in the York Workhouse there are usually about seventy children); and (*c*) children temporarily in the workhouse on their way to separate schools, boarding-out, being apprenticed, etc. In another classification they are: (*a*) the newly-born infants of the women in the lying-in ward; (*b*) children between three and fourteen, who are orphans or deserted; (*c*) children of indoor paupers, who are either (i.) permanent residents; or (ii.) "ins-and-outs." We cannot find any expression of policy of the Central Authority with regard to any of these classes. In the Metropolis, it should be said, provision has been made for the relegation to special institutions of the Metropolitan Asylums Board, not only of children suffering from ophthalmia, etc., but also of children temporarily remitted to the care of the guardians by the police ("remand children"), who had heretofore been sent to the workhouses (Circulars of 19th January and 5th April 1897, and General Order of 2nd April 1897, Twenty-seventh Annual Report, 1897-8, pp. 8-9). We do not gather that any corresponding provision has been made for such children outside the Metropolis.

[3] Mr. Baldwyn Fleming's Report in the Thirty-first Annual Report, 1901-2, p. 91.

(iv.) *The Education of the Indoor Pauper Child*

Down to 1897 the Central Authority had contemplated and recognised in its orders and circulars that the pauper children would spend only about half the school time in ordinary school subjects, the other half being devoted to what was euphemistically called "industrial training."[1] This meant, in practice, the employment of the children in domestic work, gardening, mending clothes or boots, and so on, the persons selected as "industrial trainers" not being required to have any pedagogic qualifications or power to teach, and being paid in fact only at workmen's rates. In 1897, the rapid abandonment of the half-time system outside the workhouse led to a great advance. By the Order of that year,[2] which governs all Poor Law schools, whether they are in workhouses or district or separate schools, the half-time system is greatly discouraged. Industrial training takes a subordinate place. The Order fixes the number of hours during which the children are to be under school instruction, and provides for a ten minutes' rest in every attendance of two hours or more, limits the number of hours which may be occupied in manual or industrial work, and provides for one whole holiday or two half-holidays in each week, in addition to allowing six weeks' holidays in the year if the guardians choose to grant it. One object of the Order was to secure that children should not be unduly pressed with manual or industrial work in addition to the school instruction. The religious teaching required by any Orders in force is to be given in addition to the school hours. In 1877 it had been ordered that any time which might be devoted to drill or industrial training, other than a reason-

[1] There was not much pretence of technical instruction in the earlier Orders. What was aimed at was putting the children to work, chosen for its utility, not for its instructiveness (*i.e.* digging rather than gardening, mending the shoes of the establishment rather than learning the art of shoemaking). In the Special Order to the Walsall and West Bromwich School District of 1st July 1871, it was laid down that the children might be employed (under certain circumstances, wholly employed) "upon works of industry." In an amending Special Order of 20th July 1893, the age was raised, but the phrase was retained.

[2] Order of 30th January 1897 in Twenty-seventh Annual Report, 1897-8, pp. 5-8 ; *see* for its effect Thirty-third Annual Report, 1903-4, p. 256.

able time for needlework, in the case of girls, should not be included in the time prescribed for attendance.[1] The present Order, in more general terms, allows school instruction to include "any of the subjects for which grants may be made under the Code of Regulations of the Education Department, for the time being in force, except cookery, laundry work, dairy work, or cottage gardening." Of the time allowed for needlework, not more than one-third is to be spent in mending; the rest is to be occupied in plain needlework, knitting, and cutting out and making garments. When children attend school for half-time, it is preferred that they shall receive the school instruction in the morning, and the industrial training in the afternoon.[2] There is now no superior limit to the education that may be provided for a pauper child within the proper ages. As early as 1878 payment for the attendance of the workhouse girls at a school of cookery was held to be legal. Guardians are allowed to pay the fees for the instruction of the children at a technical institute when they see fit to do so,[3] quite irrespective of whether or not the children of the poorest independent labourer can get such advantages.

It may be noted that a Special Order of 30th April 1887 (not mentioned in the Annual Reports, or otherwise communicated to boards of guardians) enables the Forest Gate District School to allow a class of the elder girls to go out and buy their food, spending not more than 3s. 6d. a week each, and prepare it for their own consumption, so as to get some practical experience of ordinary life. By another Order of 5th August 1889, the children in this one school are allowed to buy their own outfits (up to £3 10s.). We do not find that the Central Authority has yet made these privileges general, nor extended them to any other indoor pauper children.[4]

[1] General Order "prescribing attendance" as regards workhouse schools, 30th October 1877, in Seventh Annual Report, 1877-8, p. 204.

[2] Circular Letter, 1st February 1897, in Twenty-seventh Annual Report, 1897-8, p. 5.

[3] *Selections from the Correspondence of the Local Government Board*, vol. i. 1880, p. 224; *Local Government Chronicle*, 30th January 1904, p. 113.

[4] By a General Order of 20th May 1881, corporal punishment is absolutely forbidden in Poor Law Schools as regards "any female child" of any age.

On 1st April 1904, the responsibility for the inspection of the education of the Poor Law Schools, and of pauper children in certified schools, was transferred to the Board of Education, thus reverting to the policy prior to 1863.[1]

(v.) *Boarding-out*

The boarding-out system was in 1871 still on its trial, having been authorised for scarcely a year, and the Central Authority was very guarded in expressing any opinion on its merits; it gradually won favour, but while mildly encouraging it the Central Authority would do nothing to force its growth. In 1900 it was referred to as one method of removing children from the workhouse,[2] but it was never thought likely to become a practical means for dealing with the mass of pauper children, as a substitute either for ordinary outdoor relief or for Poor Law schools.[3]

Boarding-out beyond the union had been first regulated by the Order of 25th November 1870. In 1877 it was found that boarding-out within the union was being largely practised, it being, as the Central Authority had itself held, legally only ordinary out-relief, requiring no sanction. This also was then regulated by a General Order.[4] Both these Orders were re-issued with slight modifications in 1889, the former to every union in the country, the latter to all but the most populous town unions. Again, in 1905, the Order for boarding-out beyond the union was slightly altered and re-issued.[5]

The operation of these Orders was limited to certain classes of children; in 1877 to those deserted by their parents, or whose parents were dead, undergoing penal servitude, suffering from mental disease, or out of England; by the Orders of 1889 children whose parents were permanently bedridden or disabled were added to the list; and in 1905

This rule has not yet been made by the Board of Education for the schools attended by non-paupers nor by most local education authorities.

[1] Thirty-third Annual Report, 1903-4, p. 256.

[2] Circular Letter of 4th August 1900, on Aged Deserving Poor, in Thirtieth Annual Report, 1900-1901, p. 18.

[3] *Hansard*, 8th May 1894, vol. 24, p. 598.

[4] 10th September 1877, in Seventh Annual Report, 1877-8, pp. 193-200.

[5] Macmorran and Lushington's *Poor Law Orders*, second edition, 1905, p. 1331.

children adopted by the guardians were formally included, as such children could previously only be boarded out if they were also orphan or deserted according to the definition. The Central Authority refused its sanction to a proposal to board out the illegitimate children of able-bodied women in the workhouse.[1] It was twice decided that when out-relief is given to a child living with a person not legally liable for its support, such child must be considered as boarded out.[2] There is no age limit for boarding-out within the union, but a child may not be first boarded out beyond the union under two, nor when over ten, unless in the same home with a brother or sister under that age.

In view of this gradual adoption of the boarding-out system as a permanent form of the treatment of children under the Poor Law, it is instructive to compare the requirements which the Central Authority makes to ensure the proper maintenance of the boarded-out children with the policy just described in respect of the children on ordinary outdoor relief.

The various Orders all lay practically the same duties on the foster-parent. He is to sign an undertaking that: "He will bring up the child as one of his own children, and provide the child with proper food, lodging and washing, and endeavour to train the child in habits of truthfulness, obedience, personal cleanliness and industry, as well as in suitable domestic and outdoor work, so far as may be consistent with the law; that he will take care that the child shall attend duly at church or chapel according to the religious creed to which the child belongs, and shall attend school according to the provisions of the law for the time being; that he will provide for the proper repair and renewal of the child's clothing, and that in case of the child's illness he will forthwith report such illness to the guardians and to the boarding-out committee; and that he will at all times permit the child to be visited and the house to be inspected by any member of the boarding-out committee,

[1] *Local Government Chronicle*, 16th August 1902, p. 825.

[2] *Ibid.* 27th April 1889, p. 338; *Hansard*, 2nd July 1897, vol. 50, p. 966; *Selections from the Correspondence of the Local Government Board*, vol. ii. 1883, p. 94. On the other hand, a contrary decision seems to have been given in 1885 (*ibid.* vol. iii. 1888, p. 187).

and by any person specially appointed for that purpose by the guardians or by the Local Government Board. The undertaking shall also contain an engagement on the part of the foster-parent that he will, upon the demand of a person duly authorised in writing by the boarding-out committee, or by the guardians, give up possession of the child."[1] The 1905 undertaking is slightly different in terms, the chief variation being an omission of the reference to "domestic and outdoor work," because cases had occurred in which these words had been pleaded as an excuse for overtaxing the working capacity of the children.[2]

Foster-parents may never be persons in receipt of relief, or whose only means of support is the allowance made for the children. Children should not, except in special cases, be boarded with relations, nor in any home where the father is employed in night work; foster-parents employed in outdoor work are preferred to those occupied in sedentary labour.[3] They should also (both, in the case of married couples) be of the same religious creed as the child,[4] live within two miles from the school where the child is to attend, and within five miles—preferably three—from the house of some member of the committee. Attention is to be paid to decent accommodation in the homes, and to the separation of the sexes in the sleeping-rooms. Children over seven are not allowed to sleep in the same room with married couples. No child is to be boarded out in a house where sleeping accommodation is afforded to an adult lodger.[5]

The number of children to be placed in any one home was at first limited to two—or four, if all were brothers and sisters,—but it was soon found that further restrictions were necessary for the prevention of overcrowding. Accordingly, it is ruled that not more than one child may be placed in a home where a child is boarded by any other agency and none where there is

[1] Boarding out without the Union Order, 1889, in Nineteenth Annual Report, 1889-90, p. 49. The "within the Union Order" contains some modifications for the case where there is no committee.

[2] Circular Letter, 9th December 1905, in Thirty-fifth Annual Report, 1905-6, p. 328.

[3] Memorandum of the Local Government Board, June 1900. See *Local Government Law and Legislation*, by W. H. Dumsday, 1900, p. 126.

[4] *Local Government Chronicle*, 31st October 1903, p. 1070.

[5] Memorandum of the Local Government Board, June 1900, *Local Government Law and Legislation*, by W. H. Dumsday, 1900, p. 126.

more than one such child; no child is to be boarded in a home where, with him, there would be more than five children resident. The clothing provided for a boarded-out child is to be of a good, ordinary character, with no suggestion of a workhouse uniform. The highly expensive but most advantageous service of dentistry may be paid for by the guardians. The Central Authority strongly disapproved of a proposal made to it, under which a child was to be sent out to work, and earn wages, while the full allowance was still being paid by the guardians. "If a boarded-out child is eligible under the Education and Factory Acts for employment, the boarding-out committee should report the case to the guardians, who should obtain the consent of the Local Government Board to any proposal to relieve the child whilst in receipt of regular wages. A foster-parent should not be permitted to allow a child to go to work for wages unless the guardians, with the assent of the Board, have previously assented thereto."[1]

Prior to 1877 the Central Authority held that children boarded out within the union, being merely cases of outdoor relief, did not require these precautions. From 1877 onward similar precautions were required in their cases. Such children became thus differentiated from other children on outdoor relief, on whose behalf no such requirements are insisted on. For the boarded-out children a payment was approved of 4s. a week each (afterwards raised to 5s.), a sum to be contrasted with the 1s. or 1s. 6d. for each child which is the usual sum allowed for each child on ordinary outdoor relief.[2]

[1] *Local Government Chronicle*, 12th March 1904, p. 290.

[2] The rate of 1s. and one loaf for the support per week of each child on outdoor relief was deliberately sanctioned, in 1869, by a Conference of Metropolitan Guardians, presided over by Mr. Corbett (Mr. Corbett's Report of 10th August 1871, as reprinted for official circulation in 1873 by the Central Authority). The dividing line between children merely on this outdoor relief, and those "boarded out" at 4s. or 5s. per week, it must be remembered, is not kinship, but whether or not the person with whom the child lives is legally liable for its maintenance. Thus, the policy of the Central Authority has been that children living with a stepfather and stepmother, with a widower stepfather, with a widowed stepmother, or even with a brother, a sister, an uncle, or an aunt (none of whom is legally liable for their maintenance) require all this elaborate supervision and protection; whereas if the children live with their own mother and father, with their widowed mother, with their widower father, with any or all of their grandparents, or exposed to the tender mercies of a father and stepmother, no such supervision and protection is insisted on. But although this is the rule, we are informed that the Central Authority, in practice, now makes no difficulty, if applied to, in sanctioning the transfer of children living with

In equally marked contrast with its attitude with regard to the other children on outdoor relief, the Central Authority has been vigilant to secure for the boarded-out children systematic inspection. Mr. Chaplin said in Parliament: "I approve of, and warmly sympathise with boarding-out, subject to one condition, which is of surpassing importance, namely, that the inspection of the children boarded out shall be adequate and effective. I cannot conceive a position of greater misery and hardship than that of some poor unfortunate little child boarded out to some one who takes care of it, not for love of the child, but simply for the purpose of making a gain and a profit out of it. . . . So far as it is possible to promote that adequate inspection . . . and wherever it is possible to board out on these conditions, the Board gives its assistance."[1]

The children boarded within the union are to be visited by the medical officer quarterly, whether or not they are reported ill, and by the relieving officer—who pays the foster-parents at their residence,—ordinarily weekly, and may also be visited by the guardians or any other person appointed for the purpose by the guardians or the Local Government Board. If there is a boarding-out committee (which is permissive under the 1889 Boarding-out in Unions Order) a member thereof must visit every six weeks; the inspection by the medical officer may then be dispensed with, and the system becomes more nearly like that for boarding outside the union. Under the latter, the responsibility is thrown on the committee, and unless they fail the guardians are not allowed themselves to inspect. The Local Government Board also sends an inspector from time to time, with the object of discovering how the committees do their work, for it is on the efficiency of the committees that the whole system of boarding-out depends.[2]

When the children are thus thoroughly supervised by the committees, and the committees are kept up to their work by the general inspectors, the Board do not favour any

grandparents, uncles and aunts, or brothers and sisters, from the category of ordinary outdoor relief to the more regulated and more richly endowed category of boarding-out. It still objects in the case of parents (*Selections from the Correspondence of the Local Government Board*, vol. iii. 1888, p. 187; *Decisions of the Local Government Board*, 1903-4, by W. A. Casson, 1905, p. 78).

[1] *Hansard*, 8th August 1898, vol. 54, p. 576.

[2] Circular Letter, 29th May 1889, in Nineteenth Annual Report, 1889-90, pp. 36-41.

further inspection by the guardians. "One of the main objects of the boarding-out system is that pauper children should become merged in the general population; but if a child boarded out is to be examined regularly by a medical man, supervised by a committee of the guardians, and inspected by a Government inspector, it would appear to imply that no confidence whatever is to be placed in the boarding-out committees under whom the children are placed, although for any success attending the boarding-out system it is on these committees that we must rely."[1] Besides, "where children are boarded out by guardians at a long distance from their own union or parish, it may often be inconvenient, except in the case of many children being placed in the same neighbourhood, for the guardians to arrange for the visitation of the children by their own officer as frequently as the Board deem indispensable, when inspection by members of the committee has ceased. It follows, therefore, that if the voluntary boarding-out committees should allow their vigilance or their interest to flag, the guardians will, in all probability, seldom have any alternative but to take back the children."[2]

The boarded-out children, thus elaborately inspected and expensively provided for, had, by 1st January 1906, slowly risen to 8,781;[3] but they were even then only one-seventh of those in institutions, and only one-twentieth of those on ordinary outdoor relief.

(vi.) *Apprenticeship*

We may note a tendency to enlarge the responsibilities, powers and duties of the guardians for successfully launching the children in the world—an enlargement which plainly loses sight altogether of the principle of "less eligibility." We see the Central Authority making elaborate suggestions for the care of children apprenticed or in service, and issuing an Order enabling the guardians to provide outfits when children were sent out, without previously asking for sanction,

[1] Mr. Ritchie, President of the Local Government Board, *Hansard*, 4th July 1887, vol. 316, pp. 1598-9.

[2] Circular Letter, 29th May 1884, in Nineteenth Annual Report, 1889-90, p. 44.

[3] Thirty-fifth Annual Report, 1905-6, p. cxxxii.

which had before been necessary under some of the Orders. When the Central Authority had been asked for such sanction it had taken the opportunity of objecting to a child being sent to service without money wages, or to an inn or public-house (unless in exceptional circumstances), or to any place where the conditions of service seemed unsatisfactory, and of requiring to be satisfied that the child was qualified for employment as required by the Education Acts. By allowing guardians to obtain outfits without obtaining express sanction the Central Authority relinquished this opportunity of control over the conditions of service. It therefore referred to these points in the Circular on the Order, and expressed its confidence that the guardians would see that all was satisfactory in these respects.[1] It did not approve of the Poor Law children being engaged as servants to officers of Poor Law establishments—situations which, like those in public-houses, etc., were left to be filled by the less carefully protected children of independent parents or those on outdoor relief—considering it desirable that the children should be severed from all connection with pauper surroundings as soon as possible after attaining an age at which they can secure employment.[2]

When children are first apprenticed they receive very low wages or more often none at all, and there is frequently a difficulty in providing for their maintenance. We have already referred to the doubt of the Central Authority as to how to treat the experiment of the Norwich Guardians on this point. Though these Guardians kept their homes this doubt apparently continued. The Keighley Guardians wished to use one of their cottage homes as a residence for working boys from the workhouse, but the Central Authority refused its assent, stating that it had no power to render such a course legal. Nevertheless it allowed a lad who received no wages, but was entirely engaged in learning his trade, to reside in the workhouse during the term of his apprenticeship,[3] and to children earning low wages insufficient to support them outdoor relief may be given. "In such cases the Board have required to be furnished with an assurance that the guardians had satisfied

[1] Circular on "Outfits for Children sent to Service," 14th July 1897, in Twenty-seventh Annual Report, 1897-8, p. 26.

[2] *Local Government Chronicle*, 18th October 1902, p. 1051.

[3] *Ibid.* 31st October 1903, p. 1070

themselves that the amount allowed by them would, with the weekly wages paid by the master, be adequate to provide for the maintenance and clothing of the apprentice, either alone or in association with other boys. They also required a statement of the weekly wages ordinarily paid in the locality to apprentices in the particular trade, and to be informed (*a*) of the amount of weekly relief the guardians proposed to grant; (*b*) the period during which such relief should continue; and (*c*) whether, as the apprentice's wages increased, the relief would be correspondingly reduced." [1]

In 1904 the Central Authority was prepared to acquiesce, subject to the details of the scheme proving satisfactory, in a proposal to establish a home for boys over whom the guardians had acquired parental rights, the boys receiving board and lodging therein for so long in each case, as the wages were insufficient to enable them to obtain suitable accommodation elsewhere.[2]

The Central Authority had, in 1873, been doubtful how far a relieving officer should interfere if he found, when visiting a servant or apprentice, that the master or mistress, *instead of paying the stipulated wages*, gave clothing, which might be old, useless, or valued at an exorbitant rate. It merely told the guardians that he should make a special inquiry, and report if the practice appeared to be actually injurious to the personal condition of the child, so as to amount to "cruel or illegal treatment in any respect." [3]

Apprenticeship to the sea service [4] had, previously to 1894, been left outside the scope of the orders regulating other apprenticeships, being subject to special provisions under the Merchant Shipping Acts, and also regulated by the Board of Trade. That Board made some alterations in the form of indenture in 1895, and the Local Government Board issued a circular to guardians calling attention to the changes. The master was required to pay to the superintendent any balance of spending money, share of salvage and other perquisites due to an apprentice after his daily or weekly allowance had

[1] *Local Government Chronicle*, 31st January 1903, p. 102.

[2] *Ibid.* 15th October 1904, p. 1072; *Decisions of the Local Government Board*, 1903-4, by W. A. Casson, 1905, p. 118.

[3] Circular Letter of 31st May 1873, in Third Annual Report, 1873-4, pp. 3-4.

[4] *See ante*, p. 17.

been paid, and the superintendent was to apply such sums for the boy's benefit in the expenses of holidays, payment of fines, or other ways. This provision was considered by the Local Government Board to be of great importance, as it would "enable the magistrates in many cases to punish a boy for breaches of discipline, without committing him to prison." The new form of indenture also required the master to allow each apprentice a reasonable holiday in every year.

The same circular referred to recommendations made by Mr. Davy and Mr. Berrington, in a Report on the Fishing Apprenticeship System, as to the desirability of continued supervision by the guardians after the boys were apprenticed, and of arranging for reports to be made to the guardians in cases of absconding or other grave offence on the part of the boys, and also as to the expediency of giving future apprentices some preliminary instruction in cooking.[1]

So far as we can make out from the published documents, the use of the power of apprenticeship is—in the view of the guardians and the Central Authority alike—practically limited to the children maintained in Poor Law institutions (indoor paupers), numbering 50,669 on 1st January 1906, together with those outdoor pauper children who are either "boarded out" (in the technical sense), numbering 8,781, or maintained in certified schools, etc., numbering 9,364, making an aggregate total of 68,814 children to whom the Central Authority's policy of apprenticeship is assumed to be applicable.[2] We do not find any suggestion that any similar policy is applicable to the other 166,258 children on outdoor relief,[3] about the starting in life of whom we can find no documents.

(vii.) *Adoption*

From 1871 to 1889 the powers and responsibilities of Poor Law authorities with regard to children whose parents claimed the control of them were, as against the parents, extremely limited. The Central Authority clung to the principle of parental authority. In 1887, Mr. Ritchie said:

[1] Circular of 2nd March 1895, in Twenty-fifth Annual Report, 1895-6, p. 118.
[2] Thirty-fifth Annual Report, 1905-6, pp. cxxx, cxxxi.
[3] Omitting children receiving medical relief only; and the casuals and insane (*ibid.* p. cxxxi).

"No doubt there are some instances in which the interests of children are prejudiced by their parents claiming them from the guardians, but I should not be prepared to propose legislation which would enable a board of guardians to withhold a child from its parent when claimed by him."[1]

Two years later Parliament over-rode this contention of official irresponsibility, and passed the first of a series of Acts under which guardians might themselves assume parental responsibilities and unsuitable parents might be deprived of the custody of their children; and the guardians of the poor might become *in loco parentis*, even up to eighteen years of age. By the Act of 1889, "where a child is maintained by the guardians of any union and was deserted by its parent," or if the "parent is imprisoned under a sentence of penal servitude or imprisonment in respect of an offence committed against a child," "the guardians may at any time resolve that such child shall be under the control of the guardians until it reaches the age, if a boy, of sixteen, and, if a girl, of eighteen years"; such a resolution of the guardians is not irrevocable; they may rescind it, or, without rescinding it, "permit such child to be either permanently or temporarily under the control of such parent, or of any other relative or of any friend." If the parent is aggrieved by the resolution, he may appeal to a Court of Summary Jurisdiction, and the Court, if satisfied "that the child has not been maintained by the guardians, or was not deserted by such parent, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the guardians should be determined, may make an Order accordingly, and any such Order shall be complied with by the guardians, and if the Order determines the resolution, the resolution shall be thereby determined." The "powers and rights" of a parent which the guardians may assume are subject to one limitation, in that no resolution can authorise them to have the child educated in any religious creed other

[1] *Hansard*, 28th May 1887, vol. 315, p. 857. The policy of the Central Authority was apparently against allowing the guardians to assume parental responsibilities. In 1889 Mr. Ritchie had prepared a Bill "to provide that, on application to the justices, an Order might be made detaining a child already under the care of the guardians or boarded out" (*Local Government Chronicle*, 23rd March 1889, p. 338), but not extending the duties or responsibilities of the guardians.

than that in which the child would otherwise have been educated, *i.e.* that of its parents.[1]

The Central Authority duly commended the Act among other legislation of the session to the notice of the boards of guardians in an official circular.[2]

Such was the original form of this law; but the experiences of the Central Authority and the guardians as to its working led them to get passed successive measures developing its details in various respects. The Court's power of determining the resolution of the guardians was limited by the Act of 1890, which provides that: "where a parent has (*a*) abandoned or deserted his child; or (*b*) allowed his child to be brought up by another person at that person's expense, or by the guardians of a Poor Law union, for such a length of time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental duties, the Court shall not make an order for the delivery of the child to the parent unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child." Under this law, therefore, not only the Poor Law guardians, but any other person who has brought up the child at his own expense may acquire the right of custody in the place of the parent. This Act is not to "affect the power of the Court to consult the wishes of the child . . . or diminish the right which any child now possesses to the exercise of its own free choice." The Court was also given the power to make such order as it may think fit, "to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up."[3]

The class of children to which the law applies was, at the instance of the Central Authority, considerably enlarged in 1899, and it is worth considering how extensive it now is. "Where a child is maintained by the guardians of a Poor Law union, and: (i.) the child has been deserted by its parent; or (ii.) the guardians are of opinion that by reason of mental deficiency, or of vicious habits, or mode of life, a parent of the child is unfit to have the control of it; or (iii.) a parent is

[1] Poor Law Act 1889, 52 & 53 Vic. c. 56. sec. 1.

[2] Circular of 28th September 1899, in Twenty-ninth Annual Report 1889-1900, p. 48.

[3] Custody of Children Act, 54 Vic. c. 3, secs. 3, 4.

unable to perform his or her parental duties by reason of being under sentence of penal servitude or of being detained under the Inebriates Act 1898; or (iv.) a parent of the child has been sentenced to imprisonment in respect of any offence against any of his or her children; or (v.) a parent of the child is permanently bedridden or disabled, and is the inmate of a workhouse, and consents to the resolution hereinafter mentioned; or (vi.) both the parents (or in the case of an illegitimate child, the mother of the child) are (or is) dead; the guardians may, at any time, resolve that until the child reaches the age of eighteen years, all the rights and powers of such parent as aforesaid, or, if both parents are dead, of the parents, in respect of the child shall, subject as in this Act mentioned, vest in the guardians." Penalties were also enacted against any person who shall knowingly assist or induce any child adopted by the guardians to leave their control. If any child maintained by the guardians is, with their consent, adopted by some other person, their responsibility for the child does not at once cease, for they are required, during three years after the date of the adoption, to cause the child to be visited at least twice a year, by some person appointed by them for the purpose; and they have the power, if they see fit, to revoke their consent to the adoption, and reassume custody of the child.[1]

Some boards of guardians—often on the suggestion of the inspectorate—promptly made use of their new powers. On 1st June 1902, the number of children already adopted up to that date was no fewer than 7724, of whom 1503 were then over fifteen.[2] It is to be noted that, though the powers are applicable to all pauper children, the Central Authority has not suggested their use except in respect of the children in Poor Law institutions (including, however, the "ins and outs"),[3] together with those technically "boarded out," or in certified schools; and we do not find that they have ever been made use of for any of the children maintained by the guardians on outdoor relief, however disastrous is their upbringing.

[1] Poor Law Act, 1899, 62 & 63 Vic. c. 37, secs. 1-3.

[2] Thirty-second Annual Report, 1902-3, pp. lxii-lxiii.

[3] *Decisions of the Local Government Board*, 1903-4, by W. A. Casson, 1905 p. 45.

E.—The Sick

We broke off the description of the policy of the Central Authority with regard to the sick with the suggestive quotation from the Annual Report of the Poor Law Board in 1870, over Mr. Goschen's signature. "The economical and social advantages," said the last President of the Poor Law Board, "of free medicine to the poorer classes generally as distinguished from actual paupers, and perfect accessibility to medical advice at all times under thorough organisation, may be considered as so important in themselves as to render it necessary to weigh with the greatest care all the reasons which may be adduced in their favour." [1]

(i.) *Domiciliary Treatment*

So far as published documents go, we cannot find that any inquiry was made by the Local Government Board (at any rate on its Poor Law side) as to the advantage and feasibility of this suggestion of providing free medical assistance, under thorough organisation, to the poorer classes generally. There was no breach of continuity in the policy, begun in 1865, of transforming the provision for the sick paupers in the workhouse, into elaborately equipped, adequately staffed, and separately administered general hospitals, which were called Poor Law infirmaries. But in the general crusade against outdoor relief, initiated by the able and zealous inspectorate in 1871, there was no exception made for outdoor medical relief.[2] There was accordingly (just as we have shown to be the case in regard to widows and the aged) no limitation, corresponding to the express exceptions of the General Orders in favour of the sick, in the phrases condemnatory of outdoor relief generally, which are to be found in the Annual Reports and Circulars of these years. The inspectors, it is clear, made no distinction, in their persistent

[1] Twenty-second Annual Report of the Poor Law Board, 1869-70, p. lii.

[2] Mr. Longley, indeed, in his Report on the Administration of Outdoor Relief in the Metropolis, seems to allude to the official dictum of the Poor Law Board under Mr. Goschen, in favour of "free medicine to the poorer classes generally." He sternly condemns "any gradual drifting into a system of medical State charity," and deprecates the fact that this tendency "has received higher sanction than that of the prevalent belief of the poor, or even of the practice of Boards of Guardians" (Third Annual Report of the Local Government Board, 1873-4, p. 161).

pressure against "outdoor relief," between medical and other relief, between hygienic advice and money doles. Mr. Longley, indeed, went so far as to condemn, expressly because it provided medical relief otherwise than in the workhouse, the whole system of Poor Law dispensaries which the Central Authority had itself just initiated and practically forced on the Metropolitan Boards of Guardians.[1] This report of Mr. Longley's was honoured by notice in the annual volume, and commended by the Local Government Board for "careful consideration."[2] There is, therefore, some warrant for the inference that the Local Government Board, under Mr. Stansfeld and Mr. Sclater-Booth, had not only put aside the suggestion of providing free medical attendance for the poorer classes generally, but also that it had now become the policy of the Central Authority—so far as we can discover, for the first time since 1834—to restrict, as far as possible, even such domiciliary medical attendance as was being given under the Poor Law to the sick poor.

It is, however, fair to say that this policy of restricting outdoor medical relief was not expressed in any alteration of

[1] "The dispensary system should be regarded, in common with every improved form of out-relief, not as a final object of Poor Law administration, but merely as a means of administering with greater efficiency that legal relief which, as I have attempted to show elsewhere, is most safely and effectually given in the form of indoor relief. It would, of course, be idle, and worse than idle, to stifle all attempts to reform the administration of out-relief, on the ground that it is desirable, and may, at some remote period, be possible to abolish, or at least greatly to curtail it; and no reform of the practice of relief was probably more urgently needed, or has proved more effectual, than that now under consideration. It must not, however, be forgotten that side by side with Poor Law dispensaries, has grown up, also under the sanction of the Metropolitan Poor Act, a system . . . which by encouraging and affording special facilities for the grant of indoor relief to sick paupers, must, if the policy of the Act be unflinchingly carried out, eventually tend . . . to the gradual abolition of out-relief to the sick, other than those incapable of removal from their homes. If this be so, Poor Law dispensaries . . . must ultimately be found to have had for the most part a merely temporary place in the system of relief in London. . . . The character of permanence should not be hastily affixed to the system which they represent" (Mr. Longley's Report on Indoor Relief in the Metropolis, in Fourth Annual Report, 1874-5, pp. 41-42). In spite of this criticism, the Central Authority continued to sanction Poor Law dispensaries. Elaborate institutions on the London plan were established in other unions under the general powers of the Act of 1834; *see*, for instance, the Special Order of 9th June 1873, to Portsea Island Union; those of 4th March and 28th August 1880, to Birmingham; those of 30th November 1885, and 9th January 1895, to Plymouth.

[2] Fourth Annual Report, 1874-5, p. xxi.

the General Orders, nor, explicitly, in any published minute or circular of the Central Authority itself. In the 1871 Circular, discouraging outdoor relief generally, it is, for instance, merely suggested that all paupers receiving relief on account of temporary sickness—among whom there were at that date apparently some 119,000 sick persons [1]—should be visited at least fortnightly by the relieving officer.[2] The Central Authority clung to the general disqualification of paupers, even those in receipt of medical relief only, though the Parliamentary Secretary had to admit that: "No doubt the Legislature had made an exception in the cases of vaccination and of education, and it might be that the exception should be extended to infectious diseases."[3] But when it was pressed to impose a limit of one month to each grant of outdoor relief, the request was, on the cautious advice of the permanent advisers, definitely refused, lest hardship should be caused in cases of sickness; though it was said that the guardians themselves might put such a limit, "where such . . . . may properly be imposed."[4]

The Central Authority was willing to consider any proposal to amend the law, so as to allow of the compulsory removal to the workhouse of sick persons who had no proper lodging accommodation.[5] But even to a person who had refused to enter the workhouse, the guardians were not to deny

[1] *See* the statistics in Twenty-second Annual Report of the Poor Law Board, 1869-70, p. xxiv.

[2] Circular of 2nd December 1871; in First Annual Report of the Local Government Board, 1871-2, p. 67.

[3] Mr Salt, as Secretary of the Local Government Board, on Disqualification by Medical Relief Bill, *Hansard*, 11th December 1878, vol. 243, p. 630. In 1876 the disqualification had been explicitly re-enacted in the Divided Parishes and Poor Law Amendment Act (39 & 40 Vic. c. 61, sec. 14), promoted by the Central Authority itself, whose Parliamentary representatives continued for yeare to resist all proposals for its abolition or attenuation. In 1883 it was incidentally undermined by maintenance and treatmcnt in the infectious diseasee hospitals of the Metropolitan Asylume Board being declared not to be parochial relief (Diseases Prevention Act 1883, 46 & 47 Vic. c. 35). Not until 1885 did the Central Authority consent to its abolition, as regards persons in receipt of medical relief only, in the Medical Relief Disqualification Act 1885 (48 & 49 Vic. c. 46). Even then the "stigma of pauperism" was preserved, by omitting to repeal sec. 14 of the 1876 Act above cited, so that persons in receipt of medical relief only are still nominally disqualified from voting at an election of a Poor Law guardian, "or in the election to an office under the provisions of any statute."

[4] Local Government Board to Chairman of Central Poor Law Conference, 12th May 1877; in Seventh Annual Report, 1877-8, p. 55. [5] *Ibid.* p. 54.

outdoor medical relief if sick,[1] and in no case were the sick to be removed from their homes unless certified by the medical officer as physically able to endure the journey.[2] There was thus, even between 1871 and 1885, no explicit reversal, on grounds of Poor Law principle, of the old policy which, it will be remembered, had not been condemned by the 1834 Report of outdoor relief to the sick. If a "destitute young husband or wife were sick," Mr. Sclater-Booth, speaking as President of the Local Government Board, told the House of Commons in 1876, "they would not be taken into the workhouse, but would receive outdoor relief."[3] Two years later the Central Authority actually declared itself in favour of supplying to the sick poor who were under domiciliary treatment, not only medical attendance and maintenance, but also skilled professional nursing. There was, it said in reply to influential medical pressure, "nothing to prevent the guardians supplying such assistance," and the Central Authority was even "desirous of encouraging this arrangement as much as possible," though the insufficient supply of qualified nurses was likely to "render impracticable for some time to come any general application of the system of paid nurses in the treatment of the poor at their own homes."[4]

[1] Local Government Board decision, in *Local Government Chronicle*, 11th June 1904, p. 635.

[2] Circular of 23rd May 1879, in Ninth Annual Report, 1879-80, p. 92.

[3] *Hansard*, 13th June 1876, vol. 229, p. 1780 (in Committee on Poor Law Amendment Bill).

[4] Local Government Board to Dr. Mortimer Glanville (*Lancet* Memorial on Poor Law Medical Relief Reform), 12th November 1878; in Eighth Annual Report, 1878-9, pp. 91-2. In spite of this official answer, we may infer a certain internal conflict of policy with regard to these salaried outdoor Poor Law nurses. Though the Central Authority expressed itself as "desirous of encouraging" the experiment, we cannot find that it issued the Order, without which no board of guardians could create a new salaried office, for nearly fourteen years. The District Nurses Order, which was merely permissive, and which, therefore, could not have been delayed merely because there were, in 1878, not enough trained nurses to supply every union in the Kingdom, was not issued until 27th January 1892 (Twenty-second Annual Report, 1892-3, pp. 12-13). We cannot find that any "paid nurses in the treatment of the poor at their own homes" were sanctioned before that date. Moreover, even then, it is difficult to feel sure that the Central Authority was still, to use its words of 1878, "desirous of encouraging this arrangement as much as possible." In sending the Order to boards of guardians, it accompanied it by a circular, which can scarcely be deemed encouraging. It was of opinion that "it can only be under exceptional circumstances that a sick pauper, whose illness is of such a character as to require that the services of a nurse should be provided by the guardians, can, with propriety, be relieved at home. At the same time it appears . . . that

(ii.) *Institutional Treatment*

Meanwhile, however, the substitution of indoor for outdoor relief in the case of the sick[1] was being supported on grounds, not of Poor Law principle, but of medical efficiency. The transformation of the workhouses into what the Poor Law inspectors themselves began to call "State hospitals" made more striking than ever the contrast between the light, clean, and airy newly-built infirmary ward, with trained nurses, a resident doctor, complete equipment, and a scientifically determined dietary, on the one hand; and the insanitary and overcrowded hovel or slum tenement, on the other, in which the sick pauper had no other food than was provided by the pittance of outdoor relief, no further nursing than his family could supply, and no better medical attendance than the grudgingly accorded order on the district medical officer could command. Quite irrespective of "Poor Law principles," the case for institutional rather than domiciliary treatment of nearly every sick case became, to the medical experts who now advised the Central Authority, simply overwhelming. "The treatment which in sickness the poor receive in workhouses constitutes," said the Central Authority in 1878, "one of the most valuable forms of medical relief. *With a considerable portion of the population, indeed, it is the only mode in which, when overtaken by sickness, their medical needs can be adequately met.*"[2] This policy led not only to an incessant pressure on

where circumstances render it desirable the nurses employed in such attendance should be duly appointed officers of the guardians, having recognised qualifications for the position, and being subject in the performance of their duties to the control of the guardians, and the Board have consequently decided to empower boards of guardians to appoint such officers" (Circular of 1st February 1892; in Twenty-second Annual Report, 1892-3, p. 9). Fifteen more years have elapsed; but we do not gather that the experiment, which the Central Authority in 1878 was desirous of encouraging, has been very strenuously pressed by the inspectors, or the power made publicly known. The result is that we cannot find that it has yet taken shape even to the extent of as many as a dozen salaried Poor Law nurses for the outdoor sick from one end of the Kingdom to the other.

[1] "The sick" were held to include not only acute cases, but also cases of "chronic disease requiring regular medical treatment and trained nursing" (and also venereal and skin diseases, including the itch). (Local Government Board to Poplar Union, October 1871; MS. Minutes, Poplar Board of Guardians, 6th October 1871).

[2] Local Government Board to Dr. Mortimer Glanville (*Lancet* Memorial on Poor Law Medical Relief Reform), 12th November 1878; in Eighth Annual Report, 1878-9, p. 91.

boards of guardians to provide the "State hospitals" which had, from 1865 onwards, been expected from the guardians of all populous unions,[1] but also to a positive encouragement of sick persons, whether or not actually destitute in the technical sense of the term, to take advantage of them. We see this first with regard to infectious diseases. The hospitals of the Metropolitan Asylums Board, maintained out of the Poor Rate exclusively for paupers, and technically only workhouses like any others, soon came to be used, free of charge, by smallpox and fever patients who were not paupers.[2] It became the official policy, well understood by the Central Authority, to get removed to these Poor Law institutions every patient, whether destitute or not, who could not be adequately isolated at home.[3] Already in 1875 the Central Authority expressly authorised the medical superintendent to admit without an order any smallpox or fever patient presenting himself, if refusal to admit might involve danger,[4] and in 1887 it ex-

[1] The more old-fashioned guardians failed to keep pace with the Central Authority in its ignoring of the principle of "less eligibility" with regard to the sick; *see*, for instance, *The New Pauper Infirmaries and Casual Wards*, by a Lambeth Guardian, 1875, in which the elaborate hospital requirements are objected to as being far too good for paupers. Where the guardians persisted in refusing to provide the elaborate and expensive new infirmary accommodation considered necessary, the Central Authority at last issued a peremptory Order requiring them to submit plans within a month, under penalty of having plans "prepared at the expense of the union" and of being deprived of "the benefit of participation in the Common Poor Fund" (Local Government Board to St. Olave's Union, June 1873; see *Local Government Chronicle*, 5th July 1873, p. 379).

[2] For unions out of London we have to note an extraordinary provision of 1879, proposed by the Central Authority itself. Boards of guardians in rural districts were empowered to transfer any of their buildings (into which only destitute persons could legally be received) from themselves as Poor Law authorities to themselves as public health authorities (in which case the buildings became available, without the stigma of pauperism, for all classes of the population) (Poor Law Act 1879 (42 & 43 Vic. c. 54, sec. 14)). We cannot discover in which cases, if any, this provision was acted upon, and the necessary confirmatory Order issued by the Central Authority; or what difference it made to the buildings.

[3] This was, in effect, to hold that inability to secure isolation, when isolation was required, amounted to destitution, so far as this kind of medical relief was concerned, just as a man requiring an expensive surgical operation was legally within the definition of destitute for the purpose of the operation if he could not pay the market price of it, even if he had ample food, clothing, and shelter. We cannot discover, however, that this explanation was actually given in an official document. Under it, not merely "a considerable portion of the population," but practically five-sixths of it would, in cases of infectious disease, have to be deemed destitute.

[4] Order of 10th February 1875, art. 4.

pressly permitted even non-urgent cases to be admitted on the certificate of any medical practitioner.[1] Nevertheless, in 1877 the Central Authority was still taking the line that "the hospitals . . . of . . . the Metropolitan Asylums Board are essentially intended to meet the requirements of the destitute class, and that the admission . . . of persons not in need of poor relief is altogether exceptional."[2] Two years later, however, by a statute promoted by the Central Authority itself, the Metropolitan Asylums Board were expressly empowered to receive non-pauper patients, though only under contracts with the local public health authorities, by which they were to be paid for.[3] We cannot discover which vestries and district boards, if any, entered into such contracts. Not until 1883, when these fever and smallpox hospitals had been a dozen years in use by non-paupers, was the position temporarily legalised by the Diseases Prevention Act of 1883[4]—a measure also carried by the Central Authority itself—which, whilst leaving these hospitals as Poor Law institutions, administered by a Poor Law authority, and kept up out of the poor rate, declared that admission, treatment, and maintenance therein should—whether the patients were or were not otherwise paupers—not be deemed parochial relief, or carry with it any disqualification whatever.[5] Since that day we have the remarkable spectacle of the Poor Law Authorities, Central and Local, annually congratulating themselves on the fact that, year after year, they were managing to attract into these expensive Poor Law institutions, for gratuitous maintenance and treatment, a larger and larger percentage of the total number of cases notified.[6]

[1] Circular of 8th July 1887, in Seventeenth Annual Report, 1887-8, p. 9.

[2] Circular of 2nd January 1877, in Sixth Annual Report, 1876-7, p. 33.

[3] Poor Law Act 1879 (42 & 43 Vic. c. 54, sec. 15).

[4] 46 & 47 Vic. c. 35.

[5] The Central Authority was apparently loth to accept the situation. The statute was deliberately made only a temporary one, expiring in a year. But it was annually renewed, and in 1891 the provision was made permanent in the Public Health (London) Act of that year. Meanwhile the Poor Law Act 1889 (52 & 53 Vic. c. 56, sec. 3), had expressly authorised the admission of non-paupers, entitling the guardians to recover the cost from the patients if the guardians chose; but making their expenses, in default of such recoupment, chargeable (as were the expenses of the pauper patients) on the Common Poor Fund. We cannot discover that any attempt was made to recover the cost from the patients; and in 1891 the very idea was abandoned.

[6] Annual Reports of the Metropolitan Asylums Board, 1889-1906. In 1888,

A similar enlargement of the sphere of the Poor Law institution has, of late years, been going on in other than infectious cases. "The poorer classes generally," to use Mr. Goschen's words, "as distinguished from actual paupers," came more and more to appreciate the practical distinction between the workhouse and the Poor Law infirmary; and, especially in the Metropolis and the large towns, the latter became more and more freely used as a general hospital.[1] This tendency was facilitated in London by the operation of the Metropolitan Common Poor Fund, established by the Central Authority itself, which, from 1870 onward, bore the bulk of the cost of maintenance of the Poor Law infirmaries, as of the hospitals of the Metropolitan Asylums Board.[2] The Central Authority saw with approval the increasing attractiveness of these institutions, not only in London but throughout the country. In an official memorandum communicated to all boards of guardians in 1892, it observed that: "The sick poor can usually be better tended and nursed by skilled nurses in well-equipped sick wards than in their own homes; and

in anticipation of the necessary amendment of the law, the Central Authority authorised the admission of diphtheria cases (Local Government Board to Metropolitan Asylums Board, October 1888; *Local Government Chronicle*, 27th October 1888, p. 986; Poor Law Act 1889 (52 & 53 Vic. c. 56, sec. 3); Order of 21st October 1889, in Nineteenth Annual Report, 1889-90, p. 96). The boards of guardians outside the Metropolis failed, we believe everywhere, to respond to the invitations of the Central Authority to provide similar accommodation for infectious diseases. In 1876 the inspector was doing his utmost, by special Order of the Central Authority, to induce the Manchester, Salford, Chorlton, and Prestwich Boards of Guardians to unite in establishing out of the poor rates a hospital for infectious diseases, which should admit non-paupers on payment (MS. Minutes, Manchester Board of Guardians, 17th February 1876).

[1] In 1889, for instance, the Central Authority provided that, in cases of sudden or urgent necessity, the medical superintendent or his assistant should admit patients on his own responsibility, without order from the relieving officer (Special Order to Mile End Old Town, 10th October 1889).

[2] Under the Metropolitan Poor Amendment Act 1870, the cost of the maintenance of adult paupers in workhouses and sick asylums, to the extent of 5d. per head per day, was thrown on the Metropolitan Common Poor Fund. To two-thirds of the Metropolitan unions, including all the poorer ones, this operated as a bribe in favour of indoor (or infirmary) treatment as against domiciliary or dispensary treatment. Mr. Longley wished to go much further. In order practically to compel all the Metropolitan boards of guardians to provide these elaborate and expensive hospitals, he recommended that the whole cost of indoor maintenance of the sick, when in infirmaries separated in position and administration from the ordinary workhouses, should be made a charge on the Metropolitan Common Poor Fund (Mr. Longley's Report on Indoor Relief in the Metropolis, in Fourth Annual Report, 1874-5, p. 54).

the regularity, neatness, and order of the wards *tend to diminish the repugance to entering the workhouse*, which is often evinced by the sick poor of the better class when reduced to want by failing health."[1] It did not refuse to permit them to be made use of by paying patients, where—as is usually the case in rural districts—no "non-pauper institution" was available. "If," writes the Central Authority in 1902, there is "a sick person who is in receipt of an allowance from a benefit club or similar society," and who "is unable to obtain in a non-pauper institution such treatment as the illness from which he suffers requires," the Central Authority will "offer no objection to his admission to the workhouse infirmary."[2]

To those boards of guardians who clung to the policy of "deterring" the sick poor from obtaining medical relief—which, as we have shown, Mr. Gathorne Hardy had, on behalf of the Central Authority, in 1867 expressly repudiated[3]—all this official encouragement to enter Poor Law institutions seemed revolutionary. The fact that the sick poor came more and more to draw a distinction between the workhouse on the one hand, and the Poor Law infirmary or isolation hospital on the other, appeared seriously objectionable. When it was noticed that the Central Authority officially styled the separate institution for the sick "an asylum for the sick poor,"[4] or "the hospital," or simply the "infirmary,"[5] the Manchester guardians revolted, and definitely instructed their medical and relieving officers "to avoid using the word 'hospital' or 'infirmary,' and simply to use the word 'workhouse.'"[6] Other boards, we believe, insisted—although "the infirmary" was an entirely distinct institution—that it should be entered only through the workhouse itself. Against this lingering

[1] Memorandum on Nursing in Workhouse Sick Wards, April 1892; in Twenty-fifth Annual Report, 1895-6, p. 114.

[2] Decision of Local Government Board in *Local Government Chronicle*, 18th October 1902, p. 1051.

[3] *Hansard*, 8th February 1867, vol. 185, p. 163; *see* ante, pp. 120-21.

[4] Metropolitan Poor Act 1867 (30 & 31 Vic. c. 6); Special Order to Central London Sick Asylum District, 13th May 1873.

[5] Special Order to Lambeth, 25th August 1873.

[6] MS. Minutes, Manchester Board of Guardians, 14th August 1879. Some of the inspectors seem to have shared this objection. As late as 1901 we find one reporting that "the admission into our workhouse infirmaries of persons above the pauper class, and not destitute, is, I fear, increasing" (Mr. J. W. Preston's Report, in Thirtieth Annual Report, 1900-1, p. 97).

objection on grounds of Poor Law policy to get the sick cured in the most efficient way, we see the inspectorate in the later years more and more explicitly protesting. "I wish it were possible," said Mr. Preston-Thomas in 1899, "to get rid of the name of workhouse (which, by the way, has become singularly inappropriate), for I believe that it is to the associations of the name rather than to the institution itself that prejudice attaches. The disinclination of the independent poor to enter the hospitals of the Metropolitan Asylums Board, which was considerable at first, has now practically vanished, and I do not see why there should not be the same change of feeling with regard to Poor Law infirmaries in the country."[1]

In the same spirit we see the Central Authority in these three decades persistently pressing Boards of Guardians to build new workhouse infirmaries.[2] The report becomes current in the Poor Law world that Local Government Board officers, in interviews, went so far as to say that a certain board of guardians was morally guilty of manslaughter in refusing to embark on extensive new building operations. The official architect's criticisms on the Poor Law infirmary plans submitted to him are all on the lines of making these into up-to-date general hospitals. The proposals sanctioned by the Central Authority go up to a capital outlay of £350 per bed. The Central Authority even sanctions special hospitals established by the guardians at the expense of the poor rate, for particular classes of patients, such as the "West Derby, Liverpool and Toxteth Park Hospital, . . . for the reception

[1] Mr. Preston-Thomas's Report, in Twenty-eighth Annual Report, 1898-9, p. 135.

[2] "The curtailment of the stage of convalescence," urged the medical inspector in 1875, on a hesitating board of guardians, "alone rapidly covers any additional outlay that may have been incurred in structural arrangements, whilst the increased chances of recovery to the sick and afflicted are not to be measured by any mere money standard" (Dr. Mouat, medical inspector of Local Government Board, in Report on Infirmary of Newcastle Union; MS. archives, Newcastle Board of Guardians, 26th November 1875). Already by 1891 the Central Authority is able to inform Parliament that the number of "sick beds" provided in Poor Law institutions throughout the country—irrespective of the mere infirm aged—is no less than 68,420 (House of Commons, No. 365 of 1891; Twenty-first Annual Report, 1891-2, p. lxxxvi). In 1896 there were 58,551 persons occupying the workhouse wards for the sick, of whom 19,287 were merely aged and infirm, whilst there were in attendance 1961 trained nurses, 1384 paid but untrained nurses (probationers), and 3443 pauper helpers, of whom 1374 were convalescents (Twenty-sixth Annual Report, 1896-7, p. lxvi; House of Commons, No. 871 of 1896).

of persons suffering from tuberculosis," many of whom are so little destitute that they pay the cost of their treatment and maintenance;[1] or, as at Croydon, Kingston, and Richmond, "for the reception of epileptic and feeble-minded persons," who cannot be certified as of unsound mind.[2] Persons in receipt of medical relief only are no longer disqualified as paupers from being registered as Parliamentary and Municipal electors, and it has even been held that admission to a Poor Law hospital, sick asylum, or infirmary because of ill-health, and for the purpose of being medically treated, amounts to medical relief only, even though it incidentally involves also maintenance at the expense of the poor rate.[3] By 1903 we have the Central Authority laying it down in general terms, "that it is the guardians' duty to provide for their sick poor, and no sanction . . . is necessary to sending such cases to institutions for curative treatment . . . and . . . paying reasonable expenses involved in so doing."[4] The Central Authority seems, indeed, to exhaust official ingenuity in securing the

[1] Special Orders to West Derby, Liverpool and Toxteth Park, 5th April 1900 and 25th January 1901. In 1888 two other Boards of Guardians were even urged and authorised to combine in the taking over and maintenance of a specialised hospital for a particular class of diseases, and to conduct it as a Poor Law institution with the aid of a small annual subsidy from national funds, on the understanding that all local cases were taken. There was to be no sort of "deterrent" influence. Patients, suffering from these diseases, were to be admitted on the authority of the medical superintendent of the hospital, without there being necessarily any order from the relieving officer; and without any express restriction to the destitute. The well-understood object of this Poor Law institution was, in fact, positively to encourage all persons suffering from the diseases in question to come in and be cured. There was to be no obvious sign that it was a Poor Law institution. It was especially ordered that it should be styled "The Aldershot Lock Hospital" (Special Orders to Farnham and Hartley Wintney Unions, 19th September 1888 and 16th November 1894). This went on for seventeen years, and was given up in 1905 (*ibid.* 30th December 1905).

[2] Special Order to Croydon, Kingston, and Richmond, of 27th December 1904. We gather that this institution has not been established. A similar one exists at Manchester.

[3] By some Revising Barristers under the Medical Relief Disqualification Removal Act 1885 (48 & 49 Vic. c. 46).

[4] *Decisions of the Local Government Board*, 1902-3, by W. A. Casson, 1904, p. 7. The Poor Law Act 1879 had, in fact, expressly authorised boards of guardians to subscribe to charitable institutions to which paupers might have access. It was held, for instance, that boards of guardians may, if they choose, send their sane adult epileptics to an epileptic colony, and pay the cost of their maintenance there (*Local Government Chronicle*, 29th October 1904, p. 1123). In 1901, the Central Authority sanctioned the payment of £70 by the Bramley Board of Guardians for a cot in the sanatorium of the Leeds Association for

best possible treatment and also the comfort of the patients in the sick wards.[1] Any reasonable fee may be paid for calling in consultants whenever the medical officer thinks it "necessary or desirable," without any special sanction being requisite.[2] We need not recite the constant struggle to get more nurses and better. As early as 1879 a president could (perhaps with some ministerial optimism) declare that: "in the new infirmaries I have succeeded in abolishing pauper help almost entirely."[3]

The guardians are reminded that the epileptics are especially to be incessantly accompanied by trained nurses, lest they should be suffocated in their fits.[4] The sick men in the workhouse may be allowed tobacco and snuff, the sick women tea, in addition to that prescribed in the dietary table.[5] The doctor is expressly reminded that it is his duty to "order such food as he may consider requisite."[6] When a complaint was made that beer was supplied in a Norfolk workhouse, the Central Authority refused to interfere with a "beer allowance" to sick paupers, given and renewed from week to week by direction of the medical officer.[7] The guardians are even reminded of the importance of providing illustrated books and newspapers for the sick.[8]

Meanwhile the standard of equipment, of resident medical attendance, and especially of trained nursing[9] required by the

the Cure of Tuberculosis (Local Government Board to Bramley Union, February 1901, in *Local Government Chronicle*, 23rd February 1901, p. 184).

[1] In 1903 it sanctioned the expenditure involved in the setting up of Röntgen Ray apparatus in a Poor Law infirmary (*Decisions of the Local Government Board*, 1902-3, by W. A. Casson, 1904, p. 10).

[2] *Decisions of the Local Government Board*, 1903-4, by W. A. Casson, 1905, p. 39.

[3] *Hansard*, 24th July 1879, vol. 248, p. 1173.

[4] Local Government Board decision, in *Local Government Chronicle*, 1st November 1902, p. 1102.

[5] General Order of 8th March 1894, in Twenty-fourth Annual Report, 1894-5, pp. xcix, 4-5.

[6] Circular of 29th January 1895, in Twenty-fifth Annual Report, 1895-6, p. iii.

[7] Mr. Long in House of Commons (23rd June 1904; *Hansard*, vol. 136, p. 971).

[8] Circular of 23rd January 1891; Twentieth Annual Report, 1890-1, p. xo; Report of Royal Commission on Aged Poor, 1895, vol. iii. p. 967, (Cd. 7684 II).

[9] *See* the references to nursing in Circulars of 29th January 1895 and 7th August 1897; and the General Order (Nursing of the Sick in Workhouses) 6th August 1897; Twenty-fifth Annual Report, 1895-6, pp. 109-110; Twenty-seventh Annual Report, 1897-8, pp. 27-31.

Central Authority in the Poor Law institutions is constantly rising, in correspondence with the progress of hospital science. We see all this reflected in the advice and criticisms pressed by the inspectorate on the boards of guardians. "The workhouses of a past and bygone age," says Mr. Hervey in 1903, "are no longer refuges for able-bodied, but are becoming every day more of the nature of State hospitals for the aged, sick, and infirm. *As such, they should be furnished with the very best nursing procurable.*" [1]

(iii.) *The Municipal Medical Service*

It may be that it is on the Public Health side, which was in 1871 added to the Poor Law work of the Central Authority, that we may trace the influence of the suggestion that was under discussion at the Poor Law Board under Mr. Goschen's presidency, just prior to its merging in the Local Government Board. The idea of "free medicine to the poorer classes generally, as distinguished from actual paupers, and perfect accessibility to medical advice at all times under thorough organisation"—which the new permanent secretary, Sir John Lambert, may have brought back from his official visit to Ireland—finds a certain expression in the Public Health Act of 1872, re-enacted with additions in 1875, which created "one local authority for all public health purposes in every place, so that no area should be without such an authority, or have more than one." In the rural districts the board of guardians became this authority. As such they came under a series of responsibilities based upon ideas diametrically opposed to those of the Poor Law. Instead of confining their action

[1] Mr. Hervey's Report, in Thirty-second Annual Report, 1902-3, p. 69. The total cost of Poor Law medical relief in 1904-5 was £518,994 indoor (to which might be added £640,833 for what are now called the "public health purposes" of the greatest of all Poor Law authorities, the Metropolitan Asylums Board); and £268,537 outdoor (Thirty-fifth Annual Report, 1905-6, pp. 251, 589, 590). This aggregate total of £787,531 (excluding the fever hospitals of the Metropolitan Asylums Board) omits the maintenance of the sick themselves, but includes, however, some items not previously included. For comparative purposes we must take the figure for 1903-4 (£423,554), which includes only doctors' salaries and drugs. This may be compared with the corresponding figure for 1881 of £310,456; for 1871, of £290,249; and for 1840 of £151,781 (Twenty-second Annual Report of the Poor Law Board, 1869-70, p. 227; Eleventh Annual Report of the Local Government Board, 1881-2, p. 237).

to actual applicants for help, they had to search out cases of nuisance or dangerous disease. Instead of restricting their administration to those who were willing and anxious for it, they were charged with compelling to be done all that was required. Instead of being limited in purview to a small class specially stigmatised as paupers, the guardians had to consider the whole population as needing their attention without distinction of class or subjection to stigma. They were expressly authorised, not merely to repress nuisances, but to provide hospitals "for the use of the inhabitants," without any limitation to infectious or any other diseases.[1] They were even empowered, with the consent of the Central Authority, to "provide or contract with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district."[2] The Central Authority eagerly pressed on the local authorities the policy of the new Act.[3] We see the Poor Law inspectors—who were "in possession of the views of the (Local Government) Board on the subject"—explaining to boards of guardians in unions having rural districts their new duties; the future work of their new Public Health staff of medical officer of health and sanitary inspectors; and their responsibility for maintaining and improving the health, not of paupers only, but of the whole community.[4] We are not here concerned with the progress of public health administration, in which the boards of guardians cannot be said to have been apt or willing disciples. It is not to the boards of guardians, in 1907 still the sanitary authorities in non-urban districts, that we owe the elaborate medical organisation of an up-to-date Public Health Department, with its peripatetic health visitors and diagnosing doctors, its milk depots and campaign against infantile mortality, its gratuitous supply of anti-toxins and diarrhœa medicine, its gratuitous hospitals and sanatoria no longer confined to smallpox and fever. We need only notice here the

[1] Sec. 131 of Public Health Act 1875 (38 & 39 Vic. c. 55).

[2] Sec. 133 of *ibid.* This had been already included in the Sanitary Act of 1868 (31 & 32 Vic. c. 115, sec. 10).

[3] Circular of 17th August and 12th November 1872, in Second Annual Report, 1872-3, pp. 19-20, 41-52.

[4] *See, e.g.* the letters of Mr. Hedley, in September 1872, in MS. archives of Newcastle Board of Guardians.

gradual appreciation, by the Central Authority and the Poor Law inspectors, of the intimate connection between shortcomings in the public health service and an excess of pauperism. Even from the narrowest standpoint of Poor Law principles, the causal connection between disease and pauperism could no longer be ignored. "The effect of bad house accommodation on the health of the poor," writes Mr. Bagenal in 1902, "has often been demonstrated by experts in public health. Not only are serious illnesses more frequent, but damp and draughty dwellings lower vitality to such an extent that the bodily vigour and activity, as well as the spirits, are affected, and the system becomes unable to withstand actual disease. Families are often pauperised on account of sickness produced by living in unhealthy conditions. Labourers also often become permanently disabled, and fall upon the rates, owing to premature old age brought on by insanitary houses. To prevent sickness and to prolong the working term of a labourer's life must be a gain to the ratepayers, as well as to all classes of the community."[1] To take only one specific instance, in the Redruth Union the reason for a high average of pauperism in 1906 was found in the large amount of destitution produced by "miner's phthisis," and the great number of widows and orphans which it caused, "the total number of persons pauperised owing to this special cause being . . . 333," besides other cases of infirmity of the miners themselves. "A substantial proportion of the excessive pauperism in the Redruth Union is thus accounted for."[2]

F.—Persons of Unsound Mind

It does not seem necessary to trace the slight changes in the law relating to pauper lunatics, or in the orders and circulars of the Central Authority. There appears to have been no alteration in the relation of the Central Authority to the Lunacy Commissioners, practically no steps being taken to initiate policy except upon the suggestion of the latter, whose standard of accommodation and treatment continues steadily to rise for pauper as for non-pauper lunatics.

[1] Mr. Bagenal's Report, in Thirty-first Annual Report, 1901-2, p. 139.

[2] Mr. Preston-Thomas's Report, in Thirty-fifth Annual Report, 1905-6, pp. 471-2.

The only point of interest is the continuance, virtually unchanged, of the three methods of treatment, viz. maintenance in the workhouse, treatment in a lunatic asylum, or grant of outdoor relief.

The number of persons of unsound mind in the workhouse continued practically undiminished, without any steps being taken to prevent their retention among the aged, the sick, and the children, who came more and more to make up the workhouse population.[1] There were, in fact, three classes of cases in which a lunatic might be detained in a workhouse. Firstly, there is the old provision, under which "the visitors of any asylum may, with the consent of the Local Government Board and the Commissioners, and subject to such regulations as they respectively prescribe, make arrangements with the guardians of any union for the reception into the workhouse of any chronic lunatics, not being dangerous, who are in the asylum, and have been selected and certified by the manager of the asylum as proper to be removed to the workhouse."[2] Secondly, "where a pauper lunatic is discharged from an institution for lunatics, and the medical officer of the institution is of opinion that the lunatic has not recovered, and is a proper person to be kept in a workhouse as a lunatic, the medical officer shall certify such opinion, and the lunatic may thereupon be received and detained against his will in a workhouse without further order, if the medical officer of the workhouse certifies in writing that the accommodation in the workhouse is sufficient."[3] Thirdly, if it is necessary for the welfare of a lunatic, or for the public safety, that he should immediately be placed under care and control, pending regular proceedings for his removal, he may be taken to a workhouse (if there is proper accommodation therein) by a constable, relieving officer, or overseer, and may be detained there for three days, during which time the proceedings are to be taken; and in any case in which a summary reception order has been or might be made, he may be further detained on a justice's order till he

[1] It seems to have been entirely as an exception that the Rochdale Guardians fitted up what was practically a lunatic asylum in their workhouse, adequately equipped, staffed, and isolated; and took in a number of Lancashire chronic lunatics (Special Order of 13th April 1893; Twenty-third Annual Report, 1893-4, p. xcii).

[2] Lunacy Act, 1890, 53 Vic. c. 5, sec. 26.

[3] *Ibid.* sec. 25; cf. Lunacy Act 1889, 52 & 53 Vic. c. 41, sec. 22.

can be removed, provided that the period does not exceed fourteen days.[1] Moreover, any other lunatic might be "allowed to remain in a workhouse as a lunatic" if "the medical officer of the workhouse certifies in writing: (*a*) that such a person is a lunatic, with the grounds for the opinion; and (*b*) that he is a proper person to be allowed to remain in a workhouse as a lunatic; and (*c*) that the accommodation in the workhouse is sufficient for his proper care and treatment, separate from the inmates of the workhouse not lunatics, unless the medical officer certifies that the lunatic's condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate." Such a certificate signed by the medical officer is sufficient authority for detaining the lunatic in a workhouse for fourteen days, but no longer, unless within that time a justice signs an order for his detention. Failing such a certificate, or, after fourteen days, such an order, or if at any time the lunatic ceases to be "a proper person to be allowed to remain in a workhouse," he becomes "a proper person to be sent to an asylum," and proceedings are to be taken accordingly.[2]

Meanwhile the Central Authority continued to permit the grant of outdoor relief in cases of lunacy; and about 5000 were always so maintained.

Regulations for the boarding-out of pauper lunatics first appear in the Act of 1889. "Where application is made to the committee of visitors of an asylum by any relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the committee may, upon being satisfied that the application has been approved by the guardians of the union to which the lunatic is chargeable, and, in case the proposed residence is outside the limits of the said union, then also by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly." The authority liable for such a lunatic's maintenance is to pay an allowance for his support to the person who undertakes his care; the medical officer of the district is to visit him and report to

[1] Lunacy Act 1890, secs. 20, 21; cf. Lunacy Act 1885, 48 & 49 Vic. c. 52, secs. 2 and 3.

[2] *Ibid.* sec. 24.

the visiting committee every quarter, and two visitors may at any time order the lunatic to be removed to the asylum.[1] Any two Commissioners have also the right to visit any pauper lunatic or alleged lunatic not in an institution for lunatics or in a workhouse, and call in a medical practitioner; if the latter signs a certificate, and they think fit, the Lord Chancellor may direct that the lunatic be received into an institution.[2]

For the paupers of unsound mind in the Metropolis there was even a fourth alternative, namely, the "district asylums" of the Metropolitan Asylums Board. On the opening of the Darenth Asylum, the Central Authority quoted, without disapproval, the following remarks of the Lunacy Commissioners: "The withdrawal, for proper care, of helpless children of this kind [idiots] from the households of many of the industrious and deserving poor is a frequent means of *warding off pauperism in the parents.*"[3] We do not find, however, any more explicit statement on this point. What the Central Authority continued to press on the Boards of Guardians was, not so much the importance of relieving the struggling poor from the burden of their insane or idiotic dependants, nor yet the freeing of the workhouses from the presence of persons of unsound mind; but rather of appropriate discrimination. "It is of great importance not merely to exclude from the [district] asylums those who, by reason of violence or irritability, are proper subjects for the county asylum, but also those who, from old age or disease, are unfit for the journey to the asylum, or who, from the slight degree to which their mind is affected, might more properly remain in the workhouse."[4] "The removal of helpless, bedridden persons, whose mental weakness is, in many cases, the result of old age, to asylums situated a considerable distance from the Metropolis, is calculated, on the one hand, to be injurious to the persons thus removed, and, on the other, to occupy the district asylums with a different class of persons from that for which they were constructed."[5] Imbecile children are to be kept in the

[1] Lunacy Act 1889, sec. 40 [2] *Ibid.* sec. 42.
[3] Eighth Annual Report, 1878-9, p. xli.
[4] First Annual Report, 1871-2, p. xxix.
[5] Circular Letter, "Metropolitan Asylums for Imbeciles," 12th February 1875, in Fifth Annual Report, 1875-6, p. 3.

workhouse till they are five years old, and may then be sent to the asylum at Darenth.[1] Outside the Metropolis there is no specialised Poor Law provision for idiots, who, if not received into the county asylum, must either be placed in non-Poor-Law institutions at considerable expense, or detained in the workhouse. In 1885 the Central Authority even suggested that harmless and aged lunatics had, on grounds of economy, better be retained in the workhouse, rather than removed to an asylum.[2] We hear incidentally of a Special Order in 1900 under which certain chronic lunatics were actually transferred from the Suffolk County Asylum to the workhouse of the Mildenhall Union.[3] As late as 1905 we find the Central Authority expressing regret that so many cases of senile imbecility were removed from the workhouses to asylums.[4]

Under this policy the number of paupers of unsound mind receiving outdoor relief diminished very slightly, being 4736 on 1st January 1906; those in the asylums of the Metropolitan Asylums Board and in county and borough lunatic asylums rose to no fewer than 92,409; whilst those in workhouses nevertheless did not fall off from the total of thirty-five years previously, being, in fact, on 1st January 1906, 11,484, or an average of nineteen in each workhouse.[5]

Towards the latter part of the time we begin to find the inspectors, somewhat in disaccord with the suggestions of the Central Authority itself, protesting against the presence in the workhouses even of the chronic lunatic, the harmless idiot, or the senile imbecile, on the new ground that their presence caused annoyance to the sane inmates—annoyance which had, for seventy years, been apparently either unnoticed or not considered. "I am sorry to say," reported Mr. Preston-Thomas in 1901, "that in all but six of the workhouses in my district imbeciles mix freely with the other workhouse inmates. Many of them are mischievous, noisy, or physically offensive.

[1] Circular Letter, "Age of Children sent to Imbecile Asylums," 24th July 1882, in Twelfth Annual Report, 1882-3, p. 17.

[2] Local Government Board to West Ham, January 1885; *Local Government Chronicle*, 24th January 1885, p. 77.

[3] Special Order of 21st March 1900 (apparently not published?); referred to in Thirtieth Annual Report 1900-1, p. ci.

[4] Thirty-fifth Annual Report, 1905-6, p. clxxi.

[5] *Ibid.* p. clxx.

In some instances, even if their bodily ailment is very slight, they sleep in the sick wards in order that they may come under the supervision of the nurses, and they frequently disturb other patients at night. By day they are a source of much irritation and annoyance, and in a small workhouse I have known the lives of a number of old men made seriously uncomfortable by a mischievous idiot for whom no place could be found in an asylum. . . . I am much afraid," prophetically continued Mr. Preston-Thomas, "that . . . the question will be postponed indefinitely, and six or eight years hence the idiots will still be worrying the sane inmates of workhouses. . . . It is in the country workhouses, sometimes with only a dozen imbeciles or less, divided among the sexes, that the chief difficulty arises. . . . A good many are often found useful in the laundry and other domestic work of the institution, but I do not think this consideration ought to outweigh what may almost be characterised as the cruelty of requiring sane persons to associate, by day and by night, with gibbering idiots."[1] When the Select Committee on the Bill to establish Cottage Homes for the Aged Poor in 1900 strongly recommended the removal of all imbeciles from workhouses, the Central Authority, observing that the advisability of this step had been repeatedly brought to its notice by guardians and others, declared that the question must be deferred.[2]

G.—Defectives

For the first twenty years after 1871 there is no alteration of policy to record with regard to defectives. In fact, the Central Authority does not seem to have paid much attention to this class, whether mentally or physically defective, during this period. It enjoined no policy for the treatment of them till 1891. A Circular on "Blind and Deaf and Dumb inmates of Workhouses" then required the inspectors to "continue to give special attention" to children among this class, and urge their removal from the workhouse when desirable. It was held that the guardians might, if they

[1] Mr. Preston-Thomas's Report, in Thirtieth Annual Report, 1900-1, pp. 122-3.

[2] Circular of 4th August 1900, in Thirtieth Annual Report, 1900-1, p. 18.

chose, pay the whole of the maintenance of deaf and dumb children sent to appropriate institutions. No limit has been fixed, but in no case has more than £20 a year been scanctioned.[1] Adults also were to be given instruction in reading and writing, if able to profit thereby, and if such instruction could not be provided in the union, they might be sent, under contract, to the workhouse of some other union where teaching might be available, either in the workhouse or in the town. It is also suggested that arrangements might with advantage be made for reading aloud to the aged blind in the workhouse. But it was held to be illegal to pay for the technical instruction of blind workhouse inmates at a non-Poor-Law institution.[2] From 1903 onward, however, we have the almost dramatic extension of the scope of the Education Authority with regard to defective children of all kinds—a change which has already gone far to transfer responsibility for the treatment of the blind, the deaf and dumb, the crippled, the epileptic, and the mentally defective children up to sixteen from the Poor Law to the Education Authorities. The first step was the Act of 1893, which required the local Education Authority to provide education for blind and deaf children; but children sent to any institution from the workhouse, or boarded out by the guardians, were expressly excluded.[3] In 1899 similar provision was made for defective and epileptic children; and the guardians were authorised to arrange with the Education Authority to take over Poor Law cases on payment.[4] Under these Acts provision is more and more being made, especially in London, for the education, treatment, and even (where requisite) maintenance in educational institutions of these children up to sixteen.

In 1903 a Special Order provided for the transfer, from the Metropolitan workhouses to the special homes of the Metropolitan Asylums Board, of children who, without being

[1] *Selections from the Correspondence of the Local Government Board*, vol. i. 1880, p. 53; vol. ii. 1883, p. 281; vol. iii. 1888, p. 102.

[2] *Ibid.* vol. iii. 1888, p. 101.

[3] Elementary Education (Blind and Deaf Children) Act 1893 (56 and 57 Vic. c. 42).

[4] Elementary Education (Defective and Epileptic Children) Act 1899 (62 and 63 Vic. c. 32).

certified as of unsound mind, were mentally defective; and for their retention in such homes until twenty-one years of age.[1] We do not find any corresponding provision with regard to the mentally defective children outside the Metropolis; or for the mentally defectives beyond sixteen years of age. In the rural workhouses, at any rate, which make up three-fourths of the whole, it would seem that in 1907, as it was officially reported in 1879, these mentally defectives, together with "the imbeciles, are more or less mixed up with the ordinary inmates of the class to which they belong."[2]

In recent years we see the Central Authority willingly sanctioning special provision for individual cases. Thus, special assistance may be given for starting in trade persons handicapped by their infirmities. In one case, the Board sanctioned the purchase of tools for a blind man who had been taught a trade.[3] In another case, "an adult having become incapacitated by reason of accident from again following his usual occupation, the guardians were desirous of paying a premium in consideration of his being taught a trade which the nature of his infirmity would not prevent his carrying on. On the proposal being submitted to the Local Government Board, the Board observed that as the person was too old to be bound as an apprentice, there was no authority for the payment of the premium, but they suggested whether the difficulty might not be overcome by out-relief being granted during the period of learning."[4]

A third instance is given as follows: "A boy, aged sixteen years, has been a pupil at an institution for the blind, the fees for his board and education having hitherto been paid by the said board [of guardians] under the Elementary Education (Blind and Deaf Children) Act 1893. The boy is desirous of competing for a scholarship of the value of £40 a year from the Institution for the Blind in London; total fees, £60 a year. The guardians wish to contribute £13 a year, the father, who earns on an average £2 : 2s. a week, being willing

1 Special Order of 4th March 1903; Thirty-third Annual Report, 1903-4, p. ci.
2 Mr. Courtenay Boyle's Report, in Eighth Annual Report, 1878-9, p. 120.
3 *Local Government Chronicle*, 29th November 1902, p. 1203.
4 *Ibid.* 6th December 1902, p. 1225.

to pay the balance of £7, in addition to travelling expenses and outfit. The Board hold that the guardians can, assuming the boy is in need of relief, carry out their proposal under 30 and 31 Vic. c. 106, sec. 21."[1] An interesting feature of this case is the vagueness of the term "in need of relief," instead of "destitution."

H.—The Aged and Infirm

(i.) *Outdoor Relief*

The crusade of the inspectorate of 1871-85, in favour of the "workhouse system" of Poor Law relief, made no exception in favour of aged persons, whether deserving or undeserving, any more than it did in favour of widows with young children or the sick. On the contrary, Mr. Longley assumed, in every paragraph of his Report,[2] that the "workhouse principle" was universally applicable to "the disabled"—the term he used for the aged and infirm—as well as to the ablebodied. A rigid adherence to the policy of "offering the House" would, he argued, lead the poor to provide, or induce their relatives to provide, for old age as well as for sickness and widowhood.[3] Further, Mr. Longley strongly

[1] *Decisions of the Local Government Board, 1902-3*, by W. A. Casson, 1904, p. 14.

[2] Report on the Administration of Outdoor Relief in the Metropolis, in Third Annual Report, 1873-4, pp. 136-209.

[3] "One of the chief defects," he said, "in the present administration of the law in respect of the disabled class, and especially of that large section of it which consists of the aged and infirm . . . is its failure to relieve the rates from the burden of the maintenance of paupers whose relatives, whether legally liable or not, are able to contribute to their support. It is, I believe, within the experience of many boards of guardians, that while there are persons who, even when in prosperous circumstances, readily permit their aged relatives to receive out-relief, an offer of indoor relief is frequently found to put pressure upon them to rescue themselves, if not their relatives, from the discredit incident to the residence of the latter in a workhouse" (*Ibid.* p. 188). Another inspector expressly reported that he urged guardians with regard to the aged "to apply the workhouse test *in order to put a pressure on relatives who are not legally liable*" (Mr. Culley's Report in Third Annual Report, 1873-4, p. 76). So again, in 1875, Mr. Longley argued that the "deterrent discipline" of the workhouse was "the keystone of an efficient system of indoor relief," not merely for the able-bodied, but also for the aged ("directly on the able-bodied, and more remotely upon the disabled class of paupers," the term he always used for the aged) (Report on Indoor Relief in the Metropolis, in Fourth Annual Report, 1874-5, p. 47). It may, however, be noted that Mr. Longley never pretended that this was the policy of the Report of 1834, or of the Act of 1834. To him it was "*a further and special development* . . . of the principles of the Poor Law Amendment Act" (*Ibid.* p. 41).

deprecated any deviation in particular cases from what he euphemistically called "the offer of indoor relief." "That which an applicant does not know certainly that he will not get," he forcibly argued, "he readily persuades himself, if he wishes for it, that he will get; and the poor, to whom any inducement is held out to regard application for relief as a sort of gambling speculation, in which, though many fail, some will succeed, will, like other gamblers, reckon upon their own success."[1] For every "hard case" he relied on the springing up in every union of intelligently directed private charity. "It is, in fact, the very existence of charity"—assumed thus to be always at hand whenever required—"which strengthens the hands of the Poor Law administrator in adherence to rule."[2] Yet, with a certain want of logic, he desired this charitable provision to remain "precarious" and "intermittent"; something which it was possible to argue would always be there when a "hard case" occurred, and which, nevertheless, could not be counted upon by the poor themselves. In other words, he seemed to imply that charitable outdoor relief was superior to Poor Law outdoor relief for the very reason that though some applicants for it would succeed, others in like circumstances would fail to get it—thus inducing, one would have thought, exactly the spirit of "gambling speculation" on the part of the poor that he clearly perceived to arise from the adoption by boards of guardians of an intermittent and uncertain relief policy.

How far this policy of offering the House to all aged persons, deserving or undeserving, was assumed by the other inspectors to be the official policy, and how far it was pressed by them on boards of guardians throughout the country, we have been unable to ascertain. Apart from the approval of Mr. Longley's views implied by the publication of his Reports and the circulation of them among boards of guardians, the Central Authority maintained, between 1871 and 1896, an absolute silence[3] on the question of outdoor relief to the aged.

[1] Mr. Longley's Report in Third Annual Report, 1873-4, p. 144.

[2] *Ibid.*

[3] We ought, perhaps, to mention that, already in January 1895, under Sir Henry Fowler's presidency, we find the Central Authority writing to a board of guardians, to bespeak greater consideration for the aged and infirm, who needed outdoor relief. The Bradford Guardians had been in the habit of requiring their

All the more surprising to boards of guardians must have been the sudden and unexpected reversal of this policy by the Central Authority between 1896 and 1900. In July 1896, the Central Authority, under the presidency of Mr. Chaplin, issued a Circular to boards of guardians outside the Metropolis, drawing attention to the importance of the relieving officers and medical officers discharging their duties with the greatest particularity. In a concluding paragraph the Central Authority significantly reminds the guardians of the recommendations of the Royal Commission on the Aged Poor, of which an extract is appended. "We are convinced," run the recommendations thus exceptionally brought to the guardians' notice, "that there is a strong feeling that in the administration of relief there should be greater discrimination between the respectable aged who become destitute and those whose destitution is distinctly the consequence of their own misconduct; and we recommend that boards of guardians, in dealing with applications for relief, should inquire with special care into the antecedents of destitute persons whose physical faculties have failed by reason of age and infirmity; and that *outdoor relief in such cases should be given* to those who are shown to have been of good character, thrifty according to their opportunities, and generally independent in early life, and who are not living under conditions of health or surrounding circumstances which make it evident that the relief given should be indoor relief."[1] But this is not all. The poor, far from being left uncertain as to the grant of outdoor relief, were to be specially told that they would receive it if only they led deserving lives. "It accordingly appears to us eminently desirable," continue the recommendations, as communicated by the Central Authority to the boards of guardians, "that boards of guardians should adopt rules in accordance with the general principles which we have indicated, by which they may be broadly guided in dealing with individual applications for relief, and *that such*

outdoor paupers to come every week to the workhouse to receive their doles. The Central Authority, far from deprecating this outdoor relief, spontaneously pointed out that the system involved very long walks for many infirm people, and suggested that the guardians should institute four local pay stations (Local Government Board to Bradford Union, 8th January 1895; in MS. archives, Bradford Board of Guardians).

[1] Circular of 11th July 1896; in Twenty-sixth Annual Report, 1896-7, pp. 8-9. No mention is made of this Circular in the Annual Report itself.

rules should be generally made known for the information of the poor of the union, in order that those really in need may not be discouraged from applying." [1]

How far this reversion to the policy contemplated by the 1834 Report, and continued, as we have shown, by the Poor Law Commissioners, and the Poor Law Board down to 1871, obtained the adhesion of the inspectors who had grown up in the traditions of Mr. Longley's Reports of 1871-5, we have been unable to ascertain.[2] Nor is it clear that the partial circulation [3] by the Central Authority of the recommendations of the Royal Commission affected the admonitions against outdoor relief generally, which the inspectors had for nearly thirty years been addressing to the boards of guardians.[4] Four years later the Central Authority took an even more decisive step.

[1] *Ibid.* p. 9. In September 1896, under Mr. Chaplin's presidency, the Central Authority "saw no objection" to a proposal of the Poplar Guardians to "board out" an aged married couple in a country cottage at 12s. a week, and added that ite sanction was not required, if the case fell within "exception 2 to art. 4" of the Outdoor Relief Regulation Order. It was simply "non-resident relief." But the Central Authority declared that it was impossible for such relief to be made chargeable on the Metropolitan Common Poor Fund, as "boarding-out" was outdoor relief (Local Government Board to Poplar Union, 25th September 1896; MS. archives, Poplar Board of Guardians). The expenses of "boarded-out" children had been placed upon the fund by statute, the Metropolitan Poor Amendment Act 1869.

[2] Some of them hardly concealed their dismay. "In some instances," says Mr. Davy, "where Guardians have been for years endeavouring with patient care to administer the Poor Law strictly . . . the opinion of the [Local Government] Board with reference to outdoor relief to certain classes of paupers, has been the cause of some change, if not of opinion, at all events of practice, with the result that the amount paid weekly as outdoor relief has increased largely. . . . This has been notably the case in the Faversham Union. . . . During the last six monthe the expenditure has increased about 25 per cent. . . . In some other Unions . . . the effect of the Circular has been still more marked, for the recommendation that adequate relief should be given has been made the occasion for increased grants of outdoor relief all round, the word "adequate" being taken to refer to the amount of money given only. . . . It cannot be too strongly insisted that adequate relief means not only that the relief should be sufficient for the wants of the pauper, but that it should be the most suitable form of relief for each particular case." Mr. Davy went on to intimate pretty plainly that, in his view, normally and typically, "the only adequate form of relief is an offer for the workhouse" (Thirtieth Annual Report, 1900-1, pp. 87-9).

[3] To Boards of Guardians "outside the Metropolis" only.

[4] It seems, at any rate, not to have affected their practice of compiling statistical tables in which the Unions were contrasted one with another, according to the percentage of the paupers on outdoor relief—irrespective, as we have already observed, of the relative proportions of the aged, among their several populations; and (as must now be added) of the policy of the Royal Commission on the Aged Poor, which the Central Authority had promulgated.

In the famous pronouncement on Poor Law Administration generally which Mr. Chaplin issued to all boards of guardians in 1900, systematic and adequate outdoor relief to all aged persons who were at once destitute and deserving was laid down as the definite policy of the Central Authority. "It has been felt," runs this Circular, "that persons who have habitually led decent and deserving lives should, if they require relief in their old age, receive different treatment from those whose previous habits and character have been unsatisfactory, and who have failed to exercise thrift in the bringing up of their families or otherwise. The Board consider that aged deserving persons *should not be urged to enter the workhouse at all* unless there is some cause which renders such a course necessary, such as infirmity of mind or body, the absence of house accommodation, or of a suitable person to care for them, or some similar cause, but that they should be relieved by having adequate outdoor relief granted to them. The Board are happy to think that it is commonly the practice of boards of guardians to grant outdoor relief in such cases, but they are afraid that too frequently such relief is not adequate in amount. They are desirous of pressing upon the guardians that such relief should, when granted, be always adequate."[1] Nor did the Central Authority content itself with merely issuing the Circular. Letters were sent in a few months' time to all the boards of guardians asking what action had been taken with regard to the suggested grant of outdoor relief to aged deserving persons, and, in particular, whether the practice was to grant an adequate amount to each case. The effect was (to use the words of an inspector) to produce "a good deal of discussion . . . upon the question of the amount of outdoor relief granted to aged deserving persons."[2] "I rather fear," said another inspector, "that in some unions it has rather been regarded

[1] Circular of 4th August 1900; in Thirtieth Annual Report, 1900-1, pp. 18-19. This momentous new departure is not referred to in the Annual Report itself. Returns published in the previous year had shown that of the 286,929 paupers over sixty-five on 1st January 1900, only 74,597 were indoor paupers, and of these, only 40,809 were in the workhouses as distinguished from infirmaries, etc. The other 212,332 had outdoor relief. Outside the Metropolis, indeed, eight out of every ten had outdoor relief; one was in the infirmary, and there was only one in the workhouse (Twenty-ninth Annual Report, 1899-1900, p. lvii).

[2] Mr. Bagenal's Report, in Thirtieth Annual Report, 1900-1, p. 154.

as a sort of mandate to increase the system of out-relief generally. This the Circular did not intend."[1] On the other hand, yet another inspector remarks that only "a few boards have looked at the (Local Government) Board's suggestions from a sympathetic point of view, and have increased their regular allowances to the aged out-paupers, but in a large majority of the unions the guardians state that alteration is not called for. . . . The principle is . . . warding off destitution, not providing maintenance."[2] Whatever was the intention of the Central Authority, it is evident that the replies (which were not published and which we have not seen) that it received to its repeated inquiries must have revealed an enormous diversity of practice, utterly at variance with the principle of national uniformity. In one union there would be hardly any cases for which the guardians would grant outdoor relief at all. In the next union practically every aged applicant would get it. The conception of adequacy revealed in the replies must have been equally various. In the West Riding the amount allowed per aged person ranged from 1s. 6d. a week to as much as 7s. 6d. a week, whereas in the East Riding the variations were only between 2s. 6d. and 5s. for each person.[3] We happen to know that the Bradford Guardians reported that, with greater uniformity, they gave 5s. a week for each deserving aged person.[4] We have not been able to ascertain what action, if any, was taken by the Central Authority on these replies. No objection appears to have been taken, and no criticism to have been made, either in respect of the virtual refusal of outdoor relief to the deserving aged in some unions, or in respect of its almost indiscriminate bestowal in others, or again, in respect of the wide range of variation between union and union, in the amount allowed for each person. It is thus not clear what is now the policy of the Central Authority on these points. Its latest utterance is the Circular of 1900. Since

[1] Mr. Wethered's Report, in Thirtieth Annual Report, 1900-1, p. 133.

[2] Mr. Baldwyn Fleming's Report, in Thirtieth Annual Report, 1900-1, pp. 112-113.

[3] Mr. Bagenal's Report, in Thirtieth Annual Report, 1900-1, p. 154.

[4] Local Government Board to Bradford Union, 10th January 1901; Bradford Union to Local Government Board, 26th January 1901; in MS. archives, Bradford Board of Guardians.

then, so far as we can discover, it has been silent on the subject.

(ii.) *Indoor Relief*

Meanwhile there had accumulated in the workhouses of the Metropolis (where the effect of the Metropolitan Common Poor fund had been to offer a premium on indoor relief to two-thirds of the unions), and in those of the unions up and down the country in which Mr. Longley's policy had been more or less carried out, a large number of aged people, who became permanent residents.[1] This fact, already noticeable and officially recorded in 1867,[2] did not lead to any change in the policy of workhouse administration laid down by the Central Authority. The General Consolidated Order of 1847, framed essentially to deal with workhouses in which the able-bodied were the most important feature, was not amended to meet the new conditions. The structural improvements which, as we have already described, began to be adopted after the *Lancet* inquiry of 1865, continued to be pressed for, and eventually insisted on, so far as regards new workhouses. In this respect the old people in particular unions shared in the general benefit. But we do not find that the Central Authority, after 1871, had any policy of altering the general *régime* of the old people's wards, corresponding to that which, as we have described, took place with regard to the sick wards. On the contrary, we must note, as part of Mr. Longley's policy, his emphatic warning in 1873, that the

[1] It was not so much that the "offer of the House" increased the aggregate population of the workhouses. Between 1871 and 1891, this only rose, outside the Metropolis, from 131,334 to 139,736. (In the Metropolis, owing to the development of the infirmaries into general hospitals, and the working of the Common Poor Fund, the rise was more considerable, viz. from 36,739 to 58,482). But the workhouse population gradually changed in character, the able-bodied being replaced by the aged. On 1st January 1900, there were found to be, in the workhouses themselves, no fewer than 40,809 persons over sixty-five, and in the workhouse infirmaries, etc., 33,788 more, making a total over sixty-five of 74,597 ; being more than 38 per cent of the total inmates (Twenty-ninth Annual Report, 1899-1900, p. lvii).

[2] "Able-bodied people are now scarcely at all found in them during the greater part of the year. . . . Those who enjoy the advantages of these institutions are almost solely such as may fittingly receive them, viz. the aged and infirm, the destitute sick and children. Workhouses are now asylums and infirmaries" (Dr. E. Smith, Medical Officer to the Poor Law Board ; in Twentieth Annual Report, 1867-8, p. 43).

workhouses had already become so "attractive to paupers," as to furnish "no test of destitution."[1] He made no exception in favour of the old people's wards. It was, in fact, the "*deterrent discipline*" of the workhouse that he regarded as "the keystone of an efficient system of indoor relief," not merely for the able-bodied, but also, through its effect on the minds of those who were still young, and on the relations of those who were old, also for the aged.[2] We may, therefore, understand why it is that we find, between 1871 and 1892, practically nothing in the way of expression of the policy of the Central Authority with regard to the indoor treatment of the aged. It stood by the General Consolidated Order of 1847.[3] Even the attempt made in 1867-75 to revert to the policy of the 1834 Report, so far as to have specialised institutions for the aged, the sick, and the able-bodied, as well as for the children, was not persisted in, so far as the aged were concerned. No other unions were found to adopt the joint arrangements of Poplar and Stepney under which the aged and infirm of both unions had a workhouse to themselves, and even this one was brought to an end in 1892.[4]

In 1892 the note changes. From that date onward we get a distinct reversion, as regards the aged indoor pauper, to the policy indicated in the 1834 Report ("the old might enjoy their indulgences"), from which the Poor Law Commissioners of 1834-47, and the successive Central Authorities of 1847-1892, had turned away.

It is interesting to see that the new departure began over

[1] Office Minute of 1873.

[2] "Directly on the able-bodied, and more remotely, upon the disabled class of paupers," the term he always used for the aged (Report on Indoor Relief in the Metropolis, in Fourth Annual Report, 1874-5, p. 47).

[3] See *ante*, pp. 54-82.

[4] Special Order of 18th April 1892; Twenty-second Annual Report, 1892-3, p. lxxix. The only item of policy as regards the aged in the workhouse, to be noted between 1871 and 1892, seems to be the insistence by Parliament in 1876 that married couples (who if both persons were over sixty could not since 1847 be made to live separately) might, if the guardians chose to allow it, live together if either person were over sixty, infirm, aged, or disabled (39 and 40 Vic. c. 61, sec. 10). This was communicated to the boards of guardians in 1885 (Circular of 3rd November 1885, in Fifteenth Annual Report, 1885-6, p. 23.) No great attempt was made to get the guardians to provide the necessary separate accommodation, or to make it decently habitable. Thus, at Poplar, there were no rooms for married couples until 1884, and then they were left for fifteen months without any means by which they could be warmed. At last the Central Authority called attention to it (Local Government Board to Poplar

tobacco.[1] The Liverpool Select Vestry determined to give the well-conducted old men in the workhouse the indulgence of a weekly screw of tobacco, whether or not they were employed on disagreeable duties. The auditor objected. The vestry insisted. The Central Authority was obdurate. The local body appealed to its Parliamentary representatives. It was suggested as a compromise that the medical officer might be got to include it in the dietary table, when the Central Authority would not refuse to sanction it.[2] The vestry declined to compromise, and insisted on allowing tobacco as a non-dietetic indulgence. Finally, the inspector was instructed to say that the objection was withdrawn. No publicity was given to the concession, but it gradually leaked out. During the year 1892 we see the Central Authority sanctioning by letter, without any official publication on the subject, such applications as were made by individual boards of guardians to be permitted to allow an ounce of tobacco weekly to the men over sixty in the workhouse.[3] At last, in November 1892, a General Order was issued permitting it in all unions, irrespective of sex, and without limit of amount.[4] Little more

Union, 27th May 1886; MS. Minutes, Poplar Board of Guardians, 4th June 1886).

It should be noted, too, that it was held that newspapers and periodicals might be provided (*Selections from the Correspondence of the Local Government Board*, vol. iii. 1888, p. 134); and the employment of old men in three workhouses in northern counties in teazing hair, which was excessively distasteful to them, and liable to be injurious to their health, was discontinued at the instance of the inspector (Twentieth Annual Report, 1890-1, pp. 245-6).

[1] It is not clear from the published documents at what date, or in what unions, the Central Authority had first allowed tobacco. In 1880, it decided that it could not legally be given to workhouse inmates (not being sick), if it had not been specially ordered by the medical officer under arts. 107 and 108 of the General Consolidated Order of 1847 (*Selections from the Correspondence of the Local Government Board*, vol. ii. pp. 3, 72). Yet, by 1885, at any rate, the allowance of tobacco or snuff to non-able-bodied paupers, or to such as were "employed upon work of a hazardous or specially disagreeable character," with permission to smoke in such room as the guardians might determine, had been exceptionally granted in particular cases; *see*, for instance, Special Order to Carlisle of 22nd Jnne 1885, not published in the Annual Report.

[2] "It is the invariable practice," said Mr. Ritchie approvingly, "to provide for the aged paupers a better diet than that for the other classes" (Mr. Ritchie in House of Commons, 6th May 1892; *Hansard*, vol. 4, p. 277).

[3] Local Government Board to Bourne Union, August 1892 (*Local Government Chronicle*, 13th August 1892, p. 678); Local Government Board to Caistor Union, September 1892 (*Ibid.* 8th October 1892, p. 859).

[4] General Order of 3rd November 1892: Circular of 9th November 1892; Twenty-second Annual Report, 1892-3, pp. lxxxv, 35-6.

than a year later, as some compensation to the old women (though they had not been excluded, in terms, from the indulgence of tobacco or snuff), they were allowed "dry tea," with sugar and milk, irrespective of that provided for in the dietary table.[1] Presently, this indulgence is extended to "dry coffee or cocoa," if preferred, and the men also are allowed to receive it.[2] At last, the Central Authority, by two lengthy Circulars in 1895 and 1896,[3] under the presidency of Sir Henry Fowler and Mr. Chaplin respectively, systematically laid down principles of workhouse administration, so far as the aged were concerned, in sharp contrast with those advocated by Mr. Longley, or indeed, with those which had been inculcated from 1835 to 1892. It was expressly stated that as the character of the workhouse population had so completely changed since 1834, the administration no longer needed to be so deterrent. The old idea of fixed uniform times of going to bed and rising and taking meals was given up, it being expressly left to the master and matron to allow any of the aged (as well as the infirm and the young children) to retire to rest, to rise and to have their meals at whatever hours it was thought fit. The visiting committees of workhouses were now specially enjoined to see that the aged were properly attended to, and recommended to confer with them as to any grievances without any officials being present.[4] It was suggested that the great sleeping wards should be partitioned into separate cubicles. The guardians were reminded that aged or infirm couples might be provided with separate rooms. The well-behaved aged and infirm were to be allowed, within reasonable limits,[5] to go out for

[1] General Order of 8th March 1894; Twenty-fourth Annual Report, 1894-5, pp. xcix, 4-5.

[2] Special Order to Gateshead, 15th February 1896; *see also* the "Specimen Order" given in Macmorran and Lushington's *Poor Law Orders*, second edition, 1905, p. 1061.

[3] Circular on Workhouse Administration of 29th January 1895; Memorandum on Visiting Committees of June 1895; Circular on Classification in Workhouses of 31st July 1896; Twenty-fifth Annual Report, 1895-6, pp. lxxxv, 107-112, 121-3; Twenty-sixth Annual Report, 1896-7, pp. lxxxviii-lxxxix, 9-10.

[4] Memorandum on the Duties of Visiting Committees, June 1895; in Twenty-fifth Annual Report, 1895-6, p. 122.

[5] Sunday morning, and one day a month, was held to be not sufficient outing. "In the case of aged inmates of respectable character," said Mr. Chaplin "leave of absence might well be allowed on weekdays more frequently

walks, to visit their friends, and to attend their own places of worship on Sunday. The rules were to be relaxed to allow them to receive visits in the workhouse from their friends. There was to be no distinctive dress. Those of them who were of good conduct, and who had "previously led moral and respectable lives" were to be separated from the rest, who "are likely to cause them discomfort," and were to have the enjoyment of a separate day-room. The whole note of the administration of the old people's wards of the workhouses was, in fact, to be changed, so far as the Central Authority could change it. In the words of the 1834 Report, the old were to "enjoy their indulgences." Four years later another Circular was issued in stronger terms, reiterating the suggestions of privileges that the guardians ought to allow to the deserving inmates over sixty-five—freedom to rise and go to bed and have their meals when they liked, to have their own locked cupboards for their little treasures, in all cases to have their tobacco and dry tea, to be free to go out when they chose, and to be allowed to receive the visits of their friends. They were to be given separate cubicles to sleep in, and special day-rooms, "which might, if thought desirable, be available for members of both sexes . . . and in which their meals, other than dinner, might be served at hours fixed by the guardians."[1] "It is hoped that, where there is room, the guardians will not hesitate to take steps to bring about improvements of the kind indicated in the arrangements for the aged deserving poor."[2] Four or five months later the guardians were stirred up by letter, and asked what they had done towards creating the specially privileged class of deserving aged inmates that had been so strongly pressed on them.[3]

than is now the case" [at Old Gravel Lane Workhouse] (*Hansard*, 23rd May 1898, vol. lviii, p. 326).

[1] Circular of 4th August 1900, in Thirtieth Annual Report, 1900-1, p. 19.

[2] *Ibid.* p. 20. Nor was this merely a formal expression. We see, in the next few years, the Central Authority cordially sanctioning the provision, at no small extra expense in capital and annual maintenance, of new old people's wards in some unions, of specialised old men's and old women's homes in others; even to the extent of permitting (as at Woolwich) the location of the most respectable and best conducted of the aged in a comfortable private mansion conducted with the minimum of rules, and without outward sign of pauperism.

[3] *See*, for instance, Local Government Board to Bradford Union, 10th January 1901, in MS. archives, Bradford Board of Guardians. There were then, in the Bradford workhouse, twenty aged paupers of the first class, and seventeen of the second class. Both these day wards had cushioned armchairs,

During these years the dietaries for the aged and infirm were being altered in the direction of liberality, variety, and freedom of choice. Not only were hot meat or fish dinners provided ("with sauce"), but also tea, coffee, cocoa, milk, sugar, butter, seed cake, onions, lettuce, rhubarb or stewed fruit, sago, semolina, and rice pudding. In 1900 "provision is also made for . . . the inmates on special infirm diet . . . to receive daily, before bedtime, or at such time as the guardians may fix, a small allowance of milk pudding or similar food to break the interval between the usual meals."[1] The Central Authority in 1904 made no objection to a board of guardians subscribing to a lending library, in order to obtain a constant supply of books for the deserving aged workhouse inmates, and held that no special sanction was required.[2] Finally, "it is open to guardians, if they think fit, to incur reasonable expenses in providing a piano, for use at divine service [and therefore, presumably also at other times, once it was installed] held in a workhouse infirmary for old and infirm inmates";[3] or to provide a harmonium at the cost of the poor rate for the use of the inmates of the workhouse.[4]

I.—Non-Residents

There is no change to record in 1871 in the expressed policy of preventing relief to paupers not resident within the union. Such relief (given in order to avoid the expense and

lockers with keys for each inmate, carpets on the floor, curtains to the windows, and were made comfortable with cushions, coloured table-cloths, pictures, and ornaments. The inmates had special dormitories (Bradford Union to Local Government Board, 26th January 1901). The General Consolidated Order of 1847 was still nominally in force.

[1] Circular of 11th October 1900; Workhouse Regulations (Dietaries and Accounts) Order, 1900; in Thirtieth Annual Report, 1900-1, pp. 65-6. But the Central Authority struck at afternoon tea! The St. George's, Hanover Square, Guardians were informed that it was "not prepared to assent to the proposal of the guardians for the infirm men, and all men over the age of sixty-five years to have half a pint of tea daily at 3.30 P.M., between the midday and evening meals" (Local Government Board to St. George's, Hanover Square, November 1900; see *Local Government Chronicle*, 17th November 1900, p. 1147).

[2] *Local Government Chronicle*, 27th August 1904, p. 898; *Decisions of the Local Government Board*, 1903-4, by W. A. Casson, 1905, p. 97.

[3] Local Government Board's Decision, *Local Government Chronicle*, 1st November 1902, p. 1102; *Decisions of the Local Government Board, 1902-3*, by W. A. Casson, 1904, p. 72.

[4] Local Government Board to St. German's Union, December 1898; *Local Government Chronicle*, 24th December 1898, p. 1192.

hardship of removal) continued in many cases, but was repeatedly blamed by the inspectors. "Non-resident relief is given in almost all the unions . . . sixteen per cent of the outdoor paupers of Glendale Union were non-resident."[1] In 1878 the Central Authority suggested that such relief "might be almost entirely discontinued."[2] There has been no explicit abrogation of this policy down to the present day; even in face of representations that it is "harsh and totally out of keeping with the spirit of the times."[3] But from 1871 onwards we have the force of the maxim weakened by the growth of whole classes of cases which the guardians are allowed, and even encouraged, to send to places outside the union, and maintain there. We need do no more than allude to the boarded-out children. Another growing class is that of paupers who are placed in certified schools or homes, either by way merely of boarding-school (frequently recommended as a method of disposing of Roman Catholic children); or for residence in any industrial or reformatory school; or (irrespective of age) for maintenance in an institution for special treatment (blind, deaf and dumb, crippled, epileptic, idiot, etc.); or merely in an asylum for the aged and infirm;[4] or for curative treatment in a hospital, convalescent home, seaside home, or sanatorium.[5] Even able-bodied aged paupers may, as the Poplar Guardians were informed in 1896, be boarded out in country families, under the guise of non-resident

[1] Third Annual Report, 1873-4, p. 78.

[2] Memorandum relating to the Administration of Out-relief, February 1878, in Seventh Annual Report, 1877-8, p. 224. "The suggestion that non-resident relief should be absolutely abolished is one in which the president is quite disposed to concur, with perhaps, some reservation regarding existing cases" (Local Government Board to Chairman of Central Poor Law Conference, 12th May 1877, in Seventh Annual Report, 1877-8, p. 56).

[3] Bradford Union to Local Government Board, 13th September 1901, forwarding resolution: "That . . . the prohibition of non-residential relief to the widow and children of a person who may have died in the union of his settlement is harsh and totally out of keeping with the spirit of the times; and that the provisions of the Outdoor Relief Prohibitory Order, 1844, and the Outdoor Relief Regulation Order, 1852, call for urgent revision." This received only an acknowledgment (Local Government Board to Bradford Union, 16th September 1901).

[4] *Decisions of the Local Government Board*, 1903-4, by W. A. Casson, 1905, p. 26.

[5] If guardians wish to make use of the Margate Homes for Sick Paupers, they may do so (as the Central Authority expressly informed them in 1874) *by granting non-resident relief* (Circular of 1874; *see Local Government Chronicle*, 23rd May 1874, p. 334).

relief. The Central Authority has not objected to the transfer of workhouse inmates, provided these do not actively protest, to country workhouses, there to be maintained as non-resident paupers.[1] In one case, indeed, the Central Authority allowed a union to abolish its workhouse altogether (retaining only a casual ward), and approved "arrangements for the boarding-out of the indoor poor in the workhouses of other unions for a period not exceeding five years."[2] It is, therefore, not easy to determine how much is left of the policy of preventing non-resident relief as such.

J.—The Workhouse

We left the Central Authority in 1871, fully accepting the view that the workhouse was not merely a "test" which few only might be expected to pass or to endure for long, but a place of permanent or long-continued residence for whole classes of paupers. The workhouse population on 1st January 1871 numbered, in fact, 168,073. The Central Authority, reverting to the proposals of the 1834 Report, had accordingly started out to differentiate the workhouse into separate institutions for particular classes (the children, the sick, and, in the Metropolis, also the imbeciles and idiots); to impose an altogether new standard of expensive structural efficiency on the boards of guardians; to press incessantly for new buildings of approved pattern; to increase the healthiness and comfort of the wards for the sick, the aged, and the children; and to make the dietaries for these classes better adapted to their likings and their needs. "Those who enjoy the advantages of these institutions," had said the Central Authority's own medical officer in 1867, "are almost solely such as may fittingly receive them, viz. the aged and infirm, the destitute sick, and children. Workhouses are now asylums and infirmaries."[3] There was, after 1871, no change and no arrest in this policy.[4] So far as the children, the sick,

[1] *Local Government Chronicle*, 15th October 1904, p. 1072.

[2] Local Government Board to Woodbridge Union, 26th April 1898; in *Local Government Chronicle*, 14th May 1898, p. 474.

[3] Dr. E. Smith, in Twentieth Annual Report of the Poor Law Board, 1867-8, p. 43.

[4] We may gain an idea of the energy put into the provision of improved accommodation for the indoor poor since 1868, by the total capital expenditure sanctioned for workhouses, etc., by order or letter of the Central Authority.

and the aged and infirm were concerned, we have already described its continuance and its progressive development. The improvement of the institutional provision for the pauper, by removing some of the objections to the indiscriminate general workhouse of 1835-65, fitted in, we may say, with the new crusade of the inspectorate against outdoor relief as such. That crusade was, however, for the first twenty years, pushed without regard to whether or not the particular boards of guardians had accepted the new idea of the specialised institutional treatment for particular classes, or were still wedded to the indiscriminate common workhouse, which aimed at being "deterrent." Mr. Longley realised that the higher standard of comfort that was coming to be allowed to the aged, the sick, and the children in a general workhouse inevitably tended to prevent the necessary strictness and severity being applied to the able-bodied. The inspectorate accordingly strove in London to get specialised institutions for the able-bodied also, the result being the "Poplar test workhouse" that we have already described.

In 1874 the Central Authority expressed its regret at the slow progress "towards the permanent classification in separate establishments of the various classes of indoor paupers, other than the sick . . . . We attach the utmost importance to this improvement of the classification of indoor paupers, which we believe to be a necessary condition of the maintenance of that discipline which lies at the root of an effective administration of indoor relief. This improvement, however, cannot be effected, except at an enormous and almost pro-

The total so sanctioned during the thirty-four years, 1835-1868, including the initial provision of workhouses after 1834, was £7,079,126 (Twenth-first Annual Report of the Poor Law Board, 1868-9, pp. 316-17), or no more than an average of £208,209 annually. For the thirty-seven years, 1869-1905, the corresponding sum was no less than £24,609,035 (Thirty-fifth Annual Report of the Local Government Board, 1905-6, p. 608), or an average of £665,109. To this must be added the expenditure of the Metropolitan Asylums Boards for Poor Law purposes only, sick asylums, district schools, etc., which in the first period of thirty-four years was only £571,401, and in the second period of thirty-seven years was £6,810,140 (Twenty-first Annual Report of the Poor Law Board, 1868-9, pp. 317-18; Thirty-fifth Annual Report of the Local Government Board, 1905-6, p. 609). The total capital outlay sanctioned by the Central Authority for Poor Law purposes during the last thirty-seven years has, therefore, amounted, on an average, to nearly £1,000,000 annually,—the amount for 1905 being £789,373—as compared with little over one-fifth of that sum in the first thirty-four years of the new Poor Law.

hibitory cost, otherwise than by the combination of several boards of guardians for this purpose. Their existing workhouses would, in that event, become available for the separate accommodation of various classes of indoor paupers chargeable to the several combined areas. We are advised that in the existing state of the law it is doubtful whether such a combination can be effected otherwise than by the voluntary action of boards of guardians, which we trust may still take place, and the desirableness of which we shall continue to press upon the guardians."[1] No such combinations took place, and the Central Authority, baffled by the expense and apparently not prepared to adopt the heroic expedient of issuing orders merging several unions in one, abandoned the attempt to get classification by institutions, except with regard to the children and the sick. The able-bodied had to be dealt with in a general workhouse; and we must note, for twenty years after 1871, battling with the ameliorative efforts of the departmental architect, the departmental medical officer, and the departmental educational experts, on behalf of particular classes of inmates, an attempt to make the workhouse more "deterrent" to other classes of paupers.

The most marked increase of severity was directed against the class of "ins and outs," called in America "revolvers," and it took the form of enlarged powers of detention. By an Act of 1871 the guardians were enabled to detain a pauper (other than a vagrant) who gave notice to quit, in any case for twenty-four hours; if he had already discharged himself once or oftener within a month before giving the notice, for forty-eight hours; and if he had so discharged himself more than twice within two months, for seventy-two hours.[2] Under the Act of 1899[3] a pauper may even be compulsorily detained for 168 hours (one week) "if he has, in the opinion

[1] Third Annual Report, 1873-4, pp. xxv-xxvi.

[2] Pauper Inmates Discharge and Regulation Act 1871, 34 & 35 Vic. c. 108, sec. 4.

[3] Poor Law Act, 62 & 63 Vic. c. 37, sec. 4. The guardians are not obliged to adopt these periods of detention, and if they do so, provision is made for cases of hardship by allowing them, or in the intervals between their meetings the visiting committee, to "exempt, either wholly or partially, any pauper from the operation of this section." The master of the workhouse, too, "may, if the board of guardians be not sitting or the visiting committee be not in attendance, discharge any pauper to whom this section shall apply before

of the guardians, discharged himself frequently without sufficient reason."

With regard to the able-bodied pauper, at any rate for the first fifteen years after 1871, there was to be no leniency. The spirit of the administration, whether of the workhouse or of the casual ward, was that subsequently expressed by Mr. Walter Long. "I would treat the wastrel and the vagabond, and the man who makes his wife and children paupers because of his own degraded habits, in a severe way, and I would make life a burden to him while he remains in the workhouse. I try to insist upon it that in the administration of our workhouses we should make such men realise that if we are compelled to keep them out of the rates we will do it at some discomfort to them."[1] But it was not, in fact, found practicable to avoid improving the accommodation, even for the able-bodied. For them, as for all other inmates, the Central Authority insisted on a sufficient supply of blankets, sheets, bedroom furniture and conveniences. For them, too, the Central Authority insisted on such comforts as knives and forks to eat their meals with—in one case having a long tussle with a recalcitrant board of guardians on this point.[2] The able-bodied shared, too, in the improvement of the cooking which took place, particularly after the general investigation

the expiration of any such period as aforesaid, if any circumstances shall, in his opinion, require this to be done."

If a pauper escapes from the workhouse during his detention, or while an inmate refuses or neglects to work or to observe the rules, he may be prosecuted as idle and disorderly under the Vagrancy Act of 1824 (5 Geo. IV. c. 83, sec. 3); for a repetition of the offence, or for destroying or damaging his own clothes or any property of the guardians, he becomes liable to the heavier penalty of the rogue and vagabond. The same penalties attach to the wilfully giving a false name or making a false statement for the purpose of obtaining relief, and this clause has been twice revised, so that since 1876 (Divided Parishes and Poor Law Amendment Act, 39 & 40 Vic. c. 61, sec. 44) any person who so obtained relief may be proceeded against at any time while he continues to receive it, and since 1882 (Casual Poor Act, 45 & 46 Vic. c. 36, sec. 5) the provision applies equally, whether the person attempts so to obtain relief for himself or for any one else. If a pauper escapes from a workhouse or asylum while suffering from bodily disease of an infectious or contagious nature, the justice convicting him of the offence may order that he be taken back to the workhouse or asylum and kept there till cured, or otherwise lawfully discharged, and that the warrant of commitment then be put in execution.

[1] *Hansard*, 9th May 1902, vol. 107, p. 1276.

[2] *Local Government Chronicle*, 21st December 1889, p. 1051. This was with the Chester Board, which refused "to allow the workhouse inmates knives and forks at dinner except on Christmas Day." The Central Authority peremptorily required them to be provided for "all the inmates."

which led to the new Dietaries Order of 1900. "This Order," said an inspector, "has certainly had two good incidental results. It has induced many boards of guardians to engage paid cooks, instead of employing chance inmates knowing nothing about the work . . . and the cooking appliances have in many cases been overhauled and improved. In some places they have been of the most rudimentary character." [1] The able-bodied may even get special privileges. Inmates employed on specially heavy work are permitted to receive an extra meal, as lunch. The discretion in this matter at first belonged to the medical officer, but now the guardians have power to order lunch as they think fit. In no case can any inmate claim it as a right, and it is not to be given merely on account of household work. Lunch, when allowed, is very plain, and may not include alcohol. The medical officer is to advise as to the degree of employment necessitating lunch, but the Central Authority suggests that "heavy work," earning lunch for able-bodied men and women, should be taken to mean "an average day's work with sustained exertion, *e.g.* corn-grinding, pumping, stone-breaking or crushing, shifting heavy goods, digging, scrubbing, washing, ironing, etc.," while heavy work for the aged and infirm (or light work for the able-bodied) is "employment without sustained exertion, *e.g.* wood-chopping and wood-bundling, hoeing or weeding, sorting light articles, sewing, etc." [2] Beer was particularly objected to. In 1877 the Hackney Board of Guardians, who wanted to give beer to two paupers who assisted the coachman, were told that they were "legally empowered to require from inmates such labour as might be required without having recourse to exceptional indulgences"—in this case the giving of beer—"which would only, in effect, vitiate the principle of the workhouse being a pauper test." [3] On the other hand, it appears that beer is habitually allowed to the able-bodied inmates of certain workhouses at certain times, in return for work. A number of

[1] Mr. Preston-Thomas's Report, in Thirtieth Annual Report, 1900-1, p. 126.

[2] Circular on Workhouse Dietaries, 11th October 1900, in Thirtieth Annual Report, 1900-1, pp. 63-4.

[3] Local Government Board to Hackney Union, January 1877, in *Local Government Chronicle*, 13th January 1877, p. 31.

boards of guardians, having land to cultivate, have been permitted by Special Orders to "make to paupers employed in harvest work on land belonging to the guardians such allowance of food *and fermented liquor* as may be necessary," without any direction of the medical officer.[1] And when in 1903 an auditor surcharged a workhouse master for beer allowed to certain inmates for work done, it was explained "that if such allowance was withheld, *some of the paupers would leave the workhouse*"—surely a strange threat to make to a Poor Law authority—and with others "difficulties would arise to get them to work." On this explanation the Central Authority (whilst upholding the auditor's decision in point of law) remitted the surcharge.[2] Finally, it may be observed that the shelter of the workhouse was not to be denied to the able-bodied, even for bad conduct. The master must admit all persons who present the proper order, at whatever hour of the day or night. He may not refuse admission even to a man in a state of drunkenness.[3] Nor could a man be punished for being admitted whilst suffering from *delirium tremens*.[4]

There is, thus, a marked change of tone after 1885 in workhouse administration, as in other branches of policy. This change of tone becomes specially marked in the Circular of January and the Memorandum of June 1895, in which the newly elected boards of guardians, chosen for the first time on a democratic franchise and without any high rating qualification, were specially instructed as to their administrative duties. These authoritative documents breathe a spirit of humane consideration for the pauper inmates, without excepting the able-bodied, which Mr. Longley would, we think, not have regarded as "deterrent." The medical officer, rather than the master, was to advise the guardians on practically all

[1] Special Order to Wirrall Union, 11th June 1886; Special Order to Drayton Union, 2nd September 1892. On the other hand, in 1901 the Keighley Guardians, for harvest work, were only allowed to give extra "food and drink other than fermented liquor" (Special Order to Keighley Union, 1st August 1901).

[2] *Local Government Chronicle*, 7th November 1903, p. 1091.

[3] Local Government Board to Hexham Union, April 1902; *Local Government Chronicle*, 19th April 1902, p. 413; *Decisions of the Local Government Board*, 1902-3, by W. A. Casson, 1904, pp. 14, 23.

[4] *Local Government Chronicle*, 13th June 1903, p. 577; *Decisions of the Local Government Board*, 1902-3, by W. A. Casson, 1904, p. 162.

the points on which the general regimen of the institution depended. The visiting committees were to take care that all the arrangements were in order; they "should satisfy themselves whether there is any structural defect in any part of the house; whether painting or lime-washing is required; whether the wards are clean and provided with such conveniences as lockers or shelves, so that they may be kept in proper order; whether there is any defect in the construction of the sanitary arrangements or in the general sewerage of the house; whether the yards are defective as airing courts or *places of recreation.* The attention of the visiting committee should be carefully directed to the subject of ventilation, which should be effected by special means, apart from the usual means of doors, windows, and fireplaces, and should be so arranged that each ward may be brought into uninterrupted communication with the open air."[1] The classes of inmates are to be subdivided "with reference to their moral character or behaviour, or to their previous habits."[2] The employment to be provided is to be "unobjectionable in its character."[3] The clothing of inmates when absent on leave from the workhouse "should not be in any way distinctive or conspicuous in character."[4] The visiting committees are to see that there is always enough underclothing in stock to allow all the inmates the requisite changes; that "sufficient means for ensuring personal cleanliness are provided; that a convenient lavatory, as well as baths,[5] with water laid on, and supplied with towels, soap, and combs, are accessible to each class."[6] "A piece of cocoa fibre matting or other material, or a mattress, should be placed between the bedstead and the bed. A sufficient supply of blankets, sheets, bedroom furniture and conveniences should be provided."[7]

It remains only to mention the great improvement in the

[1] Memorandum of June 1895, in Twenty-fifth Annual Report, 1895-6, p. 121.
[2] Circular of 29th January 1895, in *ibid.* p. 108.
[3] Memorandum of June 1895, in *ibid.* p. 122.
[4] Circular of 29th January 1895, in *ibid.* p. 111.
[5] It had been ordered already in 1886 that, as regards the bath, every person "should have the right to demand water which has not been previously used" (Minute of Instructions, Bathing of Workhouse Inmates, 2nd February 1886, in Sixteenth Annual Report, 1886-7, p. 1).
[6] Memorandum of June 1895, in Twenty-fifth Annual Report, 1895-6, p. 122.
[7] *Ibid.* p. 121.

workhouse dietary carried out, after prolonged inquiries, in the General Order of 1900.[1] During the preceding twenty years there had been but little attention paid to the subject. The Central Authority had, in 1871, sanctioned the use of Australian tinned meat.[2] It had also authorised in over a hundred unions fish dinners once a week.[3] In 1892 it had drawn attention to the great variation among unions in the amount of alcoholic drink consumed.[4] In 1896 it had engaged in a prolonged struggle with the Chorlton Board of Guardians, and others elsewhere, who objected to the waste involved in supplying each inmate with a fixed and weighed-out allowance of bread, and who found by experiment that much less was used (and very much less thrown into the pig-trough) if the paupers were allowed to help themselves at meals without stint. The Central Authority long resisted this subversive proposal, and insisted on the General Consolidated Order of 1847 being obeyed. When the rebellious boards persisted, the Central Authority gave way—not, however, amending its Orders, but permitting, by letter, the breach of them.[5] An official Departmental Committee appointed to consider the matter advised the president that the injunction of the Order to weigh out a fixed ration to each pauper might with advantage be abandoned in the case of bread.[6] But when, in 1901, the Association of Poor Law Unions asked that the same principle should be applied to vegetables, the Central Authority consented only to bear the suggestion in mind.[7]

[1] Workhouse Regulations (Dietariss and Accounts) Order, 1900, in Thirtieth Annual Report, 1900-1, pp. cvii. 62-72.

[2] *Knight's Official Advertiser*, 21st October 1871, p. 196.

[3] Thirteenth Annual Report, 1883-4, p. lii.

[4] Circular of 15th December 1892, in Twenty-second Annual Report, 1892-3, p. 43.

[5] MS. archives, Chorlton Board of Guardians, 1895, etc.; *Local Government Chronicle*, 11th January 1896, p. 33; 8th February 1896, p. 121.

[6] This was also permitted by letter to the Grantham Board of Guardians (Local Government Board to Grantham Union, November 1901; *Local Government Chronicle*, 7th December 1901, p. 1209); and doubtless to others. The Central Authority had, in fact, intimated its willingness "to consider applications" for a similar concession "from the guardians of large unions" (Local Government Board to Association of Poor Law Unions, 13th March 1901; *Local Government Chronicle*, 23rd March 1901, p. 295).

[7] Local Government Board to Association of Poor Law Unions, 13th March 1901; *Local Government Chronicle*, 23rd March 1901, p. 295. We cannot find that, down to the present day, any such permission has been given.

In 1900 the new Dietaries Order, as we have already mentioned, greatly increased the nutritive value, variety, and attractiveness of the diets allowed; whilst the accompanying Memorandum formulated a whole code of suggestions for the improvement of the meals.[1]

K.—Emigration

For many years after 1871 there is no change, either of policy or of practice, to record as to emigration, beyond the continuance and slow growth of a tiny trickle of child emigration to Canada. Down to recent years, at any rate, the Colonies expressed a decided objection to any Poor Law emigration of adults, being, as the Central Authority explained, "unwilling to run the risk of thus receiving persons of bad character, or those who, from weak health or other causes, might become burdensome to them," and "in consequence of representations which have been made by the Government of the United States" the Central Authority feels itself "precluded from sanctioning any expenditure from the poor rates in connection with the emigration to that country."[2] Nevertheless, the Act of 1849 had not been repealed and the guardians were not debarred from emigrating, not paupers only, but any poor persons settled in their unions, whether in receipt of relief or not. The number so emigrated (apart from orphan or deserted children) continued, however, to be small.[3] In 1905 the Central Authority, under Mr. Long's presidency, in connection first with the relief of the unemployed by the guardians, and then under the Unemployed Workmen Act, revived the old policy of 1835-53 and expressly encouraged the emigration, at the public expense, of suitable persons, whether or not otherwise in receipt of aid from the rates.[4]

[1] On no account are the paupers, if allowed "milk," to be put off with "skim milk" or "scald milk"; by a decision of 1903, "milk" means always new milk (*Decisions of the Local Government Board*, 1902-3, by W. A. Casson, 1904, p. 11.

[2] Memorandum on Emigration at the cost of the poor rate, in *Local Government Chronicle*, 26th October 1889, pp. 884-5.

[3] In 1883-4 there were 296 persons emigrated; in 1885-6, 133 persons; between 1887 and 1898 the number fell from 301 to 12; it began to revive in 1903, when it was 66; in 1905 it was 317 (*see* Thirteenth, Fifteenth, Twenty-sixth, Thirty-third and Thirty-fifth Annual Reports).

[4] Mr. Long in House of Commons, 2nd March 1905 (*Hansard*, vol. 142, p. 184).

Meanwhile, the emigration of Poor Law children to Canada continued, special applications for the sanction of the Central Authority having to be made in each case.[1] The question of the superior position in which such children were thus placed, compared with those of the lowest grade of independent labourer, does not appear to have been raised. The emigration and special supervision in Canada were the subject of repeated circulars and correspondence.[2] The numbers of orphan and deserted children thus removed to superior conditions rose, from 100 or 200 annually, to 398 in 1903 and 491 in 1905.[3]

L.—Relief on Loan

We note, without any explicit change of policy, a growing tendency to extend the sphere of relief on loan. It is in Mr. Corbett's Report of 1871 that we find a revival of the suggestion thrown out in 1840 that medical relief, in particular, might be given on loan; and even that it should be "generally granted by way of loan,"[4] without regard, it would seem, to the probability of its being recovered. This opinion of the inspectorate, though (as we gather) constantly pressed on boards of guardians, did not, in 1877, receive the explicit endorsement of the Central Authority. An influential proposal to make all relief (and especially all medical relief) recoverable as if given on loan was definitely negatived. "The policy of the existing law," it was declared, "is that the question whether or not relief shall be granted on loan, or, in other words, whether it shall be recoverable at a future time, is to be determined by a consideration of the actual circumstances existing at the time the relief is granted, and it would be at variance with that policy if every recipient of relief were to feel that after he again succeeded in obtaining employment any savings he might be able to put by would be

[1] Memorandum on Emigration, in *Local Government Chronicle*, 26th October 1889, p. 885.

[2] Memorandum of April 1883; Thirteenth Annual Report, 1883-4, pp. xlvii.-xlix. 32-3; Fifteenth Annual Report, 1885-6, pp. xxxvi.-xxxvii. 61-5; Thirty-fifth Annual Report, 1905-6, p. cxxxv.

[3] Thirty-fifth Annual Report, 1905-6, p. 587.

[4] Mr. Corbett's Report of 10th August 1871. Mr. Longley repeated the suggestion (Third Annual Report, 1873-4, p. 156).

liable for the repayment of the relief which he might have received."[1] This seems to be the latest declaration of policy. There is a particular difficulty in the way of granting medical relief on loan when the medical officer is paid by salary, which does not arise when he is paid by fee—namely, that of fixing the amount to be recovered. The Central Authority suggested that the difficulty might perhaps be met by paying him partly by fee and partly by salary, but it expressed no decided views as to either the practicability or the expediency of such a course.[2]

Moreover, the Central Authority held that "the relieving officer has no power to compel any applicant to accept relief on loan. If, therefore, in a case of sudden or urgent necessity a person refuses to accept the offer of medical relief upon the condition that the cost thereof be repaid, the Board consider that the relieving officer would not be exempt from all further responsibility in the case, unless he had reason to believe that the applicant was in a position to procure the requisite medical aid without assistance from the poor rate."[3] When it was laid down in 1876 that no relief to a lunatic could be recovered unless and until declared to be on loan, it was remarked that "it will be incumbent upon the guardians . . . to examine each case . . to consider all its circumstances, and not to declare the relief to be given on loan, until they are satisfied that the circumstances will justify such a declaration." Nor was it permissible to fix the value of medical relief at an arbitrary sum. "There are great practical difficulties," concludes the Central Authority in 1886, "in the way of determining the value of such relief," for the purpose of recovering it when made on loan.[4]

Thus, it can perhaps not fairly be said that the inspectors' policy of using the power of granting relief on loan as a means of deterring applicants from applying for or accepting it, has received formal endorsement by the Central Authority. On the other hand, unions which have adopted the policy of

[1] Letter to Chairman of the Central Poor Law Conference, 12th May 1877, in Seventh Annual Report, p. 54.

[2] *Ibid.*

[3] *Selections from the Correspondence of the Local Government Board*, vol. ii. 1880, pp. 70, 110.

[4] *Ibid.* vol. i. 1880, p. 15; *ibid.* vol. iii. 1888, p. 271.

systematically granting all medical relief on loan, irrespective of the applicant's circumstances, have—so far as we can discover—not been reproved or criticised by the Central Authority for what is, apparently, a breach of its instructions. On a complaint being made of this practice, the Bradfield Board of Guardians contended that it was justified; and their contention was apparently upheld.[1] And the practice of the Bristol Board of Guardians of granting all outdoor relief on loan, irrespective of the applicant's circumstances, or even of his actual acceptance of it as a loan, has not been stopped. Moreover, by the Feeding of School Children Order, the Central Authority (in apparent contradiction of its decision in 1877) directed such relief to be given on loan irrespective of the father's circumstances.[2]

M.—Co-operation with Voluntary Agencies

We left Mr. Goschen and the Poor Law Board much impressed with the value of systematic and organised co-operation with voluntary organisations in order to avoid the combination of outdoor relief with any other source of income. In 1873 we find an interesting report by Miss Octavia Hill on official and voluntary agencies in administering relief, which the Central Authority published and commended.[3] But, in spite of Mr. Goschen, the boards of guardians by no means invariably accepted the doctrine of never giving outdoor relief in aid of other pecuniary resources. The Brixworth Guardians, indeed, as part of their strict policy, refused to accord any favour to the person having an allowance from a friendly society; but even they seem to have made up from the poor rate the amount necessary for full maintenance. Most other boards of guardians, however, as the Central

[1] Local Government Board to Bradfield Union, February 1893; Bradfield Union to Local Goverument Board, 21st March 1893; MS. archives, Bradfield Board of Guardians; *The Better Administration of the Poor Law*, by Sir. W. Chance, 1895, pp. 123-4.

[2] General Order of 26th April 1905, in Thirty-fifth Annual Report, 1905-6, pp. 321-2.

[3] Third Annual Report, 1873-4, pp. 126-30.

Authority was officially informed in 1873, reckoned, by a rough compromise, the friendly society pay at half its amount,[1] in flat contradiction of the dictum of the Central Authority of 1840 and 1870.[2] This course was incidentally reproved by the Central Authority in 1888. "The guardians," it was stated, "are bound to take into consideration all the means of support possessed by the applicant; . . . if . . . the allowance from the club or society appears to the guardians to be inadequate to meet all the requirements of the case, they should take such allowance into account in determining what amount of relief is required to relieve the destitution of the applicant."[3] It was, however, apparently found impracticable to take any official action; and there is, until 1894, scarcely any later mention of the subject.[4] The policy of "all or nothing," which Mr. Goschen had suggested as a counsel of perfection, was, in fact, not persisted in by the Local Government Board. The practice of making up insufficient incomes, whether derived from charity, from property or friendly society allowance or annuity, or even (in the case of women) from earnings, continued; not infrequently with the explicit sanction of the Central Authority.[5] In 1894 the policy of supplementing other resources received a partial sanction from Parliament. By the Outdoor Relief Friendly Societies Act 1894, boards of guardians were legally empowered, if they thought fit, to ignore the fact that an applicant for relief had a friendly society allowance.[6] This gave a legal sanction to the usual compromise of counting such an allowance at half its value, and thus giving the thrifty person half the advantage

[1] Mr. Culley's Report, in Third Annual Report, 1873-4, p. 75.

[2] Minutes of Poor Law Commissioners, 1840; Poor Law Board to Mr. R. H. Paget, M.P., 5th January 1870, in Twenty-second Annual Report of the Poor Law Board, 1869-70, pp. 108-11.

[3] *Selections from the Correspondence of the Local Government Board*, vol. iii. 1888, p. 77.

[4] Once or twice it is mentioned by the inspectors; *e.g.* by Mr. Baldwyn Fleming in 1889 (Eighteenth Annual Report of the Local Government Board, 1888-9, p. 115), and again in 1891 (Twentieth Annual Report, 1890-1, p. 225).

[5] Thus, in 1901, sanction was obtained by the Bradford Guardians for the grant of non-resident relief in certain specific cases into which they had made careful inquiry. Among the cases thus accidentally reported for sanction, because they happened to be those of "non-resident paupers," were those of grants of 2s. to 6s. a week, in supplement of family incomes of 7s. to 26s. (Bradford Union to Local Government Board, 30th November 1901; MS. archives, Bradford Board of Guardians).

[6] 57 & 58 Vic. c 25.

of his thrift. It is difficult to see how the case of a person having a small friendly society allowance could be logically distinguished from that of a person having other means or sources of income insufficient to maintain him. Presently the Central Authority expressly extended the new doctrine to other forms of saving. In 1903 it declared that relief in supplement of property (in case of sickness or infirmity of the applicant or any dependent) was lawful. In the case of an applicant actually possessing property, "if the guardians are satisfied, after due inquiry, that the means possessed by an applicant are insufficient to support himself and family, they are empowered, subject to the regulations in force, to grant such relief as will meet the necessities of the case."[1] In the following year Parliament followed suit by expressly enacting that boards of guardians should not under any circumstances take into consideration any friendly society allowance up to 5s. a week.[2] There is, accordingly, in 1907 reported to be much outdoor relief avowedly given in supplement of charitable aid and other sources of income.

This kind of co-operation between voluntary agencies and the Poor Law, in the pecuniary relief of the same individual, is, as we need hardly point out, in direct contravention of the principle enunciated by Mr. Goschen in 1869. Nothing, in fact, has been done since Mr. Goschen's Circular that is even in the direction, so far as domiciliary relief is concerned, of the entire allocation of particular cases to one kind of organised aid or the other. On the other hand, there has been, since 1871, an almost continuous encouragement of another kind of co-operation, namely, the use, by the Poor Law Authority, of institutions under voluntary management for the maintenance and treatment of particular classes of paupers, at the expense, wholly or partially, of the poor rates. The number of paupers who are technically in receipt of outdoor relief, but who are, in fact, maintained in specialised voluntary institutions, is always increasing. Certified schools for children of all denominations, and with all kinds of defects; certified sanatoria and convalescent homes for the sick; voluntary

[1] Local Government Board decision in *Local Government Chronicle*, 6th June 1903, p. 552.

[2] 4 Edw. VII. c. 32, sec. 1 (Outdoor Relief Friendly Societies Act 1904).

hospitals of all kinds and sorts;[1] industrial and reformatory institutions for the able-bodied; asylums for the crippled and the epileptic, and the various kinds of "Farm Colonies" are all now admitted as laudable experiments, expressly authorised, systematically inspected, and extensively subsidised, in the curative treatment of destitute persons. We may infer that it is in institutional treatment of this sort rather than in domiciliary relief that the Central Authority maintains the principle of co-operation with voluntary agencies that Mr. Goschen laid down.

[1] It was expressly held that boards of guardians may, if they think fit, pay for the maintenance of paupers in private hospitals, including "caution money" if demanded (*Selections from the Correspondence of the Local Government Board*, vol. ii. 1883, p. 165).

CHAPTER V

THE PRINCIPLES OF 1907

It is unnecessary to attempt to summarise the policy of the Central Authority from 1847 to 1907, in the manner adopted for the inaugural period, 1835 to 1847. The policy of the last sixty years is so complicated and diversified that we could hardly compress it further than is already done in the foregoing analysis, without making it unintelligible. We propose, therefore, to end this report by examining to what extent, in our opinion, the Central Authority has, in 1907, departed from "the principles of 1834"; to what extent it has evolved other methods of dealing with its problem—methods based on principles that were neither advocated nor condemned, because they were not thought of, by the little group of ardent doctrinaires who conceived and carried out the reforms of the new Poor Law; and, finally, to what extent it has left the local authorities without guidance as to which of the competing principles they should adopt in their everyday task of relieving the destitute.

A.—The Departures from the Principles of 1834

The principles of the 1834 Report, to which different people will assign different degrees of scope or importance, are, as we have shown, three in number. We will deal successively with the Principle of National Uniformity, the Principle of Less Eligibility, and the "Workhouse System."

(i.) *The Principle of National Uniformity*

The Principle of National Uniformity—that is, of identity of treatment of each class of destitute persons from one end

of the kingdom to the other—for the purpose of reducing the "perpetual shifting" from parish to parish, of preventing discontent, and of bringing the parochial management effectually under central control, is, in 1907, with one notable exception, in practice abandoned. Uniform national treatment is to-day obligatory with regard to one class only of destitute persons, the wayfarers or vagrants. Whatever may be the diversity of practice amongst boards of guardians, the policy of the Central Authority for the vagrant is, uniformly throughout the kingdom and without exception, indoor relief, in a specially appropriated ward, with prescribed "deterrent" treatment as regards diet, task and detention. For the able-bodied male person, seeking relief in his own parish—the very class for whom the 1834 Report most passionately postulated national uniformity of treatment—there is, in 1907, no uniform policy. The universal "offer of the House" was apparently found to be impracticable even in the first decade; and by 1852 the Central Authority had settled down to the division of England and Wales into two geographical regions, in one of which outdoor relief to the able-bodied male applicant is (with minor exceptions) prohibited, whilst in the other region boards of guardians are not only permitted, but even advised, to meet the recurring times of distress, and of pressure on the workhouse accommodation, by the grant of outdoor relief against a task of work. With regard to that section of the class of able-bodied who may be intended by the indefinite term "unemployed," there is to-day, under the Unemployed Workmen Act 1905, a third alternative policy, in itself capable of endless variety from place to place, with which we shall have to deal under the head of principles new since 1834.

Less intelligible is the existing diversity of policy of the Central Authority in 1907 with regard to able-bodied women. In all the unions in one of the geographical regions into which the country is divided, an able-bodied woman, whether spinster, wife or widow, can be granted maintenance in her own home. In all the unions of the other region, such women, unless included in certain exceptions, can be relieved only in the workhouse.

With regard to the non-able-bodied classes—the children,

the sick and the aged—who now comprise four-fifths of the whole pauperism, it is hardly too much to say that the precisely opposite principle has been adopted, that of permitting experimental variations by the 646 boards of guardians. The maintenance of children in a general workhouse, in "barrack schools," in cottage homes, in scattered homes, in certified schools or institutions, in families within the union, in families outside the union, with their relatives on a boarding-out allowance or with their own parents on outdoor relief—at a cost to the rates varying from 1s. up to more than 20s. per head per week—are all policies actually in operation in one union or another, to the knowledge and with the permission of the Central Authority. No one of them is prescribed or universally recommended to the exclusion of the others. The same may be said of the policy for the sick. Workhouse sick wards, separate infirmaries of general character, specialised hospitals and sanatoria for particular diseases, subsidies to voluntary institutions, dispensaries, and domiciliary treatment, with or without nurses, are among the different ways of relieving the destitute sick which different boards of guardians are authorised to adopt, according to their fancies or to the circumstances of their unions. The aged are less open to experimental variations, but even here we find the "workhouse test," the comfortable aged ward, the special "almshouses" for the well-conducted, and the grant of adequate outdoor relief to every "deserving" person, all recommended to different boards of guardians, simultaneously or alternately, by order, letter, or inspector's advice.

A minor uniformity insisted on in the 1834 Report concerned the grant of outdoor relief. The Report emphatically pointed out that, in the award of outdoor relief, any attempt to discriminate according to merit was dangerous and likely to lead to fraud. This was promptly given up as regards women in the policy of discriminating between chaste and unchaste. With regard to the aged, the policy of non-discrimination according to merit or character has not only been abandoned by the Central Authority, but even expressly condemned, boards of guardians being now directed to give adequate outdoor relief to all deserving aged persons. The Unemployed Workmen Act carries this contrary policy of

discrimination according to merit into the class of the able-bodied. Only with regard to the wayfarer does the Central Authority still adhere to the policy of an undiscriminating uniform refusal of outdoor relief to all applicants irrespective of merit.

(ii.) *The Principle of Less Eligibility*

The Principle of "Less Eligibility"—that is, that the condition of the pauper should be "less eligible" than that of the lowest grade of independent labourer—(though, as we have shown, asserted explicitly in the 1834 Report only of the able-bodied) is often regarded as the root principle of the reforms of 1834. The Central Authority in 1907 applies this principle unreservedly to one class only, the wayfarers or vagrants. In respect of this class the application of the principle goes even further than was contemplated in 1834. As will be remembered, the Report of 1834 recommended that the wayfarer should be regarded merely as an able-bodied person, and offered maintenance in the workhouse, without compulsory detention or worse conditions than were afforded to other inmates. In 1907 the Central Authority orders the wayfarer, without discrimination of character or conduct, to be relieved only in a casual ward, under a regimen not only inferior to that of the able-bodied ward of the workhouse, but also, in food and amenity of accommodation, distinctly less eligible than the condition of the poorest independent labourer. Moreover, even this "less eligible" relief is accompanied by compulsory detention and a task of hard labour of monotonous and disagreeable character.

Exactly to what extent the policy of the Central Authority of to-day has avowedly departed from the Principle of Less Eligibility with regard to other sections of the able-bodied class it is difficult, in the absence of explicit statement, to determine. According to the Statutes, Orders, and Circulars now promulgated by the Central Authority, the able-bodied (not being wayfarers) may be relieved in three main ways, among which the local authority over a large part of England and Wales is left free choice, viz.:—(*a*) maintenance in the workhouse, (*b*) outdoor relief with a labour test, and (*c*)

employment for wages[1] by the distress committee. To take first the maintenance in the workhouse, any attempt to restrict, either in quantity or quality, the food, warmth, accommodation, leisure or rest afforded by the workhouse down to the standard in practice attained by the lowest grade of independent wage-earners has long since been abandoned. It has, in fact, been discovered that the independent labourers of the lowest grade do not get enough food, warmth or rest to maintain themselves and their families continuously in health; whereas the able-bodied inmate of the workhouse is supplied, by the peremptory directions of the Central Authority, up to a standard which fully equals—if it does not exceed—the requirements of physiological efficiency.

It is sometimes said that, to counterbalance this excess of "eligibility," the Central Authority maintains the policy which we have described as starving the will and intelligence of the workhouse inmates, by withholding all recreation, all exercise of choice or initiative, all responsibility and all training for independent life. But the Central Authority has latterly permitted various experimental departures from this policy of enforced blank-mindedness characteristic of the General Consolidated Order of 1847. It has permitted, in one union or another, a policy (as at Lambeth) of letting the able-bodied men go out at intervals (without taking out their dependents), in order to look for work; or (as at Whitechapel) the engagement of a salaried "mental trainer" to organise their leisure in an intellectual way; and even (as at Poplar) the provision (under the name of a temporary workhouse) of a farm in the country, where they are engaged, on short hours and high diet, in the ordinary avocations of an agricultural labourer—their families being meanwhile maintained in their own homes.

But maintenance in the workhouse can no longer be said to be the policy imposed by the Central Authority even for the able-bodied. In all the great centres of population, and in other unions in times of pressure, it is the explicit policy of the Central Authority, rather than extend the Outdoor Relief Prohibitory Order, and enlarge the workhouses, to allow the maintenance at home of the able-bodied man and his

[1] Or migration or emigration.

dependents, in return for a task of work by the man only.[1] This labour test at no date involved daily hours of work equal to those of the lowest grade of independent labourer, but the task set was, until recent years, of a monotonous and unpleasant character. Since 1886, however, the task singled out for recommendation by the Central Authority is nothing more unpleasant than spade labour in field or garden, which forms the recreation of many a wage-earner.

What remained in the way of "less eligibility" was, until 1905, the stigma of "pauperism," involving electoral disqualification, and chargeability to relatives. Since the Unemployed Workmen Act this has been wholly removed, in respect of the section of the able-bodied whose destitution is relieved by the distress committee. In their case, indeed, there is now not even the suggestion, which Mr. Chamberlain had made in 1886, that the amount paid in return for their work should be less than the current rate of wages.

With regard to all other classes except the able-bodied men and their dependents,[2] the Central Authority has, *de facto*, abandoned the Principle of Less Eligibility. It prescribes merely a policy of "adequacy" of maintenance according to the actual requirements of each case, viewed from the standpoint of modern physiology, irrespective of whether the maintenance is at home or in an institution. This, it is clear, is much above the standard attained by the lowest grade of independent labourer. When this maintenance is given at home (as it is with the explicit permission of the Central Authority in the majority of cases) it is not accompanied by any other drawback than the "stigma of pauperism." In respect of the extensive classes of the sick and the children, the Central Authority may even be said to have avowedly adopted a diametrically opposite policy to that of "less eligibility," namely, the principle of substituting for relief the best possible "treatment," with the intention of making these paupers actually more fit than the lowest grade of independent labourer. And, short of entire removal out of the Poor Law (as has actually been done with the able-bodied who are

[1] Either under the Outdoor Relief Regulation Order, or under a Labour Test Order.

[2] In unions under the Prohibitory Order, also able-bodied single women.

"unemployed," the children in industrial schools, and the patients of the Public Health Department), everything possible has been done to remove the "stigma of pauperism" from the children in Poor Law institutions and from the recipients of medical relief.

(iii.) *The Workhouse System*

The principle commonly known as "the Workhouse System" —the complete substitution of "indoor" for "outdoor" relief— was, as we have shown, no part of the recommendations of the 1834 Report for any but the able-bodied. It was, however, adopted by the strictest of the reformers of 1834-47, and again by those of 1871-85, as the only effective method of applying the Principle of Less Eligibility and of reducing pauperism. The workhouse, on this principle, was not to be regarded as a place of long-continued residence, still less as an institution for beneficial treatment, but primarily (if not exclusively) as a "test of destitution," that is, as a means of affording the actual necessities of existence under conditions so deterrent that the pauper would rather prefer to maintain himself independently than accept the relief so offered. This is still the policy of the Central Authority, but only for one class of paupers, the wayfarers or vagrants. As we have seen, there are, in 1907, alternative methods of relief for the other classes, preferred by the Central Authority. In the case of the aged, the Central Authority explicitly lays it down that the "deserving" applicants ought not even to be urged to enter the workhouse, and ought to be given outdoor relief adequate for their maintenance in their own homes. In the case of the able-bodied, the "respectable" applicant is to be referred to the distress committee, outside the Poor Law altogether; whilst in periods of unemployment the Central Authority permits the outdoor relief of the less respectable destitute men against a labour test. With regard to the sick and children, the very idea of a deterrent workhouse has disappeared, and the policy is to afford them "treatment" (including maintenance wherever required), either in their own homes, or in other people's homes, or in institutions, in the manner, and to the degree, calculated to promote their utmost efficiency.

B.—New Principles unknown in 1834

In the policy of the Central Authority, as we find it in 1907 in the statutes, orders and circulars in force, there are discoverable three separate principles, which were neither advocated nor condemned in the 1834 Report, because they were either unknown, or not considered relevant to the relief of the destitute. These are the Principle of Curative Treatment, the Principle of Universal Provision, and the Principle of Compulsion.

(i.) *The Principle of Curative Treatment*

The Principle of Curative Treatment—that is, of bringing about in the applicant actual physical or mental improvement, so as to render him positively more fit than if he had abstained from applying for relief—may be considered the direct opposite of the Principle of Less Eligibility. It might, indeed, be termed the Principle of Greater Eligibility. This principle has been gradually evolved by the Central Authority in the course of the last fifty or sixty years; but it has characterised in particular the administration of the Local Government Board ever since its establishment in 1871. We see it most thoroughly applied to the sick and the children; though not yet to all sections even of these classes.

With regard to the sick, the policy since 1865 has been to get them out of the general workhouse, and to get established, for their treatment, separate institutions as well built, as well equipped, and professionally as well staffed as the most efficient hospitals. The whole object is to cure the patients in the most rapid and thorough fashion. The very idea of "deterring" them from entrance has been avowedly discarded. Hence, in those unions in which the policy of the Central Authority has been thoroughly carried out, and where the poorer classes have (but for the Poor Law) to rely on their own independent exertions, those of them who, in illness, accept Poor Law relief, find their condition in every way more eligible than those who do not apply for it, or who are refused it because they are deemed "not destitute."

The Principle of Curative Treatment has not been so

consistently and universally pressed on local authorities in the case of outdoor medical relief. The Central Authority is "desirous of encouraging" the provision of professional trained nursing for those cases of sickness treated at home. But it has not yet seen its way to make (as in the Poor Law infirmary or workhouse sick ward) the provision of even one trained nurse compulsory in every union. With regard to the supply of drugs, etc., of standard quality, and to the free accessibility of medical advice at definite hours, it is only in the Metropolis that the Central Authority has pressed on boards of guardians the universal provision of well-equipped and well-staffed dispensaries; though these have, with the willing sanction of the Central Authority, been copied in a few other towns. On the other hand, the Principle of Curative Treatment may be said to have been accepted all over the country, though perhaps not consistently enforced, in the free supply of expensive drugs and surgical appliances, in the provision for difficult operations, and generally in the rising standard of qualification, attendance and remuneration expected for the district medical officers charged with the care of such of the sick paupers as are treated in their own homes. In all these respects, these patients are admittedly under better conditions than those who are just above the locally accepted definition of destitution. This is emphasised by the absence in 1907 of any political disqualification.

The application to the children of what we have called the "Principle of Curative Treatment" is of older date than its application to the sick—dating, indeed, from E. Carleton Tufnell's Report of 1841. In all the development from the earliest "district school" to the most up-to-date "cottage home," the whole policy of the Central Authority has been to provide the most efficient education for the child, so that it shall be positively more able to cope with the battle of life and less likely to fall again into the ranks of pauperism than the child of the lowest grade of independent labourer. In the Poor Law institutions for children sanctioned in recent years, the Principle of Greater Eligibility has been carried so far as to result in the provision, for the pauper child, of physical training, mental education, and prolonged supervisory care, extending over more years of life, and costing more per head

per annum, than the corresponding provision usually made for children even of the lower middle class. In the same way, the Central Authority sanctions, even if it does not overtly encourage, the bestowal of elaborate and costly care and supervision in the launching into life of some sections of Poor Law children—going even so far as occasionally to sanction premiums, residential homes, or a "rate in aid" of their insufficient earnings as apprentices in skilled trades. But though the Principle of Curative Treatment has been carried to a high pitch in respect of some sections of the child pauper population, it has been scarcely at all applied to other sections. It is, indeed, not too much to say that, with regard to the children on outdoor relief, the contrary Principle of Less Eligibility is still the governing policy. An investigation into their condition might show that a large proportion of them, upon the relief afforded, are more likely to fall into disease, vice or pauperism than the average child of the lowest grade of independent labourer. For these children, the policy of the Central Authority does not include either supervision or systematic medical inspection, either the protection of the child's leisure from industrial work or even any minimum provision for its maintenance, let alone any selection of a suitable skilled occupation for it or any subsidised apprenticeship. All that the Central Authority does for these 170,000 pauper children is to ask that they should be vaccinated and should be in regular attendance at a public elementary school—advantages which they share with the non-pauper children.

We do not find that the Principle of Curative Treatment has been deliberately applied to the other classes of paupers. To the aged, curative treatment is, indeed, scarcely applicable, but it is interesting to trace, in the policy of expressly directing the grant of adequate outdoor relief to the deserving aged, combined with the statutory requirement that a friendly society allowance is not to be taken into account in such grant, a sort of Principle of Greater Eligibility. With regard to the able-bodied, there is a certain premonition of the Principle of Curative Treatment in the farm colony as well as in the "mental instructor" sanctioned for the able-bodied ward of the workhouse. Indeed, there is only one class of paupers

to which the Central Authority has rigidly refused to apply this new principle. From the casual ward every trace of curative treatment has been eliminated, and the Principle of Less Eligibility rigidly adhered to.

(ii.) *The Principle of Universal Provision*

But what is most strikingly new since 1834 in the policy of the Central Authority is the Principle of Universal Provision, that is, the provision by the State of particular services for all who will accept them, irrespective of "destitution" or inability to provide the services independently. We see this principle in most municipal action, but it impinges on the work of the Poor Law authorities most directly in such services as vaccination, sanitation, and education. From the standpoint of the Poor Law critic, this principle avoids the characteristic Poor Law dilemma, and escapes alike the horn of making the condition of the patient so bad as to be injurious to him, and that of making it better than the lot of the lowest grade of independent labourer. In providing vaccination, sanitation, and education—to say nothing of parks, museums, and libraries—indiscriminately for every one who is ready to accept them,[1] the State does nothing to diminish the inequality of condition between the thrifty and the unthrifty—for it is a simple axiom that the addition of equals to unequals produces unequals—whilst it raises the standard of living of all. The most thrifty of artisans who discovers a public elementary school freely provided for his own children, does not find his advantage over his unthrifty neighbour thereby in the smallest degree diminished. It is this consideration which justifies the provision of municipal hospitals, and which, presumably, led the Central Authority of 1870 (under Mr. Goschen) to dwell upon the expediency of "free medicine to the poorer classes generally, as distinguished from actual paupers, and perfect accessibility to medical advice at all times under thorough organisation."[2] It is this principle that lies at the base of all schemes of non-contributory pensions to be given to persons

[1] It is interesting to note that the Poor Law provision of emigration was always of this nature. The guardians were authorised to emigrate poor persons, whether in receipt of relief or not.

[2] Twenty-second Annual Report of Poor Law Board, 1869-70, p. lii.

on reaching a certain age. The controlling limits of the application of this Principle of Universal Provision in the mind of the Central Authority seem to have been, first, the consideration whether it is in the public interest desirable that the service in question should be as widely as possible enjoyed; and secondly, the consideration whether, as a matter of fact, such universal provision is found to diminish human productiveness or mental development.

With regard to vaccination, sanitation, and education, the policy of the Central Authority has long been based upon the Principle of Universal Provision. In its application to the pauper population, we need only refer particularly to the problem of the Poor Law child. As we have already stated, the Education Acts of 1870-1903 have enabled the Poor Law authorities to escape, in respect of mental training during school age, from the embarrassing dilemma of either placing the pauper child in a position of vantage, or of deliberately bringing up a couple of hundred thousand children in a state incompatible with future citizenship. In respect of everything beyond vaccination, sanitation, and education—together with hospitals in some places for some kinds of illness—the dilemma remains.

(iii.) *The Principle of Compulsion*

The Principle of Compulsion—in the sense of treating an individual in the way that the community deems best, whether he likes it or not—is, of course, as old as the lazarhouse, "Bedlam," and the gaol. Such compulsory treatment may have for its object deterrent punishment, reformation and cure, or mere isolation from the world. In all three aspects this principle now forms an integral part of the policy of the Central Authority for one or other classes of destitute persons.

It is interesting to note that, although the Principle of Compulsion played a large part in the Elizabethan Poor Law, to which the 1834 Report purported to revert, it formed no part of "the principles of 1834." It did not appear in any of the recommendations of the Report. What underlay the whole scheme of 1834 was the very opposite to compulsion. No power was given to any Poor Law authority—apart from the case of dangerous lunacy—to detain any pauper against

his will, for any purpose whatsoever. Every inmate of the workhouse was to be free to discharge himself at the shortest notice compatible with the convenience of the establishment. The vagrant was to be at liberty to leave as early in the morning as he chose after his night's lodging. The sick person, even if dangerous to others, or on the point of death, was to be permitted to leave the shelter of the workhouse, if he chose, with no more restraint than a warning from the medical officer. It was even open to doubt whether a board of guardians could legally detain the youngest orphan infant struggling to be free. The whole intention of the 1834 Report was, in fact, to make the pauper of any age feel that he was at all times an unwelcome guest.

To-day we see the Central Authority making use of the Principle of Compulsion as part of its policy towards every class, except the deserving healthy aged. The wayfarer, whatever his character or conduct, is to be compulsorily detained, under penal conditions, for twenty-four hours, or, in certain cases, much longer, in order to deter him from ever again applying for a night's lodging. The able-bodied man or woman in the workhouse is, under certain circumstances, to be compulsorily detained, for a day, or even a week, in order to deter him or her from passing too frequently "in and out." Quite different are the objects, isolation from the public and their own cure, with which the infectious sick are now compulsorily detained in the workhouse infirmary or isolation hospital. We may note, too, that the power to detain lunatics, for isolation, if not for cure, has, since 1834, been stretched so as to include many harmless persons of defective mind, who are now regularly certified for detention. Finally, we have the compulsory detention of children, ranging from detention against the will of every one except the parent, in the case of children of indoor paupers, up to the complete parental authority exercised by the board of guardians over orphan or deserted children; and, in the guise of adoption, even extending to the age of sixteen, and against the will of the parents. And there are signs that the Principle of Compulsion—that is, the treatment of an individual in the way that the community deems best, whether he likes it or not—is about to form part of the policy for other sections of the destitute.

C.—The Contrast between 1834 and 1907

It is not without interest to contrast the three "principles of 1834" with the three "principles of 1907." In both cases the three principles hang together, and form, in fact, only aspects of a single philosophy of life.

The "principles of 1834" plainly embody the doctrine of *laisser faire*. They assume the non-responsibility of the community for anything beyond keeping the destitute applicant alive. They rely, for inducing the individual to support himself independently, on the pressure that results from his being, in the competitive struggle, simply "let alone." As the only alternative to self-support, there is to be presented to him, uniformly throughout the country, the undeviating regimen of the workhouse, with conditions "less eligible" than those of the lowest grade of independent labourer.

The "principles of 1907" embody the doctrine of a mutual obligation between the individual and the community. The universal maintenance of a definite minimum of civilised life —seen to be in the interest of the community no less than in that of the individual—becomes the joint responsibility of an indissoluble partnership. The community recognises a duty in the curative treatment of all who are in need of it; a duty most clearly seen in the medical treatment of the sick and the education of the children. Once this corporate responsibility is accepted, it becomes a question whether the universal provision of any necessary common service is not the most advantageous method of fulfilling such responsibility—a method which has, at any rate, the advantage of leaving unimpaired the salutary inequality between the thrifty and the unthrifty. It is, moreover, an inevitable complement of this corporate responsibility and of the recognition of the indissoluble partnership, that new and enlarged obligations, unknown in a state of *laisser faire*, are placed upon the individual —such as the obligation of the parent to keep his children in health, and to send them to school at the time and in the condition insisted upon; the obligation of the young person to be well-conducted and to learn; the obligation of the adult not to infect his environment and to submit when required to

hospital treatment. To enforce these obligations—all new since 1834—upon the individual citizen, experience shows that some other pressure on his volition is required than that which results from merely leaving him alone. Hence the community, by the combination of the principles of Curative Treatment, Universal Provision and Compulsion, deliberately "weights" the alternatives, in the guise of a series of experiments upon volition. The individual retains as much freedom of choice as—if not more than—he ever enjoyed before. But the father finds it made more easy for him to get his children educated, and made more disagreeable for him to neglect them. It is made more easy for the mother to keep her infants in health, and more disagreeable for her to let them die. The man suffering from disease finds it made more easy for him to get cured without infecting his neighbours, and made more disagreeable for him not to take all the necessary precautions. The labour exchanges and the farm colonies aim at making it more easy for the wage-earner to get a situation; perhaps the reformatory establishment, with powers of detention, is needed to make it more disagreeable for him not to accept and retain that situation. We must, in fact, recognise that the "principles of 1907," to which experience has gradually brought the Central Authority, "hang together" in theory and practice no less than did those of 1834.

D.—No Man's Land

But although the aforesaid "principles of 1907" demonstrably emerge in the statutes and orders, circulars and particular decisions of the Central Authority, and although they have severally received the most authoritative sanction for particular classes or on particular occasions, they have, as a whole, not been consciously substituted for the "principles of 1834." Indeed, it is open to question whether successive presidents and particular officials, if suddenly cross-examined, might not reveal a complete unconsciousness of there being any new principles at all, and whether they might not profess to be still standing on the policy of 1834! The result is, on the one hand, a lack of clear exposition of policy, and, on the

other, a failure to apply any policy at all, either systematically or with the necessary qualifications and safeguards. Accordingly, the boards of guardians are in a state of hopeless bewilderment. They dimly realise that, in one crucial instance after another, the Principle of National Uniformity, the Principle of Less Eligibility, and the Workhouse System, have been authoritatively abandoned. They vaguely perceive, with regard to one section of paupers after another, that the Local Government Board directs them to act upon lines inconsistent with those laid down in 1834. But they are not explicitly told what are the new principles, to what classes of paupers they are to be applied, and what safeguards and qualifications they demand. There is, in fact, to-day, a sort of "No Man's Land" in Poor Law administration, in which the principles of 1834 have been *de facto* abandoned, without the principles of 1907 being consciously substituted. Owing to this lack of central direction, we find diversity without deliberation, indulgence without cure, and relief without discipline. It is an incident of this failure consciously and explicitly to adopt deliberate principles of action, that no attention has been paid to their limitations and qualifications. The principles of 1834 were such as could be mechanically and universally applied, if only any Government had dared to do it. The principles to which the experience of the past seventy years has unconsciously led the Central Authority need to be carefully thought out in their application to particular classes. These principles are, in fact, not all of universal application. There are classes (*e.g.* the aged) not susceptible of Curative Treatment; there are only a few sections (*e.g.* lunatics, infectious disease patients and the incorrigible loafers) who need Compulsion; whilst, in our present civilisation, Universal Provision (*e.g.* education and sanitation in their widest interpretation, and old-age pensions) will be limited to particular services. This demarcation of the application of the principles on which the Central Authority is already proceeding, is not being discovered, or even sought after. It is here that the Poor Law Commission of 1905-9 will have its greatest effect. Its criticisms and its recommendations will be operative, whatever may be the legislative outcome, in deciding to what extent, and in what particular directions there will be

an increasing application of the Principle of Curative Treatment, the Principle of Compulsion, and the Principle of Universal Provision respectively; or, on the other hand, to what extent and in what direction we shall seek to revive one or other of the principles of 1834.

CHAPTER VI

THE MAJORITY REPORT OF THE ROYAL COMMISSION OF 1905-1909

THE analysis of Poor Law Policy contained in the preceding chapters, and the comparative statement of principles to which it led, was made the subject of a report to the Royal Commission on the Poor Law in the very middle of its career. We have thought it convenient to leave the analysis and the statement—subject to the correction of a few trifling errors—exactly as they were written in July 1907. We have now to examine the Report of the Royal Commission itself, and to see how far that body responded to the suggestion that it should formulate a definite body of principles upon which public assistance should proceed.[1]

The Principles of 1907

We turn first to the Report signed by the Majority of the Commissioners, including those members who were, or had been, members of the Charity Organisation Society. It is not easy

[1] The Reports of the Royal Commission on the Poor Laws and Unemployment may be had, in the official editions published by Wyman & Sons, in one volume folio for 5/6 (Cd. 4499), or in three volumes octavo for 4/- (vols. i. and ii., the Majority Report, etc., 2/3; vol. iii., the Minority Report, 1/9). A descriptive analysis of the Majority Report, by Mrs. Bernard Bosanquet, entitled "The Poor Law Report of 1909," is published by Macmillan & Co., price 2/6 cloth. The Minority Report, without footnotes or references, in large type on good paper, bound in cloth, with introductions by Sidney and Beatrice Webb, is published by Longmans, Green & Co. (vol. i., "The Break-up of the Poor Law," price 7/6; vol. ii. "The Public Organisation of the Labour Market," price 5/-). A special cheap edition of the Minority Report, alone, without introduction, footnotes, or references, is published by the National Committee to Promote the Break-up of the Poor Law, 5 & 6 Clement's Inn, London, in two volumes (price 1/- each, postage 4d.).

to be sure what are the principles which the signatories of this Report wish to see accepted by the public. The whole wording of the lengthy document points in one direction, and nearly all its definite proposals in another. Thus, in the drastic criticism of the present Poor Law; in the phraseology running all through the Report, and in some of the detailed recommendations, we find a very definite, if generally tacit, abandonment of the "Principles of 1834," and a seeming adoption of what we have called the "Principles of 1907," as set forth in the preceding chapters. Indeed, the Majority Report is in one place explicit in its repudiation of the "Principles of 1834," arguing that, whatever may have been their validity three-quarters of a century ago, they are no longer applicable even to the able-bodied. "The administrators of the present Poor Law," it was expressly declared without dissent from any Commissioner, "are in fact endeavouring to apply the rigid system of 1834 to a condition of affairs which it was never intended to meet. What is wanted is not to abolish the Poor Law, but to widen, strengthen, and humanise the Poor Law, so as to make it respond to a demand for a more considerate, elastic, and, so far as possible, curative treatment of the Able-bodied."[1] This interpretation of the Majority Report finds support in the fact that what we have termed the "Principles of 1907" are repeatedly endorsed. Thus, the Principle of Curative Treatment is expressed almost on every page. It is, in fact, owing to the assertion and reassertion of this principle that the Majority Report owed its instantaneous popularity with the benevolent public. In sharp contrast with every previous Poor Law Report, this one urged that the children were to be brought up in the best possible way; the sick were to be given the most curative treatment; the mentally defective were to be treated solely with a view to their amelioration; the physically defective and the infirm were to have the specialised treatment and the appliances best calculated to remedy their defects; even the able-bodied, whether the unemployed or the vagrants, the honest working-men or the wastrels, were to be dealt with by home treatment or in establishments of which the aim was to be training and

[1] Par. 337 of Part VI. of Majority Report.

reform. The Principle of Curative Treatment was made, in fact, the basis of all the methods proposed for the treatment of all the different sections of the pauper host.

The Principle of Compulsion,—alien, as we have shown, to the whole spirit of the Report of 1834—had, by 1907, only been adopted here and there. The Majority proposals of 1909, far from reverting in this respect to those of 1834, not only heartily adopt such compulsion as has already entered into the Poor Law, but also carry the principle much further. These proposals involve the compulsory enforcement of pauperism on whole sections of the community who are considered to need public assistance, but who do not wish to accept it—on the helpless and friendless aged who get into an insanitary condition; on the children of "Ins and Outs," and of other parents who are leading improper lives; on the feeble-minded who are, nevertheless, not so mentally defective as to be able to be certified as of unsound mind; on sick persons not properly cared for in their own homes; on children suffering from ophthalmia or other contagious diseases; on persons of either sex suffering from venereal diseases; on "unmarried mothers" resorting to the workhouse in their hour of need; and on able-bodied men and women who become repeatedly chargeable owing to their own misconduct. All these persons so diverse in their characters, their circumstances, and their needs, ought, it is expressly recommended, to be compulsorily detained in a Poor Law Institution or at the Poor Law expense, at the instance of the new Poor Law Authority. Whenever deemed necessary, they are to be made subject to what is euphemistically called "An Order for Continuous Treatment," under which their compulsory detention may extend to as long as three years. "The term detention," it is said, "is perhaps, however, infelicitous. It is generally associated with the idea of punishment by imprisonment. Our primary object in proposing detention is neither punishment nor imprisonment. We aim at affording opportunities for applying ameliorative treatment to particular individuals over a continuous period. We desire to substitute for the present system of incontinuous and inefficacious relief a continuity of care and treatment which shall benefit both the recipient and the community. . . . All these cases have

this common characteristic, viz. that the absence of power of continuous treatment constitutes a danger either to the individual or the State."[1]

Finally, the third of the "Principles of 1907"—that of Universal Provision—far from meeting with objection, receives repeated endorsement. The Majority accept, without a word of criticism, the provision of national pensions for all the persons over seventy years of age below a certain income-limit, and they do not even suggest the maintenance of the present temporary disqualification of those who have received parochial relief since January 1, 1908. They endorse the universal provision by the Local Education Authority of medical inspection and diagnosis for all children in attendance at the public elementary schools; though they think that the contemplated provision of medical treatment for these children should not be a function of the Local Education Authority. They even recommend the universal provision of medical attendance for every sick person who applies for it, with free choice of doctors; though it is urged that inquiry should be subsequently made as to the applicants' means, and that such as may be found to be able to pay for the service rendered to them should be required to do so. Hospital accommodation and treatment is, moreover, to be provided at the public expense, without charge and without disfranchisement wherever it is deemed to be required, including whatever is necessary for the proper treatment of phthisis. Finally, the National Government is to undertake an entirely new service; to be available without charge to every one who cares to use it, irrespective of his affluence; and to be as ubiquitous and as universal as the Post Office. By a national system of Labour Exchanges, the present disjointed efforts of innumerable seekers after jobs are to be replaced by a public organisation, the business of which will be to know all the vacancies and all the applicants, and to find a man for every job, if not a job for every man. All this represents, not only the endorsement of the Principle of Universal Provision so far as it has already gone, but also a considerable further increase of the communistic activity of the State.

[1] Par. 150 of Part IX. of Majority Report.

The Plea for a Single Destitution Authority

When, however, we study the detailed recommendations of the Majority Report, and consider the probable working of the machinery that they would set up, we discover, notwithstanding all the elaborately sympathetic phrases, a very definite trend backward to the "Principles of 1834," in a manner which seems to us calculated ingeniously to nullify the apparent repudiation, and in reality to leave the situation more confused than before.

We have to note, in the first place, that the Majority Report lays the utmost stress on the importance of retaining in each locality what is definitely a "Destitution Authority." "It should," they declare, "be a fundamental condition of the assistance system of the future that the responsibility for the due and effective relief of all necessitous persons at the public expense should be in the hands of one, and only one, authority in each County and County Borough."[1] To this principle they recur again and again as of paramount importance. In retaining this General Destitution Authority, and in emphasising the necessity for the treatment of all sections—the infants, the children, the sick, the aged, the prematurely incapacitated, the able-bodied unemployed—being committed to its charge, the Majority Report may fairly claim to be standing on the same ground as the authors of the 1834 Report, though with a significant difference. To the Royal Commission of 1834 the single all-embracing Destitution Authority was not a matter of principle at all, but a necessity, which no one questioned. Throughout the whole country there had been only one kind of Local Authority which gave any sort of public assistance to the poor, and that was the Poor Law Authority. The 1834 Report could, accordingly, take it for granted that all sections of the persons to be relieved at the public expense on the ground of their necessities must be dealt with, as destitute persons, by one and the same authority. In 1909 the position has become quite different. There have grown up, since 1834, other public authorities in each district, which provide, independently of the Poor Law, this or that form of public assistance to persons who require it, sometimes to all who

[1] Par. 609 of Part VI. of the Majority Report.

apply, sometimes to those only who prove their need. The Local Education Authorities, the Local Health Authorities, the Local Lunacy Authorities, the Local Pension Authorities, and the Local Unemployed Authorities are, in fact, spending in the aggregate on the children, the sick, the mentally defective, the aged and the able-bodied unemployed, in their several forms of public assistance, out of the same fund of rates and taxes, *more than twice as much every year as all the Poor Law Authorities put together.* To the Royal Commission of 1909 the retention of a general Destitution Authority, dealing with all sections of destitute persons as destitute persons, was, therefore, not a necessity. It was a deliberate choice, and we find them erecting it into a principle. This principle does not, as might perhaps be supposed, apply only to the provision of maintenance. It is expressly asserted that the schooling and industrial training of the persons relieved and the medical attendance of the sick, so far as it is provided at the public expense, must equally form part of the work of the new Poor Law Authorities. Even the provision of Day Industrial Schools for destitute uncared-for children, of public Sanatoria for phthisis patients, and of Rescue Homes for girl mothers, in so far as undertaken at the public expense, must be the work of the new Poor Law Authorities.[1] It is part of the same idea to insist on the importance of there being established a single "Public Assistance Service . . . which should include all officers concerned with the supervision control and disciplinary treatment of the poor . . . not only the . . . relieving officers both male and female" but also "masters, matrons, and superintendents of institutions of every grade," whether for the children, the sick, or the able-bodied unemployed. All these officers, whatever their technical duties, are to have a certain common training, to receive

[1] Par. 420 of Part IV.; and pars. 92, 99-100 and 148*a* of Part IX. of Majority Report. To this principle of placing all forms of public assistance under a general Public Assistance Authority (and thus classing all the recipients as paupers) the Majority make a remarkable exception. They acquiesce, so far as England and Wales are concerned, in the proposed taking out of the Poor Law of all the various grades of the Mentally Defective—the lunatics, the idiots, the feeble-minded, and the chronically inebriate—and the treatment of this great class, amounting to 20 per cent of the present pauper host, not in respect of their destitution, but, whatever their pecuniary circumstances, in respect of their mental defect, by an authority specialising on that branch of administration.

certificates of different grades, to enjoy opportunities of promotion from one post to another, and to be made to realise, throughout their whole service, that they are "concerned with the moral training of those committed to their care."[1] Thus, all the various specialised institutions, which are to replace the General Mixed Workhouse—the nursery, the residential school, the hospital, the dispensary, the "industrial institution" for the able-bodied, the Rescue Home for girl mothers, the phthisis sanatorium and the home for the helpless aged—are to be administered by officers of a single homogeneous interchangeable service, deliberately focusing their attention on the moral accompaniments assumed to be characteristic of destitute persons as such, whether these are children or adults, sick or whole. "From the point of view thus indicated," explains an authoritative exponent of the Majority Report, "there is, as it were, an army of social healers to be trained and organised; and it is like the army of war in the fundamental fact that it is to be disciplined and animated with a single spirit and purpose, however varied and specialised may be the duties that fall within its range. The whole of these proposals are founded on the conviction that there is a problem common and peculiar to the entire range of destitution or necessitousness, demanding a common and peculiar method of dealing with it."[2] This, indeed, is the fundamental difference between the Majority Report and the Minority Report. "The antagonism," continues this exponent, "cannot be put too strongly. The Majority proceed upon the principle that where there is a failure of social self-maintenance in the sense above defined, there is a defect in the citizen character, or at least a grave danger to its integrity; and that, therefore, every case of this kind raises a problem which is 'moral' in the sense of affecting the whole capacity of self-management, to begin with in the person who has failed, and secondarily in the whole community so far as influenced by expectation and example."[3]

In this cogent argument for the retention of the Category of the Destitute, and of one Authority, and one Authority only, for all classes of destitute persons, we see two distinct and

[1] Par. 143 of Part IV. of Majority Report.

[2] "The Majority Report," by Professor Bernard Bosanquet (*Sociological Review*, April 1909).

[3] *Ibid.*

separate assumptions, one as to fact, and the other as to social expediency. We have first the suggestion that, in all classes of persons who need maintenance at the hands of the State, there is, as a matter of fact, a moral defect, common to the whole class and requiring specific treatment. Secondly, we see creeping out from behind this suggestion a further assumption as to the policy which ought to be pursued by the Poor Law Authority. This Authority, which is to have in its charge all the heterogeneous population of infants, children, sick and mentally defective persons, the aged and the infirm, the widows, the vagrants, and the unemployed, is to treat them, not with a single eye, to what is best calculated to turn them, or any of them, into efficient citizens, not even with a single eye to what will most successfully remedy the "moral defect" which they are assumed all to possess, but with the quite different object of warning off or deterring, "by expectation and example," other persons from applying for like treatment. In other words, we must, by keeping all the different varieties of people who require State aid under one Authority, and under one that assumes the existence of this "moral defect," retain for all alike, not only the "stigma of pauperism," but also a method of provision which will "deter" others from coming to be treated. We find ourselves, in short, back at the "Principles of 1834."[1]

The Reversion to 1834

With this clue to their meaning, it becomes possible to understand the main constructive proposals of the Majority Commissioners. The most distinctive feature of these proposals, as well as the most novel, is the setting up in every district, side by side, of two separate organisations for the assistance of the poor; one to deal with one set of people and the other with another set; one, the "Public Assistance Authority," to administer the Poor Law, at the expense of the rates, whilst the other, the Voluntary Aid Committee, to carry out the desires

[1] The Minority Commissioners took up the discussion on this fundamental point in the Minority Report for Scotland (Cd. 4922); and we give in an appendix to the present volume (Appendix B) the detailed answer there afforded to Professor Bosanquet's argument.

of the charitable, mainly out of private funds.[1] This proposal is, in our judgment, a bold attempt to get back the "Principles of 1834" in all their austerity. From the writings of Chadwick and Nassau Senior down to the latest pronouncements of the Charity Organisation Society, it has always been held that any Poor Law administration according to the "Principles of 1834," involved the co-existence of voluntary charity sufficiently well-organised to prevent the deserving person from falling under the deterrent conditions of the Poor Law, and from being subject to the stigma of pauperism. According to this view, which received the endorsement of Mr. (afterwards Lord) Goschen's celebrated Minute of 1870, the public assistance of the Poor Law Authority is *designed and intended only for the undeserving*, it being assumed that those worthy of anything better than the Poor Law supplied ought to be provided for by organised charity. When we find the Majority Report explicitly "accepting the principle of Mr. Goschen's Minute";[2] setting up in every district a Voluntary Aid Committee to carry out this principle; definitely recommending that rules should be made *requiring* certain classes of applicants to apply to the Voluntary Aid Committee, and certain others to the public Authority, whether the applicants like it or not;[3] and expressly stipulating that the treatment provided by the latter is to be "less eligible" than that which the former may be pleased to prescribe,[4] we cannot help feeling that the policy of the future "Public Assistance Authority" is, after all, to be the Poor Law of 1834, dealing only (as is assumed) with the worthless and the undeserving whom the charitable have, because of their character, refused to aid, and to whom the New Poor Law is to extend only "less eligible" treatment.[5] If the new Public Assistance Authorities are really

[1] "It had been suggested," explained one of the signatories of the Majority Report, "that the Majority Report was a C.O.S. report from beginning to end. . . . The C.O.S. might be proud to feel that they had set their mark upon that report. . . . The idea was that, before the Public Assistance Authority undertook the cases, they should make themselves perfectly certain that charity was incapable of dealing with them, and that charity should always have the first attempt at a remedy, that charity should act as a sieve through which the cases should pass before they came to the Public Authority" (Lecture by the Rev. L. R. Phelps at Norwich, *Eastern Daily Press*, 30th June 1909).

[2] Majority Report, Part VII. par. 198, 236.

[3] *Ibid.* par. 613 of Part VI.

[4] *Ibid.* par. 623 of Part VI.

[5] That this interpretation is not unwarranted is shown by the explanation

intended to proceed on "curative and restorative" principles, and "to widen, strengthen, and humanise the Poor Law," why is so much stress laid on Mr. Goschen's Minute (which was based on a "deterrent" and "negative" Poor Law), and why is it so important to rescue, by means of a Voluntary Aid Committee, all the deserving cases from the clutches of the Public Assistance Authority? If the treatment applied by the Public Assistance Authority is really to be that calculated to be what is most "curative and restorative" to them, why should the "deserving" cases be debarred from it? In this ingenious mapping out of the relative spheres of Voluntary Charity and the Poor Law, we see embodied, in the most plausible and the most practical form, the two-fold assumption of Professor Bosanquet, namely, that those for whom provision is made by the Poor Law are persons with a moral defect, whom it is necessary to treat in such a way as to discourage, "by expectation and example," others from applying for the public treatment.

We are not ourselves surprised to find the Majority Report, which started out with an acceptance of the "Principles of 1907," thus reverting in its practical proposals to the "Principles of 1834." What was brought out by the elaborate investigations of the Royal Commission of 1905-9 was that, however successful the new principles had proved in other hands, it was neither expedient nor practicable for a Poor Law Authority, just because it was a Poor Law Authority, to administer relief on the lines of Curative Treatment, Compulsion, and Universal Provision. Thus, the two halves of the Majority Report are incompatible with each other. If there is to be, under the name of the Public Assistance Authority, a general Destitution Authority, there cannot, in fact, be any universal or whole-hearted adoption of the "Principles of 1907," even to the extent to which they receive apparent endorsement.

given by one of the signatories of the Majority Report. "Charity should be properly organised to deal with these cases. . . . This was the position of the Majority Report. . . . Their motto should not be 'Help the deserving,' but 'Help the hopeful cases,' and *leave State action for that section of the community which needed the bridle, the curb, and the spurs to be disciplined*" (Lecture by the Rev. L. R. Phelps at Sheffield, *Sheffield Independent*, 15th December 1909).

The mutual Incompatibility of the Proposals of the Majority Report

Now, in our judgment, both the positions successively taken up in the Majority Report are untenable. We propose first to show that it is not possible for the "Principles of 1907" (to which, as we have seen, three-quarters of a century of experience has driven the Local Government Board) to be carried out by a Destitution Authority, either efficiently or economically, or, indeed, without danger. It was just this impossibility that has led to the "diversity without deliberation, indulgence without cure, and relief without discipline," which marks the Poor Law administration of to-day, and which caused the appointment of the Royal Commission. On this point we agree with those who stand on the old lines. *If there is to be a Poor Law Authority, there is no safety but in the "Principles of* 1834." On the other hand, we hold public opinion to be justified in condemning these principles, and in demanding the application of Curative Treatment, Compulsion, and Universal Provision. But the economical and efficient administration of these three principles involves the acceptance of another, the Principle of Prevention—the principle of actively preventing the several *causes* of destitution, and of arresting their operation at the incipient stage, whether by operating on the individual or on the environment. Without the thoroughgoing application of this Principle of Prevention by the various Public Authorities concerned, Curative and Restorative Treatment inevitably undermines the motive of self-maintenance and weakens parental responsibility, Compulsion strikes at the consciousness of personal freedom, and Universal Provision tends to degrade into an unenlightened communism.

The incompatibility of the Principles of 1907 with the very nature of a general Destitution Authority will, we think, be clear to any one who will consider the subject in detail.

(i.) *The Principle of Curative Treatment and a Destitution Authority*

It is, to begin with, an inherent drawback of any general Destitution Authority for the work of Curative Treatment that it is necessarily a "mixed" Authority, having to deal, not with

patients suffering from any one disease, but with persons of the most diverse needs, and requiring treatment of very different nature. To entrust to one and the same Authority the care of the infants and the aged, the children and the able-bodied adults, the sick and the healthy, maids and widows; and to instruct that Authority to adopt "curative and restorative treatment," is inevitably to concentrate attention, not on the different methods that their several necessities require, but on their one common attribute of destitution, and on the one common remedy of "relief" upon whatever terms, strict or lax, that may be in fashion. To a Destitution Authority, however constituted, a sick person is not wholly a patient, he is also a pauper; and too often his character of pauper interferes with his being regarded with a single eye as a patient to be cured. To such an Authority a destitute child is not merely, or even mainly, a future citizen, to be nurtured and trained in the wisest way for the service of the community; the fact that the child is a pauper cannot by a Destitution Authority be forgotten, and all experience shows that this remembrance injuriously affects what is done for the child.

A further drawback is that the "mixed" Authority, having to deal simultaneously with all sections and all kinds of persons, tends invariably to a service of "mixed" officials; and with a Destitution Authority this service is almost necessarily composed of "Destitution" officials. They are not, and can scarcely be, specially trained to deal with infants, or with children, or with able-bodied adults, or with the sick, or with the mentally defective, or with the aged. The specialist training and experience that they acquire is not with any of these, but with the one common attribute of destitution. Thus the typical Relieving Officer or Workhouse Master has not, and can seldom hope to have, the specialist knowledge that would fit him to be a competent inspector of boarded-out girls, a useful guardian of feeble-minded boys, a successful administrator of a Rescue Home, a skilled superintendent of a phthisis sanatorium, a happy adviser in discovering situations for men out of work, or an expert trainer for those who have to be prepared for new occupations. Even when public-spirited Boards of Guardians, under the wisest administrative guidance, persistently strive to make "a classified Poor Law,"

they fail to attain, in fact, the classification that they desire. This is seen in the persistence of the General Mixed Workhouse, in spite of the explicit condemnation of a succession of expert critics. It is seen in the fact that, after twenty years of "scattered homes" for children, we still find the Guardians unable to resist the temptation of putting into them, along with the children, feeble-minded and morally perverted girls in their adolescence. It is seen in the fact that, after fifty years of Poor Law Schools, there is still no classification of the pupils according to their educational needs; and we find everywhere, sitting side by side, in the same school, the feeble-minded child, the merely backward child, the precocious young scholar, and the incipient criminal, all submitted to the same curriculum, with the same books, under the same teacher. Even in the latest efforts at classification, by a model Board of Guardians, we find, housed on the same site and managed by the same superintendent, the most deserving aged persons, the epileptic patients, and the able-bodied men relegated to the discipline of "test labour." Such specialised institutions as have come into existence under a Destitution Authority are, in fact, perpetually crumbling back into the General Mixed Workhouse. We see no reason to expect that a general Destitution Authority that was nominated, instead of being elected, would be free from this besetting tendency.

But the inherent incapacity of any Destitution Authority to cope with the task comes out most strongly in its inevitable failure to deal with the "incipient stage." By the very nature of a Destitution Authority it can deal only with cases of destitution, and the greatest stress is laid, and rightly laid, on the necessity for this limitation. This means that it never does, and never can, deal with any disease or any moral defect, or any injurious influence of any kind, *in its incipient stage.* An independent citizen who begins in any way to be adversely affected in mind, body, or estate, in such a manner as to be reduced to a state of destitution, does not, in most cases, suddenly, or even quickly, reach that depth. The evil influence takes some time to bring him down. All that time. whilst the progress of the disease may still be arrested, and a cure is possible, the Destitution Authority does not hear of the case, and would be legally precluded from inter-

vening, even if it did hear of it, *because there is not yet any destitution.* Eventually, when the case has become so bad that employment is lost, savings are dissipated and friends exhausted, resort is had to the Destitution Authority. But the case is then too far gone for any useful intervention. All that can then be done is, whatever the case, to administer "relief," and ease the patient's sinking into senility or the grave. This inherent defect of a Destitution Authority, which no alteration of name or composition or policy can remedy, must for ever prevent it applying curative or restorative treatment in any really effective way. No Poor Law and no Poor Law Authority, just because it is a Poor Law and a Poor Law Authority, can ever reach out to anticipate and ward off destitution *before it has occurred.* And this failure to get hold of the incipient case applies to all the various kinds of adverse influences that cause destitution. It is, perhaps, most clearly seen in such physical diseases as phthisis, to which one-seventh of all the pauperism is due. Here the interval between the detection of the disease and its development to such an extent as to bring wage-earning employment to an end may often be several years. If treated at the early stage, before destitution has set in, the disease is often curable. If not treated until the patient is so ill as to be unable to earn wages, the case is invariably incurable. It is needless to instance other physical diseases of like kind. We may adduce unemployment as an example of an equally dangerous complaint, apt to be curable if dealt with at once; and only too likely to be hopeless if left until destitution has set in. The case of the infant or child suffering from neglect is another patent example. In short, if the Public Authority must in all cases hold its hand until destitution has set in, *as any Destitution Authority must do,* it might as well abandon all hope, in the vast majority of cases, of any effective curative or restorative treatment. It never gets the cases until they are too far gone. We might as well run a hospital on the plan of never consenting to admit any case until mortification had set in!

Now, it becomes more and more apparent that it is a useless extravagance to adopt the policy of curative and restorative treatment, unless we are prepared to "search out" the cases

that need dealing with,—the infants and children who are just beginning to be neglected by their parents and guardians, the persons of all ages who are just beginning to suffer from disease, the feeble-minded lacking ameliorating care, the man just smitten with unemployment—at the stage in their complaint at which the application of our treatment has, at anyrate, some chance of yielding effective results. The Local Education Authority or the Local Health Authority understands at once that it cannot do its work if it waits until it is applied to. It accordingly *searches out* illiterate children of school age, or persons smitten with infectious disease. But a Destitution Authority, administering a Poor Law, cannot in this way "search out" the cases needing its attention without thereby offering assistance to those who are not pecuniarily destitute. Accordingly, it is of the very nature of any Destitution Authority to restrict its operations as much as possible, to deter people from coming, or to wait, at any rate, until it is applied to. It is from this inability to adopt a policy of "searching out" that a Destitution Authority never gets hold of the case in its incipient stage, and is never really preventive of destitution.

An instance of the impracticability of the application of curative and restorative treatment by a Poor Law Authority, just because it is a Poor Law Authority, is afforded by the ebb and flow of the whole class of "Ins and Outs." This well-known class, in all its varieties, comprises the able-bodied or semi-able-bodied frequenter of urban workhouses, the customer of the casual wards, the inebriate in his recurring attacks of *delirium tremens*, the feeble-minded girl in her annual confinements, and, last but not by any means least important, the unfortunate infants and children dragged to and fro by their parents. Whatever their sex, their age, their health, their character, or their conduct, these "Ins and Outs" come at the crisis of their destitution, and go as soon as they can see their way to some sort of a living outside, choosing their own times and seasons for demanding the maintenance which a Poor Law Authority dare not withhold, and for resuming the liberty which it cannot refuse. So long as the conditions offered by the Poor Law Authority are "deterrent," few will apply for this maintenance; the vagrant,

the able-bodied loafer, the temporarily sick, the disabled drunkard, parents with neglected children, the epileptic and the feeble-minded preferring, even at the cost of foregoing the treatment that they really need, such other forms of parasitism as free shelters, the doles of the charitable, the gifts of friends and relations, or the earnings of their unfortunate dependents. But let the conditions offered by the Poor Law Authority be "curative and restorative" in their character, and all classes of "Ins and Outs" will clamour for the hospitality of the Poor Law whenever their other means of parasitism show signs of falling short. Whether they come in or remain out, a Poor Law Authority, just because it is a Poor Law Authority, is wholly unable to enforce on them, before they are destitute, the sort of conduct that would prevent their *becoming* destitute, and would thus preserve the community from the danger and cost of their parasitic existence. The Poor Law Authority is thus incapable, not (as is often supposed) because it has no adequate powers of detention, and because it must let its patients go whenever they please. Its incapacity depends on the more fundamental and less curable defect that, as a Destitution Authority, it is inherently incapable of bringing pressure to bear on the lives and wills of these people, at the time when such pressure may be effective, namely, *long before they have become destitute*, at the moment when they are taking the first step towards the evil parasitism to which they eventually succumb.

(ii.) *The Principle of Compulsion and a Destitution Authority*

It has usually been considered impracticable to combine any powers of compulsion with a Poor Law system. The Majority Report proposes, however, to endow its new Public Assistance Authority with extensive powers of compulsory treatment; that is to say, to enable the administrators of the Poor Law to dispense with its limitation to those who are actually destitute and unable to maintain themselves, whenever such administrators choose to consider it expedient to compel particular persons, who claim not to be destitute, to become or to continue paupers, with the object of segregating them from their fellows. Such an extension of the powers of

the Public Assistance Authority would be inconsistent with one of the cardinal principles of the Majority Report, namely, that the area of the operations of the Poor Law should not be extended.[1] What is more important is that it does not seem at all probable that any House of Commons would consent to give to any Destitution Authority, maintaining the stigma of pauperism, the power to make a man a pauper against his will.

So far as compelling persons who are ill, and who need treatment, to come in and be treated for their own good, or for the health of the neighbourhood, this is a power which Parliament has already, in certain cases, conceded to the Local Health Authority, which has no stigma of pauperism, and which has, moreover, the machinery for searching out the cases, irrespective of their affluence. These powers could easily be extended. It would seem both futile and unnecessary, with regard to persons whose need is nursing and medical attendance, and who may not be pecuniarily destitute, to confer a similar power also on the Destitution Authority, which has no such machinery for searching out cases, and no particular responsibility for the Public Health.

With regard to the second great class of those whom it is desired to segregate compulsorily against their will, namely, the feeble-minded, the whole weight of expert opinion is against conferring this power upon either the existing Board of Guardians or any Poor Law Authority, and in favour of entrusting it to the Lunacy Authority, an Authority which—in contrast with any Destitution Authority—will treat these unfortunate persons in respect of their ascertained defect, and not in respect of their destitution, or in respect of any moral defect assumed to be connected therewith.

When we come to the children, the case is even clearer. If power is to be given to any Authority to separate a child from its parents, and to deprive the latter of its custody and care, public opinion emphatically demands that this power should be conferred and exercised solely for the good of the child, and with a view to its best possible nurture and training.

[1] "We do not recommend any alteration of the law which would . . . bring within the operation of assistance from public funds classes not now legally within its operation" (Par. 4 of Part IX.).

It is plain that this is best secured by freeing the child from all association with pauperism, and entrusting its care to the Authority which deals, apart from any stigma of pauperism, with other children in a normal way, and which specialises on their proper training.

Finally, in the case of able-bodied and able-minded men and women in health, whose distress arises merely from their being without wage-earning employment—whatever may be the cause of such unemployment—it will, we think, be wholly impracticable to obtain, for a Destitution Authority, any powers of compulsory segregation. To compel, by law, able-bodied men and women to become paupers against their will; to force upon them a degrading status with the stigma of pauperism, when they do not even apply for public assistance; to compel them to come into an institution of the Destitution Authority, when they ask only to be let alone, must, we think, in the absence of any judicial conviction of a specific offence against the law, be dismissed as politically out of the question. It may be that some such restriction of personal liberty is essential to the effective curative treatment of particular individuals, whose unemployment proceeds from their own personal defects. But no power of compulsory segregation can be justified except in respect of individuals in which this personal defectiveness has been definitely ascertained and judicially certified. The Destitution Authority, having no means of ascertaining whether or not situations are available, and no opportunity of experimenting upon the personal willingness of its patients to accept and retain wage-earning employment, can never sift out the voluntary from the involuntary unemployed. Moreover, even if the Destitution Authority possessed the machinery for searching out the men who really needed reformatory treatment, but who did not apply for relief, and if it had some infallible method of recognising which of them were involuntarily idle, and which of them were unemployed through their own defects of character, it would still be impossible to justify the grant of compulsory powers of segregation, except to an Authority which was both authorised and qualified to improve—not to pauperise and degrade—the persons, unconvicted of any crime, whom it thus forcibly deprived of their freedom.

We come to quite a different kind of compulsion when no one is forced to become a pauper against his will, but those who have voluntarily entered a Poor Law Institution may be, under certain circumstances, detained against their will, either for their own advantage, or as a disciplinary measure. In such a case Parliament has already shown itself willing to grant certain minor powers of detention. But there is, as all Poor Law administrators know, a practical difficulty in enforcing any such detention at any time or in any way that is unpleasant to the common run of patients, even when it is sought only to exercise the power for the patient's own good. Experience shows that, if those who need the shelter of the institution, or the care which it affords, believe that they will be liable to be detained against their will, many of them simply will not come in to be treated; and, least of all, if the liability to compulsory detention is combined with the stigma and the degradation of pauperism. Thus, compulsory detention is a natural and defective adjunct of a "deterrent" Poor Law, because it scares people off; but it is a fatal obstacle to the operations of a Poor Law which is intended to be curative and restorative. The very patients to whom the "order for continuous treatment" would be most appropriate and most useful will refuse to come in. Without the will, the power, or the machinery for "searching out" cases (other than those who apply for relief), which no Poor Law Authority can ever have, or the power to compel them to come in, irrespective of their pecuniary resources or their own consent, which no Poor Law Authority is ever likely to be granted, any policy of compulsory detention of those already in the Poor Law Institutions becomes, on any policy of curative and restorative treatment, simply suicidal. Those for whom the curative and restorative treatment is especially designed do not present themselves.

(iii.) *The Principle of Universal Provision and a Destitution Authority*

When we come to the third of the "Principles of 1907," that of Universal Provision, we see at once that this is inherently inconsistent with the very nature of a Destitution Authority. It is of the essence of a Destitution Authority

whatever its functions and whatever its designation, that it should confine its ministrations to a particular section of the community, namely those who are destitute. But with regard to one subject after another, such as primary education or sanitation, or the ordinary matters of municipal government, the community has come to the conclusion that it is in the public interest that these services should be rendered to all who need or claim them, whatever their affluence. Thus, whenever it is decided to apply the Principle of Universal Provision to any public service, either free of any charge or upon payment of a stated price or contribution, this public service necessarily falls to some Public Authority other than that administering the Poor Law. And the further consequence arises that at once we get, in respect of that particular service, an overlapping of functions and duplication of work. The Destitution Authority is bound to provide everything requisite (including the service in question) for its destitute clients. The other Public Authority is bound to supply the service in question to all who need it (including those who are destitute). This overlapping and duplication has, as we have elsewhere indicated, already gone very far. The Local Education Authorities are now providing for children, irrespective of their affluence, not only primary, secondary, and university education, but also, in many tens of thousands of cases, medical inspection and treatment, meals at school, and even complete board, lodging, and clothing. The Local Health Authorities are now providing for the sick, irrespective of their affluence, not only sanitary inspection and control, but also medical diagnosis and treatment, nursing, and (in 700 municipal hospitals) even maintenance. The Local Lunacy Authorities are now providing for all grades of the mentally defective, irrespective of their affluence, not only control, but also ameliorative treatment and maintenance. The Local Pension Authorities are now providing for all persons over seventy who do not possess more than twelve shillings a week of income, irrespective of whether or not they are destitute, regular pensions from national funds. The Local Unemployment Authorities (the Distress Committees) are providing for all men who are unemployed, quite irrespective of their affluence, various costly services, part of which are now in process of being transferred to a National

Authority (the National Labour Exchange). It is not possible to stop this overlap and duplication by establishing, as the Majority Report vainly desiderates, in every district "one Authority and only one Authority" for all forms of public assistance, for this would be, as we see, to merge in the Poor Law all the services of Local Government, and to extend the "stigma of pauperism" to the entire community. Indeed, the adoption of the Principle of Universal Provision has already gone so far, and the services of the separate Public Authorities are already so all-embracing, that there is no section of the pauper host for which they do not nowadays provide. Destitute children are already being maintained by the Local Education Authorities, destitute sick by the Local Health Authorities, destitute mentally defective by the Local Lunacy Authorities, destitute aged by the Local Pension Authorities, and destitute able-bodied by the Local Unemployment Authorities—actually in greater numbers, in the aggregate, than those still under the Poor Law. There are no paupers who do not belong to one or other of these five sections. Hence the partial adoption by the community of this Principle of Universal Provision has rendered unnecessary the retention of any Destitution Authority. Its work is being done elsewhere.

We must remember that the Principle of Universal Provision in no way implies or involves, either the gratuitousness of the service or the charging of any uniform fee. The enforcement by the Local Health Authority of a National Minimum of sanitation and water-supply for each dwelling-house, does not mean that these things are necessarily provided by the Local Health Authority itself, or free of charge. Most of the service is ensured by an enforcement upon the owners and occupiers of dwelling-houses of the fulfilment of their personal obligations. The provision by the Local Education Authority of educational facilities for all who claimed them was long accompanied by a universal charging of fees, and is, above the primary grade, still usually made a matter of charge. The Local Lunacy Authorities insist on payment being made in respect of all their patients whose settlements they can trace, recovering the full cost (apart from the Government Grant) either from the patient's own estate, or from his relations, or from the Union to which he belongs. Hence

we see that the adoption of the Principle of Universal Provision does not imply or involve the gratuitousness of the service, or any diminution of the number or kinds of cases in which, under the present law and practice, payment is enforced on the individual or his relations. A transfer to the several Preventive Authorities (the Education Authority, the Health Authority, the Lunacy Authority, and the Unemployment Authority) of the various services now combined under the Board of Guardians, could, in fact, hardly fail to lead to a more systematic consideration and a far stricter enforcement of the duty of repaying the cost of the treatment than the present slipshod and logically inconsistent arrangements. What particular services should be charged for to the recipients as such, and which to the ratepayers as a whole; in what proportion the cost should be shared between the patient, the Local Authority, and the National Government; and at what rate and under what conditions any such charges should be recovered by legal process in particular cases, are all of them questions which should, in our view, be authoritatively determined by Parliament, in a clear and consistent code relating to Charge and Recovery of Cost.

CHAPTER VII

THE MINORITY REPORT OF THE ROYAL COMMISSION OF 1905-1909

We have described how the Majority Report of the Royal Commission professedly accepts the "Principles of 1907," but attempts to graft them upon a new Destitution Authority, and then inevitably finds itself compelled—seeing that these principles are incompatible with the very nature of a Destitution Authority—to revert, in reality, to the "Principles of 1834." The Minority Report, on the other hand, carries the "Principles of 1907" to their logical conclusion; and at the same time discovers to us the unifying principle on which they have been unconsciously based, and by which alone their possible costliness can be limited and justified. Thus the Minority Report finds, at the stage to which English Local Government has now attained, absolutely no need for a Poor Law Authority, or for any policy of "relieving" destitution on any principles whatsoever. It finds the other Public Authorities already dealing, on the Principles of Curative Treatment, Compulsion, and Universal Provision, and as a part of their normal functions in connection with the population at large, with all the different sections of the pauper host; the Local Education Authority providing for many destitute children of school age; the Local Health Authority for many destitute infants, and sick and infirm persons; the Local Lunacy Authority for actually a majority of the destitute mentally defective; the Local Pension Authority for hundreds of thousands of destitute aged; and the Local Unemployment Authority, now to be reinforced by a National Unemployment Authority, for innumerable destitute able-bodied. Thus, as already stated, there are to-day actually more destitute persons

being maintained at the public expense outside the Poor Law than inside its scope. What seems clearly inevitable is the continuation of this evolution, and the transfer to these several Public Authorities *of the remainder of each section of the destitute* for whom the Board of Guardians is still providing. Those children of school age who are still being looked after by the Poor Law Authority will be increasingly entrusted to the Local Education Authority; those sick persons who are still included among the paupers will more and more be merged in those already under treatment by the Local Health Authority; those mentally defective and feeble-minded who still cumber the workhouses will presently be handed over to the Lunacy Authorities; the remnant of the healthy aged who are still classed as paupers will inevitably be dealt with among the much larger number already under the care of the Local Pension Committee; whilst those able-bodied persons who are being relieved as vagrants or paupers, together with the "Unemployed" now on the registers of the Distress Committees, will come under the supervision and control of the new National Authority for the able-bodied, of which the beginning is seen in the Labour Exchanges Act of 1909. This, we suggest, is plainly the lesson of the day.

The gist of the Minority Report so far, at any rate, as the non-ablebodied are concerned may be put even more shortly. The Poor Law and the Poor Law Authorities—necessary at an earlier stage of Local Government, when destitution would otherwise have gone undealt with—can now simply be merged in the ordinary functions of municipal and county administration. Only in this way can we put an end to the costly and extravagant overlapping that now exists between the Poor Law Authority, on the one hand, and all the other Authorities on the other.

The Principle of Prevention

From the Minority Report proposals, thus succinctly put, we have so far omitted what is really the kernel of the whole matter. These ordinary functions of municipal and county administration—the hospitals and schools and asylums and the domiciliary treatment of one kind or another—are costly; and they are apparently especially costly the more consciously and

the more systematically we administer them on the Principles of Curative Treatment, Compulsion, and Universal Provision. If we hand over to the Local Education Authorities those children for whom the Boards of Guardians still provide; to the Local Health Authorities those infants, sick and infirm, who are still under the Poor Law; to the Local Lunacy Authorities the feeble-minded still retained in the workhouse; to the Local Pension Authorities the aged who have not yet got national pensions; and to the Unemployment Authorities, local or national, the vagrants and other able-bodied persons who are still among the paupers, will not this involve, in comparison with the cost under the Board of Guardians, a great increase of public expenditure, and can any such increase be justified?

We need not, at this point, stay to argue that, owing to the practical abandonment of the "Principles of 1834," the administration of the Board of Guardians has itself become very costly; that children in Poor Law Schools and patients in Poor Law Infirmaries often cost more per head than children in the boarding schools of the Local Education Authority and patients in the hospitals of the Local Health Authority; and that seeing that the very existence of overlapping Public Authorities and duplication of work is, in itself, a wasteful extravagance, there is no reason to expect any increase in net cost from the mere fact of the transfer.

In the view of the Minority Commissioners what is more important is that the whole development of Municipal and County administration, of which we may take the Public Health Acts as the leading example, is justified to the rate-payer and to the economist, *by the still greater expense that it prevents.* The Minority Report embodies a whole series of proposals, which would amount, as has been expressly said, to setting on foot a systematic crusade against the very occurrence of destitution in any of its forms: against the destitution caused by Unemployment, the destitution caused by Old Age, the destitution caused by Feeble-mindedness and Lunacy, the destitution caused by Ill-health and Disease, and the destitution caused by Neglected Infancy and Neglected Childhood.

The deliberate and systematic adoption of this Principle of Prevention is the very basis of the Minority Report proposals. It is, in fact, this principle which underlies all the

three "Principles of 1907," that we traced in a previous chapter as the outcome of all the practical experience of the last seventy-five years. The Local Authorities do not apply the Principle of Curative Treatment wholly, or even mainly, for the pleasure or the advantage of the individual sufferer; what they have in view is the prevention of future evils to the community from the spread or recurrence of the disease, or the continuance of the disability. When they apply the Principle of Compulsion, they do so, not for its own sake, and not even for the immediate advantage that it brings, but in order to prevent greater evils to the community in the future, such as the existence of illiterate and wholly uneducated persons, or the outbreaks of violent lunatics, or the more subtle degradation of the Standard of Life by the procreation of the feeble-minded and the undermining competition of degenerates. If, in one service or another, the Principle of Universal Provision is adopted, it is because we have become convinced, with regard to that service, that Universal Provision, either gratuitously or at a charge, is actually less expensive than any alternative; or that it is of such great importance to the community to "maximise the consumption" that it may be looked upon as really preventing some more costly evil. Throughout the whole field we find this Principle of Prevention at once limiting the real cost to the community, and justifying the outlay. In some cases, indeed, the application of the Principle of Prevention is so successful as to bring to an end the very outlay which it has inspired. To put up a small-pox hospital is costly; but it may end in freeing the community from small-pox, with the result that the building stands empty. By starting special treatment for ring-worm and favus, the most enterprising Local Education Authorities now see their way to the total elimination of these diseases from their schools.

Now, the inherent vice of the vast expenditure at present incurred by our Poor Law Authorities is, to the economist, not its amount, nor its indiscriminateness, but the absence of this Principle of Prevention. Except with regard to the small minority of "indoor" or "boarded-out" children, and a small proportion of the sick, it cannot be said that the Poor Law Authorities make any attempt to prevent the occurrence of destitution. It is, indeed, not their business to do so.

Unlike the Local Health Authority, the Destitution Authorities can do nothing to alter the social environment which is continually producing new destitution. They can do nothing for the man who is just beginning to suffer from phthisis, but who still earns wages and is not yet destitute; though they know that, in a year or two, for lack of proper provision at the incipient stage, the man will become gradually worse, and will eventually enter the workhouse, long after the curable stage has passed, merely to die. Unlike the Local Education Authorities, the Destitution Authorities cannot reach out to prevent the neglect of children which will, in time, produce "unemployables." The whole of the action and the whole of the expenditure of the existing Boards of Guardians, and equally that of the new Public Assistance Authorities proposed in the Majority Report, must, in law, be confined to the relief of a destitution which has already occurred.

If we wish to prevent the very occurrence of destitution, and effectively cure it when it occurs, we must look to its causes. Now, deferring for the moment any question of human fallibility, or the "double dose of original sin," which most of us are apt to ascribe to those who succumb in the struggle, the investigations of this Royal Commission reveal three broad roads along one or other of which practically all paupers come to destitution, namely: (*a*) sickness and feeble-mindedness, howsoever caused; (*b*) neglected infancy and childhood, whosoever may be in fault; and (*c*) unemployment (including "under-employment"), by whatsoever occasioned. If we could prevent sickness and feeble-mindedness, howsoever caused, or effectually treat it when it occurs; if we could ensure that no child, whatever its parentage, went without what we may call the National Minimum of nurture and training; and if we could provide that no able-bodied person was left to suffer from long-continued or chronic unemployment, we should prevent at least nine-tenths of the destitution that now costs the Poor Law Authorities of the United Kingdom nearly twenty millions per annum. The proposal of the Minority Report to break up the Poor Law, and to transfer its several services to the Local Education, Health, Lunacy, and Pension Authorities, and to a National Authority for the able-bodied, is to hand over the task of

treating curatively the several sections of the destitute to *Authorities charged with the prevention of the several causes of destitution* from which those sections are suffering. This means a systematic attempt to arrest each of the principal causes of eventual destitution at the very outset, in the most incipient stage of its attack, which is always an attack of an individual human being, not of the family as a whole. It is one person, at the outset, who has the cough of incipient phthisis, not a whole family; though if no preventive force is brought to bear, destitution will eventually set in and the whole family will be on our hands. There may be in the family neglected infants, neglected children, or feeble-minded persons lacking proper care or control, who may not be technically destitute, who may even be dependents of able-bodied men in work, but who, if left uncared for, will inevitably become the destitute of subsequent years. Hence it is vital that the Local Health Authority should be empowered and required to search out and ensure proper treatment for the incipient stages of all diseases. It is vital that the Lunacy Authority should be empowered and required to search out and ensure proper care and control for all persons certifiable as mentally defective, long before the family to which they belong is reduced to destitution. It is vital that the Local Education Authority should be empowered and required to search out and ensure, quite irrespective of the family's destitution, whatever Parliament may prescribe as the National Minimum of nurture and training for all children, the neglect of which will otherwise bring these children, when they grow up, themselves to a state of destitution. It is becoming no less clear that some Authority—the Minority Commissioners say a National Authority—must register and deal with the man who is unemployed, long before extended unemployment has demoralised him and reduced his family to destitution. It is important to put the issue quite clearly before the public. The systematic campaign for the prevention of the occurrence of destitution, that the Minority Commissioners propose that the community should undertake by grappling with its principal causes at the incipient stages, *when they are just beginning to affect one or other members of a family only*, long before the family as a whole has sunk into the morass of

destitution, involves treating the individual member who is affected, in respect of the cause of his complaint, even before he is "disabled" or in pecuniary distress. It means a systematic searching out of incipient cases, just as the Medical Officer of Health searches out infectious disease, or the School Attendance Officer searches out children who are not on the school roll, even before application is made.[1]

At present the Local Education Authorities, the Local Health Authorities, and the Local Lunacy Authorities only feebly and imperfectly grapple with their task of arresting the causes of destitution in the child, the sick person, or the

[1] It may be objected that, in thus directing attention to the fact that it is always an individual who is attacked, not, at first, the family as a whole, we are ignoring the fact that there are, at any rate, the families to be dealt with which are now, as whole families, in a state of destitution; and that, moreover, it must be anticipated, even with uniformly good administration of the preventive services, there will be not a few families who, as "missed cases," will have slipped into family destitution, without having had their descent arrested by the preventive action above described. We suggest that each member of even such a family requires, for restoration, specialised treatment according to his or her need. The infant, the child of school age, the mentally defective, the sick, the infirm or incapacitated, the boy or girl above school age and finally the able-bodied and able-minded adult, each requires that something different should be done for him or her, if *that individual* is to be properly dealt with. The alternative, namely, to treat the family as a whole, means to place it in the General Mixed Workhouse, or merely to give it a dole of Outdoor Relief. This, indeed, is to-day the dominant practice; and as such, has been condemned by Majority and Minority alike. It must, we think, be admitted that the several members of the family, with their very different needs, cannot be wisely treated without calling in the Public Authorities specialising on those heads, such as the Education, Health, Lunacy, Pension, and Unemployment Authorities. This does not mean that the needs of the other members of the family will escape consideration. Assuming that the cause of the destitution in which the family is plunged is the sickness of the breadwinner, and that the other members of the family are all normal, the Health Authority will, if it thinks domiciliary treatment desirable, not only give the necessary medical attendance, and look after the whole family environment by its Health Visitor, but, if there is no income, will grant (subject to the statutory rules and the Council's own Bye-laws) the home aliment that is requisite for the family maintenance. Would any one suggest that the Health Committee, with its Medical Officer and its Health Visitor should be excluded from this case, or that it should be precluded from treating the case at home when the doctor reports that it can properly be so treated? If there is a mentally defective person in such a family, ought the Lunacy Authority to be kept out? If there are children of school age in it, is it wise to prevent the intervention of the Education Authority and its School Attendance Officer? It is the business of the officers of the County or Town Council—in particular the Registrar of Public Assistance whom the Minority Report proposes—to see (*a*) that these Authorities do not overlap, (*b*) that they are all consulted as regards such members of the family as come within their respective spheres of treatment. We see no need for any general Poor Law or "Public Assistance Committee" at all; unless, indeed, merely for registration and coordination.

person of unsound mind, partly because they have only lately begun this part of their work, but principally because they have not been legally empowered and legally required to do it. Moreover, they do not yet have forced on their attention, as they would if they had to maintain those who needed to be cured, *the extent to which they fail to prevent.* If the Health Committee knew that it would have eventually to maintain the sick men whom it allowed to sink gradually into phthisis, as it has now practically to maintain persons who contract small-pox, it would look with a different eye upon the Medical Officer of Health's desire to "search out" every case of incipient phthisis whilst it is yet curable, to press upon the ignorant sufferer the best hygienic advice, and to do what is necessary in order to enable the insidious progress of the disease to be arrested. This does not entail that all diseases shall be treated free, any more than the Public Health supervision of sanitation entails that bad landlords shall have their house drainage provided at the public cost. All the increased activity of the Public Health Authorities in searching out and treating sickness may coincide with a systematic enforcement of personal responsibility in respect to personal hygiene, and with regard to the maintenance in health of dependents, which we, in fact, recommend. The break-up of the Poor Law implies, in short, not only the adoption of a systematic crusade against the several preventable causes of destitution, but also a far more effective enforcement of parental responsibility than is at present practicable.

Viewed in this light, the fear of an increased charge upon public funds fades away. Prevention is not only better, but also much cheaper, than cure. What the Minority Report asserts—and the assertion cannot fairly be judged except by reading the elaborate survey of the facts and the whole careful argument, that it has now become possible, with the application of this Principle of Prevention by the various Public Authorities already at work, for destitution, as we now know it, to be abolished and extirpated from our midst, to the extent, at least, that plague and cholera and typhus and illiteracy and the labour of little children in cotton factories have already been abolished. If this confident assertion is only partially borne out by experience, it is clear that, far from involving any

increase of aggregate cost to the community, the abolition of the Poor Law and of the Poor Law Authority will have been a most economical measure.

The "Moral Factor" in the Problem of Destitution

There are those who see in this proposal to "break up" the Poor Law, and to entrust the conduct of the campaign against destitution to the Local Education Authority, the Local Health Authority, the Local Lunacy Authority, the Local Pension Authority, and the National or Local Authorities dealing with unemployment, an ignoring of what they call the "moral factor." To speak of the prevention of destitution in terms of the functions of these Authorities seems, to such critics, equivalent to implying that all destitution is due to causes over which the individual has no control—thus putting aside the contributing causes of idleness, extravagance, drunkenness, gambling, and all sorts of irregularity of life. But this is to misconceive the position taken up by the Minority Commissioners, and to fail in appreciation of their proposals. They do not deny—indeed, what observer could possibly deny or minimise?—the extent to which the destitution of whole families is caused or aggravated by personal defects and shortcomings in one or other of their members, and most frequently in the husband and father upon whom the family maintenance normally depends.

The Minority Commissioners certainly do not ignore the fact that what has to be aimed at is not this or that improvement in material circumstances or physical comfort, but an improvement in personal character. To use a metaphor from the card table, this improvement of personal character in the human subject is the "odd trick" for which social reformers are struggling, and by which alone success can be secured. But we cannot win the "odd trick" without winning the six others.

Two considerations may make the position clear. However large may be the part in producing destitution that we may choose to ascribe to the "moral factor"—to defects or shortcomings in the character of the unfortunate victims themselves—the fact that the investigations of the Royal Commission

indicate that at least nine-tenths of all the paupers arrive at pauperism *along one or other of three roads*—the Road of Neglected Childhood, the Road of Sickness and Feeble-mindedness, and the Road of Unemployment (including "Under-employment"), must give us pause. If it can be said that it is to some defect of moral character or personal shortcoming that the sinking into destitution at the bottom of the road is, in a final analysis, more correctly to be ascribed—though on this point which among us is qualified to be a judge?—it is abundantly clear that the assumed defect or shortcoming manifests itself in, or at least is accompanied by, either child-neglect, sickness, feeble-mindedness, or unemployment. These are the roads by which the future pauper travels. Moreover, if these outward and visible signs of the inward and spiritual shortcomings are sometimes caused by these latter, it is at least equally true that the defects of character are aggravated and confirmed by their evil accompaniments.

It is by dealing with the individual through these manifestations or accompaniments of his inward defect, that we can most successfully bring to bear our curative and restorative influences. What is certain is that if we could put an end to neglected infancy, neglected childhood, and neglected youth, by whomsoever occasioned; if we could prevent all preventable sickness and infirmity, however caused; if we could either ameliorate or segregate the feeble-minded; if we could make impossible any long-continued unemployment and any chronic "under-employment," whatever its origin, we should have prevented the occurrence of nine-tenths of the destitution that is now annually created.

The second consideration is that all experience shows that it is impossible even to begin to deal successfully with personal character until we dismiss the idea of relieving destitution as such, and go boldly for a definite policy of preventing or arresting the operation of each separate cause of destitution. Take, for instance, the destitution brought about by drink. Under the Poor Law—under any Poor Law—the drunkard cannot be touched until he is in a state of destitution. A man may be neglecting his children, leaving his wife without medical attendance, or maltreating a feeble-minded child, and yet no Poor Law Authority can do anything to

prevent the destitution which will probably ensue. It is only when the man is suffering from delirium tremens that he is taken into the workhouse, put into a clean bed, with two attendants to look after him, dosed with the costly and agreeable morphia, and then, when he has recovered from his debauch and can return to his work, let out to begin his evil courses again. Under the system proposed by the Minority Report of making the Education Authority, the Public Health Authority, and the Lunacy Authority responsible for searching out the incipient destitution of the neglected child, the sick wife, and the maltreated feeble-minded child, the drinking head of the family would have been called to book long before he found himself in the comfortable quarters of the workhouse. Indeed, it seems apparent that, once the Public Health Authority was responsible for searching out diseases, one of the first diseases which would call for systematic prevention and cure would be chronic alcoholism.

Take, again, the destitution brought about by unemployment. So long as this is relieved by a Destitution Authority there is no chance of enforcing the responsibility of every able-bodied person to maintain himself and his family. We may, of course, deter men from getting relief out of the rates, but we shall not deter them from being parasitic on other people, or from allowing their dependants to sink into a state of destitution. If, however, we had an Unemployment Authority responsible for either finding a man a job or placing him in training, we could for the first time strictly enforce on every man and woman who were, as a matter of fact, failing to maintain themselves and their dependants, the obligation to make use of this organ of the State. When the visitor from the Children's Care Committee discovered an underfed child, or the Health Visitor discovered a woman about to be confined without proper nursing and medical attendance, it would be no use for the man to say he was out of work. It would be unnecessary to inquire why he was out of work, whether his unemployment was due to his own inefficiency or to the bankruptcy of his late employer. He would simply be required to be at the Labour Exchange, where he would either be provided with a job or found the means of improving his working capacity while he was waiting for a job. If it were

discovered by actual observation of the man's present behaviour that there was in him a grave moral defect not otherwise remediable, he would have to submit himself, in a detention colony, to a treatment which would be at once curative and deterrent in the old Poor Law sense. It is, in fact, exactly because *it has been impossible to grapple with the moral factor by merely relieving destitution that experienced workers among the poor have turned away from the whole conception of a Poor Law and the relief of destitution, in favour of a systematic attempt to prevent the occurrence of destitution.*

The Sphere of Voluntary Agencies in the Prevention of Destitution

Both the Majority Report and the Minority Report lay stress on the importance of enlisting the assistance of voluntary agencies and private charity in the task of dealing with destitution. Both schemes of reform allot a large and important sphere to these auxiliaries. But there is the widest possible difference, both in principle and in practicable applications, between the two proposals.

To the Majority what seems desirable is that the army of destitute persons needing assistance should be divided into two classes—those who can best be helped by private charity, and those for whom public assistance is most appropriate. These two classes should, it is asserted, be kept, from the outset, wholly separate, to be dealt with by two vertically co-ordinate authorities—the Public Assistance Committee, an official body, dispensing public funds, and the Voluntary Aid Committee, made up of voluntary charitable workers, dispensing private funds. Certain classes of applicants for assistance who come for the first time are to be required, whether they wish it or not, to be assigned to the Voluntary Aid Committee, which is to be free to deal with the cases as it chooses. Those only whom it refuses to aid, or refuses to continue to aid, are to be relegated to the Public Assistance Committee, which is to be bound to make its aid in some way "less eligible" than that which the Voluntary Aid Committee would have given.

The explanation of this remarkable proposal, with its assumed separation of the poor into what we may not unfairly call the sheep and the goats, lies in the fact that it is to private charity, organised in the Voluntary Aid Committee, that the Majority Commissioners look for what they call "preventive work." But this is to use the word "preventive" as meaning, not in the least what the Minority Commissioners mean by that term, but merely the saving of selected persons from the stigma of pauperism and from the assumedly unsatisfactory method of treatment by the Public Authority. This difference in the use of the word "prevent" runs through all the arguments and proposals of the two Reports, and explains many of the divergencies between their specific recommendations. When the word "prevention" is used in the Majority Report it nearly always means the prevention of pauperism; whenever it is used in the Minority Report it invariably means the prevention of destitution.

The Minority Commissioners dissent emphatically from the proposal to separate the poor into two classes, and to free the Public Authority from all responsibility for the treatment of the one, whilst excluding the voluntary workers from all share in the treatment of the other. Such a proposal has, among other objectionable features, the cardinal defect that it obscures the importance, and actually stands in the way of any effective measures for preventing the occurrence of destitution. It is always possible for Voluntary Agencies to save selected persons from pauperism; but such Agencies can seldom do anything to prevent, even in these selected persons, the occurrence of destitution. When a phthisical man, unable any longer to earn wages, is so far brought low as to apply for assistance, the Voluntary Aid Committee may help him to live, may procure him medical advice, may gain him admission to a Voluntary Sanatorium, if a vacancy can be found; and may, eventually, help his already infected family to bury him. But all this is "Early Victorian" in its conception. It belongs to the time when sickness had to be accepted as the "Visitation of God." The Voluntary Aid Committee, in thus preventing that man from becoming a pauper, will have done nothing towards preventing the destitution with which he has already been smitten before he comes to them, and will have

accomplished nothing towards saving others from succumbing in the same way. The destitution in this case might have been prevented if the Local Health Authority had pursued more energetically its campaign against preventable sickness; if it had so improved the environment as to bring sunshine and fresh air into the working-class street, and insisted on good sanitation of the dwelling-house; if it had "searched out" the case, so as to discover it long before application was made, when the disease was still in its incipient stage, before destitution had set in, and before the rest of the family was infected; if the patient had, at this early stage, been, by a short sojourn in the Municipal Infirmary, effectively taught how to live; if his home had then been kept under systematic observation; and if the National Labour Exchange had found him suitable outdoor employment. But these things are out of the reach of Voluntary Agencies, as they are beyond the ken of any Destitution Authority.

The Minority Commissioners assign to Voluntary Agencies quite a different sphere of activity—one, indeed, which the more progressive among them have already claimed as their own. The time has gone by when we can separate the poor into two classes, so as to confine the assistance of the Voluntary Agencies to one only of these classes, the smaller of the two, and so as to restrict their work to the relief of a destitution which has already occurred, instead of the more hopeful task of helping to prevent the very occurrence of destitution, by arresting its several causes. It is impossible in the twentieth century for the Local Authority to part with its responsibility as regards any of the inhabitants of its district; but, on the other hand, it is coming more and more clearly to be seen that it is impracticable for it to fulfil this responsibility except by the aid of a large number of volunteer workers. The modern relation between the public authority and the voluntary worker is one of systematically organised partnership under expert direction. Thus, according to the proposals of the Minority Report, every case requiring notice or action of any sort will be dealt with both by voluntary workers and by the public authority, each in its own appropriate sphere, and each according to its special opportunities. The children of the district will not be divided between a Voluntary Aid Committee

and the Public Assistance Committee, some being dealt with wholly by the one and the rest wholly by the other. The Local Education Authority must remain wholly responsible for preventing any kind of neglect in all the children of the district; but we already see its work, in the most progressive districts, dependent for its success upon the co-operation of a whole series of School Managers and Children's Care Committees, Country Holiday Fund Committees and "Spectacle Committees," and Apprenticeship Committees and what not. The Local Health Authority cannot cede to any Voluntary Agencies its responsibilities for the maintenance in health of all the population of its district; but the Medical Officer of Health needs to recruit, and is, in scores of towns, already recruiting, a whole army of volunteers in the Health Visitors, the organisers of "Schools for Mothers," the nursing associations, the managers of convalescent homes, the "after-care" committees, the committees of voluntary institutions for cripples and epileptics, and so on. Even with regard to the newer public service in connection with mentally defective children, aged pensioners, or the unemployed, abundant use is already beginning to be made of the voluntary worker. The Minority Commissioners look, under their scheme, for an enormous extension of the sphere for volunteer work of this sort, organised in connection with one or other of the Committees of the County or Country Borough Council. Each Committee needs its own fringe of voluntary workers, who will act as its eyes and ears and fingers, in keeping touch with the huge masses of population with which it has to deal, and will enable it both to "search out" all the cases that need attention, irrespective of any application, and to invest the official machinery with that touch of personal interest and human sympathy which is so necessary for its successful working. And that fringe is already there. It is significant that the immediate result of the assumption by the London Education Authority of its new duties of feeding and medically inspecting the children of school age was the call, by the London County Council, for 7000 volunteers to fill its Children's Care Committees alone. The Minority Report involves, in short, vastly greater numbers of voluntary workers than does the Majority Report, and assigns to them both a more important

and a more hopeful sphere than the helping of particular individuals to "keep off the rates."[1]

[1] Here, it need hardly be said, lies the sphere for the "Guilds of Help" and "Councils of Social Welfare" which are springing up in so many towns of Great Britain, and which the proposals of the Majority Report would destroy. The "human element," so essential to all effective preventive action, can, in our judgment, be raised to a higher effectiveness, not only by its intimate association with the different departments of the public authority responsible for actually preventing the occurrence of destitution in the city, but also, at any rate in the large towns, by an improved voluntary organisation in each locality on a federal basis. Such an organisation might usefully include, in a federal union for mutual assistance, any local Health Societies, Children's Care or Apprenticeship Associations; Fresh Air Funds or Country Holiday Societies; the local charitable almshouses, hospitals, infirmaries, or convalescent homes; such orphanages, industrial schools, and such institutions for the physically or mentally defective as are available; the charitable agencies connected with the various Churches; any systematic visitors or workers among the poor; and, in fact, all the benevolent agencies in the locality concerned with those in need or in distress. A voluntary federal organisation, such as is here suggested, has already proved to be of great use, in one city after another, in (*a*) enlisting and allocating to specific services new recruits for personal work; (*b*) helping to organise, for each branch of the work of the Town or County Council its own necessary fringe of volunteer workers; (*c*) placing in touch with these workers and with the public officials and committees all the available voluntary institutions dealing with particular kinds of cases; (*d*) making representations to the Town or County Council on any point in the public service in which improvements can be effected; and (*e*) initiating the provision of whatever additional institutional accommodation is found to be required.

CHAPTER VIII

SUMMARY AND CONCLUSION

We may now attempt to sum up the position as it presents itself, after the deliverance of the Royal Commission, to the statesman and to the public opinion of 1910.

There is first the chaos of authorities, the overlapping of functions and the duplication of services, resulting in the expenditure, out of rates and taxes in the United Kingdom, on the maintenance, schooling, and medical attendance of the poorer classes of nearly seventy millions sterling annually. During the past five years, even whilst the Royal Commission was sitting, this multiplication of overlapping authorities has proceeded at a great pace. In 1905 the Unemployed Workmen Act created a rival authority for relieving the able-bodied man. In 1906 the Education (Provision of Meals) Act, in 1907 the Education (Administrative Provisions) Act, and in 1908 the Education (Scotland) Act and the Children Act, set up the Local Education Authority as a rival to the Poor Law Authority in regard to providing food, medical attendance, and all other necessaries for children found destitute at school. In 1908, too, the Old Age Pensions Act established a rival authority for the maintenance of the destitute aged. Meanwhile, the Local Health Authorities have been told to take over the destitute man who has phthisis, and to extend in many directions the range of their work; the Departmental Committee on Vagrancy has declared that a new authority must be found for the vagrants, and the Royal Commission on the Care and Control of the Feeble-minded has come to the very authoritative conclusion that all grades and kinds of mentally defective persons must be taken out of the Poor Law altogether. The result is that, already in 1910, the number of persons

being actually fed at the public expense by the Local Education Authorities, the Local Health Authorities, the Local Lunacy Authorities, the Local Unemployment Authorities, and the Local Pension Authorities, *exceeds, in the aggregate, the number of persons being fed by the Poor Law Authorities.* For every separate section of the pauper host there are now at least two Public Authorities at work—sometimes three or four Public Authorities—with duplicated machinery, overlapping services, officers competing with each other on rival principles of action, *in not a few cases simultaneously providing for the same persons without knowing of each other's work.*

The Poor Law Authorities themselves, and the bulk of their work, the Royal Commission found extremely unsatisfactory, and are unanimous in condemning, not so much from any personal shortcomings of the 24,000 guardians as from the nature of the task to which they had been set. The assistance that they dispense, by its very nature, comes too late to be preventive of the occurrence of destitution, and, in the majority of cases, too late to be curative. Whatever may be decided as to its successor, it is clear that the existing Poor Law system, and the existing Poor Law Authority, must, to use the expressive words of Mr. Balfour's election address, be "scrapped."

The Majority Commissioners hold, on the assumption that every case of pauperism implies a moral defect, that there should be, in each locality, one Authority and only one Authority to deal with persons requiring maintenance from public funds. They, therefore, recommend the establishment of a new "Destitution Authority" to deal only with persons who are destitute, and only when they are destitute; and for such persons to provide, from birth to burial, in distinctively Poor Law Institutions, or under distinctively Poor Law officials, all that is required. It is admitted that this involves the repeal of the Unemployed Workmen Act and the Education (Provision of Meals) Act. We must leave politicians to judge whether it is practicable to thrust the unemployed workman, and the child found hungry at school, back into the Poor Law, even if the Poor Law is called by another name. But even if this were done, the Majority Report would still leave the overlap as regards the destitute aged which is involved in the Old Age Pensions Act; the

overlap as regards the destitute sick which is involved in the evergrowing activities of the 700 rate-maintained municipal hospitals of the Local Health Authorities; the overlap with regard to destitute children which is involved by the activities of the Local Education Authorities and the Home Office under the Industrial Schools Acts, and now under the Children Act. And the Majority Commissioners cannot, it appears, make up their minds[1] whether or not they wish the recommendations of the Royal Commission on the Feeble-minded to be carried into law, and thus end the overlap between the Poor Law Authority and the Lunacy Authority.

The Majority Report purports to give the new "Public Assistance Authority" some guidance as to policy. It is to relieve none but those at present entitled to relief, and therefore, in all cases, to wait until destitution has set in. Thus the aid will, as now, come too late to prevent or to cure. On the other hand, the "deterrent" attitude of 1834 is to be given up; the workhouse is to be abolished; and "curative and restorative treatment," at home or in an appropriate institution, is to be afforded to every case. Yet in order to afford to certain classes of applicants methods of relief and treatment more suitable than any Public Assistance Authority is to be allowed to afford, a complete system of Voluntary Aid Committees is to be set up, and to such Committees these particular applicants are to be required to apply, whether or not they prefer charity to public aid.

Against these proposals of the Majority Report the Minority Commissioners protest that they will not put a stop to the calamitous and extravagant overlapping of services and duplication of work which now exists or to the demoralising chaos that prevails as to recovery of cost. Moreover, the Minority Commissioners hold that if the community restricts itself to relieving persons *at the crisis of their destitution*, and this is a necessary condition of any Poor Law, or of the action of any Destitution Authority, whatever its name, the community cannot, without grave financial danger, and still graver danger to character, depart from the principles of 1834. However unpopular may be the doctrine, it is still true that if destitute persons are to be given "curative and restorative

[1] See Appendix B (extract from the Minority Report for Scotland).

treatment" without deterrent conditions and without the stigma of pauperism, a constantly increasing number of persons will, *unless they are in some way prevented from sinking into destitution*, come in and out of the Poor Law as it suits their convenience, to their own grave demoralisation and at a ruinous cost to the nation. But the heart and conscience of the community will not tolerate the subjection of all the million paupers indiscriminately to deterrent conditions, especially as these have now been proved to be seriously detrimental in their effects. The whole phraseology of the Majority Report, and its proposals themselves, afford convincing testimony to the necessity of giving up the idea of a "deterrent" Poor Law. And the Majority Report gives us no substitute for this deterrence—unless, indeed, it can really be imagined that the operation of the Voluntary Aid Committees is somehow to protect us.

The only effective substitute for deterrence is, the Minority Commissioners suggest, the Principle of Prevention—prevention, that is, not merely of pauperism, but of the very occurrence of destitution. This negatives the very idea of a Destitution Authority, whatsoever its designation or its policy. It is in vain to hope that any Poor Law, or any Destitution Authority, however improved, can ever prevent or even diminish destitution; because, confined as it is to dealing with a destitution which has occurred, it is inherently precluded by its very nature from attacking any of the causes which produce the destitution that is perpetually coming on its hands. Thus, the twenty millions sterling now spent annually in the United Kingdom on the mere relief of destitution do practically nothing to prevent the creation, year by year, of new masses of destitution. Even the educational work which the Poor Law Authorities do for the Poor Law children is largely vitiated by their inherent disability to exercise any supervision over the life of the child before and after the crisis of destitution. The greater part of the expenditure on the Poor Law Medical Service is, so far as any gain to the health of the nation is concerned, wasted because no sick person can legally be treated in the incipient stage of his disease when it may still be curable; the Poor Law doctor must always wait until destitution has set in! This—so

the Minority Commissioners claim—must necessarily be the same in the case of the "Public Assistance Authority" proposed in the Majority Report, or, indeed, in the case of anybody set to administer a Poor Law. On the other hand, the fact that universal provision of some services to all persons, whether destitute or not, has been adopted by Parliament, has led to a duplication and confusions of functions between the old Poor Law Authority and the new Preventive Authorities. This daily-increasing overlap and duplication can only be ended by either stripping the new Preventive Authorities of functions entrusted to them within the last few years by Parliament —which is plainly impossible—or by abolishing the Poor Law. Hence the only safe, as well as the only advantageous way out of this confusion is to go forward on the Principle of Prevention. This Principle of Prevention may take the form, on the one hand, of altering the environment, on the other, of treating the individual. But if the cost of curative treatment, or even of altering the environment, is to be borne by the community, it is essential, on grounds of economy, that there should be a searching out of all incipient cases and such a disciplinary supervision as will prevent persons from becoming destitute through neglected infancy, neglected childhood, preventable illness, and voluntary unemployment.

In this disciplinary supervision over those who repeatedly fall into the morass of destitution, or who, by failing to fulfil their social obligations, show signs of entering upon the descent into that morass, we see a more humane, as well as a more effective form of "deterrence" than that of the 1834 Poor Law. The newer preventive authorities deter from falling into destitution, not by fear of what will happen when the fall has taken place, but by timely insistence on the performance of the social duties that will prevent the fall. The parents who, under the pressure of the Local Education Authority, are induced and compelled to send their children to school from 5 to 14 years of age are not only effectually "deterred" from living on their children's earnings, but are also prevented from so far neglecting their offspring as to fail to get them to school regularly and punctually, or to fail to maintain them in a state fit for admission to school, according to a standard that is constantly rising. In some districts the

Local Education Authority has even gone far, by means of inspection, instruction, exhortation, and, in the last resort, prosecution, towards effectually "deterring" parents from letting their children become verminous. Deterrent action of this kind by the Local Education Authority has been accompanied by corresponding action by the Local Health Authority, which has — again by inspection, instruction, exhortation, and, in the last resort, prosecution — induced many occupiers of tenement dwellings to prevent these from remaining verminous or otherwise grossly below the current standard of sanitation. This form of deterrence it is that lies at the base of all our Public Health and Factory Legislation; a deterrence that leads the owners and occupiers to bestir themselves to keep their dwellings up to the current local standard of healthiness, the occupiers of factories to maintain these in accordance with the requirements of the law, and the operatives in unhealthy trades to observe the precautions prescribed against disease. The same idea of a preventive deterrence will inspire the Local Lunacy Authorities, once they are made responsible for the feeble-minded, to insist on proper care and control for those helpless girl mothers whom the Poor Law must perforce leave free to propagate a feeble-minded race. In the same way the Minority Commissioners believe that the new National Authority for Unemployment, of which we may detect the beginnings in the National Labour Exchange, will be able to "deter" men from becoming unemployed, not only by actually preventing many unnecessary breaches of continuity in employment (by equalising, year by year, the aggregate demand for labour, regularising employment in the seasonal trades, and "decasualising" the casual labourer in the ways elaborately described in the Report), but also by putting the necessary pressure on the will of those who are "born tired" or who have become "unemployable," either to accept and retain the situations that will be definitely offered to them, or else to submit themselves to disciplinary training, with the reformatory Detention Colony in the background.

We venture to end this exposition of the philosophy of the Minority Report of 1909 by a repetition of the words that we used, perhaps prematurely, to describe those "Principles of 1907," to which, as we have demonstrated, three-quarters

of a century of experience has empirically brought the Local Government Board itself. These principles, we pointed out—in contrast to the *laisser faire* of 1834—" embody the doctrine of a mutual obligation between the individual and the community. The universal maintenance of a definite minimum of civilised life—seem to be in the interest of the community no less than in that of the individual—becomes the joint responsibility of an indissoluble partnership. The community recognises a duty in the curative treatment of all who are in need of it—a duty most clearly seen in the medical treatment of the sick and the education of the children. Once this corporate responsibility is accepted, it becomes a question whether the universal provision of any necessary common service is not the most advantageous method of fulfilling such responsibility—a method which has, at any rate, the advantage of leaving unimpaired the salutary inequality between the thrifty and the unthrifty. It is, moreover, an inevitable complement of this corporate responsibility, and of the recognition of the indissoluble partnership, that new and enlarged obligations, unknown in a state of *laisser faire*, are placed upon the individual—such as the obligation of the parent to keep his children in health, and to send them to school at the time and in the condition insisted upon; the obligation of the young person to be well conducted and to learn; the obligation of the adult not to infect his environment, and to submit when required to hospital treatment. To enforce these obligations —all new since 1834—upon the individual citizen, experience shows that some other pressure on his volition is required than merely leaving him alone. Hence the community, by the combination of the principles of Curative Treatment, Universal Provision and Compulsion, deliberately 'weights the alternatives,' in the guise of a series of experiments upon volition. The individual retains as much freedom of choice as —if not more than—he ever enjoyed before. But the father finds it made more easy for him to get his children educated, and made more disagreeable for him to neglect them. It is made more easy for the mother to keep her infants in health, and more disagreeable for her to let them die. The man suffering from disease finds it made more easy for him to get cured without infecting his neighbours, and more disagreeable

for him not to take all the necessary precautions. The labour exchanges and the farm colonies aim at making it more easy for the wage-earner to get a situation; perhaps the reformatory establishment, with powers of detention, is needed to make it more disagreeable for him not to accept and retain that situation." It is, in short, this doctrine of a mutual obligation —this fundamental principle that social health is not a matter for the individual alone, nor for the Government alone, but depends essentially on the joint responsibility of the individual and the community for the maintenance of a definite minimum of civilised life—that inspires every detail of the Minority Report.

APPENDIX A

MEMORANDUM BY THE LOCAL GOVERNMENT BOARD AS TO THE LOCAL AUTHORITIES FOR POOR LAW PURPOSES AND THE OUT-RELIEF ORDERS IN FORCE AT THE END OF THE YEARS 1847, 1871, 1906.

THE following table exhibits all the unions, incorporations, and separate parishes which existed for Poor Law purposes on the 31st December in the years 1847, 1871, and 1906 respectively. Where any such union, etc., did not exist at the end of 1847 or ceased to exist before the end of 1906 a note has been made in the margin showing, as nearly as the materials readily available will permit,[1] the position of the parishes comprised in the union, etc., with respect to the Poor Law administration during the periods when the unions, etc., were non-existent.

The table shows the nature of the Poor Law (administrative) area at each of the three selected dates. The letters **S.P.** indicate that at the relevant date the Poor Law area was a separate parish administered by a board of guardians under the Poor Law Acts Amendment Act 1834; **L.P.** that the area was a separate parish administered under the provisions of a Local Act; **G.I.** that the area was an incorporation formed under Gilbert's Act (22 Geo. 3 c. 83); **L.I.** that the area was an incorporation formed under a Local Act. The letter **U** indicates that at the relevant date the Poor Law area was a union formed under the Act of 1834, though before or after that date the area was of another nature, as indicated. Where no letters in heavy type are inserted, the Poor Law area was formed as a union under the Act of 1834, and no change in its nature had taken place.

The table shows whether an Outdoor Relief Prohibitory, Outdoor Labour Test, or Outdoor Relief Regulation Order was in force in each of the unions, etc., at the selected dates. The letter P indicates that at the relevant date a Prohibitory Order was in force; T, that an Outdoor Labour Test Order was so in force; and R, that a Regulation Order was

[1] There have, of course, been very numerous alterations of union boundaries, by the transfer of parishes or parts of parishes, which it has not been practicable to take into account.

so in force. In some cases it is difficult for various reasons to state positively whether a Prohibitory, Test, or Regulation Order was in force. Such cases have been marked with a "?"

In a few cases (distinguished in the table by the letter C) there were in force, at the end of 1847, regulations in regard to a labour test for outdoor paupers, which are set out in the Appendix at the end of the table.

In the cases of Nottingham and St. Pancras the outdoor relief regulations at the end of 1847 were in special terms. These regulations are set out in the Appendix.

It is to be noted that at the end of 1847, about 220 separate parishes (principally in the North of England, about 150 being in the West Riding of Yorkshire) were still outside any incorporation or union, and were managed under the provisions of 43 Eliz. c. 2. At 1871 these parishes had nearly all been included in various unions, only the four Inns of Court [1] and the Charterhouse remaining. In 1877 the Charterhouse was added to Holborn Union.

LOCAL GOVERNMENT BOARD, S.W.
10*th May* 1907.

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Aberayron . .	P.	P.	P.	
Abergavenny . .	P.T.	P.T.	P.T.	*See* Bedwellty.
Aberystwith . .	P.	P.	P.	
Abingdon . . .	P.	P.T.	P.T.	
Alhans, St. . .	P.	P.	P.T.	
Alcester . . .	P.	P.	P.T.	
Alderbury. *See* Salisbury.				
Alnwick . . .	P.	P.	P.	
Alresford . . .	P.T.	P.T.	P.T.	
Alston-with-Garrigill .	P. (S.P.)	P. (S.P.)	P. (S.P.)	
Alstonfield . .	*Nil.* (G.I.)	...	...	Dissolved in 1869. Parishes added to Ashbourne and Leek Unions.
Alton . . .	P.	P.	P.	*See* Headley.
Altrincham. *See* Bucklow.				
Alverstoke and Gosport	*Nil.* (G.I.)	R. (S.P.)	R. (S.P.)	Incorporation dissolved in 1868 and board of guardians for separate parish declared.
Amersham . .	P.	P.	P.	
Amesbury . . .	P.	P.	P.	
Ampthill . . .	P.	P.	P.	*See* Woburn.
Andover . . .	P.T.	P.T.	P.T.	
Anglesey . . .	T.	R.	P.	*See* Holyhead.
Arundel . . .	*Nil.* (G.I.)	...	...	Dissolved in 1869, and included in East Preston Union.
Asaph, St. . .	P.	P.	P.	

[1] See the proviso to sec. 43 of the Divided Parishes, etc., Act 1876.

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Ash	C. (G.I.)	...	...	Dissolved in 1869, and parishes added to Farnham, Guildford, and Hartley Wintney Unions.
Ashbourne	*Nil.*	P.	P.	*See* Alstonfield.
Ashby-de-la-Zouch	P.	P.T.	P.T.	
Ashford, East	P.	P.	P.	
Ashford, West	P.	P.T.	P.T.	
Ashton-under-Lyne	T.	R.	R.	
Aston	P.	P.	P.T.	
Atcham	P.	P.	P.	*See* Shrewsbury.
Atherstone	P.	P.	P.	*See* Bedworth.
Auckland	P.	P.T.	P.T.	
Austell, St.	P.	P.T.	P.T.	
Axbridge	P.T.	P.T.	P.T.	
Axminster	P.T.	P.T.	P.T.	
Aylesbury	P.T.	P.T.	P.T.	
Aylsham	P.T.	P.T.	P.T.	
Aysgarth	...	P.	P.	Formed in 1869 out of parishes in Bainbridge Incorporation with two or three other parishes.
Bainbridge	*Nil.* (G.I.)	...	...	Dissolved in 1869. *See* Aysgarth Union.
Bakewell	P.	P.T.	P.T.	
Bala	P.	P.	P.	
Banbury	P.	P.T.	P.T.	
Bangor and Beaumaris	C.	P.	P.	
Barnet	P.	P.T.	P.T.	
Barnsley	*Nil.*	R.	R.	Formed in 1849. In 1847 all parishes were managed under 43 Eliz.
Barnstaple	P.T.	P.T.	P.T	
Barrow-in-Furness	...	...	R.	Formed in 1876. Formerly part of Ulverston Union.
Barrow-upon-Soar	P.T.	P.T.	P.T.	
Barton Regis	P.T.	P.T.	...	Named "Clifton Union" till 1877. Dissolved in 1904. Parishes added to Bristol, Chipping Sodbury, and Thornbury Poor Law Unions.
Barton-upon-Irwell	...	R.	R.	Formed in 1849. Formerly part of Chorlton Union.
Barwick in Elmet	*Nil.* (G.I.)	...	...	Dissolved in 1869. Parishes added to Great Ouseburn, Leeds, Pontefract, Tadcaster, and Wetherby Unions.
Basford	P.T.	P.T.	P.T.	
Basingstoke	P.	P.	P.	
Bath	P.	P.	P.	
Battle	P.T.	P.T.	P.T.	
Beaminster	P.	P.T.	P.T.	
Bedale	P.	P.	P.	
Bedford	P.	P.	P.	
Bedminster. *See* Long Ashton.				

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Bedwellty	...	P.	P.T.	Formed in 1849. Formerly part of Abergavenny Union.
Bedworth	*Nil.* (G.I.)	...	...	Dissolved in 1851. Parishes added to Atherstone, Foleshill, Hinckley, Lutterworth, Market Bosworth, and Rugby Unions.
Belford	P.	P.	P.	
Bellingham	P.	P.	P.	
Belper	P.	P.	P.	
Berkhampstead	P.	P.	P.	
Bermondsey (formerly St. Olave's Union).	*Nil.* (U.)	R. (U.)	? R. (S.P.)	Named "St. Olave's Union" till 1904. Now named Bermondsey Parish. *See* also St. Mary, Rotherhithe, and St. Mary Magdalen, Bermondsey.
Bermondsey, St. Mary Magdalen Parish.	*Nil.* (S.P.)	...	...	Included in St. Olave's Union (now called Bermondsey Parish) in 1869.
Berwick-on-Tweed	P.	P.T.	P.T.	
Bethnal Green	*Nil.* (S.P.)	R. (S.P.)	R. (S.P.)	
Beverley	P.	P.T.	P.T.	
Bichester	P.	P	P.	
Bideford	P.T.	P.T.	P.T.	
Biggleswade	P.	P.T.	P.T.	
Billericay	P.	P.T.	P.T.	
Billesdon	P.	P.	P.	
Bingham	P.	P.	P.	
Birkenhead	...	R.	R.	Formed in 1861. Formerly part of Wirrall Union.
Birmingham	*Nil.* (L.P.)	R. (L.P.)	R. (L.P.)	
Bishop Stortford	P.	P.	P.	
Blaby	P.	P.	P.	
Blackburn	*Nil.*	R.	R.	
Blandford	P.	P.T.	P.T.	
Blean	P.	P.	P.	
Blofield	P.	P.	P.	
Blything	P.	P.	P.	
Bodmin	C.	P.	P.	
Bolton	*Nil.*	R.	R.	
Bootle	C.	P.	P.	
Bosmere and Claydon	P.	P.T.	P.T.	
Boston	P.T.	P.T.	P.T.	
Boughton, Great. *See* Tarvin.				
Bourn	P.	P.	P.	
Brackley	P.	P.	P.	
Bradfield	P.	P.	P.	
Bradford, Wilts	P.T.	P.T.	P.T.	
Bradford, Yorks	T. (U.)	R. (U.)	? R. (S.P.)	Parishes in Bradford Union united in 1897 with certain parishes in North Bierley Union to form the Township of Bradford. For Poor Law purposes the area of this township is named the Bradford Poor Law Union.

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Braintree	P.	P.T.	P.T.	*See* Witham.
Bramley	*Nil.*	*Nil.*	P.T.	Formed in 1862. In 1847 all the parishes were managed under 43 Eliz.
Brampton	P.	P.T.	P.T.	
Brecknock	P.	P.	P.	
Brentford	C.	R.	R.	
Bridge	P.	P.	P.	
Bridgend and Cowbridge.	P.	P.	P.T.	
Bridgnorth	P.	P.T.	P.T.	
Bridgwater	P.T.	P.T.	P.T.	
Bridlington	C.	P.	P.	
Bridport	P.	P.T.	P.T.	
Brighton	*Nil.* (L.P.)	*Nil.* (L.P.)	*Nil.* (L.P.)	
Brinton	*Nil.* (G.I.)	...	...	Dissolved in 1869. Parishes added to Walsingham Union.
Bristol	*Nil.* (L.I.)	R. (L.I.)	R. (S.P.)	Formerly an incorporation, now a parish, and *see* Barton Regis.
Brixworth	P.	P.	P.	
Bromley	P.	P.	P.T.	
Bromsgrove	P.T.	P.T.	P.T.	
Bromyard	P.	P.	P.	
Buckingham	P.	P.	P.	
Bucklow	P.	P.T.	P.T.	Named "Altrincham Union" till 1895.
Builth	T.	R.	R.	
Buntingford	P.T.	P.T.	P.T.	
Burnley	*Nil.*	R.	R.	
Burton-upon-Trent	P.	P.	P.T.	
Bury	*Nil.*	R.	R.	
Bury St. Edmunds	P. (L.I.)	P. (L.I.)	? P. (S.P.)	Incorporation till 1906. Now separate parish under Poor Law Amendment Act.
Caistor	P.	P.	P.	*See* Grimsby.
Calne	P.T.	P.T.	P.T.	
Camberwell	*Nil.* (S.P.)	R. (S.P.)	R. (S.P.)	
Cambridge	P. (U.)	P.T. (U.)	P.T. (S.P.)	Parishes united to form one parish in 1900.
Camelford	C.	P.T.	P.T.	
Cannock	P.	P.	P.T.	Named "Penkridge Union" till 1877.
Canterbury	*Nil.* (L.I.)	P. (L.I.)	P. (S.P.)	Incorporation till 1881. Then a union, now a parish.
Cardiff	P.	P.T.	P.T.	*See* Pontypridd.
Cardigan	P.	P.	P.	
Carlisle	T.	R.	R.	
Carlton	*Nil.* (G.I.)	...	...	Dissolved in 1869. Parishes added to Holbeck, Hunslet, Leeds, Wetherby, and Wharfedale Unions.
Carmarthen	P.	P.	P.	
Carnarvon	*Nil.*	P.	P.	
Castle Ward	P.	P.	P.	
Catherington	P.T.	P.T.	P.T.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Caton	*Nil.* (G.I.)	...	...	Dissolved in 1869. Parishes added to Lancaster and Lunesdale Unions.
Caxton and Arrington	P.T.	P.T.	P.T.	
Cerne	P.	P.	P.	
Chailey	P.	P.	...	Dissolved in 1898. Parishes added to Lewes Union.
Chapel-en-le-Frith	P.T.	P.T.	P.T.	
Chard	P.T.	P.T.	P.T.	
Cheadle	P.	P.	P.	
Chelmsford	P.	P.	P.	
Chelsea	*Nil.* (S.P.)	R. (S.P.)	R. (S.P.)	
Cheltenham	P.T.	P.T.	P.T.	
Chepstow	P.	P.T.	P.T.	
Chertsey	T.	P.T.	P.T.	
Chester	*Nil.* (L.I.)	P.T. (U.)	P.T. (U.)	Incorporation dissolved and union formed in 1869. In 1871 many parishes added from Great Boughton (Tarvin) and Hawarden Unions.
Chesterfield	P.	P.T.	P.T.	
Chester-le-Street	P.	P.	P.	
Chesterton	P.	P.T.	P.T.	
Chichester	*Nil.* (L.I.)	R. (L.I.)	R. (S.P.)	Incorporation dissolved and separate parish declared in 1896.
Chippenham	P.T.	P.T.	P.T.	
Chipping Norton	P.T.	P.T.	P.T.	
Chipping Sodbury	P.T.	P.T.	P.T.	*See* Barton Regis.
Chorley	*Nil.*	R.	R.	
Chorlton	*Nil.*	R.	R.	*See* Barton-upon-Irwell.
Christchurch	P.	P.	P.T.	
Church Stretton	P.	P.	P.	
Cirencester	P.	P.	P.T.	
Cleobury Mortimer	P.	P.	P.	
Clerkenwell. *See* St. James, Clerkenwell.				
Clifton. *See* Barton Regis.				
Clitheroe	*Nil.*	R.	R.	
Clun	P.	P.	P.	
Clutton	P.	P.T.	P.T.	
Cockermouth	P.T.	P.T.	P.T.	
Colchester	P. (U.)	P.T. (U.)	P. ?T. (S.P.)	Parishes in union united to form one parish in 1897
Columb, St., Major	P.T.	P.T.	P.T.	
Congleton	P.	P.T.	P.T.	
Conway	T.	P.	P.	
Cookham. *See* Maidenhead.				
Corwen	P.	P.	P.	
Cosford	P.	P.	P.	
Coventry	*Nil.* (L.I.)	R. (L.I.)	R. (U.)	Incorporation dissolved and union formed in 1874.
Cranbrook	P.	P.	P.	
Crediton	P.T.	P.T.	P.T.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Crickhowell	P.	P.	P.T.	
Cricklade and Wootton Bassett.	P.	P.	P.	
Croydon	P.	P.	P.T.	
Cuckfield	P.T.	P.T.	P.T.	
Darlington	P.	P.T.	P.T.	
Dartford	P.	P.	P.	
Daventry	P.	P.	P.	
Depwade	P.	P.T.	P.T.	*See* Guiltcross.
Derby	P.	P.T.	P.T.	
Devizes	P.	P.	P.	
Devonport	*Nil.* (L.P.)	R. (L.P.)	R. (S.P.)	Named "Stoke Damerel Parish" till 1898. Declared separate parish under board of guardians in 1900.
Dewsbury	*Nil.*	R.	R.	
Docking	P.	P.	P.	
Dolgelly	T.	P.	P.	
Doncaster	P.	P.	P.	
Dorchester	P.	P.	P.	
Dore	P.	P.	P.	
Dorking	P.	P.	P.	
Dover	P.	P.	P.	
Downham	P.	P.T.	P.T.	
Drayton	P.	P.	P.	
Driffield	P.	P.	P.	
Droitwich	P.	P.	P.	
Droxford	P.	P.	P.	
Dudley	P.T.	P.T.	P.T.	
Dulverton	T.	P.	P.	
Dunmow	P.T.	P.T.	P.T.	
Durham	P.	P.	P.T.	
Dursley	P.T.	P.T.	P.T.	
Easington	T.	P.T.	P.T.	
Easingwold	P.	P.T.	P.T.	
Eastbourne	P.	P.	P.	*See* West Firle.
East Grinstead	P.	P.T.	P.T.	
Easthampstead	P.	P.	P.	
East Preston	C. (G.I.)	R. (U.)	R. (U.)	Incorporation dissolved and union formed in 1869. The union included nearly all the parishes in the dissolved incorporation, and also included the dissolved Arundel Incorporation. *See also* Sutton.
East Retford	P.	P.	P.	
Eastry	P.	P.	P.	
East Stonehouse	P. (S.P.)	P.T. (S.P.)	P.T. (S.P.)	
East Ward	P.	P.	P.	
Ecclesall Bierlow	C.	R.	R.	
Edmonton	*Nil.*	R.	R.	*See* Hampstead.
Elham	P.	P.	P.	
Ellesmere	P.	P.	P.	*See* Whitchurch (Salop).
Ely	P.	P.T.	P.T.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Epping	P.	P.	P.	
Epsom	P.	P.	P.	
Erpingham	P.	P.	P.	
Eton	P.	P.	P.	
Evesham	P.	P.T.	P.T.	
Exeter	*Nil.* (**L.I.**)	R. (**L.I.**)	R. (**S.P.**)	Union formed in 1877. Now a parish.
Faith, St.	P.	P.T.	P.T.	
Falmouth	C.	P.T.	P.T.	
Fareham	P.	P.	P.	
Faringdon	P.	P.	P.T.	
Farnborough	C. (**G.I.**)	...	...	Dissolved in 1869. Parishes added to Hartley Wintney Union.
Farnham	*Nil.*	P.	P.	*See* Ash.
Faversham	P.	P.T.	P.T.	
Festiniog	P.	P.	P.	
Flegg, East and West.	P. (**L.I.**)	P. (**L.I.**)	P. (**L.I.**)	
Foleshill	P.T.	P.T.	P.T.	*See* Bedworth.
Forden	...	P.	P.	Formed in 1870. In 1847 a few of the parishes were managed under 43 Eliz.—the remainder formed the Montgomery and Pool Incorporation.
Fordingbridge	P.	P.	P.	
Forehoe	P. (**L.I.**)	P. (**L.I.**)	P. (**L.I.**)	
Freebridge Lynn	P.	P.T.	P.T.	
Frome	P.	P.	P.	
Fulham	*Nil.* (**U.**)	R. (**U.**)	R. (**S.P.**)	Union dissolved in 1899 and the separate parishes of Fulham and Hammersmith declared.
Fylde	*Nil.*	R.	R.	
Gainsborough	P.	P.	P.	
Garstang	*Nil.*	R.	R.	
Gateshead	T.	R.	R.	
George, St., in the East	*Nil.* (**S.P.**)	R. (**S.P.**)	R. (**S.P.**)	
George, St., Hanover Square.	*Nil.* (**L.P.**)	...	...	Included in St. George's Union in 1870.
George, St. (Union)	...	*Nil.*	R.	Formed in 1870 of parishes formerly under Local Acts (St. Margaret, Westminster, and St. George, Hanover Square).
George, St., the Martyr	*Nil.* (**S.P.**)	...	...	Added to St. Saviour's Union (now called Southwark Union) in 1869.
Germans, St.	P.	... P.	P.	
Giles, St., Camberwell. *See* Camberwell.				
Giles, St., in the Fields, and St. George, Blooomsbury (United Parishes)	*Nil.* (**L.P.**)	R. (**S.P.**)	R. (**S.P.**)	Board of guardians declared in 1868.

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Glanford Brigg	P.	P.	P.	
Glendale	P.	P.	P.	
Glossop	P.	P.T.	P.T.	
Gloucester	P.T.	P.T.	P.T.	
Godstone	P.	P.	P.	
Goole	P.	P.T.	P.T.	
Gower	...	P.	P.T.	Formed in 1857. Formerly part of Swansea Union.
Grantham	P.	P.	P.	*See* Belvoir and Grantham Out-relief Unions.
Gravesend and Milton	P.	P.T.	P.T.	
Great Boughton. *See* Tarvin.				
Great Preston. *See* Preston, Great.				
Great Yarmouth. *See* Yarmouth.				
Greenwich	*Nil.*	R.	R.	*See* Woolwich.
Grimsby	...	...	P.T.	Formed in 1890. Formerly part of Caistor Union.
Guildford	P.T.	P.T.	P.T.	*See* Ash.
Guiltcross	P.	P.T.	...	Dissolved in 1902. Parishes added to Depwade, Thetford, and Wayland Unions.
Guisborough	P.	P.	P.T.	*See* Middlesbrough.
Hackney	*Nil.*	R.	R.	
Hailsham	P.T.	P.T.	P.T.	*See* West Firle.
Halifax	T.	R.	R.	
Halstead	P.	P.T.	P.T.	
Haltwhistle	P.	P.	P.	
Hambledon	P.T	P.T.	P.T.	
Hammersmith	...	...	R. (S.P.)	Declared a separate parish in 1899. Formerly part of Fulham Union.
Hampstead	...	R. (S.P.)	R. (S.P.)	Declared a separate parish in 1848. Formerly part of Edmonton Union.
Hardingstone	P.	P.	P.	
Hartismere	P.	P.T.	P.T.	
Hartlepool	...	P.	P.T.	Formed in 1859. Formerly part of Stockton Union.
Hartley Wintney	P.	P.	P.	*See* Ash and Farnborough.
Haslingden	*Nil.*	R.	R.	
Hastings	P.	P.T.	P.T.	
Hatfield	P.	P.	P.	
Havant	P.	P.	P.	
Haverfordwest	P.	P.	P.	
Hawarden	...	P.	P.	Formed in 1853 of parishes, formerly part of Great Boughton (now called Tarvin) Union. In 1871 largely reconstructed, many parishes being added to Chester Union, and others added from Wrexham Union.
Hay	P.	P.	P.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Hayfield	P.	P.T.	P.T.	
Headington	P.	P.	P.	
Headley	C. (G.I.)	...	...	Dissolved in 1869. Parishes added to Alton and Petersfield Unions.
Helmsley	*Nil.*	P.	P.	Named "Helmsley Blackmoor Union" till 1887. *See* Kirkby Moorside.
Helston	T.	P.T.	P.T.	
Hemel Hempstead	P.	P.	P.T.	
Hemsworth	...	R.	R.	Formed in 1850. In 1847 nearly all the parishes were managed under 43 Eliz.
Hendon	C.	R.	R.	*See* Willesden.
Henley	P.	P.	P.	
Henstead	P.	P.	P.	
Hereford	P.	P.T.	P.T.	
Hertford	P.	P.	P.	
Hexham	P.	P.	P.T.	
Highworth and Swindon. *See* Swindon and Highworth.				
Hinckley	P.	P.T.	P.T.	*See* Bedworth.
Hitchin	P.	P.	P.T.	
Holbeach	P.	P.T.	P.T.	
Holbeck	(Township under 43 Eliz. c. 2.)	R. (U.)	R. (U.)	Union formed in 1869. In 1847 the Township of Holbeck was managed under 43 Eliz., the other Townships being included in the Carlton Incorporation.
Holborn	*Nil.*	R.	R.	*See* James, St., Clerkenwell, and Luke, St., Middlesex.
Hollingbourne	P.	P.	P.	
Holsworthy	C.	P.T.	P.	
Holyhead	...	R.	P.	Formed in 1852. Formerly part of Anglesey Union.
Holywell	P.	P.	P.	
Honiton	P.	P.	P.	
Hoo	P.	P.	P.	
Horncastle	P.	P.	P.	
Horsham	P.T.	P.T.	P.T.	
Houghton-le-Spring	P.	P.	P.T.	
Howden	P.	P.	P.	
Hoxne	P.T.	P.T.	P.T.	
Huddersfield	*Nil.*	R.	R.	
Hungerford and Ramsbury	P.	P.	P.	Named "Hungerford Union" till 1896.
Hunslet	(Township under 43 Eliz. c. 2.)	R. (U.)	R. (U.)	In 1847 the Township of Hunslet was managed under 43 Eliz. Some other parishes in the union, which was formed in 1869, were formerly in Carlton and Great Preston Incorporations.
Huntingdon	P.	P.T.	P.T.	
Hursley	P.	P.	P.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Ipswich	P.	P.T.	P.T.	
Islington	*Nil.* (L.P.)	R. (S.P.)	R. (S.P.)	Board of guardians declared in 1867.
Ives, St.	P.	P.T.	P.T.	
James, St., Clerkenwell	*Nil.* (L.P.)	...	...	Added to Holborn Union in 1869.
James, St., Westminster	*Nil.* (L.P.)	...	...	Included in Westminster Union in 1868.
John, St., Hampstead. *See* Hampstead.				
Keighley	T.	R.	R.	
Kendal	C.	R.	R.	
Kensington	*Nil.* (S.P.)	R. (S.P.)	R. (S.P.)	
Kettering	P.T.	P.T.	P. T.	
Keynsham	P.	P.	P.	*See* Keynsham and Warmley Out-Relief Unions.
Kidderminster	P.	P.T.	P.T.	
Kingsbridge	P.T.	P.T.	P.T.	
Kingsclere	P.	P.	P.	
Kings Lynn	C.	R.	P.	
Kings Norton	P.	P.T.	P.T.	
Kingston-upon-Hull	*Nil.* (L.I.)	R. (L.I.)	R. (L.P.)	Incorporation consisted in 1847 and 1871 of two united parishes. In 1906 there was only one parish, but it was styled an incorporation.
Kingston-on-Thames	C.	P.T.	P.T.	
Kington	P.	P.	P.	*See* Presteigne.
Kirkby Moorside	...	P.	P.	Formed in 1848. Formerly part of Helmsley Blackmoor (Helmsley) Union.
Knaresborough	...	P.	P.	Formed in 1854. In 1847 nearly all the parishes were managed under 43 Eliz.
Knighton	P.	P.	P.	*See* Presteigne.
Lambeth	*Nil.* (S.P.)	R. (S.P).	R. (S.P.)	Named "St. Mary, Lambeth" till 1901.
Lampeter	T.	R.	R.	
Lancaster	*Nil.*	R.	R.	*See* Caton.
Lanchester	P.	P.	P.T.	
Langport	P.	P.	P.	
Launceston	P.	P.	P.	
Ledbury	P.	P.	P.	
Leeds	*Nil.* (S.P.)	R. (U.)	R. (U.)	The Leeds Union was formed in 1869 and included the Township of Leeds, and also parishes from Barwick in Elmet, Carlton, and Great Preston Incorporations.
Leek	P.	P.T.	P.T.	*See* Alstonfield.
Leicester	T. (U.)	R. (U.)	R. (S.P.)	Parishes in union united to form one parish in 1896.
Leigh	*Nil.*	R.	R.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Leighton Buzzard	P.	P.T.	P.T.	*See* Woburn.
Leominster	P.	P.	P.	
Leonard, St., Shoreditch	*Nil.* (L.P.)	R. (S.P.)	R. (S.P.)	Board of guardians constituted in [1858 and] 1868.
Lewes	P.	P.	P.	*See* Chailey and West Firle.
Lewisham	C.	R.	R.	*See* Woolwich.
Lexden and Winstree	P.	P.	P.	*See* Witham.
Leyburn	P.	P.	P.	
Lichfield	P.	P.	P.	
Lincoln	P.	P.	P.T.	
Linton	P.	P.T.	P.T.	
Liskeard	P.	P.	P.	
Liverpool	*Nil.* (L.P.)	R. (L.P.)	R. (L.P.)	
Llandilo Fawr	P.	P.	P.	
Llandovery	P.	P.	P.	
Llanelly	P.	P.T.	P.T.	
Llanfyllin	P.	P.	P.	
Llanrwst	T.	P.T.	P.T.	
Loddon and Clavering	P.	P.	P.	
London, City of	*Nil.*	R.	R.	*See* London, East, and London, West.
London, East	*Nil.*	...	...	Dissolved in 1869—parishes added to City of London Union.
London, West	*Nil.*	...	...	Dissolved in 1869—parishes added to City of London Union.
Long Ashton	P.T.	P.T.	P.T.	Named "Bedminster Union" till 1899.
Longtown	P.T.	P.T.	P.T.	
Loughborough	P.	P.T.	P.T.	
Louth	P.	P.	P.	
Ludlow	P.	P.	P.	
Luke, St., Chelsea. *See* Chelsea.				
Luke, St., Middlesex	*Nil.* (L.P.)	...	...	Added to Holborn Union in 1869.
Lunesdale	...	R.	R.	Formed in 1869. In 1847 about half of the parishes were managed under 43 Eliz.; most of the remainder were in Caton Incorporation.
Luton	P.	P.T.	P.T.	
Lutterworth	P.	P.	P.	*See* Bedworth.
Lymington	P.	P.T.	P.T.	
Macclesfield	C.	P.T.	P.T.	
Machynlleth	T.	P.	P.	
Madeley	P.	P.	P.T.	
Maidenhead	P.	P.	P.T.	Named "Cookham Union" till 1896.
Maidstone	P.	P.T.	P.T.	
Maldon	P.T.	P.T.	P.T.	*See* Witham.
Malling	P.	P.	P.	
Malmesbury	P.	P.T.	P.T.	
Malton	P.	P.	P.	*See* Malton and Norton Out-Relief Unions.

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Manchester . .	*Nil.* (U.)	R. (S.P.)	R. (S.P.)	The Manchester Union was dissolved in 1850; the Township of Manchester was declared a separate township; the other parishes in the union were included in the Prestwich Union.
Mansfield . . .	P.T.	P.T.	P.T.	
Margaret, St., and St. John, Westminster.	*Nil.* (L.P.)	...	...	Included in St. George's Union in 1870.
Market Bosworth .	P.	P.	P.	*See* Bedworth.
Market Drayton. *See* Drayton.				
Market Harborough .	P.	P.	P.	
Marlborough . .	P.	P.	P.	
Martin, St., in the Fields.	*Nil.* (S.P.)	...	...	Added to Strand Union in 1868.
Martley . . .	P.	P.	P.	
Mary, St., and St. Andrew, Whittlesey. *See* Whittlesey.				
Mary, St., Islington. *See* Islington.				
Mary, St., Lambeth. *See* Lambeth.				
Mary, St., Newington	*Nil.* (L.P.)	...	...	Added to St. Saviour's Union (now Southwark Union) in 1869.
Mary, St., Rotherhithe	*Nil.* (S.P.)	...	...	Added to St. Olave's Union (now Bermondsey Parish) in 1869.
Marylebone, St. .	*Nil.* (L.P.)	R. (S.P.)	R. (S.P.)	Board of guardians declared in 1867.
Mary Magdalen, St., Bermondsey. *See* Bermondsey, St. Mary Magdalen.				
Medway . . .	P.	P.	P.	
Melksham. *See* Trowbridge and Melksham.				
Melton Mowbray .	P.	P.	P.	
Mere . . .	P.T.	P.T.	P.T.	
Meriden . . .	P.	P.	P.	
Merthyr Tydfil . .	T.	P.T.	P.T.	*See* Pontypridd.
Middlesbrough . .	...	...	R.	Formed in 1875. Formerly parts of Guisborough, Stockton, and Stokesley Unions.
Midhurst . . .	P.	P.	P.	*See* Sutton.
Mildenhall . .	P.	P.T.	P.T.	
Mile End Old Town .	...	R. (S.P.)	R. (S.P)	Declared separate in 1857. Formerly part of Stepney Union.
Milton . . .	P.	P.T.	P.T.	
Mitford and Launditch	P.	P.	P.	
Monmouth . .	P.	P.	P.T.	
Montgomery and Pool	*Nil.* (L.I.)	...	...	Dissolved in 1870. Parishes included in Forden Union.

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Morpeth	P.	P.	P.	
Mutford and Lothingland	*Nil.* (L.I.)	R. (L.I.)	R. (U.)	Incorporation dissolved and union formed in 1893. *See* Yarmouth, Great.
Nantwich	P.T.	P.T.	P.T.	*See also* Whitchurch (Salop).
Narberth	P.	P.	P.	
Neath	P.	P.	P.T.	*See* Pontardawe.
Neot's, St.	P.	P.	P.	
Newark	P.	P.T.	P.T.	
Newbury	P.	P.T.	P.T.	
Newcastle-in-Emlyn	P.	P.	P.	
Newcastle-under-Lyme	P.	P.	P.	
Newcastle-upon-Tyne	T.	R.	R.	
Newent	P.	P.	P.	
New Forest	P.	P.T.	P.T.	
Newington, St. Mary. *See* St. Mary, Newington.				
New Winchester. *See* Winchester.				
Newhaven	P.	P.	P.	
Newmarket	P.T.	P.T.	P.T.	
Newport (Monmouth)	P.	P.T.	P.T.	
Newport (Salop)	P.T.	P.T.	P.T.	
Newport Pagnell	P.T.	P.T.	P.T.	
Newton Abbot	P.	P.	P.	
Newtown and Llanidloes	P.	P.T.	P.T.	
Northallerton	T.	P.	P.	
Northampton	P.	P.T.	P.T.	
North Aylesford. *See* Strood.				
North Bierley	...	R.	R.	Formed in 1848. In 1847 formed part of Bradford (Yorks) Union. *See* Bradford for changes in 1897.
Northleach	P.	P.	P.	
Northwich	P.	P.T.	P.T.	
North Witchford	P.	P.T.	P.T.	
Norwich	*Nil.* (L.I.)	R. (L.I.)	R. (L.P.)	In 1890 the parishes in the incorporation were united to form one parish.
Nottingham	Special (U.)	R. (U.)	R. (S.P.)	The parishes in the union were united to form one parish in 1899. *See also* Radford.
Nuneaton	P.T.	P.T.	P.T.	
Oakham	P.	P.	P.	
Okehampton	P.	P.	P.	
Olave, St. *See* Bermondsey.				
Oldham	*Nil.*	R.	R.	
Ongar	P.T.	P.T.	P.T.	
Ormskirk	P.	P.T.	P.T.	
Orsett	P.	P.	P.T.	
Oswestry	*Nil.* (L.I.)	P. (L.I.)	P.T. (L.I.)	
Oundle	P.	P.	P.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Ouseburn, Great	*Nil.* (G.I.)	P. (U.)	P. (U.)	Union formed in 1854. Some of the parishes included in the union were in 1847 managed under 43 Eliz.; and *see* Barwick in Elmet.
Oxford	*Nil.* (L.I.)	P.T. (L.I.)	P.T. (L.I.)	
Paddington	*Nil.* (S.P.)	R. (S.P.)	R. (S.P.)	
Pancras, St.	Special (L.P.)	R. (S.P.)	R. (S.P.)	Board of guardians declared in 1867.
Pateley Bridge	*Nil.*	R.	R.	
Patrington	P.	P.	P.	
Pembroke	P.	P.	P.	
Penistone	...	R.	R.	Formed in 1849. In 1847 certain of the parishes were managed under 43 Eliz., other parishes formed part of Wortley Union.
Penkridge. *See* Cannock.				
Penrith	P.	P.	P.	
Penzance	P.	P.	P.	
Pershore	P.	P.	P.	
Peterborough	P.	P.T.	P.T.	
Petersfield	P.T.	P.T.	P.T.	*See* Headley.
Petworth	P.	P.	P.	*See* Sutton.
Pewsey	P.	P.	P.	
Pickering	P.	P.	P.T.	
Plomesgate	P.	P.	P.	
Plymouth	*Nil.* (L.I.)	R. (L.I.)	R. (L.P.)	The parishes in the incorporation were united in 1898 to form one parish.
Plympton, St. Mary	P.	P.	P.	
Pocklington	T.	P.	P.	
Pontardawe	...	...	R.	Formed in 1875. Formerly part of Neath and Swansea Unions.
Pontefract	...	*Nil.*	P.T.	Formed in 1862. In 1847 about four-fifths of the parishes were managed under 43 Eliz., others formed part of Barwick in Elmet and Great Preston Incorporations.
Pontypool	P.	P.T.	P.T.	
Pontypridd	...	P.T.	P.T.	Formed in 1862. Formerly part of Cardiff and Merthyr Tydfil Unions.
Poole	P.	P.T.	P.T.	
Poplar	*Nil.*	R.	R.	[The name of this Poor Law Union is now (1907) "Parish of Poplar Borough."]
Portsea Island. *See* Portsmouth.				
Portsmouth	P. (U.)	P.T. (U.)	?P. ?T.(S.P.)	Named "Portsea Island Union" till 1900, when the parishes in the union were united to form one parish.

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Potterspury	P.	P.	P.	
Prescot	*Nil.*	R.	R.	
Preeteigne	T.	R.	...	Dissolved in 1877. Parishes added to Kington and Knighton Unions.
Preston	*Nil.*	R.	R.	
Preston, East. *See* East Preston.				
Preston, Great	*Nil.* (G.I.)	...	...	Dissolved in 1869. All but four of the parishes were added to Pontefract and Tadcaster Unions, one each of the remainder were added to Hunslet, Leeds, Selby, and Wakefield Unions.
Prestwich	...	R.	R.	Formed in 1850. Nearly all the parishes were formerly part of Manchester Union.
Pwllheli	P.	P.	P.	
Radford	*Nil.*	R.	...	Dissolved in 1880. Parishes added to Nottingham Union (now Parish).
Reading	P. (U.)	P. (U.)	?P. ?T.(S.P.)	Parishes united to form one parish in 1905.
Redruth	P.	P.	P.T.	
Reeth	P.	P.	P.	
Reigate	P.	P.	P.	
Rhayader	T.	R.	P.	
Richmond (Surrey)	C.	R.	R.	
Richmond (Yorks)	P.T.	P.T.	P.T.	
Ringwood	P.	P.	P.	
Ripon	...	P.	P.	Formed in 1852. In 1847 nearly all the parishes were managed under 43 Eliz.
Risbridge	P.	P.T.	P.T.	
Rochdale	*Nil.*	R.	R.	
Rochford	P.	P.	P.	
Romford	P.	P.T.	P.T.	
Romney Marsh	P.	P.	P.	
Romsey	P.	P.T.	P.T.	
Ross	P.	P.	P.	
Rothbury	P.	P.	P.	
Rotherham	C.	R.	R.	
Rotherhithe. *See* Mary, St., Rotherhithe.				
Royston	P.	P.T.	P.T.	
Rugby	P.	P.	P.T.	*See* Bedworth.
Runcorn	T.	P.	P.	
Ruthin	P.	P.	P.	
Rye	P.T.	P.T.	P.T.	
Saddleworth	*Nil.* (G.I.)	R. (S.P.)	R. (U.)	Named "Saddleworth with Quick Incorporation" till 1853. In 1853 board of guardians declared. In 1894 a union was formed.

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Saddleworth with Quick. *See* Saddleworth.				
Saffron Walden	P.	P.T.	P.T.	
Salford	*Nil.*	R.	R.	
Salisbury (Incorporation).	*Nil.* (L.I.)	...	...	The incorporation was in 1869 added to Alderbury (now named Salisbury) Union.
Salisbury (Union)	P.	P.T.	P.T.	Named "Alderbury Union" till 1895. *See* Salisbury Incorporation.
Samford	P. (L.I.)	P. (U.)	P. (U.)	Incorporation dissolved and union formed in 1849.
Saviour's, St. *See* Southwark.				
Scarborough	P.	P.	P.	
Sculcoates	P.	P.T.	P.T.	
Sedbergh	*Nil.*	P.	P.	
Sedgefield	P.	P.	P.	
Seisdon	P.	P.	P.	
Selby	P.	P.	P.	*See* Preston, Great.
Settle	T.	R.	R.	
Sevenoaks	P.	P.	P.	
Shaftesbury	P.	P.	P.	
Shardlow	P.	P.	P.	
Sheffield	C.	R.	R.	
Sheppey	P.	P.	P.	
Shepton Mallet	P.T.	P.T.	P.T.	
Sherborne	P.	P.	P.	
Shiffnal	P.	P.	P.	
Shipston-on-Stour	P.	P.	P.	
Shoreditch. *See* Leonard, St., Shoreditch.				
Shrewsbury	*Nil.* (L.I.)	...	...	Dissolved in 1871. Parishes added to Atcham Union.
Skipton	T.	R.	R.	
Skirlaugh	P.	P.	P.	
Sleaford	P.	P.	P.	
Smallburgh	...	P.	P.	Formed in 1869. One parish was formerly in Erpingham Union, the other parishee formed the Tunstead and Happing Incorporation.
Solihull	P.	P.	P.	
Southam	P.	P.	P.T.	
Southampton	*Nil.* (L.I.)	R. (L.I.)	R. (L.I.)	
South Molton	P.T.	P.T.	P.T.	
South Shields	P.T.	P.T.	P.T.	
South Stoneham	P.	P.	P.	
Southwark	*Nil.*	R.	R.	Named St. Saviour's Union till 1901. *See* St. Mary, Newington.
Southwell	P.	P.	P.	
Spalding	P.	P.T.	P.T.	
Spilsby	P.	P.	P.	
Stafford	P.	P.	P.T.	
Staines	P.	P.T.	P.T.	
Stamford	P.	P.	P.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Stepney	*Nil.*	R.	R.	*See* Mile End Old Town.
Steyning	P.	P.	P.	
Stockbridge	P.	P.	P.	
Stockport	*Nil.*	R.	R.	
Stockton	T.	P.T.	P.T.	*See* Hartlepool and Middlesbrough.
Stoke Damerel. *See* Devonport.				
Stokesley	C.	P.	P.	*See* Middlesbrough.
Stoke-upon-Trent	P.T. (S.P.)	P.T. (S.P.)	P. ? T. (U.)	Union formed in 1894.
Stone	P.	P.	P.	
Stourbridge	P.T.	P.T.	P.T.	
Stow	P.	P.	P.	
Stow-on-the-Wold	P.	P.	P.	
Strand	*Nil.*	R.	R.	*See* Martin, St., in the Fields and Westminster.
Stratford-on-Avon	P.	P.	P.	
Stratton	C.	P.T.	P.	
Strood	P.	P.T.	P.T.	Named "North Aylesford Union" till 1884.
Stroud	P.	P.	P.	
Sturminster	P	P.	P.	
Sudbury	P.	P.T.	P.T.	
Sunderland	T.	R.	R.	
Sutton	C. (G.I.)	...	...	Dissolved in 1869. Most of the parishes were added to Petworth Union, the remainder were added to East Preston, Midhurst, Thakeham and Westhampnett Unions.
Swaffham	P.	P.	P.	
Swansea	P.	P.	P.T.	*See* Gower and Pontardawe.
Swindon and Highworth	P.T.	P.T.	P.T.	Named "Highworth and Swindon" till 1899.
Tadcaster	...	*Nil.*	P.	Formed in 1862. In 1847 several of the parishes were managed under 43 Eliz. Others were in Barwick-in-Elmet and Great Preston Incorporations.
Tamworth	P.	P.	P.	
Tarvin	T.	P.	P.	Named "Great Boughton Union" till 1871. *See also* Chester, Hawarden, and Whitchurch (Salop).
Taunton	P.	P.T.	P.T.	
Tavistock	P.T.	P.T.	P.T.	
Teesdale	P.	P.T.	P.T.	
Tenbury	P.	P.	P.	
Tendring	P.	P.T.	P.T.	
Tenterden	P.	P.	P.	
Tetbury	P.	P.	P.T.	
Tewkesbury	P.	P.T.	P.T.	
Thakeham	P.	P.	P.	*See* Sutton.
Thame	P.T.	P.T.	P.T.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Thanet, Isle of	P.	P.	P.	
Thetford	P.	P.T.	P.T.	*See* Guiltcrose.
Thingoe	P.	P.	P.	
Thirsk	P.	P.	P.	
Thomas, St.	P.	P.	P.	
Thornbury	P.	P.T.	P.T.	*See* Barton Regis.
Thorne	P.	P.	P.	
Thrapston	P.	P.	P.T.	
Ticehurst	P.T.	P.T.	P.T.	
Tisbury	P.	P.	P.	
Tiverton	P.T.	P.T.	P.T.	
Todmorden	*Nil.*	R.	R.	
Tonbridge	P.	P.T.	P.T.	
Torrington	P.T.	P.T.	P.T.	
Totnes	P.	P.	P.	
Towcester	P.	P.	P.	
Toxteth Park	...	R.	R.	Declared a separate Township in 1857. Formerly part of West Derby Union.
Tregaron	T.	R.	R.	
Trowbridge and Melksham.	P.T.	P.T.	P.T.	Named Melksham Union till 1898.
Truro	C.	P.	P.	
Tunstead and Happing	P. (L.I.)	...	...	Dissolved in 1869. Parishes included in Smallburgh Union.
Tynemouth	P.	P.T.	P.T.	
Uckfield	P.	P.	P.	
Ulverston	C.	R.	R.	*See* Barrow-in-Furness.
Uppingham	P.	P.T.	P.T.	
Upton-on-Severn	P.	P.	P.	
Uttoxeter	P.	P.	P.	
Uxbridge	P.	P.T.	P.T.	
Wakefield	*Nil.*	R.	R.	*See* Preston, Great.
Wallingford	P.	P.	P.	
Walsall	P.T.	P.T.	P.T.	
Walsingham	P.	P.T.	P.T.	*See* Brinton.
Wandsworth	*Nil.*	R.	R.	Named "Wandsworth and Clapham Union" till 1904.
Wangford	P.	P.T.	P.T.	
Wantage	P.	P.	P.	
Ware	P.	P.T.	P.T.	
Wareham and Purbeck	P.	P.T.	P.T.	
Warminster	P.	P.	P.	
Warrington	T.	R.	R.	
Warwick	P.	P.T.	P.T.	
Watford	P.	P.T.	P.T.	
Wayland	P.	P.	P.	*See* Guiltcross.
Weardale	P.	P.	P.	
Wellingborough	P.	P.	P.	
Wellington (Salop)	P.T.	P.T.	P.T.	
Wellington (Som.)	P.T.	P.T.	P.T.	
Wells	P.T.	P.T.	P.T.	
Welwyn	P.	P.	P.	
Wem	P.	P.T.	P.T.	*See also* Whitchurch (Salop).

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Weobley	P.	P.	P.	
Westbourne	P.	P.	P.	
West Bromwich	P.T.	P.T.	P.T.	
Westbury-on-Severn	P.	P.	P.	
Westbury and Whorwellsdown.	P.T.	P.T.	P.T.	
West Derby	*Nil.*	R.	R.	*See* Toxteth Park.
West Firle	P.	P.	...	Dissolved in 1898. Parishes added to Eastbourne, Hailsham, and Lewes Union.
West Ham	P.	P.T.	P.T.	
Westhampnett	P.	P.	P.	*See* Sutton.
Westminster	...	R.	R.	Union formed in 1868. Part was formerly under Local Act (James, St., Westminster), remainder was formerly in Strand Union.
West Ward	P.	P.	P.	
Wetherby	...	R.	R.	Formed in 1861. In 1847 about half the Parishes were managed under 43 Eliz.—*See also* Barwick-in-Elmet and Carlton.
Weymouth	P.	P.T.	P.T.	
Wharfedale	...	R.	R.	Formed in 1861. In 1847 about half the Parishes were managed under 43 Eliz.—*See also* Carlton.
Wheatenhurst	P.	P.	P.	
Whitby	P.	P.T.	P.T.	
Whitchurch (Hants)	P.	P.	P.	
Whitchurch (Salop)	*Nil.* (L.P.)	*Nil.* (U.)	P. (U.)	Union formed in 1853—Comprising the Whitchurch Incorporation and Parishes formerly in Ellesmere, Great Boughton (Tarvin), Nantwich, Wem and Wrexham Unions.
Whitechapel	*Nil.*	R.	R.	
Whitehaven	P.T.	P.T.	P.T.	
Whittlesey	P. (S.P.)	P. (S.P.)	P. (U.)	Named "Whittlesey Parish" or "United Parishes of St. Mary and St. Andrew, Whittlesey," till 1894. Union formed in 1894.
Wigan	*Nil.*	R.	R.	
Wight, Isle of	*Nil.* (L.I.)	? R. (U.)	P. (U.)	Incorporation dissolved and Union formed in 1865.
Wigton	P.T.	P.T.	P.T.	
Willesden	...	...	R. (S.P.)	Separate Parish declared in 1896. Formerly part of Hendon Union.
Williton	P.	P.	P.	
Wilton	P.	P.T.	P.T.	
Wimborne and Cranborne.	P.	P.	P.	
Wincanton	P.T.	P.T.	P.T.	

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
Winchcomb	P.	P.	P.	
Winchester	P.	P.	P.	Named New Winchester Union till 1901.
Windsor	P.	P.T.	P.T.	
Winslow	P.	P.	P.	
Wirrall	P.	P.T.	P.T.	*See* Birkenhead.
Wisbeach	P.	P.T.	P.T.	
Witham	P.	P.	...	Dissolved in 1880. Parishes added by Braintree, Lexden and Winstree and Maldon Unions.
Witney	P.	P.T.	P.T.	
Woburn	P.	P.T.	...	Dissolved in 1899. Parishes added to Ampthill and Leighton Buzzard Unions.
Wokingham	P.T.	P.T.	P.T.	
Wolstanton and Burslem	P.	P.T.	P.T.	
Wolverhampton	P.	P.T.	P.T.	
Woodbridge	P.T.	P.T.	P.T.	
Woodstock	P.	P.T.	P.T.	
Woolwich	...	R.	R.	Formed in 1868. Formerly part of Greenwich and Lewisham Unions.
Worcester	P.	P.T.	P.T.	
Worksop	P.	P.	P.	
Wortley	C.	R.	R.	*See* Penistone.
Wrexham	P.	P.	P.	*See* Hawarden and Whitchurch (Salop).
Wycombe	P.	P.T.	P.T.	
Yarmouth, Great	P.T. (**S.P.**)	P.T. (**S.P.**)	P. ? T. (**U.**)	"Parish" till 1891. Union formed in 1891, of the parish and of a parish which was formerly part of the Mutford and Lothingland Incorporation.
Yeovil	P.	P.	P.	
York	C.	P.	P.	*See* Bishopthorpe, Escrick, Flaxton and York Out-Relief Unions.
OUT-RELIEF UNIONS				
Belvoir	...	...	P.	Formed in 1894 [Part of Grantham Union].
Bishopthorpe	...	...	P.T.	Formed in 1894 [Part of York Union].
Escrick	...	...	P.T.	Formed in 1894 [Part of York Union].
Flaxton	...	...	P.T.	Formed in 1894 [Part of York Union].
Grantham	...	...	P.	Formed in 1894 [Part of Grantham Union].
Keynsham	...	...	P.	Formed in 1895 [Part of Keynsham Union].

Unions, etc.	End of 1847.	End of 1871.	End of 1906.	Notes.
OUT-RELIEF UNIONS—*Contd.*				
Malton . . .	...	...	P.	Formed in 1894 [Part of Malton Union].
Norton . . .	...	...	P.	Formed in 1894 [Part of Malton Union].
Warmley . . .	...	...	P.	Formed in 1895 [Part of Keynsham Union].
York . . .	...	...	P.T.	Formed in 1894 [Part of York Union].

In the Unions and Incorporations marked "C" in the table, a regulation to the following effect was in force at the end of 1847:—

"If any able-bodied male pauper shall apply to be set to work by the parish, one-half at least of the relief which may be afforded to him or to his family shall be in kind."

The following special regulations were in force at the end of 1847:—

Nottingham.—The Out-relief Rules contained in the early Regulations Order were in special terms. A subsequent Order suspended certain of those rules, and permitted outdoor relief to able-bodied paupers, to "be given, as far as possible, in return for piecework."

St. Pancras.—The rules directed that "in the case of any able-bodied persons the guardians may, until accommodation can be obtained for the reception of such persons in the workhouse, give outdoor relief, one-half of which, at least, shall be in kind; but such relief shall only be given in return for labour at task work."

APPENDIX B[1]

EXTRACT FROM THE MINORITY REPORT FOR SCOTLAND, GIVING THE REASONS IN FAVOUR OF THE COMPLETE SUPERSESSION OF THE POOR LAW

We realise that the foregoing recommendations amount to the complete supersession of the Poor Law, and, indeed, to its abolition. In its stead, we propose merely an adequate enlargement of the work already undertaken by the various existing public authorities for the prevention of destitution—for the prevention of the destitution due to neglected childhood by the Local Education Authority; for the prevention of the destitution due to preventable sickness, neglected infancy, or uncared-for infirmity by the Local Health Authority; for the prevention of the destitution due to mental defectiveness by the Local Lunacy Authority; for the prevention of the destitution of Old Age by the Local Pension Authority; and for the prevention of the destitution due to unemployment by the new National Authority of which the beginning is seen in the Labour Exchanges Act of 1909. We recommend, in fact, that the community should cease to maintain a special organ for the mere relief of destitution, however caused; and should make such relief as must be given merely incidental to the deliberate prevention of destitution, to which it has, by the creation of public authorities dealing with the several causes of destitution, already set its hand. We now proceed to summarise the main reasons for so radical a change of attitude towards the problem of poverty, and incidentally to answer the more important objections that have been made to it.

The Present Overlap and Duplication of Services in Respect of all Sections of the Destitute

The first reason for dispensing with any special Authority for the relief of destitution as such is a practical one. The work of the Poor Law Authority has to-day been largely superseded, in every branch of its duties, by the activities of the newer forms of Local Government. We

[1] The Report of the Royal Commission on the Poor Law, etc., relating to Scotland is issued as Cd. 4922, price 2/8. *The Minority Report for Scotland* is published separately by the Scottish National Committee to Promote the Break-up of the Poor Law (180 Hope Street, Glasgow), price 6d. net.

have already described, in our proposal for the institution of a Common Register of Public Assistance, and the appointment of a Registrar, the beginnings in Scotland of the same costly overlap of services and duplication of work which have, in England, already reached extravagant proportions. Thus, whereas in 1845, and for some years afterwards, all the public assistance afforded to the sick poor was included in the Poor Law administration, there has gradually been built up, out of the rates, a second medical service, the Public Health department of the County or Burgh. This Public Health Department—in the Highlands, in the Hebrides, and in some of the rural districts still only rudimentary—has, in the large towns, already its own series of hospitals in which the sick poor are maintained as well as treated, entirely free of charge, yet without being paupers. To the long list of diseases already treated in these municipal hospitals, there has now been added phthisis, an illness which accounts for a large proportion of the sick at present dealt with by the Poor Law Authorities. With regard to the children, we see, more or less competing with the Poor Law for their care, on the one hand the Industrial Schools so largely maintained out of the rates and taxes, and on the other the School Boards with the new powers conferred on them by the Education (Scotland) Act of 1908 in connection with the provision of meals and medical inspection. With regard to the aged, we have since 1908 in every County and Burgh a Local Pension Committee awarding domiciliary pensions to no fewer than 70,000 persons over 70, or more than treble the number of aged persons maintained by the Parish Councils as Poor Law Authorities, many, indeed, having been saved from the pauper roll. The removal of the pauper disqualification for a national pension, which has been definitely announced as a subject for legislation in 1910, will make the overlap still more remarkable. With regard to all the persons certifiable as of unsound mind we have the District Boards of Lunacy providing asylums for some, whilst the Parish Councils still deal with others in the Poorhouses, as they do with the uncertified imbeciles, epileptics, and feeble-minded. Finally, with regard to the able-bodied men in distress, for whom the Scottish Poor Law professes not to provide (but nevertheless, as we see, in practice does so as much as the English Poor Law), we find growing up in a score of towns, comprising half the population of Scotland, an organised system of public assistance of one kind or another, under the Distress Committees established by the Unemployed Workmen Act of 1905. We see, in town after town, the vagrants, for whom the Parish Council does not provide, relieved in one way or another by the Police. Thus, there is not one section of the host of persons in Scotland who are without the necessaries of life, of whom the Parish Council, as the Poor Law Authority, is to-day left in undisturbed possession. For the care of the children, the sick, the mentally defective, the aged, and the able-bodied unemployed, Parliament has set up, in Scotland as in England, specialised public authorities which deal with the poor, not on account of their destitution, but in respect of the cause or character of their need.

Fortunately, the overlap and confusion caused by these rival services and competing Local Authorities have in Scotland not yet gone far. It is still possible to prevent a waste of expenditure and a confusion of

functions that will certainly increase if the growing overlap is not stopped. To us there seems to be but two lines of reform. We may, on the one hand, ask Parliament to arrest the ever-increasing activities of the Local Health Authorities, stop the provision of more isolation hospitals, check the Health Visitors and the crusade against infantile mortality, rescind the recent order of the Local Government Board annexing to their sphere the whole range of tuberculosis, and remit all the sick poor once more to the Parish Council and its Poorhouse. We may propose to repeal the Unemployed Workmen Act and the Old Age Pensions Act, and thrust back the unemployed workmen and the aged into the Poor Law. We may recommend the withdrawal of the new powers given to the School Boards in connection with medical inspection and school meals for hungry children. We may, in fact, propose to revert to the position in 1845, when there was everywhere one Local Authority, and one Local Authority only, to give public assistance to the necessitous poor. We do not think such a course either desirable or politically practicable. We do not believe that any Minister of the Crown will have the hardihood to propose it; we do not believe that Scottish public opinion will tolerate it; we do not believe that any House of Commons will agree to it.

The other alternative seems to us to be, not to reverse but to continue the evolution that has been going on in Local Government, in Scotland as in England. Instead of seeking to curtail the work with regard to children, the sick, the mentally defective, the aged and the able-bodied unemployed, which is now being undertaken by the Local Education Authorities, the Local Health Authorities, the Local Lunacy Authorities, the Local Pension Authorities, and the Local Unemployment Authorities, what we recommend is that the remainder of each of these sections of the poor who are still being looked after by the Poor Law Authorities should be transferred to the newer specialised Authorities that have been created.

Just as it is proposed, by the Royal Commission on the Care and Control of the Feeble-minded, with the concurrence of practically all acquainted with the problem, to take the persons of unsound mind, including the epileptic and the feeble-minded, quite "out of the Poor Law," and place them entirely in the hands of the Local Lunacy Authority, so it is suggested that all public care of the children of school age should be "taken out of the Poor Law" and transferred to the Local Education Authority; that all public care of the sick and infirm (including the maternity cases, the infants under school age, and the aged requiring institutional care) should be "taken out of the Poor Law," and transferred to the Local Health Authority; and that all the aged who can and will live decently on their pensions should be "taken out of the Poor Law," and dealt with by the Pension Committee—the whole under the control and direction of the Parish School Board or the District Committee, or the County or Town Council as the case may be. There would then remain, out of all the pauper host, only the vagrants and the odds and ends of genuinely able-bodied men who find their way to the Poorhouse. For these who need help to find a situation if they are merely stranded by temporary unemployment, detention colonies if

they are idle or vicious, and physical and industrial training if they have to be maintained whilst waiting for a place, we recommend that there should be a new authority of *national scope*—the government department which is already being set up under the Labour Exchanges Act of 1909, and which should also take over the work of the Distress Committees under the Unemployed Workmen Act of 1905. We recommend, therefore, as the only practicable means of preventing a wasteful and demoralising duplication of services, the complete abolition, not only of the Poorhouse, but also of the Poor Law itself.

The Expediency of Preventing the Occurrence of Destitution, rather than merely Relieving it after it has Occurred.

What we propose is no mere change of names or of official machinery. We think the time has come when the nation should definitely adopt the principle of using all its powers to *prevent the occurrence* of destitution, instead of the principle of merely relieving it after it has occurred. Destitution, as we know, is a social disease, as destructive to the health of the community as phthisis is; quite as dangerous to the individual attacked, once it has gained a firm hold, but fortunately as gradual as phthisis in its attack. The Poor Law Authorities of Scotland have failed to prevent the occurrence of destitution, or even to prevent pauperism, and have been unable to provide what is required for the several sections of persons under their charge, not because the Parish Councillors are incompetent or dishonest, careless or corrupt, but because they have been set, not to this task at all, but merely to that of "relieving destitution." They do relieve destitution much more efficiently on the whole than ever before; but we are not satisfied, nor do we think that public opinion is now satisfied, with the spending in Scotland, year after year, more than a million sterling in the relief of a destitution which never gets either prevented or cured. *What the nation now asks is that men, women, and children should, by appropriate measures, be prevented from sinking to a condition of destitution; and that such as unavoidably fall into that state should be taken in hand with a view, not merely to their relief, but to their effectual cure.* This is work which a Poor Law authority, by the very nature of its being, can never perform effectively. Any Poor Law authority, call it by what name you may, is necessarily confined to dealing with persons who are actually "destitute" or actually "in distress"; it cannot reach out to anticipate, at the incipient stage, what will, if not arrested in its growth, eventually become destitution or distress. Similarly, a Poor Law authority must necessarily find its operations restricted to the period during which persons are "destitute" or "in distress," though it is precisely some disciplinary "after care" which may be needed to prevent a relapse. In short, *except for the purpose of alleviating momentary suffering* (for which alone it was originally intended), the money spent in the relief of the destitute, begun only when they are destitute, and discontinued as soon as they cease to be destitute, is simply wasted. If a hospital for the sick could, by the law of its being, only admit cases when "gangrene" had already set in, and had to discharge them the very moment that the "fever" had been reduced, it would

effect as few cures of the sick as the Poorhouse does of the destitute. Yet no Poor Law authority, whatever its name, can, in its treatment of the disease of destitution, transcend the corresponding limits.

If we wish to prevent the very occurrence of destitution, and effectively cure it when it occurs, we must look to its causes. Now, deferring for the moment any question of human fallibility, or the "double dose of original sin," which most of us are apt to ascribe to those who succumb in the struggle, the investigations of this Royal Commission reveal three broad roads along one or other of which practically all paupers come, namely: (*a*) sickness, howsoever caused, (*b*) neglected infancy and neglected childhood, whosoever may be in fault, and (*c*) unemployment (including "under-employment"), by whatsoever occasioned. If we could prevent sickness, however caused, or effectually treat it when it occurs; if we could ensure that no child, whatever its parentage, went without what we may call the National Minimum of Nurture and Training; and if we could provide that no able-bodied person was left to suffer from long-continued or chronic unemployment, we should prevent at least nine-tenths of the destitution that now costs the Poor Law Authorities of Scotland more than a million per annum. To break up the Poor Law, and to transfer its several services to the Local Education, Health, Lunacy, and Pension Authorities, and to a national authority for the able-bodied, is to hand over the task of treating curatively the several sections of the destitute to *authorities charged with the prevention of the several causes of destitution* from which those sections are suffering. This means a systematic attempt to arrest each of the principal causes of eventual destitution at the very outset, in the most incipient stage of its attack, which is always an attack of an individual human being, not of the family as a whole. It is one person, at the outset, who has the cough of incipient phthisis, not a whole family; though if no preventive force is brought to bear, destitution will eventually set in and the whole family will be on our hands. There may be in the family neglected infants, neglected children, or feeble-minded persons lacking proper care or control, who may not be technically destitute, who may even be dependents of able-bodied men in work, but who, if left uncared for, will inevitably become the destitute of subsequent years. Hence it is vital that the Local Health Authority should be empowered and required to search out and ensure proper treatment for the incipient stages of all diseases. It is vital that the Lunacy Authority should be empowered and required to search out and ensure proper care and control for all persons certifiable as mentally defective, long before the family to which they belong is reduced to destitution. It is vital that the Local Education Authority should be empowered and required to search out and ensure, quite irrespective of the family's destitution, whatever Parliament may prescribe as the National Minimum of nurture and training for all children, the neglect of which will otherwise bring these children, when they grow up, themselves to a state of destitution. It is becoming no less clear that some Authority—we say a National Authority—must register and deal with the man who is unemployed, long before extended unemployment has demoralised him and reduced his family to destitution. We wish to put the issue quite

clearly before the public. The systematic campaign for the prevention of the occurrence of destitution that we propose—that the community should undertake by grappling with its principal causes at the incipient stages, *when they are just beginning to affect one or other members of a family only*, long before the family as a whole has sunk into the morass of destitution—involves treating the individual member who is affected in respect of the cause of his complaint, even before he is "disabled" or in pecuniary distress. It means a systematic searching out of incipient cases, just as the Medical Officer of Health searches out infectious disease, or the School Attendance Officer searches out children who are not on the school roll, even before application is made.

At present, the Local Education Authorities, the Local Health Authorities, and the Local Lunacy Authorities only feebly and imperfectly grapple with their task of arresting the causes of destitution in the child, the sick person, or the person of unsound mind, partly because they have only lately begun this part of their work, but principally because they have not been legally empowered and legally required to do it. Moreover, they do not yet have forced on their attention, as they would if they had to maintain those who needed to be cured, *the extent to which they fail to prevent*. If the Health Committee knew that it would have eventually to maintain the sick men whom it allowed to sink gradually into phthisis, as it has now practically to maintain persons who contract small-pox, it would look with a different eye upon the Medical Officer of Health's desire to "search out" every case of incipient phthisis whilst it is yet curable, to press upon the ignorant sufferer the best hygienic advice, and to do what is necessary in order to enable the insidious progress of the disease to be arrested. This does not entail that all diseases shall be treated free, any more than the Public Health supervision of sanitation entails that bad landlords shall have their house drainage provided at the public cost. All the increased activity of the Public Health authorities in searching out and treating sickness may coincide with a systematic enforcement of personal responsibility in respect to personal hygiene and with regard to the maintenance in health of dependents, which we, in fact, recommend. The break-up of the Poor Law implies, in short, not only the adoption of a systematic crusade against the several preventable causes of destitution, but also a far more effective enforcement of parental responsibility than is at present practicable.

It may, however, be objected that there are, at any rate, the families to be dealt with which are now in a state of destitution; and that, moreover, it must be anticipated, even with uniformly good administration of the preventive services, there will not be a few families who, as "missed cases," will have slipped into destitution, without having had their descent arrested by the preventive action above described. We think that each member of even such a family requires, for restoration, specialised treatment according to his or her need. The infant, the child of school age, the mentally defective, the sick, the infirm or incapacitated, the boy or girl above school age, and finally the able-bodied and able-minded adult, each requires that something different should be done for him or her, if *that individual* is to be properly dealt with. The alternative, namely, to treat the family as a whole, means to place it in

the General Mixed Poorhouse, or merely to give it a dole of Outdoor Relief. This, indeed, is to-day the dominant practice; and as such, has been condemned by Majority and Minority alike. It must, we think, be admitted that the several members of the family, with their very different needs, cannot be wisely treated without calling in the public authorities specialising on those heads, such as the Education, Health, Lunacy, Pension, and Unemployment Authorities. This does not mean that the needs of the other members of the family will escape consideration. Assuming that the cause of the destitution in which the family is plunged is the sickness of the breadwinner, and that the other members of the family are all normal, the Health Authority will, if he thinks domiciliary treatment desirable, not only give the necessary medical attendance, and look after the whole family environment by its Health Visitor, but, if there is no income, will grant (subject to the statutory rules and the Council's own Bye-laws) the home aliment that is requisite for the family maintenance. Would any one suggest that the Health Committee, with its Medical Officer and its Health Visitor, should be excluded from this case, or that it should be precluded from treating the case at home when the doctor reports that it can properly be so treated? If there is a mentally defective person in such a family, ought the Lunacy Authority to be kept out? If there are children of school age in it, is it wise to prevent the intervention of the Education Authority and its School Attendance Officer? We suggest that it is the business of the officers of the County or Town Council—in particular the Registrar of Public Assistance whom we have proposed—to see (*a*) that these Authorities do not overlap, and (*b*) that they are all consulted as regards such members of the family as come within their respective spheres of treatment. We see no need for any general Poor Law or "Public Assistance Committee" at all.

Thus there are two main reasons for the Scheme of Reform that we propose. By breaking up the Poor Law into its component services, and transferring each of these to the organ of government *which is already performing the same service for the population at large*, we (*a*) stop the present overlapping and confusion, (*b*) continue the evolution which has been silently going on in Scotland for a whole generation, and (*c*) introduce a logical order into both Central and Local Government. But the scheme has a far larger and deeper significance than any increase in administrative efficiency or any promotion of economy and simplicity in Local Government. The reform that we advocate, by emphasising everywhere the Principle of Prevention, and especially by systematically searching out neglected infancy and childhood, preventable sickness, uncontrolled feeble-mindedness and uncared-for epilepsy, unwarded vagrancy and that hopeless worklessness that is so demoralising to mind and body, brings with it the sure and certain hope that we may, at no distant date, by patient and persistent effort on these lines, remove from our midst the intolerable infamy to a Christian and civilised State of the persistence of a mass of chronic destitution, spreading like a cancerous growth from one generation to another of our fellow-citizens.

The "Moral Factor" in Destitution

Such being the grounds for our proposals, we have sought to weigh and appreciate the various arguments that can be urged against them. The most radical objection, and we infer the most deeply felt, against the Supersession of the Poor Law Authority by the various specialised and preventive Authorities that are already at work, seems to be a conviction that, in proposing to treat the problem of destitution as one of Sickness or Mental Defect, of Infirmity or Old Age, of Unemployment or Neglected Childhood, we are ignoring the "moral factor." It is alleged that, among all paupers, notwithstanding the different roads by which they may have come to destitution, there is a certain moral taint; and that, in view of the importance of properly treating this defect of character, all paupers, whatever their age or sex or physical or mental condition ought to be dealt with by an authority *specialising on this defect*; and this, it is assumed, is what the Poor Law Authority is, or should be made to become. In order that we may be quite sure that we are stating this objection fairly, we quote the exact words of the most accomplished opponent of our proposals, Professor Bernard Bosanquet:—

> "The antagonism cannot be put too strongly. The Majority proceed upon the principle that where there is a failure of social self-maintenance in the sense above defined, there is a defect in the citizen character, or at least a grave danger to its integrity; add that therefore every case of this kind raises a problem which is "moral," in the sense of affecting the whole capacity of self-management, to begin with, in the person who has failed, and secondarily, in the whole community so far as influenced by expectation and example. This relation to a man's whole capacity for self-management, his "*moral*," is a distinctive feature, I take it, which separates the treatment required by the destitute or necessitous from anything that can be offered to citizens who are maintaining themselves in a normal course of life."[1]

In this cogent argument for the retention of the Category of the Destitute, and of one Authority, and one Authority only, for all classes of destitute persons, we see two distinct and separate assumptions, one as to fact, and the other as to social expediency. We have first the suggestion that, in all classes of persons who need maintenance at the hands of the State, there is, as a matter of fact, a moral defect, common to the whole class, and requiring specific treatment. Secondly, we see creeping out from behind this suggestion, a further assumption as to the policy which ought to be pursued by the Poor Law Authority. This Authority, which is to have in its charge all the heterogeneous population of infants, children, sick and mentally defective persons, the aged and the infirm, the widows, the vagrants, and the unemployed, is to treat them, not with a single eye to what is best calculated to turn them, or any of them, into efficient citizens, not even with a single eye to what will most successfully remedy

[1] "The Majority Report," by Professor Bernard Bosanquet, in *Sociological Review*, April 1909 (vol. ii. No. 2).

the "moral defect" which they are assumed all to possess, but with the quite different object of warning off or deterring, "by expectation and example," other persons for applying for like treatment. In other words, we must, by keeping all the different varieties of people who require State aid under one Authority, and under one that assumes the existence of this "moral defect," retain for all alike, not only the "stigma of pauperism," but also a method of provision which will "deter" others from coming to be treated. As this is the only philosophical argument that we have encountered, by way of justification for the existence of one Authority, and one Authority only, to which the State should indiscriminately commit the care of the infants, the children of school age, the sick, the mentally defective, the aged and infirm, the vagrants and the unemployed workmen in distress, it requires detailed examination.

Let us first examine the initial assumption that the miscellaneous multitude who, year by year, come on public funds for maintenance, are, as a matter of fact, one and all, characterised by a particular moral defect —a feature so uniform, so important, and so specific as to outweigh the differences between infants and adults, the healthy and the sick, the sane and the mentally defective, the aged and the able-bodied; and to require the aggregation of all of them together under a single Authority in each locality, which should specialise upon this common characteristic. We have, in the first place, to realise that two-fifths of all the paupers are infants or children of school age; that is to say, human beings rendered destitute, not by any action or inaction of their own, but through something which has happened to their parents or guardians. An enormous proportion of these children are destitute merely because they are orphans. What rational ground have we for assuming, without enquiry, that these little ones are suffering from any "defect in the citizen character," or from any "moral" defect whatsoever? Their fathers may well have had defects, for they have died; though even with regard to them the more obvious inference would seem to be that they had physical defects or weaknesses; and this, in view of the frequency of mere accident, cannot be deduced with any certainty. We can, at any rate, infer nothing as to the character of the mothers from the fact that the fathers have died. Moreover, even if we could make the assumption that the children of fathers who have died prematurely, or who from some other cause have left their offspring without property, necessarily inherited some weakness of character or specific moral defect, it does not seem to follow that the best way of counteracting this inheritance would be to herd such children together, to segregate them apart from normal children, to brand them as paupers, and to commit them to the care of an Authority not specially concerned with dealing with children as children, but regarding children as only one variety of the pauper class. It seems clear that the real justification for keeping together all the infants and children whom the State has to maintain, and for excluding them from the care of the Local Education Authority, is not any consideration of what is likely to be best for such children—not even what is best calculated to counteract any disadvantageous tendencies that some of them may have inherited—but the second assumption to which we drew attention, namely, that it is expedient so to treat those whom the State must maintain that other

persons will not, "by expectation and example," be led to apply for similar treatment. The argument, in short, is really one for affixing the "stigma of pauperism" to all the children that the State has to maintain, not because this will make them grow up into efficient citizens—even, perhaps, at the cost of injuriously affecting their education and their character—but in order merely to prevent other children becoming chargeable. This policy of definitely "Poor Law treatment" for the Children of the State, the Scottish Parish Councils, to their honour, have always repudiated. But if this policy of "Poor Law treatment" of the child is repudiated—if the State is really to set itself to bring up the boys and girls whom it finds on its hands with a single eye to their development into efficient citizens—why should the State not use for them the organ which it has fashioned for this very purpose? What ground is there for treating the child as a pauper at all, when the Local Education Authority stands there, in every parish, already authorised by law to provide all that is requisite, and prepared to treat the child simply as a child?

Passing from the two-fifths of the paupers who are infants or children, we have then to realise that something like another two-fifths of all those who, in Scotland, apply for maintenance are not merely "disabled" in the technical sense, but are definitely suffering from some specific disease or chronic infirmity of body, for which they have to be medically treated. If the patient happens to be suffering from certain diseases, which are specified in an ever-lengthening schedule, the argument about the "defect in the citizen character," and the "grave danger to its integrity" is abandoned; the sick person is then, by common consent, searched out, urged to accept State aid, freely maintained at the public expense, and—what is very significant to us in this argument—treated without the slightest pretence that he has a moral defect, and without any idea of curing that defect, or avoiding the danger to his integrity, but simply and solely with the object of restoring him at the earliest moment to physical health. Meanwhile the responsible Authority is at work effecting, by cleansing, disinfecting, draining, and improving the housing, the water-supply, and the general sanitation, alterations in the environment in which the disease has occurred, in order to prevent its recurrence, either in that patient or in any one else. The patients of the Local Health Authority, though their numbers are growing day by day, the Majority Report leaves outside the "one Authority and only one Authority" which (as it is suggested) ought to deal with all those for whom maintenance has to be provided. Whilst we on the Poor Law Commission were deliberating, the Local Government Board for Scotland added to this class all the enormous number of persons suffering from tuberculosis.[1] In spite of the fact that the more enterprising of the Parish Councils are already beginning to provide extensively for phthisis patients in their Poorhouses, the work is now to be undertaken by the Local Health Authorities. We note that the Majority Report makes no protest against this enormous extension of the area of overlap between the two sets of Authorities, and expressly assumes that, to the extent that

[1] Circular of 10th March, 1906, of Local Government Board for Scotland.

tuberculosis prevails among the present pauper host, the Poor Law is to be broken up, and its functions gradually taken over by the Local Health Authorities. Apparently it is admitted that, with regard to persons suffering from tuberculosis in any of its forms, we must give up the assumption that they have some "defect in the citizen character," in common with the vagrants and the unemployed workmen; or at any rate we must give up any idea of treating them for this moral defect or grave danger to their integrity.

What the public welfare requires is, as is now admitted, that these sick persons should be treated with a single eye to arresting the course of their disease, and restoring them as soon as possible to physical health. Moreover, as sickness is plainly, to an undefined extent, the result of bad environment—of overcrowding, insanitation, unwholesome food, polluted water, or injurious conditions of employment—it is important that it should be in the hands of an authority officially cognisant of this environment, and empowered to alter that which is producing the sickness. The question necessarily arises whether there is any ground for dealing with any neglected sick persons who need medical treatment, in any different way from that in which we have now decided to treat phthisis patients—whether we have any more ground for assuming the co-existence of a "defect in the citizen character" or "grave danger to its integrity," along with cancer, rheumatism, lead poisoning, hernia, or varicose veins, than along with pulmonary consumption—whether, in fact, the State has any justification for treating any sick person at all otherwise than with a single eye to arresting their diseases and preventing their occurrence in others—whether in the interests of the community as a whole we are not bound to drop the idea of "deterring" the sick "by expectation and example" from coming to be cured, and are not bound therefore to put the whole function into the hands of the organ which the State has created for the prevention and treatment of disease, namely, the Local Health Authority?

When we turn to the aged, who make up the bulk of the remainder of the pauper host, the question of whether or not we can assume the universal existence of a "defect in the citizen character" or "grave danger to its integrity" becomes irrelevant. As there can, speaking practically, be no idea of improving the character of the aged, it is difficult to see why it should be suggested that the worn-out men and women for whom the State has to provide, and whose moral defects cannot now be cured, should necessarily be merged with the persons whose assumed moral defects are still curable, and who are therefore to be placed under an Authority specialising on this business of treating the "defect in the citizen character" that always accompanies the need for State maintenance. In the case of the aged, in fact, the assumption that they should be placed under a Poor Law Authority with a view to remedying their assumed defects becomes hypocritical. In their case, it is clear, their retention in the class "pauper," and their relegation to the Poor Law Authority, is advocated, not for their own good. They are, it is suggested, to be accorded a treatment other than that which the State would otherwise afford to them—that is to say, they are to suffer the stigma of pauperism—merely in order "by expectation and example" to

deter other persons from taking advantage in their old age of the maintenance which the State affords. This policy we are relieved from having to characterise, because by the passing of the Old Age Pensions Act of 1908, the community has, even whilst we were deliberating, definitely declared against it. We see, therefore, no need whatsoever, now that there is in every County and Burgh a special Authority for the aged (the Local Pension Committee), for relegating any aged persons to the Poor Law Authority.

Of the non-ablebodied paupers—and it is for the non-ablebodied that the Scottish Poor Law lawfully provides—there remain only "the feeble-minded," and the epileptic, and the persons of "unsound mind," who make up nearly one-fifth of the whole of Scottish pauperism. Of this fifth, about two-thirds are already under the administrative care, not of the Poor Law Authority at all, but of the Local Lunacy Authority, whilst about one-third (including the epileptics, the uncertified imbeciles, and the merely feeble-minded) are still looked after by the Parish Councils. All these persons, we must admit, actually do have, co-existing with their pauperism, a "defect in the citizen character," a mental weakness frequently "moral" in its nature, and one which is coming more and more to be regarded as susceptible to appropriate treatment. Here then, if anywhere, one might think that there is ground for assigning these paupers to the Authority which is by its supporters assumed to specialise on the treatment of the specific "defect in the citizen character," which is asserted to be co-extensive with the need for State maintenance. But the Royal Commission on the Care and Control of the Feeble-minded, after exhaustively examining the subject and concentrating its whole attention upon it, came to the conclusion that the Poor Law Authority was inherently unsuited for treating any kind of mentally defective person, and decided to recommend the removal of all such persons from the sphere of the Poor Law, and their being placed henceforth entirely in the hands of an Authority, the Local Lunacy Authority, which had both the special knowledge and the special machinery for treating *the mental defectiveness that had been actually proved to exist*, rather than the hypothetical "defect in the citizen character" that their need of State maintenance is supposed to imply. Our colleagues who have signed the Majority Report, torn between their own assumption of the need for "one Authority and only one Authority" for all the destitute, and the very authoritative recommendations of the contemporary Royal Commission, have apparently been unable to come to any certain conclusion as to what they wish done with regard to this one-fifth of all the paupers. In the Majority Report for England and Wales, dated February 1909, our colleagues concurred with us in recommending the carrying out of the proposals of the Royal Commission on the Care and Control of the Feeble-minded; in desiring the transfer of all provision for the mentally defective to the Local Lunacy Authorities; in urging the removal from this unfortunate class of the "stigma of pauperism," and in so far "breaking up the Poor Law," and departing from the idea of relegating all who needed State maintenance to "one Authority and one Authority only," which should treat them all for their assumed common "defect in

the citizen character."[1] In the case of Ireland, where the lunatic asylums are at present entirely outside the Poor Law, and their inmates are not paupers, our colleagues, in their Majority Report, dated June 1909, recommended exactly the opposite course from that which they proposed for England and Wales. Instead of transferring the feeble-minded to the Local Lunacy Authority, they recommended that the Local Lunacy Authority should cease to exist as a separate Authority; and that all the lunatics and lunatic asylums should be transferred, along with the unemployed workmen and the infectious sick, to the new Authority that they wish to administer the Poor Law. When we come to Scotland, our colleagues, in their Majority Report dated October 1909, *made no recommendations on the subject at all as to the Authority*;[2] and are therefore in the position of implicitly endorsing the *status quo*, which, as we have mentioned, is one of overlap between the Poor Law and Lunacy Authorities, each of which has under its administrative care a certain proportion of the lunatics, idiots, imbeciles, epileptics, and feeble-minded for whom Scotland has to provide, and with regard to some of whom very inadequate provision is now made. We cannot agree to leave the matter in this way. We do not see that the nature of lunacy or feeble-mindedness differs in the three Kingdoms to such an extent as to warrant three different policies in its treatment. We think that the first mind of our colleagues was the best. We, like the Royal Commission on the Care and Control of the Feeble-minded, see no reason why lunatics should be treated as paupers any more than as criminals. We certainly see no reason why Scottish lunatics and feeble-minded should remain paupers, when English lunatics and feeble-minded are to be relieved from this stigma. We, therefore, think that Scotland should see to it that the mentally defective of all grades are, at the earliest possible moment, wholly removed from the Poor Law and the Poor Law Authority, and placed entirely under the care of the special Lunacy Authority, which can deal with them with a single eye to the needs of their condition.

[1] "With regard to this class, their case is fully dealt with in the Report of the Royal Commission on the Care and Control of the Feeble-minded. If, as we hope, the recommendations of that Commission are carried into effect, a system of control over the feeble-minded will be initiated which will free the Poor Law Administration from one of its greatest difficulties. Meanwhile, we think that, as a provisional measure, the Poor Law Authorities should be given power to detain feeble-minded persons who come under their care" (Majority Report for England and Wales, Part IX. par. 151, Class II. (*a*)).

[2] We find merely a recommendation that powers of detention of unmarried mothers be given to the Poor Law Authority. "We think that if they can be medically certified as feeble-minded, they should be detained by a judicial warrant authorising such detention, and we approve the recommendations to that effect made by the Royal Commission on the Care and Control of the Feeble-minded" (Majority Report for Scotland, Part III. ch. xii. sec. 323). In a later section of the Report, in describing the cases in which it is recommended that the Poor Law Authority should exercise powers of "detention or continuous treatment," we read that "All feeble-minded persons, whether unmarried mothers or others, should, we think, be subject to complete control on the lines laid down by the Commission on the Care and Control of the Feeble-minded."—*Ibid.* Part VII. ch. v. sec. 66. We can only infer that our colleagues wish to retain these persons in Scotland under the Poor Law Authority, and to continue to include them as paupers.

We proceed now to consider the last section of all, the adult able-bodied man or woman without means, who becomes destitute through not being in employment at wages. We think that it is invidious and unwarranted to assume that such unemployment is, in any particular case, wholly or even mainly the result of any "defect of the citizen character." We have been unable to resist the evidence that unemployment, and even acute distress from unemployment, comes, as a matter of fact, to workmen of excellent skill and character. We have been much impressed, amid the heterogeneous crowd of "the unemployed," by the number of worthy and capable men who have found themselves thrown out of long-held situations by the bankruptcy of their employers, by some change of industrial process, by the invention of a new machine, or by the decay of particular industries. In these cases, as has been well brought out by Mr. W. H. Beveridge,[1] the very excellence of the workman, by his long continuance in the groove to which the employer has required him to fit, may have rendered him less capable of obtaining another situation, and even less able to fill it when found. Notwithstanding the frequency of cases of this sort, it is, we think, clear that a majority of those who, in any given state of trade, come into distress through long-continued unemployment or chronic "under-employment," are—with many individual exceptions—either the less strong or the less fit, the less skilled or the less capable, the less responsible or the less regular in their industry of the wage-earning community. Hence though it is the relative defectiveness of the social environment (such as the lack of organisation of the Labour Market, or the anarchic fluctuations of trade) that in the main determine the amount of Under-employment, or the degree to which Under-employment prevails, at any given place and time, it is the relative defectiveness of one wage-earner as compared with another that in the main determines upon which individuals the Unemployment or Under-employment will actually fall. This fact, though it does not relieve us from the necessity of providing for these individuals, serves as a warning against certain proposed methods of provision. Moreover, whilst persons cannot voluntarily become infants or children, or aged or mentally defective, in order to qualify for the provision which the State makes for these sections, and are not likely to make themselves acutely sick or permanently infirm in order to get medically treated, even if this incidentally includes their maintenance, there is an obvious danger that the lower types of men will tend to become destitute through chronic unemployment, if "by expectation and example" they see any chance of maintenance without sustained effort, under conditions as pleasant to them as work at wages. Hence, in the case of the able-bodied, it is true that the result of the State provision on the amount and quality of productive effort, not only in the persons treated, but also in all those who might "by expectation and example" be led to apply for treatment, becomes the paramount consideration.

The suggestion that "where there is a failure of social self-maintenance . . . there is a defect in the citizen character, or at least a grave danger to its integrity," is, indeed, in any careful analysis, seen to be true, if at

[1] *Unemployment*, by W. H. Beveridge, 1909.

all, of the able-bodied and of the able-bodied only. It is exactly because we realise the overwhelming importance to the character of the community of stimulating, in all sections of the able-bodied, the desire and faculty for self-maintenance, that we urge the necessity of having an Authority dealing with the able-bodied, and with the able-bodied only. It is, we suggest, just because the Parish Council, as a Poor Law Authority, has been required to be simultaneously a Hospital Authority for the sick, an Asylum Authority for the mentally defective, an Education Authority for the children, and a Pension Authority for the aged, that it has never been able to deal efficiently with the able-bodied. If it had been able to keep its Poorhouse exclusively for the able-bodied —even for the able-bodied whom the medical officer felt obliged to certify as temporarily disabled lest they should starve to death—it might, at any rate, by appropriate discipline, have stopped the Poorhouse from becoming a visible source of deterioration of the able-bodied inmates. The inference, therefore, that we draw from the argument as to the "moral factor" in destitution, of which, in the case of the able-bodied, we recognise the full force, is that it is imperative that there should be, not one Authority for all persons needing public assistance, whatever their age, sex, or condition, but *one Authority for all the adult able-bodied persons* who are not specially certified as sick or permanently incapacitated, as mentally defective, or as having attained a specified limit of age. We regard the wise treatment of all such adult able-bodied persons as have to be maintained from public funds as being of such great difficulty and complexity as to demand, not only that it should be the work of a single Authority specialising on their problem, but also that this Authority should be one free from the influences of particular localities, and able to command the highest administrative skill that the nation can supply.

There is an additional reason for not thrusting the able-bodied unemployed person into the hands of a new Poor Law Authority restricted to the function of relieving destitution. Up to the present, the Scottish Poor Law has not included any provision whatsoever for the able-bodied, the only lawful method of relief from public funds being that afforded by the Distress Committee under the Unemployed Workmen Act of 1905. Hence the famous principle of the English Poor Law reform of 1834—that the condition of the able-bodied pauper should always be less eligible than that of the lowest grade of independent labourer—has never been adopted by the administrators of the Scottish Poor Law. To transfer, as is proposed by our colleagues in the Majority Report, the whole responsibility for the able-bodied unemployed from the Distress Committees to a new Poor Law, or, as they say, Public Assistance Authority, would, we think, inevitably tend to introduce into Scotland a principle which has, in England, proved a complete failure. We now see that the condition of the lowest grade of independent labourer—whether he is chronically "under-employed" like the whole class of dock and other casual labourers, or "sweated" like the home-working chairmaker or slipper-maker—is so deplorably below the level of adequate subsistence that to make the lot of the pauper "less eligible" means to reduce him below any acceptable standard of civilised existence. It has been found, in fact, impossible to give the pauper less food, less clothing,

less rest and sleep, or less eligible housing accommodation than that of the lowest grade of independent labourer without actually and obviously impairing his physical health. Hence the alternative has been to concentrate the "less eligibility" on the conditions of the pauper's mental life. However worthy and innocent have been the able-bodied applicants for Poor Law relief, the policy of the English Poor Law has been to degrade them in their own eyes and in the eyes of the public, to exclude them from citizenship by depriving them (though not the convicted criminals) of the right to be placed on the electoral register; to subject them to hard labour of the most monotonous and useless character, such as stone-breaking or corn-grinding, or even oakum-picking; to subject them to the shameful promiscuity of the General Mixed Workhouse or the gaol-like severities of the Able-bodied Test Workhouse; and this "deterrent" treatment has, by the very principles of the Poor Law, had to be meted out to all comers, whether or not they have been found, as a matter of fact, to have any moral defect at all. This "principle of less eligibility" has been, in fact, in the English Poor Law, a mere device for mechanically diminishing, "by expectation and example," able-bodied pauperism—meaning help from the Poor Rate. It has been found wholly ineffective (and has, indeed, stood in the way of the adoption of anything effective) for diminishing the able-bodied destitution which leads presently to pauperism, as well as for striking at the causes which bring men to this destitution. This policy of "less eligibility," into which any Poor Law Authority is only too apt to be driven in dealing with the able-bodied, seems to us so futile and so barbarous in its inhumanity, and leads to such demoralising forms of parasitism on the labour of women and children, on begging and vagrancy, and even on a career of crime, that we should regard its introduction into Scotland, by the new Public Assistance Authorities that our colleagues propose, as nothing less than a national disaster.

We think that the time has come for the nation definitely to repudiate the policy of "deterring" persons who are destitute from coming under the care and control of the State; and this equally when the destitute persons are able-bodied and when they are sick or mentally defective. We urge the deliberate adoption of the opposite principle of searching out those who are in any respect destitute, with a view to taking hold of their cases at the earliest possible moment, when they may still be curable, and of enforcing on all able-bodied persons the obligation to maintain themselves and their dependants in health and efficiency. We consider that it is now possible to proceed with regard to unemployment on the same general lines as we proceed with regard to illiteracy in children and with regard to infectious disease. We recommend that, by the systematic enforcement of parental responsibility for the condition of all dependants by the Local Education Authority and the Local Health Authority, and by the systematic suppression of mendicity and vagrancy by the Local Police Authority, every person who is not in a position to provide for his wife and children, or who wilfully or negligently abstains from doing so, should—whether or not he applies for assistance—stand revealed to the new Authority that we propose for dealing with the able-bodied. By an organised use of the National Labour Exchange this Authority

will be able to ascertain whether there are possibilities of employment for such men, and where such openings are, and what is the kind of training that they require. If resort to the National Labour Exchange becomes general among employers, and if it is made compulsory on those who take on hands for casual jobs, it will be possible for the Authority so to "dovetail" jobs and seasonal occupations as to go far towards ensuring continuous employment for those who are taken on at all. There will remain the persons who by this very "decasualisation" of labour and suppression of chronic "under-employment" are squeezed out of their present miserable partial earnings. For these it must be the duty of the National Authority to provide, and, as soon as possible, absorb them in productive industry. Fortunately there is at hand in the diminution of boy labour by the increasing absorption of the boy's time in technical education, in the reduction of excessive hours of labour on railways, tramways, and omnibuses, and in the withdrawal of the mothers of young children from the labour market when they are required, as a condition of their aliment, to devote themselves to their family, together with the possibilities of development opened up by afforestation, etc., which we have elsewhere sufficiently described, more than enough opportunities for the absorption of this temporary surplus. But the cyclical fluctuations of trade, with the consequent waxing and waning of the aggregate demand of productive industry, must always be counted on; and these cyclical fluctuations in demand for labour, as we have shown, can be counteracted, and the volume of wage-earning employment in the country as a whole maintained at something like a constant level, by a mere rearrangement over each decade, of the Government works and orders that must in any case be executed within the decade, though not necessarily, as at present, in equal instalments year by year. All this organised attempt *to prevent unemployment*, which we regard as the primary duty of the National Authority, though we have reason to believe that it can obviate the greater part of the involuntary lack of work from which so many of the wage-earners now suffer, will not, of course, completely secure every individual workman in permanent employment. To provide for such cases we look, in the main, to a great extension of Trade Union insurance, rendered possible to many more industries than can yet organise "out of work benefit" by adequate subventions from public funds on the lines of the well-known Ghent system. Finally, when all this is done, the National Authority for the able-bodied will still have on its hands those who are for one reason or another uninsured, and for whom, whether from their own faults or defects or not, the Labour Exchange fails to find a situation. But even these must not be deterred from coming under care and control, and must, in the public interest, not be kept at arm's length to degenerate or become demoralised. For them the National Authority must provide maintenance, with adequate Home Aliment for their dependants, in the way that we have described, and under the course of physical and industrial training best calculated to make them more fit than they now are for the work which the Labour Exchange will, sooner or later, be able to find for them. We see no reason for penal conditions, such as have prevailed in the English Able-bodied Test Workhouses, for any honest and willing man. Only

when a man has been definitely proved to be unwilling to work for the maintenance of himself and his dependants, or persists in recalcitrancy and refusal to co-operate in his own cure, need he be committed by the magistrates to a Detention Colony, there to be treated in whatever way is found best adapted to remedy the moral defect which he will then have been actually convicted of possessing.

To sum up, we hold it untrue and unwarranted to suggest that all those whom the State finds on its hands as destitute—the infants and children, the sick and the mentally defective, the aged and the unemployed able-bodied—have necessarily any moral taint or defect in common, for which they need all to be treated by a single Authority, or can properly all be treated by such an authority, specialising on this presumed common attribute. We hold, on the contrary, that experience has demonstrated that, although individuals in all sections of the destitute may be morally defective, and this in all sorts of different ways, the great mass of destitution is the direct and (given human nature as it is) almost inevitable result of the social environment in which the several sections have found themselves; and that it can, to a large and as yet undefined extent, be obviated if the cases are taken in time, and the environment appropriately changed. We suggest that the failure of the existing Poor Law Authorities is due mainly to the fact that, as Poor Law Authorities, they are inherently incapable of getting hold of the cases in time before destitution has set in, and that they are necessarily prevented, by their very nature as "Destitution Authorities," from changing the social environment which is bringing about the destitution, or from providing the new environment that is necessary, whether by way of treatment or by way of disciplinary supervision after actual treatment, either for the infants or for the children, for the sick or for the mentally defective, for the aged and infirm or for the unemployed able-bodied. We consider that it is proved, by the experience of the several specialised and preventive Authorities that have been established for this purpose, that the arrest of the causes of destitution, and the necessary changes in the social environment, can be effected only by making each such Authority responsible for its own special part of the work of prevention, and for providing the appropriate treatment for the particular section of persons in whom it may have failed to prevent destitution. We fully admit the importance of the "moral factor" in contributing to the production of some of the destitution in all the sections; but the moral defect is not always in the destitute person himself, and we hold that this "moral factor" can never be effectually dealt with, and can never be subjected to the disciplinary and reformatory treatment that it requires, until we give up assuming its existence where we have no actual proof, and until we are prepared to base such treatment solely upon the definite conviction, by judicial process, of particular individuals for particular offences. In no case, whether individually innocent or morally guilty, do we think that the destitute person should be refused treatment, or "deterred" from applying for it. On the contrary, we hold that every destitute person not under treatment is a menace to the commonweal; and the public authorities should therefore search out all such cases, as if they were cases of typhus, and endeavour to get hold of them at the most incipient stage

of the disease. And if we are asked what we would substitute for the "deterrent" treatment of the Poor Law, in order to protect the State from being eaten up by a multitude of applicants for its aid, we reply that in no case do we suggest the provision of maintenance, or of any form of public assistance, otherwise than in the guise of the most appropriate treatment for the actual disease or infirmity or lack that the individual is demonstrated to be suffering from; that this treatment is not necessarily gratuitous, efficient provision being made for recovery of cost wherever there is ability to pay; that such treatment is never unconditional, and is from the very nature of the case disciplinary; that it necessarily includes long-continued supervision, even after treatment; and that co-operation in one's own cure, together with willingness to fulfil all parental, marital, and personal obligations, *opportunity to doing so being provided*, will for the first time be really enforced, and if necessary enforced, when other means have failed, by commitment to a Detention Colony.

Summary of Conclusions

It is on all these grounds that we feel compelled to dissent from the recommendations of the Majority Report in favour of setting up a new Destitution Authority, which should administer relief only at the period of destitution, and which should have under its charge indiscriminately men, women, and children, the sick and the healthy, the infant and the aged, the unemployed workman and the incorrigible vagrant. We believe that the establishment of any such general Destitution Authority, under whatever designation, and however selected or appointed, would inevitably lead to the perpetuation of the General Mixed Poorhouse, and the customary dole of Aliment or Outdoor Relief. We cannot but fear that such a proposal means the abandonment of any hope of *preventing the occurrence* of Unemployment and the gradual sinking into destitution that we see going on; that it implies practically a despairing acquiescence in the daily manufacture of "unemployables," and in the daily creation of new pauperism, which is the disquieting feature of the time. We, on the contrary, believe that *destitution can be prevented*, and that it is the business of the State, in its national and local organisation, to take the steps necessary to prevent it. In this dissent we have confined ourselves to argument as to the general principle. We have not attempted to make definite and detailed recommendations as to how the principle of breaking up the Poor Law, and transferring its several services to the specialised preventive Authorities, should be applied to the present machinery of administration in Scotland. We do not feel qualified, for instance, to decide whether the care of the children can be best entrusted wholly to the School Boards, or whether, with a view to an equalisation of the rates, this work might advantageously be shared in by the County Committees of districts under the Education (Scotland) Act of 1908. We do not pretend to advise whether the District Boards of Lunacy, with the new duties with regard to the feeble-minded, and the complete disconnection of all their work from the Poor Law recommended by the Royal Commission on the Care and Control of the Feeble-minded, as well as by ourselves, should or should not be modified in constitution; or whether

it might not be more advantageous for Scotland, and more calculated to relieve its local administration from an onerous and unequally distributed burden, if the whole work of providing for the mentally defective were made a national service and a national charge. With regard to the Local Health organisation, which has in some parts of Scotland to cope with great geographical difficulties, we do not feel warranted in making any definite recommendation as to the constitutions, areas, and powers of the present Health Authority in Burghs and Counties respectively. Nor do we think it necessary to pronounce upon the question of whether the National Department for the Able-bodied—with its Labour Exchanges, its help towards Insurance against Unemployment, its duty in regularising the seasonal trades and "decasualising" casual labour, its work in promoting the absorption of the surplus labourers who may be thus squeezed out, its attempts to regularise the aggregate national demand for labour, and its training establishments and Detention Colonies—should be separate and self-contained for Scotland, or whether it might not, like the Board of Trade and the Factory Inspection Department, more advantageously form part of the wider organisation for the United Kingdom as a whole. All these are administrative details to be determined by those personally acquainted with Scottish Local Government, and in accordance with Scottish public opinion. We must content ourselves with suggesting that, if it is thought that the time has come when we need no longer rest satisfied with merely relieving destitution, but can start an effective campaign for its prevention; if it is felt that the children ought to be rescued from demoralisation and the sick from preventable disease and preventable suffering; if it is desired to put an end to the demoralisation and destruction of character now caused by Unemployment, and especially by Under-employment, then we must proceed generally upon the lines herein laid down.

We therefore recommend:—

1. That the Scottish Poor Law be abolished, and in its stead an entirely different method of provision for those needing public aid be inaugurated, so as to get rid of pauperism, both the name and the thing.

2. That a systematic Crusade against Destitution in all its forms be set on foot; against the destitution caused by Unemployment, the destitution caused by Old Age, the destitution caused by Feeble-mindedness and Lunacy, the destitution caused by Ill-health and Disease, and the destitution caused by Neglected Infancy and Neglected Childhood.

3. That the Local Education Authority be empowered and required to search out all children of school age within its district who are destitute of proper nurture, and to secure to them a fitting upbringing.

4. That the Local Health Authority be empowered and required to search out all sick persons within its district who are destitute of medical attendance, all infants destitute of proper nurture, and all infirm persons needing medical attendance and nursing, and to apply the appropriate treatment, either in the homes or in suitable institutions.

5. That the Lunacy Authority be empowered and required to search out all feeble-minded and mentally defective persons destitute of proper care and control, and to make appropriate provision for them.

6. That the Local Pension Authority be empowered and required to search out all persons within its district who are destitute from old age, and to provide Old Age Pensions for such of them as are able and willing to live decently thereon.

7. That a new National Authority be empowered and required to search out all able-bodied persons destitute of employment; to take the necessary steps both to diminish, as far as practicable, the social disease of Unemployment, and to supply proper maintenance and training for those who are unemployed and unprovided for.

8. That all these specialised and preventive Authorities be empowered and required to enforce, by counsel and warning, by the sustained pressure of public opinion, and where needed by process of law, the obligation of all able-bodied persons to maintain themselves and their families in due health and efficiency.

INDEX OF UNIONS AND OTHER PLACES MENTIONED

INDEX OF SUBJECTS

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