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THE IMPACT OF PAUPER SETTLEMENT 1691-1834*

I

A woman having a settlement
Married a man with none:
The question was, He being dead,
If that she had, was gone?
Quoth Sir *John Pratt* — Her settlement
Suspended did remain,
Living the husband: But, him dead,
It doth revive again.

Chorus of Puisne Judges
Living the husband: But, him dead,
It doth revive again.

W. S. GILBERT MAY NEVER HAVE KNOWN OF THE KINDRED LYRICIST who wrote this anonymous verse in the early eighteenth century, but his work must have been familiar to those thousands of Englishmen who had reason to study guides to the statutes and judicial precedents collectively known as the Law of Settlement.[1] Very simply, as it obtained between 1691 and 1834, the Law of Settlement (hereafter called the Law) established the circumstances under which an English or Welsh unit of poor law administration (hereafter called the parish) became liable to provide poor relief to an individual, and the legal means of deporting, under certain conditions, the individual (hereafter called the sojourner) who had no legal right to relief from the parish in which he dwelled.[2] But the Law was not simple, and generations of lawyers derived income from litigious parish officers, intent on saving their parish from as many paupers as possible. So intricate in its applications, the Law could appear deceptively clear at the outset of a pauper

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[1] The verse is found in Richard Burn's classic compendium, *The Justice of the Peace and Parish Officer*, 20th edn., 4 vols. (London, 1805), iii, p. 766. In *ibid.*, pp. 689-90, Gilbert could also have found a pauper settlement case reminiscent of the "most ingenious paradox" flummoxing Frederic in the *Pirates of Penzance*. Burn's manual ran through thirty editions between 1755 and 1869.

[2] The civil parish was the most common unit of poor law administration, although there were divisions and unions of parishes for various times, places and purposes.

settlement dispute. The path was wide into the enchanted wood but, if one entered, it was all too easy to lose the way in a labyrinth that only a Judge Pratt could follow.

The Law is not a promising source for the humorous couplet or metaphor when one moves from litigation to the poor themselves, for lives could be dramatically, often tragically, altered by a legal nicety. Jeremy Bentham used a grimmer metaphor when he ironically assessed the Law's apparent intent: "The notion seems to be that the prosperity of the hive depends upon the extirpation of the working bees".[3] This was extreme, but most of his contemporaries shared his belief that the Law was, in the main, nonsensical, inhumane and economically benighted, and most historians have accepted the contemporary consensus.[4] The basic criticism of the Law is that it inhibited the physical mobility of paupers and those whose conditions of life made it seem likely that at some future time they would require poor relief — that is, the majority of the work force. The Law "ensured that the rural labourer, at least, should become not unlike the shell-fish, which cling to the rocks and let the drifting tide bring them their daily food", wrote Dorothy Marshall.[5] "Charity in the grip of Serfdom" is Sidney and Beatrice Webb's colloquial assessment of the pre-1834 poor law in general, and it was the Law, as here defined, that "gripped" the poor.[6] The Webbs take as their point of departure the so-called Settlement Act of 1662, and provide a succinct summation of the criticism:

> The Law of Settlement and Removal inflicted, during the ensuing couple of centuries, so much hardship on individuals, and indirectly, also on the whole body of manual-working wage-earners; may be assumed to have interfered so seriously with the economic prosperity of the community, and certainly involved such a colossal and long-continued waste of public funds, that it demands a detailed examination.[7]

[3] "Fragment on Settlement", 1786: University College London, Bentham MS., box cli/16.

[4] Adam Smith wrote the most well-known assessment in *The Wealth of Nations* (London, 1776), pp. 169-76. Burn, Bentham, Frederick Eden, T. R. Malthus, Patrick Colquohoun and Sidney Smith were other critics, although they were not entirely in agreement. Eden, for example, believed that Adam Smith exaggerated the Law's significance: *The State of the Poor*, 3 vols. (London, 1797), i, p. 181. The fullest appraisal is by a former Chadwick lieutenant, George Coode, *Report to the Poor Law Board on the Law of Settlement and Removal of the Poor*, P[arliamentary] P[apers], 1851 (675), xxvi (hereafter Coode). This report, which included a historical assessment, influenced Sidney and Beatrice Webb's *English Poor Law History*, Part I, *The Old Poor Law* (London, 1927), ch. v. The Webbs provide the best bibliography of contemporary pamphlet literature. For typical later criticism, see A. W. Ashby, *One Hundred Years of Poor Law Administration in a Warwickshire Village* (Oxford, 1912), p. 80; and J. D. Chambers, *Nottinghamshire in the Eighteenth Century*, 2nd edn. (London, 1966), p. 266.

[5] Dorothy Marshall, *The English Poor in the Eighteenth Century* (London, 1926), p. 248.

[6] Webb, *The Old Poor Law*, p. 396.

[7] *Ibid.*, p. 315.

In a powerful synthesis, supported by a wealth of illustration, the Webbs thereupon set forth the most detailed examination the Law has ever received from historians.[8]

Yet even the Webbs approach the Law obliquely, in the context of their larger synthesis of the pre-1834 poor law. Indeed, there are no separate and general historical assessments of the Law. This is curious. Perhaps the legal complexity of the Law, however interesting it may have been on occasion to the legal mind, is inhibiting, especially to those who assume that the Law was, as the Webbs have described it, a "Framework of Repression": the Law may thus appear to deserve an important place in the litany of poor law criticism, but its main lines are thought to be relatively clear. Of course the Webbs' assessment of the pre-1834 poor law is not unchallenged, but the most common alternative to their view of pauper settlement is that it did not matter much. E. J. Hobsbawm, who warns in another context against rejecting "the consensus of informed and intelligent contemporaries", believes that the consensus was wrong in this instance, and that the effect of the Law, on the employment tenure of the rural poor at any rate, "was almost certainly only of marginal importance".[9] Thus, to those who see the Law's impact as baneful, and to those who believe it was of minor import, further appraisal may in itself appear marginally important. This is no more than a guess; whatever the actual reasons for this lacuna in poor-law scholarship, misconceptions are the inevitable consequence. T. S. Ashton, for example, wrote: "If a man left the parish in which he was domiciled, and remained in another for a full year, he lost his right to relief in the first and established a claim to it in the second". This is not so. More recently Michael Rose, himself a student of the poor law, wrote that the 1834 Poor Law Amendment Act "failed to make any drastic change" in the Law. This was not, in fact, the case. Finally, without exception, the importance of the backward-looking, largely transient and ineffective Settlement Act of 1662 has been exaggerated.[10]

Not all misconceptions deserve lengthy correction, but in this case they are symptomatic of an overall misconception of an important aspect of English poor law history and a subject that may deserve

[8] *Ibid.*, ch. v.

[9] The warning was made in defence of the pessimistic view of "The British Standard of Living, 1790-1850", *Econ. Hist. Rev.*, 2nd ser., x (1957-8), p. 46; and the rejection, in the context of the "proletarianisation of the farm-labourer", in E. J. Hobsbawm and George Rudé, *Captain Swing* (London, 1969), p. 46. The latter view may rest partly on the paucity of surviving removal orders (i.e., those whose dislodgement by the Law can be counted), but perhaps more to a perception of the conditions of life of the agricultural labourer.

[10] T. S. Ashton, *The Industrial Revolution* (London, 1948), p. 110 (E. Halévy had made the same mistake: *England in 1815*, New York, 1924 edn., p. 212); Michael Rose, *The English Poor Law, 1780-1930* (London, 1971), p. 191 (post-1834 editions of Burn may have influenced Rose).

its own modest place in a list of those factors contributing to English economic growth in the eighteenth and early nineteenth centuries. The purpose of this essay is to provide a historical framework in which to view the Law, and then to speculate on the social and economic impact the Law may have had between 1691 and 1834. No attempt will be made to subject the Law itself to detailed exposition, for there are many excellent legal treatises that do this well enough.[11] As for the specific applications and consequences of the Law, this essay attempts only a few illustrations, partly because the format is insufficient to do otherwise, but also because still more work on the local level is needed.[12]

Three hypotheses are implicit in what follows. First, settlement restrictions are essential to any welfare system based on compulsory provision for the poor by public authority, and the more complex settlement restrictions imposed in England and Wales from the late seventeenth century were the necessary consequence of a fuller acceptance of the pauper's right to poor relief within a parochial framework. Secondly, these settlement restrictions provided a structure within which improvements in social welfare provisions could develop, and the elaborate poor law administration of the eighteenth and early nineteenth centuries was to some extent shaped by the Law. Finally, the Law served to regulate constructively the mobility of labour, and thereby enhanced industrial development.

The first hypothesis is, in a sense, a truism; there are no open-ended public welfare systems this side of paradise. Whether it is a

[11] The best is Michael Nolan, *A Treatise of the Laws for the Relief and Settlement of the Poor*, 4th edn., 3 vols. (London, 1825). Nolan is rightly critical of Burn's historical observations on the Law (*ibid.*, i, p. 283), but for applications of the Law, the various editions of *The Justice of the Peace and Parish Officer* are excellent. See also Edmund Bott, *Decisions of the Court of King's Bench upon the Laws Relating to the Poor*, 3rd edn., rev. Francis Const, 2 vols. (London, 1793), and the 6th edn., rev. John Pratt, 2 vols. (London, 1827); James Burrow, *A Series of the Decisions of the Court of King's Bench upon Settlement Cases from the Death of Lord Raymond in March 1732*, 2 vols. (London, 1768).

[12] Two of the best are E. M. Hampson, "Settlement and Removal in Cambridgeshire, 1662-1834", *Cambridge Hist. Jl.*, ii (1928), pp. 273-89; and Philip Styles, "The Evolution of the Law of Settlement", *Univ. Birmingham Hist. Jl.*, ix (1963), pp. 33-63. There are a number of useful theses: M. F. Lloyd-Prichard, "The Treatment of Poverty in Norfolk from 1700 to 1850" (Univ. of Cambridge Ph.D. thesis, 1949); Michael Rose, "The Administration of the Poor Law in the West Riding of Yorkshire (1820-1855)" (Univ. of Oxford Ph.D. thesis, 1965); J. S. Taylor, "Poverty in Rural Devon, 1780-1840" (Stanford Univ. Ph.D. thesis, 1966); E. G. Thomas, "The Treatment of Poverty in Berkshire, Essex and Oxfordshire, 1723-1834" (Univ. of London Ph.D. thesis, 1970; hereafter Thomas). I am grateful to Dr. Rose and Dr. Thomas for permission to draw on their theses. "The poor law is studied *ad nauseum*", an archivist once told me, but local studies are an essential preliminary to satisfactory synthesis, although the range of speculation in local studies is too limited sometimes through too close an adherence to perspectives in earlier syntheses.

parish or a nation-state, there will be geographical barriers. Settlement laws may exist independently of any welfare provisions and need not exist at all if welfare is provided voluntarily, but settlement laws are an indispensable adjunct to a workable welfare system based on compulsory provision.[13] There is, of course, room to speculate on the relationship of the Law to the English poor law, as it evolved, and all that will be attempted here is to suggest from the statutes and evidence of their application that the Law passed through four major stages, defined by the grounds on which settlement was determined, and that the grounds in the third stage (1691-1834) apparently reflected an increasing commitment to provide for the poor. The remaining hypotheses are more controversial. That the Law was actually conducive to improved social welfare provisions and that it enhanced economic growth can neither be proved nor disproved with finality. All that can be done is to advance an inherently plausible argument, supported by some evidence of how the Law seemed to work.

Some evidence derives from statutes, court records and contemporary opinion of the literate and public-spirited, but the principal sources are local records, especially of the parish. The relevant parish records take four principal forms — certificates, removal orders, settlement examinations, and correspondence — presented here in ascending order of historical utility and descending order of survival.[14] Such records are scattered about England and Wales, survival being determined partly by accident, although parishes on well-travelled roads or urban parishes especially enticing to rural migrants had greater cause to be professional in administering the Law and to retain records. From these collections, supplemented by quarter sessions records, information exists on the age, sex, occupations and movements of those actually

[13] E. M. Leonard wrote: "We have been so accustomed to hear of the evils of the law of settlement and the abuses of the relief granted in aid of wages, that we perhaps fail to consider the better effects of the existence of a system of poor relief": *The Early History of English Poor Relief* (Cambridge, 1900), p. 302. Leonard's is still one of the most perceptive studies of the poor law. Olwen Hufton, in "Begging, Vagrancy, Vagabondage and the Law: An Aspect of the Problem of Poverty in Eighteenth-Century France", *European Studies Rev.*, ii (1972), pp. 97-123, examined a system lacking strict settlement laws and compulsory provision, and concluded: "The Great Fear was perhaps only possible in a country with such a complex record of itinerant poverty": *ibid.*, p. 123. See also Jeffry Kaplow, *The Names of Kings: The Parisian Laboring Poor in the Eighteenth Century* (New York, 1972), p. 131. These references support the argument that one ought to take the "bad" (the Law) with the "good" (compulsory provision); however, many contemporaries disliked compulsory provision and looked wistfully to the North. See Rosalind Mitchison, "The Making of the Old Scottish Poor Law", *Past and Present*, no. 63 (May 1974), pp. 58-9; and Alexander A. Cormack, *Poor Relief in Scotland* (Aberdeen, 1923), p. 196.

[14] See Appendix, pp. 70-4 below, for a definition of terms and a fuller discussion of the evidence.

documented. In addition, one can obtain a notion of the more important factors determining a settlement, such as the size of families, and the ability of the examinants to sign their names. Yet the material is not easy to use. The removal order, for example, is a dubious device for measuring physical mobility. One cannot assume that the parish to which an individual was removed in the order was one he had ever previously visited, for a settlement could be determined on the basis of a parent's parish of settlement or even a grandparent's. A wife or a widow took her husband's settlement, and that might be a parish hundreds of miles from anywhere she had ever been.[15] Even if the settlement was not derivative, an individual might be legally removed to a parish where he had lived for only a few weeks many decades before. It is impossible, of course, to estimate how representative the surviving collections are, but the far greater problem is estimating how many whose actions were influenced by the Law were never subjected to so much as a settlement examination, for the impact of the Law, as most laws, cannot be measured by legal documents alone. The poor of that time have left few overt statements of the reasons behind their actions, and it is difficult to measure the relationship between motive and action, for this is what it comes to.

The principal value of settlement records is their illuminating detail on the fortunes of individuals and occasionally families and communities. What one most desires in a settlement case is a garrulous examinant with a good memory and an interesting history, magistrates unpressed for time, and a clerk proud of his penmanship but uncertain of the most salient legal points in the testimony. This is, by its nature, the rare nugget. There are aspects of the Law in which quantification is needed — labour migration to and from the parish possessed of an exceptionally complete run of settlement papers, the marital and family status of those subjected to removal, and the use of quarter sessions appeals as an index to the Law's obtrusiveness. Yet most of the interesting questions regarding the Law are, as Philip Styles has suggested, not susceptible to statistical measurements.[16]

II

THE HISTORY

(i) *Birth*

The earliest known English settlement restrictions appear in the laws of Anglo-Saxon kings. Maintenance of the peace, not paupers, was the objective, but the interrelationship of police and poor relief is of very long standing. Did the seventh-century laws of

[15] Derivative settlements were most common in cities, where widows of soldiers and mariners tended to congregate frequently and where children of rural migrants often found no way of establishing a settlement in their own right.

[16] Styles, "The Evolution of the Law of Settlement", p. 63.

Kentish kings imply that the stranger from afar who was accorded three nights' hospitality thereupon became the responsibility of his host in more than a judicial sense? Probably not, so long as he starved quietly, but a thousand years later Michael Dalton informed magistrates: "Note (by an old law) he which commeth guest-wise to an house and there lyeth the third night . . . is accompted one of his [the host's] family . . .".[17] At what point between doom and Dalton this "old law" had influence, and where or whether or not it ever really did, need not be answered here. This is but to suggest that police and pauper relief were tenuously conjoint even before late fourteenth-century vagrancy statutes made this explicit. In these statutes the earliest principle of pauper settlement — a pauper generally belonged, as a last resort, to the place where he was born — was first given statutory form, although then, as later, statute law was surely anticipated by practice.[18] However, the issue of pauper settlement could not be important for another two centuries, not until Elizabethan statutes compelled parishes to provide poor relief. Before this cardinal principle was adopted, a pauper was expected to look to family, lord, city fathers, fellow guild members, church and charitable individuals, with parliament only attempting to define the limits in which the pauper might seek aid. The general intention was to confine the impoverished to wherever they were, if possible, and otherwise to their place of birth (with the place variously defined — city, town, hundred, parish) unless the individual were vouched for by one of repute (a pilgrim with a testimonial from a bishop, for example). Of course there was movement, as the vagrancy statutes suggest.

(ii) *Residence*

A newly important ground for determining settlement was added in 1503-4 — three years' residence.[19] Either birth or residence could now determine settlement. This formula proved sufficiently useful (or innocuous) to be repeated in the reigns of Edward VI and Elizabeth,[20] but residence won precedence in the early seventeenth century, and the duration thereof was whittled away, partly by statute but mainly by judicial decisions and local practice. As

[17] Michael Dalton, *The Country Justice*, 5th edn. (London, 1635, S.T.C. 6210), pp. 99-100. Dalton may be referring to the doom of Hlothaere and Eadric (685-6): see Carl Stephenson and Frederick Marcham (eds.), *Sources of English Constitutional History* (New York, 1937), p. 5.

[18] 12 Richard II, *cap.* 3 and *cap.* 7 (1388). Brian Tierney called the latter "the germ of the whole future law of settlement": *Medieval Poor Law* (Berkeley and Los Angeles, 1959), p. 129.

[19] Residence was mentioned in earlier statutes, but 19 Henry VII, *cap.* 12 (1503-4) was the first to make it coequal with birth and to set a definite time period.

[20] 3 and 4 Edward VI, *cap.* 16 (1549-50), and 14 Elizabeth I, *cap.* 5 (1572).

fruitful and innovative as Elizabeth's reign was in statutory provisions for the poor, there were few innovations in pauper settlement. However, the Elizabethan poor law made the question of settlement central because it fixed on the parish as the entity responsible for providing poor relief, compelled the parish to relieve its paupers and, to some extent, discouraged labour mobility.[21]

No satisfactory picture of early settlement practice emerges from the study of statutes alone. The nebulous nature of legal obligation even in the early seventeenth century is evidenced by the elementary nature of the resolutions of the assize judges. At the Cambridge summer assizes in 1629 the justices of the peace were told "not to meddle either with the removing, or setling of any poore, but only of Rogues". Four years later, on the Norfolk Circuit, the justices were told that a month's residence sufficed to achieve a settlement.[22] Whatever the judges ruled, parish authorities were doubtless clear in their own minds who had a right to relief; those who did not qualify and lacked a helpful magistrate either had to find a parish that would relieve them or look to private charity.

The "Settlement Act" of 1662 was a poor law miscellany which, among other things, gave townships in some northern counties a responsibility in poor law matters previously attached to parishes. About a fifth of the statute related to pauper settlement, but it is possible that none of its provisions on this score were wholly innovative. The gist of these was that forty days' residence or the paying of a £10 annual rent conveyed a settlement. Those meeting neither requirement and needing or likely to need poor relief could be removed to the parish of their last legal settlement; this was the most important aspect of the settlement provisions, but removals had occurred before 1662, and the actual effect of the statute may have been to moderate the short shrift previously accorded the unwelcome sojourner.[23] The preamble to the 1662 statute's settlement provisions reads:

[21] 5 Elizabeth I, *cap.* 4 (1563), and 14 Elizabeth I, *cap.* 5 (1572) are most significant in regard to settlement. Tierney argues that the principle of parochial responsibility was of long standing, going back at least to the thirteenth century. The Tudor innovation was acknowledging the principle by statute instead of ecclesiastical canon: *Medieval Poor Law*, p. 130.

[22] Settlement of rogues had been explicitly treated in 1 James I, *cap.* 7 (1604). The nebulous nature of the Law is seen most clearly in Dalton, *The Country Justice*, pp. 93-103. T. G. Barnes examines the inception and extension of the assize resolutions in *Somerset, 1625-1640* (Cambridge, Mass., 1961), pp. 188-9, and in *Somerset Assize Orders, 1629-1640* (Somerset Rec. Soc. Pubns., lxv, 1959), p. 68.

[23] 13 and 14 Charles II, *cap.* 12 (1662). Nolan wrote: "It is difficult to point out the origin of the power of removal in such cases, as it seems to have been exercised by justices of peace prior to 13 & 14 Car. II which gives it expressly": *A Treatise of the Laws for the Relief and Settlement of the Poor*, i, p. 278. See also Richard Burn, *The History of the Poor Laws, with Observations* (London, 1764), pp. 108-9. Leonard stated: "It is a curious instance of the adoption by statute of a custom that had long existed": *The Early History of English Poor*

(cont. on p. 50)

> That whereas by reason of some Defects in the law, poor People are not restrained from going from one Parish to another, and therefore do endeavour to settle themselves in those Parishes where there is the best Stock the largest Commons or Wastes to build Cottages . . .

and it goes on to attribute a slash-and-burn economy to the poor. This is, in fact, a stylized complaint. Its drift is towards the old notion that the poor should stay put. In so far as it has further meaning, Charles Wilson may be correct in identifying it as "a desire to protect the efforts of those local authorities who were trying hardest to improvise remedies [for pauperism]".[24]

The emphasis given to the 1662 statute stems in the first instance from its convenience as a starting-point for those who wished to enlighten local officials charged with administering the Law. As a legal precedent this statute has importance, of course, but in effect the "Settlement Act" represents the last phase of settlement determined by residence. There is little evidence of its operation in the late seventeenth century. It was amended in 1685 in such manner as to suggest it had not worked well and six years later it was virtually abandoned. While it is unwise to accord too much significance to survival, the overall paucity of removal orders and other settlement papers in the late seventeenth century may be some indication of failure to enforce the 1662 statute.[25]

(iii) *Merit*

Settlement by residence was replaced with settlement by merit

(note 23 cont.)

Relief, p. 109. Precisely how many removals, before and after 1662, were accomplished by formal or informal means, students in county record offices will be in everlasting ignorance. Peter Clark has found that Kentish towns were compelled to restrict their obligations: "Everywhere the administrative restrictions on poor migrants foreshadowed the Settlement legislation of 1662": "The Migrant in Kentish Towns, 1580-1640", in Peter Clark and Paul Slack (eds.), *Crisis and Order in English Towns, 1500-1700* (London, 1972), p. 151.

[24] Charles Wilson, "The Other Face of Mercantilism", *Trans. Roy. Hist. Soc.*, 5th ser., ix (1959), p. 96. Coode was unable to find evidence of the disorders mentioned in the preamble: Coode, p. 41. It is possible that the reference is to something that existed mainly in the popular imagination, as the beggar bands of old. See A. L. Beier, "Vagrants and the Social Order in Elizabethan England", *Past and Present*, no. 64 (Aug. 1974), pp. 7-8, 26; and Paul A. Slack, "Vagrants and Vagrancy in England, 1598-1664", *Econ. Hist. Rev.*, 2nd ser., xxvii (1974), p. 377.

[25] 1 James II, *cap.* 17 (1685) and 3 and 4 William and Mary, *cap.* 11 (1691), by implication, give clear indication of the failure of the 1662 statute. The first established that an individual must give written notice of intent to settle before the forty-day trial period began, and the second inaugurated a new era in pauper settlement, to be discussed. Josiah Child illustrated the ineffectiveness of the seventeenth-century law in *A New Discourse of Trade*, 3rd edn. (London, 1694), pp. 86-7. Certain provisions of the 1662 statute survived the century, however: the £10 annual rental continued to be a means of gaining a settlement, but it only had importance in London and perhaps a few other cities before the nineteenth century. In addition, forty days' residence henceforth became a subsidiary provision, important in certain circumstances, but no longer grounds for settlement in itself. The settlement by written notice in the 1685 statute was modified in 1691 by requiring public notice in church of intent to settle, and in that form it remained until 1795; few settlements were ever obtained

(cont. on p. 51)

in 1691. Henceforth, a pauper was required by a statute of that year to "earn" a settlement, either directly or derivatively through a husband, parent or even grandparent, although the merit principle did not apply to illegitimate children or to circumstances resulting from defaults of parish officers. It was this statute which laid down the most important provisions governing settlement until 1834, and from its interpretations arose those complexities and problems that upset the lives, tempers and principles of paupers, local officials and reformers.[26] In marked contrast to the previously quoted preamble in the 1662 statute is the preamble of a statute of 1697, which modified and extended the major changes inaugurated in 1691:

> Forasmuch as many poor Persons chargeable to the Parish, Township or Place, where they live, meerly for want of Work, would in any other Place where sufficient Employment is to be had, maintain themselves and Families without being burthensome . . . .

And later, regarding migratory labour: "Their labour is wanted in many other Places, where the Increase of Manufactures would employ more Hands".[27]

The 1691 statute introduced four new ways of obtaining a settlement: paying parish rates; serving a year in a public office or charge; completing an indentured apprenticeship, settlement being determined by the apprentice's last forty-days' residence; an annual hiring, if the individual were unmarried and without children (the aforementioned 1697 statute made this less ambiguous by requiring that the person "shall continue and abide in the same Service during the Space of one whole Year").[28] While settlements by apprentice-

(note 25 cont.)

in this way. Memoranda regarding parish intruders, inter-parochial maintenance orders, settlement certificates, removal orders, etc., are found for the seventeenth century, but few surviving settlement collections predate the mid-eighteenth century. That the first settlement examination found for greater London was for 1708 and for Devon, 1709, suggests that the full flowering of the Law dates from half a century after the 1662 statute: Westminster Pub. Lib., St. Martin in the Fields, F5001; Exeter City Rec. Off. (hereafter E.C.R.O.), Membury parish documents.

[26] 3 and 4 William and Mary, *cap.* 11 (1691). Coode discounted the 1691 statute on the curious premise that the provisions were merely restrictions to the forty-day residence requirement enacted in 1662: Coode, p. 262. However, the residence requirement was in itself meaningless after 1685.

[27] 8 and 9 William III, *cap.* 30 (1697).

[28] There were five additional ways to obtain a settlement, derived from judicial interpretations of common law: (1) birthright, especially pertinent for illegitimate children; (2) parents' place of settlement, for legitimate children; (3) marriage, the woman taking her husband's settlement; (4) ownership of an estate; (5) defaults of parish officers. The first was a reflection of what "illegitimate" meant; the second and third, by contrast, recognized the integrity of the family; the fourth, the principle that a man ought not to be removed from his freehold; and the fifth, that illegalities or neglect could cause a parish to forfeit removal rights. Retained from the 1662 statute, as modified in 1685 and 1691, were the £10 annual rental and notice of intent to settle. There were thus eleven ways of obtaining settlement from 1691 until 1795, at which time settlement by public notice and by parish rates were (in effect) abolished: 35 George III, *cap.* 101 (1795). The others remained until 1834.

ship and annual hiring had earlier roots, the 1691 statute was the first in which their relationship to settlement was explicit. Probably as many as two-thirds of the poor who were to be examined in the next century and a half obtained settlements, either directly or derivatively, in one of the two ways.[29]

The modifying statute of 1697 already quoted regulated procedures for giving certificates to the poor who were willing to leave their parish to seek work. The parish authorities granting the certificate recognized a continuing obligation to the certificate-holder and his descendants. A few minor refinements in the Law appear in the eighteenth century, but the only major innovation was a statute of 1795 which acknowledged the inadequacy of certificates. In substance, removal was now restricted to those actually in need of relief and fit to travel (and those adjudged felons, rogues, vagabonds or persons of evil repute); this statute made certificating virtually superfluous. Parishes had become increasingly reluctant to grant certificates in the second half of the century in any case, for by so doing the parish made a commitment that usually could only end if the male pauper served a parish office, acquired an estate, or rented £10 a year.[30] The 1795 statute was in part a manifestation

[29] From a sample of twenty parishes in six counties, 679 out of 985 surviving examinations concerned either a hiring and service or an apprenticeship as the primary issue. Shropshire Rec. Off.: Kinnerley 418/1-115, Stokesay 221/ (incomplete), Mainstone 92; Devon Rec. Off. (hereafter D.R.O.): Ilsington 122A/P010-298, Kenton 70A/P06031-323; Lincs. Archives Committee: Algarkirk, Coningsby (incomplete), Stainfield, Toynton St. Peter, Kesteven quarter sessions (taken at Sleaford); Wilts. Rec. Off.: Horningsham 482/49, Hilmarton 796/51, Lydiard Millicent 673/21, Ogbourne St. George 862/2nd bundle, Purton 336/44; Guildhall Lib. (London): St. Martin Ludgate MS. 1,331, St. Nicholas Acons MS. 11,444; Joint Archives Committee (Westmorland): Great Asby, Bampton, Skelsmergh PC-2/023-64. Of the two, hiring and service was most frequent and troublesome. In the late eighteenth century the parishes of Kinnerley, Stokesay and Mainstone in Shropshire were using a separate printed form for an examination by hiring and service, while many more parishes elsewhere had written formulae prefacing examinations, prepared in advance and excluding all other bases of settlement, so that the justices at the time of the examination could get down to the business of a hiring and service. Hampson found 221 out of 499 settlement cases for early eighteenth-century Cambridge concerned with annual hirings: "Settlement and Removal in Cambridgeshire, 1662-1834", p. 279. Annual hirings were "the most prominent and frequent cause of litigation", according to the *Report from the Select Committee on the Law of Parochial Settlements*, P.P., 1828 (406), iv, p. 1. The committee recommended abolishing this ground for settlement, and this was done in the Poor Law Amendment Act six years later.

[30] 9 and 10 William III, *cap.* 11 (1698), and 35 George III, *cap.* 101 (1795). Certificates led to problems and injustices all round. Elizabeth and Ann Ward, orphans aged seven and five years respectively, were examined in St. Leonard, Shoreditch, in 1798 and were discovered to have a settlement in Risely, Bedfordshire, where their grandfather, a certificated man, had held an apprenticeship to a wheelwright fifty-two years before: Greater London Rec. Off. (hereafter G.L.R.O.), P91/LEN/1216. Such cases were unusual (and, indeed, a 1792 judicial decision held that certificates ought not to extend to grandchildren), but they represented hardship both for the persons removed and the

(cont. on p. 53)

of humanitarian sentiment, but it does not appear to have occasioned a dramatic reduction in removals. It did help mitigate individual tragedies and without it, dearths of corn, war, post-war depression and increasing professionalism in poor law administration over the next decades might well have occasioned even more frequent removals than actually occurred.[31]

(iv) *Residence Restored*

The 1834 Poor Law Amendment Act significantly reduced the importance of the Law in a number of ways. Settlement by birth for illegitimate children was replaced in most instances by allowing the child to take its mother's settlement. Settlement by hiring and service and by holding parish office were abolished altogether. Settlement by sea apprenticeship was also abolished, for it had given rise to some of the most complex and inequitable cases. The £10 annual rental was kept, but carefully hedged — rental must be accompanied by a full year of occupation, the occupier being assessed and paying poor rates for the year. This could not help

(note 30 cont.)

parishes to which they were "returned". Of Kenton's eighty-one certificates, seven are of the late seventeenth century, fifty-four for the first half of the eighteenth century, and only twenty for 1750-95: D.R.O., 70A/Po6324-405. In Harrow-on-the-Hill, out of 122 certificates between 1701-1800, eighty predate 1750 and only four are later than 1775: Greater London Rec. Off., Middlesex Branch (hereafter G.L.R.O., Middx.), DRO3/F3/2/bundles 1 and 2. William Blackstone believed that the limited number of methods by which a certificated person could obtain a new settlement "makes parishes very cautious of giving such certificates . . .": *Commentaries on the Laws of England*, 4th edn., 4 vols. (Dublin, 1771), i, p. 362. For the system in its prime, see R. A. Pelham, "The Immigrant Population of Birmingham, 1686-1726", *Trans. Birmingham Archaeol. Soc.*, lxi (1940), pp. 45-80.

[31] Ashby believed that forcible removals were rare before 1760 and limited to the actually chargeable, and that the period for removals, including those only likely to be chargeable, was between 1756-95: *One Hundred Years of Poor Law Administration in a Warwickshire Village*, pp. 73-4. Yet E. M. Hampson observed "a more frequent note of spontaneous kindliness" in correspondence relating to settlement issues in the late eighteenth century: *The Treatment of Poverty in Cambridgeshire, 1597-1834* (Cambridge, 1934), p. 102. Thomas, writing of the cloth industry in Berkshire, Essex and Oxfordshire, stated: "The removal orders largely coincide with known periods of depression and final decline": Thomas, p. 244. National statistics on the numbers removed exist for the year ending Lady Day 1828: the total was 43,677, according to *Poor Rates: Abstract of Returns*, P.P., 1829 (78), xxi, pp. 4-5, but this is an isolated compilation. Possibly the number of settlement cases, or at least those of which we have evidence, increased out of proportion to either the rates or other economic factors in the 1820s. Of the 446 cases in Kenton and Ilsington, incidence doubles in the fifteen years preceding the Poor Law Amendment Act over the rate of the preceding century, while of the 287 removals to and from Harrow-on-the-Hill the average is five a year between 1820 and 1834, as compared with a rate of only two a year over the preceding century: D.R.O., 70A/Po6031-6323, and 122A/Po10-298; G.L.R.O., Middx., DRO3/F3/1. One must consider the greater likelihood of survival in later years, but even so perhaps the Law was being used more frequently than economic circumstances fully explain: increasing professionalism among poor law administrators also seems a likely factor.

but reduce settlements from rentals, for it gave local officials control through decisions on assessments. Settlement by estate ownership was made more restrictive. All these changes were important modifications of the merit system, but even more important were the more complex removal procedures imposed by the statute, and it is this feature which makes it plausible to see the statute as a partial return to the residence principle.[32] Subsequent legislative changes served to obscure the extent to which the statute had altered the Law; in addition, the older grounds for achieving settlement were not retrospectively invalidated, so that the immediate effect was to increase the Law's complexity. Strangely, the statute has been criticized for not being retrospective:[33] yet the cost of this in human suffering and parochial disorder caused by a sudden revolution in social welfare obligations would have been high indeed and, apart from administrative chaos and rank injustice, the English legal tradition does not extol *ex post facto* law. Additional amendments followed in the 1840s and, in 1876, full circle on the basic requirements was reached by re-establishing the three-year residency first specified in the statute of 1503-4.[34]

There were, of course, further changes in the social welfare revolution of the twentieth century, including the Law's abolition in 1948, but the flavour of the Law lingers faintly to the present. Although the legislation of the post-war Labour government was sweeping, it is still possible for a person or family to suffer constriction of welfare benefits as a result of a change in address and be either batted about by, or temporarily lost in the interstices between, overlapping local authorities.[35]

III

THE CONSEQUENCES 1691-1834

The era in which the Law was most pervasive and significant was the third, when merit determined settlement. To attach right to relief to the position one held or had held in a parish raised thorny questions of defining consistently the precise grounds for recognizing

[32] 4 and 5 William IV, *cap.* 76 (1834). The legal changes are examined by John F. Archbold, *The Act for the Amendment of the Poor Laws*, 3rd edn. (London, 1835), while the impact can be seen in parish settlement collections. Archbold believed that the statute led to inequities, for cases thereafter were decided too much on points of form rather than on substance: *The Law Relative to Examinations and Grounds of Appeal, in Cases of Orders of Removal* (London, 1847). For a later legal assessment of the statute, see Herbert Davy, *Poor Law Settlement and Removal* (London, 1908), pp. 273-7.

[33] Robert Pashley, *Pauperism and Poor Laws* (London, 1852), pp. 260-1; Webb, *The Old Poor Law*, p. 345; Rose, *The English Poor Law*, p. 191.

[34] 39 and 40 Victoria, *cap.* 61 (1876).

[35] Take, for example, the "temporary" accommodation of Chaucer Flats in Southwark, the history of which was aired in a B.B.C. television documentary, 19 Sept. 1972.

a settlement. Most of the defining was left to the courts after parliament had done its work in the 1690s, and there is no doubt that parliament conferred on the lawyers a field rich for judicial interpretation. This was, of course, financially rewarding to lawyers — the only good George Coode could see in the Law.[36] Yet it is possible to see "good" on other grounds.

(i) *The Law and Poor Law Administration*

One cannot read many settlement examinations without concluding that the lives of those examined and the actions of their employers and parish officers, as recalled by the examinant, had been influenced by the Law, although not in such a way as to bear analogy to the Webbs' serfdom or Marshall's shell-fish. Examinants did move, often with complete freedom.[37] The primary effect of the Law was to reinforce constraints on movement arising from illness, having a family, or growing old. The Law was also, as revealed in the examinations, the occasional medicine of poor law administration, except perhaps in the largest and most attractive parishes, which were bothered by a steady influx of sojourners. Yet the examinations suggest that officials in less frequented parishes often had an imperfect knowledge of how to proceed, the result of inexperience and ignorance.[38] That the Law proved a clumsy instrument in the hands of many overseers, clerks and magistrates does not reinforce the thesis that the Law had little impact. Vague fears and expectations may well have had more effect than expert knowledge, on parish officers, employers and examinants alike. The influence of the Law was

[36] Coode, p. 93.

[37] Thomas found the poor in rural areas of Berkshire, Essex and Oxford "constantly mobile within about six miles": Thomas, p. 278. He observed especially high mobility along the coastal area of Essex: this was also characteristic of Devon coasts. In Kenton and Ilsington (the latter is inland), it was more common to find a former resident from North America than from any county outside the south-western peninsula: D.R.O., 70A/Po6031-6323; 122A/Po10-178. Long-distance migrants tended to congregate in the towns, such as Totnes: D.R.O., 1579A/B. Miss J. C. Sinar, County Archivist of Derbyshire, wrote of that county: "If there was work there was movement"; letter to the author, 5 Oct. 1970 (I am grateful to Miss Sinar for permission to use suggestions made in private correspondence). The aphorism has general applicability. I found no time nor place where examinations suggest that healthy, young, single men and women were generally impeded in their movements by parish officers.

[38] Parish officials with numerous sojourners used the Law to measure relief obligations. In Bere Ferrers, 1766-1842, most of the examinants were miners, many from neighbouring Cornwall. It seems clear that the major purpose of the examination here was not to facilitate removal or even discover the pauper's settlement, but to confirm the miner's status as sojourner without a legal claim on the parish: D.R.O., 1237A/ and Add. Po21. Miss Sinar has found evidence of systematic inquiry into settlement in some Derbyshire parishes: *ibid.* Great Stanmore to the north of London examined indiscriminately, it seems: G.L.R.O., Middx., DRO 14/F2/1. On the other hand, in a seldom visited rural parish, invocation of the Law was an exceptional event.

pervasive, the examinations show, if only in a nebulous and unquantifiable way.

With this in mind, consider Adam Smith's oft-quoted statement:

> There is scarce a poor man in England of forty years of age, I will venture to say, who has not in some part of his life felt himself most cruelly oppressed by this ill-contrived law of settlements.[39]

Note what is being said. Smith, by referring to the age, allows (albeit grudgingly in his former argument) for the mobility of youth, with which the Law seldom interfered. He does not suggest that the poor everyman to whom he refers could expect by age forty to be examined and removed, but that scarcely one of them had not felt the restraining influence of the Law. This is plausible. Whether this restraint was cruelly oppressive or the Law ill-contrived, depends on what is meant by such terms. As compulsory provision was the charge of the parish in which the poor man had a settlement, the Law was an essential aspect of his social security, and in this sense had a comforting consequence but, like taxes and social services of a later time, the means were obtrusive and the ends sometimes taken for granted. And to conclude that the Law was ill-contrived is in a sense beyond dispute for any student of its intricate applications. This, of course, need not imply that there was a better alternative than that of the general working of the Law, or that the overall impact was as unfortunate as Smith believed. Reserving further comment on this for the moment, a few hypothetical examples of the Law at work may be useful.

Pauper X never left home, never was examined for his parish of settlement, accepted casual assistance from parish officers from time to time over the years, and received at the end the flannel, soap, candles and gin of a generous pauper wake and funeral. No one can ever know what pauper X might have done if such relief had been available to him anywhere or nowhere, although it is plausible to assume that channels of relief had some impact on the pattern of his life. His parish took care of him and so he was likely to take care not to leave his parish. Pauper Y left his Devon parish at age nine to serve an apprenticeship in a neighbouring parish, but broke it to run away to sea. Years later he abandoned the sea to serve an annual hiring in the North Riding. He then moved to Westmorland, where he rented an estate at nine guineas a year, paying only highway and window rates. He lived there for a number of years, receiving at one point casual relief from the North Riding township where he had served the annual hiring. Returning in middle life to the Devon parish of his birth, he served as a casual labourer for various farmers for twenty years. In his sixties, his health failing, with an invalid wife and a subnormal daughter to support, he turned to the parish

[39] Smith, *Wealth of Nations*, p. 176.

officers. They took him before two magistrates; a parish clerk interrogated the pauper, proceeding chronologically, and recording all details pertinent to settlement. The North Riding township was deemed responsible because of the annual hiring, reinforced by the casual relief given when the pauper had been in Westmorland. The parish officers determined that removal, although expensive, was preferable to requesting an out-parish allowance from the North Riding township, partly because they did not much like the family and partly because they had had a bad experience with an out-parish allowance the year before.[40] The clerk filled out the removal order, which the magistrates signed, and the family was conveyed to the North Riding township; the order was not appealed. Poor man Z was born in Shropshire and had travelled to London at the age of twenty. He settled in a suburban parish and, although no pauper, was taken by an overseer before magistrates for a settlement examination, as part of a routine survey of the parish poor. He was healthy and in full employment, so the examination was an end of the matter.[41]

A profile of the "typical examinant" is rash, but even tentative assessment may be more useful than none. From a sample of 801 examinations (1713-1850) from eighteen rural parishes in Devon, Shropshire, Lincolnshire, Wiltshire and Westmorland,[42] he was a married male labourer in his twenties, with one or more children. This was probably also the most common case for removal.[43] Single women and widows, especially with children, were frequently examined; children alone, infrequently. It is not usual to find single men, but the single of either sex is more common to urban and suburban parishes. "Labourer" is by far the most common occupation given, but approximately a tenth were artisans: shoemakers, carpenters and blacksmiths were especially frequent. The

[40] Costs of conveyance must have inhibited removals. Sarah Charlton was removed from Farway, Devon, 25 Mar. 1827, to Crondal, Hampshire, which put Farway out of pocket £6/12/2: D.R.O., Overseers' Accounts, 67A/PO18.

[41] How many of those examined were removed? To take one urban and one rural community — Totnes (240 cases, 1821-38) and Ilsington (170 cases, 1775-1848) — 15 per cent of examinants were removed in the former and 14 per cent in the latter: D.R.O., 1579A/B and 122A/PO10-298. But no satisfactory proportion is likely, broaden the sample as one may, for the proportion depends on how the examination was used in a specific locality. All that is certain is that far more were examined than ever were removed.

[42] See note 29 above.

[43] Of 945 Cambridgeshire quarter sessions cases, 1660-1831, over half were of married men, most of them with families: Hampson, "Settlement and Removal in Cambridgeshire, 1662-1834", p. 277. In a study of 3,200 removal orders in seven five-year periods between 1720 and 1834, L. Bradley found that married men were "above averagely vulnerable and, in particular, that after 1780 married men with families were extremely vulnerable . . .": "Derbyshire Quarter Sessions Rolls, Poor Law Removal Orders", *Derbyshire Miscellany*, vi, pt. 4 (1972), p. 106.

imprecision of the records makes it difficult to trust occupational designations far, but it is an imprecision more likely to underestimate artisans than otherwise and, of course, the widowed and orphaned dependants of one cannot usually be identified. The sample is inadequate, but this suggests that E. J. Hobsbawm was premature in claiming that "the Settlement Laws hardly incommoded the artisan".[44] More detailed study might reduce dependence on "frequent", "common" and "usual", but the evidence is fragmentary and allusive, and even more so for urban parishes for which no profile, however tentative, is justified here.

Most settlement cases were straightforward, and never went beyond the parochial or inter-parochial level, but contentious cases could involve a quarter sessions appeal or even end at King's Bench many months and hundreds of pounds later. While this was not the typical resolution, parish officials had reason not to proceed to remove too blithely, and yet reason also not to develop a reputation for open-handedness. This could not help but have profound consequences for their poor law administration in general.

Briefly, the Law, in the course of time, necessarily stimulated a more professional approach to poor law administration on the part of local officials called upon to administer a body of law made progressively more complex by statutory refinements and the judicial decisions which law enforcement engendered.[45] This professional approach, it is plausible to assume, was carried over to workhouse regimens, allowances, medical contracts and other aspects of administration. Whether a parish employed a salaried official or contracted with an entrepreneur or simply relied on more knowledgeable vestrymen and volunteer (or drafted) officers, the impact of the Law was, by its very nature, contributory to more systematic poor law administration.

But did the Law hurt other aspects of poor law administration by absorbing parish rates and taking the time that parish officers might otherwise have devoted to caring for the poor? Certainly contemporary critics of the Law often deplored the time and money that local officials spent on settlement matters, presuming the poor and the ratepayers both suffered. Parliamentary returns for the year ending Easter 1776 show that the total cost of administering the poor law, including the Law, was slightly more than 2 per cent of the total expenditure on maintaining the poor. More complete returns for 1783-5, 1803 and 1813-15 suggest that for those years the cost was roughly 5 per cent. The administrative costs of the poor law, from this evidence, were not high. The accuracy of the

[44] E. J. Hobsbawm, "The Tramping Artisan", *Econ. Hist. Rev.*, 2nd ser., iii (1950-1), p. 303.

[45] Blackstone saw the Law as giving "birth to the intricacy of our poor laws": *Commentaries*, i, p. 362. As with the law, so with the administration.

returns may be questioned, but it is excessive scepticism to assume that they give no inkling of cost.[46] A more serious caveat is that a mean means little, for the costs could be astronomical in one parish and nil in another. This is true, although parish officers did not have to proceed into the enchanted wood. It is also true that national percentages mask regional variations. Lancashire, for example, which led the counties in the total amount expended on administration in 1813-15 proportionate to overall costs, achieved 11 per cent, which was twice the national mean. Another caveat is that the years of the surveys distort for, if the expansion of settlement papers in parish and quarter sessions records after 1815 is any indication, settlement costs were correspondingly higher in later years, although increased skill in using the Law could have kept costs from increasing as fast as cases. This calls for further attention later, but it is fair here to argue that, all considered, the grounds for maintaining that settlement costs were ruinously high before 1834 depends in part on the definition of "ruinous" and quite certainly on the avoidance of comparisons with the cost of later social welfare administration. As for the other charge, that the time parish officials invested on settlement affairs interfered with administering poor relief, it is no doubt true for certain times and places, but the Law also forced parish officials to be business-like. This may have mitigated both paternal benevolence and unsalutary neglect. In addition, by requiring parish officers to treat with other officers in other parishes, the Law was a bridge between them, and was thus likely to lessen idiosyncratic relief practices. Variegated as the pre-1834 poor law was in operation (and this is usually exaggerated), contrasts might have been more striking if parish officers and magistrates had had less call to make comparisons.

If the Law was not the vine that choked but the trellis that supported, what did it do directly to the poor, apart from exposing them to the advantages and disadvantages of a more professional administration? It gave actual and potential paupers an incentive to understand the Law, for the Law rewarded intelligence and initiative. It is impossible to read many examinations without

[46] For a digest, see *Abridgement of the Abstract of the Answers and Returns . . . so far as relates to the Poor*, P.P., 1818 (82), xix, p. 636. Contemporaries made little use of them, and the Webbs apparently did not consult the most comprehensive returns, which are for the year ending Easter 1803. For criticism, see the pamphlet by an anonymous Lincolnshire magistrate: *Remarks upon a Bill . . . 'for Promoting and Encouraging of Industry'* (London, 1807), pp. 8-9. However, all the returns are useful. Perhaps they have suffered neglect because they did not confirm cherished opinions. Henry Phillpotts, one of the few who had much good to say about poor law administration, used them to attack the notion that the existing laws were expensive to administer: *A Letter to the Rt. Hon. William Sturges Bourne, M.P., on a Bill Introduced by Him into Parliament . . .*, 2nd edn. (Durham, 1819), p.10.

perceiving that some examinants laid down their settlement.[47] If they failed to do so legitimately, a convenient lapse of memory or a "mistake" in chronology might do the trick, for the examinant was himself the principal authority on his own settlement. Even if a witness contradicted the examinant's testimony, the latter's word might carry more weight, for the Law perversely presumed the examinant to be disinterested and that ratepayers or potential payers of the rate were not.[48] Of course, not all the poor subjected to the Law were masters of their fate. Ignorance of the Law, the sudden death of a spouse, illegitimacy, bigamy, illness, unemployment, and factors having nothing directly to do with the individuals or families concerned, could lead to sudden removals.[49] The Law gave parish officers and the poor strong motivation for fraud and unethical stratagems designed to circumvent the Law's intent and often also the most elemental regard for human decency. A list of some of the abuses practiced by parish officers and the employers of potential paupers is in order — binding apprentices to persons in other parishes so that the child would acquire a settlement elsewhere; a hiring that was terminated just short of a year to prevent settlement by hiring and service; shot-gun weddings of prospective parents of an illegitimate child so that the child would take its father's settlement (uncommon everywhere, but more frequent in London); the forced removal of paupers, and even of those deemed likely to be chargeable before the Law was amended in 1795. In addition,

[47] Examinants who had paid exactly £10 as an annual rent in a congenial location and lived there exactly one year, were in some instances probably arranging a settlement. The frequency of wives knowing absolutely nothing about their husbands' antecedents does not accord with the most pessimistic assessment of marital communications imaginable. However, one can usually draw only an inference from an examination or a vestry minute.

[48] In 1783 Vicary Gibbs (Middle Temple) discouraged the parish officers of Modbury, Devon, from appealing two cases in which the paupers and their former masters gave conflicting testimony, for the paupers were held to be more credible witnesses, as one of the masters paid poor rates and the other was liable to pay: D.R.O., 269/Po227. An examinant might even invite removal, as did James Andrews, who had rented £11 a year in Coningsby, Lincolnshire, but when examined stated that the land was not worth it because the landlady had not fenced it as she had agreed to do: Lincs. Archives Committee, Coningsby, 1816. The 1834 *Report* contains a summary of the scope that paupers had in managing their settlements: *Report from His Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws* (hereafter the 1834 *Report*), P.P., 1834 (44), xxvii, p. 91. Those who prepared the 1834 *Report* were poor quantifiers and biased commentators, yet their opinions and evidence have value.

[49] The most frequent invocation of the Law was associated with ill health, which is why the introduction of suspended removals in cases of serious illness in 1795 was so important an improvement. The most lurid cases were of prominent individuals ruined by natural disaster. Bigamy was not uncommon because, for the poor, divorce was impossible: the consequence for the second wife and the children, especially as the family had necessarily travelled, was the break-up of the family.

landlords were accused of pulling down cottages so as to bring down poor rates by destroying the milieu in which future sojourners might earn a settlement.

The Law was easily abused. Burn wrote: "If a master turn away his servent to prevent his gaining a settlement, it is fraud and the settlement will not be defeated", but it was not easy to prove fraud.[50] Indeed, the poor law generally suffered from deficient safeguards. Who was to hold the parish to account? When the parish of Fulham was criminally negligent to Ann Spond in 1794 the officers of St. Luke, Chelsea, discussed indicting the Fulham overseers, but withdrew on the professional advice that "the facts, however bad, would not be of any use to the parish of Chelsea".[51] Magistrates might interfere, if so disposed and alerted, but on the whole Henry Fielding was right when he had Lawyer Scout tell Lady Booby that "the [settlement] laws of this land are not so vulgar to permit a mean fellow to contend with one of your ladyship's fortune".[52] There is a poetic quality to some of the examinations. In 1829 Harriet Williams, the sick widow of a Waterloo hero, was spurned by a professional parish officer who ordered her dumped out of his parish; then a farmer took her by the hand and helped her walk to the parish beyond his own; a gentleman in a gig befriended her until she fainted, whereupon he put her down by the roadside and went on; at length, two labourers found her, borrowed a chair and brought her to an inn, where she told her tale to magistrates.[53] Benevolence is not hard to find either. The care extended by St. Luke, Chelsea, in the late eighteenth century to an aged and thievish alcoholic, to an ex-mental patient, to an attempted suicide, was exemplary, while deep in the City, St. Martin Vintry, blessed with parish officers fortuitously named Messrs. Spendlove and Scattergood, was equally solicitous of its poor.[54] Much that is negative in contemporary opinion reflects natural antagonism between magistrates and parish officers. One Somerset justice of the peace submitted a poem to the *London Chronicle* in which the parish officer was described as "a monster furnish'd with a human frame" and credited with a "reptile soul".[55]

While most of the tragic cases owed less to the practices of parish officers, employers and landlords than to personal circumstances, tragic in themselves, there is no question that the Law often

[50] Richard Burn, *The Justice of the Peace and Parish Officer*, 22nd edn., 5 vols. (London, 1814), iii, p. 358.
[51] G.L.R.O., Chelsea, P74/LUK/15 6 May 1794.
[52] Henry Fielding, *The Adventures of Joseph Andrews* (New York, 1930 edn.), p. 328.
[53] D.R.O., Kenton, 70A/P06270 2 May 1829.
[54] G.L.R.O., Chelsea, P74/LUK/15: Guildhall Lib., St. Martin Vintry, MSS. 606/1 and 601/2.
[55] *London Chronicle*, 10 June 1775, p. 553.

compounded the tragedy and that its administrators could be heartless. It is well to remember, however, that it is a very hypothetical England where local officials could have been denied the opportunity of behaving well or badly towards the poor.

The vast majority of the poor were never subjected to removal proceedings, which is not to say that the Law did not affect them. Most of those who were removed had short distances to travel. The tragedies that took place have been highlighted by a characteristic of survival: of paupers X and Y and poor man Z, it is pauper Y, removed from Devon to the North Riding, that will catch the historian's eye. Parish officers had a stubborn predilection for the least expensive alternative, whatever the affair at hand. In the case of the Law the least expensive option was usually to do nothing, followed by the option of dispensing some casual relief. Yet removals occurred and humans suffered. The point here is not to dismiss this as inevitable or exaggerated, but to suggest that the Law, by stimulating a more sophisticated and comprehensive poor law administration, may have benefited in the long term more people than it victimized.

(ii) *Attitudes*

The preamble to the 1697 statute was quite explicit in approving physical mobility of the poor if it would reduce poor rates and promote industry. Yet as long as there was compulsory provision and the parish was the unit of poor law administration, some restrictions on mobility were inescapable. A means was needed for distinguishing useful mobility, the most obvious being to establish conditions whereby a settlement could be earned. This is what the 1691 and succeeding statutes did. The poor man who faithfully completed an apprenticeship or a year's service to one master, or possessed or rented land, or supported his community by paying taxes or serving in local office, was to be rewarded with a settlement. Settlement by merit, as forwarded by statutes in the 1690s, is in dramatic contrast to settlement by residence in the statute of 1662, but one must not lean too heavily on the statutes. Parliament was, after all, making law in an area where local authorities had usages. Just as the earlier statute had not introduced the principle of removal, so the later statutes did not introduce the principle of merit, but were rather a recognition that the earlier statute had been crude and an acceptance of the various grounds by which individuals, in all probability, had been accorded settlements before 1691. Yet the 1691 statute must be taken as Parliament's explicit recognition of the more flexible and workable principle that the poor could earn a new settlement. Settlement by merit may well be connected with the growth in the number of workhouses from the

1690s. Both appear to be attempts to use the poor law to improve the poor in more than a material sense. Just as the workhouse was supposed to inculcate habits of industry among the poor, so too was the Law designed to encourage faithful service to a master or to a parish community. Both, while influenced by the economic crises of that decade, exemplify the rational approach to social problems characteristic of social mercantilists, such as Jonas Hanway.[56] Flawed and rudimentary efforts at social engineering though they were, both should be identified with extended social welfare provisions in the eighteenth century.[57]

Of course, settlement by merit was not simply the consequence of a wide-spread belief that the Law was itself economically beneficial or morally salutary, but arose because a system of compulsory provision at the parish level could only accommodate physical mobility if parish officials could perceive and be encouraged to live up to obligations that appeared to possess at least a distant measure of equity. One can only conjecture how the parish officers and the poor viewed the obligations and opportunities that this more complex principle of determining settlement imposed: from their perspective, as often as not, "ill-contrived" and "cruelly oppressive" may indeed be the likeliest shorthand description possible.[58] The Law, as it obtained between 1691 and 1834, did not survive because it lacked critics but because it lacked alternatives.

(iii) *Labour Mobility*

What were the alternatives? A national welfare system was clearly not among them; one has only to propose the notion in the

[56] Hanway would have carried merit further by attaching settlement to the ability to spin, knit and sew, coupled with familiarity with the Creed, the Lord's Prayer and the Ten Commandments: Jonas Hanway, *The Defects of Police* ... (London, 1775), pp. 191, 203. For workhouses, see my essay, "The Unreformed Workhouse, 1776-1834", in E. W. Martin (ed.), *Comparative Development in Social Welfare* (London, 1972), pp. 57-84.

[57] The increasing separation of settlement from vagrancy in legislation and administration from the late seventeenth century, in itself suggests an increased sophistication and sensitivity to the problems of poverty and labour migration.

[58] But Coode observed that parish officers and paupers only saw the occasional cases, which are "as the waves on the surface are to the quiet depths of the unfathomable ocean": Coode, p. 3. One can easily exaggerate the Law's obtrusiveness. There was some interest in the "Rural Queries" of the 1834 *Report* in returning to birthplace or residence as the basis of settlement; there was little interest, however, in "Rural Queries" or "Town Queries" in creating either smaller or larger units of poor law administration. Out of 1,470 respondents to the former and 581 respondents to the latter, only 16 per cent and 25 per cent respectively favoured either smaller or larger units of administration: 1834 *Report, Appendix (B.1), Answers to Rural Queries, Pt. V*, P.P., 1834 (44), xxxiv, query 52; and 1834 *Report, Appendix (B.2), Answers to Town Queries, Pt. I*, P.P., 1834 (44), xxxv, query 14. This suggests more satisfaction at the local level than one would expect from the 1834 *Report* itself. See "The Unreformed Workhouse", pp. 67, 73, for an analysis.

context of eighteenth-century England to dispose of it as anachronistic.[59] The poor law, as it obtained, without settlement restrictions, is also a notion that may be dismissed quickly for this is the open-ended public welfare system that never was and never will be. Two alternatives are worth discussing. The first is an abolition of the poor law (or at least compulsory provision), with a concomitant abolition of settlement restrictions, and the second is a simplification of the procedures for acquiring a settlement, either by pruning the number of grounds for settlement by merit or by returning to settlement by birth or residence.

The abolition of the poor law, considered as an alternative, leads one into the mistiest realms of hypothetical history, and yet it may be worth pondering briefly. One result of abolition might have been social disruption sufficient to invoke new settlement restrictions, if only for purposes of police.[60] Assuming this could have been avoided, one must then consider the impact of abolition on the poor, dependent only on philanthropy and self-help. It can hardly be doubted that the consequences of this in human terms would have been appalling. What of the economic consequences of the wage dependent sector of society being deprived of all security except what could be had in times of good health and full employment, or from private charity? Perhaps the result would have been to retard economic growth by encouraging more of the poor to cling with even fiercer tenacity to home in the hope that family, friends and charitable men of means who knew them would give some succour, and where the poor had some familiarity with work prospects, however bleak. And at different places and times the very opposite might have occurred. Would it have been advantageous to economic development if aspirants for jobs had flocked in even greater numbers to places where they thought they could find employment? What would the crises of the manufacturing centres have been like at times of unemployment if their population had been swollen by English labourers (to supplement their Irish and Scottish labourers) without sufficient material motivation to remain near home? It is possible that neither social improvement nor economic growth would have accompanied a still vaster displacement of people than early

[59] It was not too fanciful to be mooted. Josiah Child had espoused a national — or failing that, at least a provincial — administration: *A New Discourse of Trade*, p. 100.

[60] The Law had a police function throughout, observable in both the statutes and local administration. Edward Washborne was removed from Box, Wiltshire, "in consequence of his being suspected of irregular practices": Wiltshire Rec. Off., Vestry Book, 243/5 12 April 1803. The relationship of police and enforcement of vagrancy laws was still closer.

industrialism occasioned with settlement restrictions.[61] This is to argue both ends against the middle, but if one considers the system of settlement by merit as one that regulated rather than prevented movement, then it is not illogical to hypothesize that without it the labour force might have been both too bold and too timid in its search for employment at a time of great change. Clearly this is speculation with a vengeance, and it raises problems I am not competent to explore, but the most likely scenarios for England without a poor law appear, at least on a superficial level, uninviting.

There remains the second alternative, a poor law with simpler settlement restrictions, a Law trimmed of its complexities and yet still part of a locally administered poor law system. There is no question that improvements could have been made and those that were made might have come sooner, but tinkering with the Law does not constitute an alternative in the sense that is meant here. What would have been the effect of a major reduction of the grounds by which settlement could be achieved, such as a return to a residence requirement? There is little doubt that a simpler system could have reduced litigation.[62] However, such a system would also have made it easier for parish officials to limit their obligations by forestalling sojourners before they achieved a settlement. As long as poor law administration was parochially based, this surely would have served in some measure to check physical mobility more effectively than the Law in fact did.[63]

There is, of course, one additional alternative, the one adopted in 1834 and modified by various statutes in the ensuing decades, in which the parish lost its central role. Without taking on an analysis

[61] Arthur Redford assumed that peasants tend to be immobile anyway; this robs his discussion of *Labour Migration in England, 1800-50* (Manchester, 1926) of force when he examines the Law (pp. 70-83). It is likely that without settlement restrictions migration would have been less short-distance in nature. There is no reason to assume, given the particular pressures on the English agricultural labourer, and the general state of English communications at that time, that he would have stayed put or only moved a little.

[62] Although Phillpotts did not think so: *A Letter to the Rt. Hon. William Sturges Bourne*, p. 7. S. W. Nicoll believed that a simpler law, such as a residence requirement, would still lead to legal complexities: *A Summary View of the Report and Evidence Relative to the Poor Laws* (York, 1818), pp. 73-5.

[63] Bentham at one time favoured settlement by birth, giving each child a "birthmark", as he called it, in which name together with place of birth would be imprinted indelibly on the body of each child: "Fragment on Settlement", 1786: University College London, Bentham MS., box cli/14-15. This reform speaks for itself. Sidney Smith argued for settlement only by birth, parentage and marriage because this would increase the poor's fear of removal and promote the work ethic in consequence. "We must remember the industry, vigour, and the care which the dread of removal has excited, and the number of persons who owe their happiness and their wealth to that salutary feeling": "Poor Laws", *Edinburgh Review*, xxxiii (1820), p. 98. Apart from the crassness of this line of reasoning, Smith did not consider the inhibiting effect of his proposal on migration.

of the post-1834 poor law, it may be suggested that the only viable alternative to the Law, as it obtained before 1834, was one that involved a major reform of the poor law itself, and in the general direction that the Poor Law Commissioners took after 1834 — a greater centralization of authority, with the consequent breakdown of parochial administration.

Some idea of the Law's impact on labour mobility has been conveyed by this brief consideration of alternatives. There is more to be said however. Were Adam Smith and other contemporary critics right to see the Law imposing restraint on movement? Of course they were, although there is no means of knowing precisely how much restraint was imposed. All we have is the inherent sense of the proposition that some persons stayed home or moved only a short distance away in order to guard a settlement or avoid a painful removal. There is no reason to assume that this restraint was unfortunate, however, in either economic or social terms. Economically, a measure of regulation may well have been salutary, as has been suggested above; socially, it almost certainly was. The creation of megalopolitan centres and the breakdown of local associations and sentiments have been achieved with cost. Settlement by merit may be interpreted as transitional between a more rigid view of mobility and a more open one to follow. For a time it helped shore up local associations. It gave the poor a parish, but with some opportunity to establish settlement in another, and while units of poor law administration were not necessarily equivalent to village communities, the effect of local administration was to strengthen local roots. Settlement by merit then may be seen as a partial check on the velocity at which an increasingly technological society was moving to destroy those roots. Just how important the welfare function was to the preservation of at least the legal functions of parishes may be seen by comparing parish accounts and vestry meeting minutes before and after 1834.

There is more to the economic defence of the Law than the assertion that a measure of regulation was salutary. One of the criticisms of the Law is that it operated unjustly because it placed the burden of poor relief so often on parishes that had not profited from the fruits of the recipient's labour. This is true. The Law penalized the rural parish whose poor worked in a Preston or a Bradford, yet consider this from another perspective: just as investments from agricultural profits contributed to industrial initiatives, so the agricultural sector subsidized the industrial sector in this very different way. The factory got the labour; then in sickness and age the rural parish got the relief bill. Unjust, yes, but to the extent that this did happen, it surely must be viewed as an encouragement to industry. Even agriculture may have been aided at the expense of the populous rural

parish, for many labourers were siphoned off to work in underpopulated parishes owned by a wealthy few, whose margin of profit (which was in part used for agricultural improvements and investments in the industrial sector) would have been less if they had had to foot the full cost of their labour force.[64] The threat of removal was fairly directly related to the suspicion of the parish officers that the individual would become a charge to the parish in which he was sojourning or that he had become such a charge. Consequently, industrial areas and underpopulated rural areas with labour needs were in a position to absorb the pick of the labourers who chose to come; less productive sojourners could be removed forthwith before the 1795 statute put a halt to removing those who were not actually chargeable. In fact, before and after 1795, the ill, the handicapped (mentally or physically), the aged and the lazy were less likely to leave their rural redoubts. Thus, improving industrialists and farmers enjoyed an élite labour force as well as a force which required little from them in the way of fringe benefits.

The injustice to the populous rural parish was even more profound, for it could be manoeuvred into supporting its out-parish poor who were victims of short-term unemployment or underemployment, and for this the industrial parish or labour-poor rural parish often had no need to invoke removal rights, except perhaps for a threatening letter. In the case of the labour-poor rural parish, the extra labourers in most cases lived across a parish border; they simply went home until needed again. In the case of industrial parishes, workers were more likely to be sojourners. The parish officers therein found it better in many instances to correspond with their rural counterparts, soliciting out-parish allowances, than to remove a family that might be productive at the next trade upturn or after the return of the family's health. As the rural parish found it cheaper to pay what might well be a transient allowance than to have whole families delivered back to them, their officers might end by paying the equivalent of unemployment and disability benefits.[65]

[64] In 1817 a Select Committee on the poor laws recommended a three-year residence requirement as the chief determinant: *Report from the Select Committee on the Poor Laws*, P.P., 1817 (462), vi, pp. 26-7. J. H. Moggridge lamented the effect of this on manufacturing and mining districts: *Remarks on the Report of the Select Committee of the House of Commons on the Poor Laws* (Bristol, 1818), pp. 21-2. Phillpotts was also keenly aware of the rural subsidy to urban industry: *op. cit.*, pp. 14-22. See also Arthur Redford, *The History of Local Government in Manchester*, 2 vols. (London, 1939-40), ii, pp. 101, 182-7. I owe the observation regarding labour mobility among agricultural parishes to Anthony Brundage, "The Origins of the New Poor Law" (paper presented to the Pacific Coast branch of the Conference on British Studies, 22-3 Mar. 1974), p. 4, and *passim*.

[65] T. C. Barker and J. R. Harris allude to the laxity of parish officers when hands were needed: *A Merseyside Town in the Industrial Revolution: St. Helens, 1750-1900* (Liverpool, 1954), pp. 145-6. Rural parishes differed in their approach to out-parish relief, some prohibiting it and others actually subsidizing

(cont. on p. 68)

One of the most impressive settlement collections is the Kirkby Lonsdale township letters. The township is in the extreme south-east of Westmorland, with easy routes for migrants to industries in both Lancashire and the West Riding. And move they did, as the correspondence to Stephen Garnett, a professional overseer in charge of Kirkby Lonsdale's out-parish relief for twenty-six years, shows. Garnett, a seedsman, auctioneer and grocer, as well as a township officer, saved about 1,200 letters written to him by paupers and overseers from throughout the North between 1810 and 1836 (and he inherited a few from earlier years). Some of the letters were wheedling, some pathetic sketches of extreme misery and quite a number concerned chronic cases. Most of the letters were fairly business-like, whether written by overseer or pauper, although some had a threatening element: "Pay up, or we come home". Kirkby Lonsdale was unusually well-placed to take advantage of industrial developments in neighbouring counties, unusual also to have had the same man managing out-parish relief for so long, but most unusual in that records which usually do not survive, the ephemeral correspondence, do survive here.[66]

Was out-parish relief itself unusual? More work is needed before its economic significance can be assessed, but the confusion created by a statute of 1846, which made individuals irremovable after five years' residence, suggests that the rural subsidy to urban industry may have been substantial.[67]

(note 65 cont.)
paupers to leave to seek employment. Michael Rose found that the system of out-parish relief "worked to the benefit of all concerned .... Without it, poor relief administration in areas of high immigration, such as the industrial areas of the West Riding, would have been subjected to intolerable strains": "The Administration of the Poor Law in the West Riding of Yorkshire (1820-1855)", p. 282.

[66] Joint Archives Committee (Westmorland), WPR/19. I am grateful to Miss Sheila MacPherson, Archivist-in-Charge of the Record Office, Kendal, not only for bringing the letters to my attention but also for providing much additional information about the township of Kirkby Lonsdale and its extraordinarily well-kept records. The letters, which average about fifty a year, were about poor health, death benefits, unemployment, house rents, delays in payment, clothing, and even include a thank-you note. One or two letters usually sufficed per case, but the John Nelson family troubles took thirty-six letters to unravel. The number of out-parish allowances averaged between thirty and forty a year. Most recipients were not far away, but about a third had moved some distance: Preston, Lancaster and Manchester addresses appear. The township even occasionally financed long-distance migration: Susan Thirnbeck was given £3 to go to America, 27 April 1822, and William Herd received 12/- to assist him in removing his family to Liverpool, 3 March 1833 (WD/Cr).

[67] 9 and 10 Victoria, *cap.* 66 (1846). See Rose, *The English Poor Law*, pp. 191-3; Redford, *Labour Migration in England, 1800-50*, pp. 107-11; Dennis R. Mills, "Francis Howell's Report of the Operation of the Laws of Settlement in Nottinghamshire, 1848", *Trans. Thoroton Soc.*, lxxvi (1972), p. 47.

IV

Contemporary criticism of the Law is not hard to explain, for the Law was the most apparent aspect of the whole complex poor law administration that many wished to abolish in its entirety or prune radically. In particular, the Law conflicted with the ascendant economic doctrines of Adam Smith and his supporters, and was so complex that there were cases decided on grossly absurd grounds; instances of fraud were discovered and more, with good reason, were suspected. The defects were in all respects more visible than the benefits.[68] No one could pretend that the Law was entirely misrepresented, and was nothing more than a beneficent engine for social and economic progress, but neither was the Law, as it obtained between 1691 and 1834, an unmitigated failure. It was a complex system with complex results.

There remains one final speculation, that the Law was becoming increasingly obtrusive, expensive and time-consuming in the years preceding the Poor Law Amendment Act, and that the settlement by merit system was decreasingly effective in the hands of aggressive and professionally-minded parish officers who knew, or thought they knew, how to use the Law. In addition, the contours of the Law after a century and a half of judicial interpretation surely dismayed observers and enforcers alike. Certainly the paraphernalia of settlement cases increases through time — the length and detail of examinations, extracts from baptismal and marriage registers, depositions from witnesses, suspended orders. It is possible, then, that the Poor Law Commissioners' criticism of the Law in their own time was apt. The Commissioners, while over-emphasizing the impact of the allowance system, gave only secondary attention to what may have been the more substantial argument for poor law reform — that settlement restrictions were no longer functioning effectively within a parochial framework.[69]

This essay has shown the integral relationship of the Law to poor law administration. Although it may be argued that the Webbs and others emphasized this long ago, a very different impression emerges

[68] One of the rare defenders of the Law was the independent-minded John Howlett, who sketched a scenario of labour mobility without settlement restrictions reminiscent of the "Okies" seeking the promised land in John Steinbeck's *The Grapes of Wrath*: John Howlett, *The Insufficiency of the Causes to Which the Increase of Our Poor and of the Poor's Rates Have Been Commonly Ascribed* (London, 1788), p. 115.

[69] 1834 *Report*, pp. 84-91. The Speenhamland topic has surely run its course. D. A. Baugh, after exhaustive study, states: "The conclusion is that the Speenhamland system did not matter much at any time . . .": "The Cost of Poor Relief in South-East England, 1790-1834", *Econ. Hist. Rev.*, 2nd ser., xxviii (1975), p. 67. See also Mark Blaug, "The Myth of the Old Poor Law and the Making of the New", *Jl. of Econ. Hist.*, xxiii (1963), pp. 151-84; and my critique, "The Mythology of the Old Poor Law", *ibid.*, xxix (1969), pp. 292-7.

from beginning with the Law itself and working outwards than from using the Law to illustrate a system preconceived to be cruelly oppressive. The Law, it should be clear, had constructive features. However, the essay has not proved beyond doubt that the Law's contribution to social welfare provisions and the regulation of labour mobility outweighed the defects of the Law as it was actually administered. Dorothy Marshall was premature in concluding almost forty years ago that "the law of Settlement and Removal is now comparatively clear" and all we need do now is flesh out the story with local studies, but her call for further studies on the local applications of the Law is still cogent.[70] It is enough here to have provided a historical introduction to the Law and to have speculated upon the impact of an important, yet scarcely explored, aspect of the pre-1834 poor law.

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APPENDIX

The Sources

Parish settlement records take four principal forms. (1) The certificate was in the nature of a passport, permitting the bearer to move from one parish to another specified in the certificate; the parish granting the certificate assumed liability, within certain limits, for the bearer if at any future time he required poor relief. (2) The removal order specified that the person named therein was to be taken from the deporting parish by a logical route to another parish named in the order. (3) The settlement examination was the written evidence of a formal inquiry into an individual's past as it pertained to identifying the parish responsible for providing his relief. All three were legal documents, bearing multiple signatures, including those of at least two magistrates. (4) Correspondence of magistrates, parish officers, paupers and other interested parties concerning settlement questions is often the most interesting material. Additional information is found in vestry minutes and overseers' accounts. Vagrancy records contain related cases, for the difference between the vagrant and the pauper could be in the eye of the beholder, although Slack believes that the former is usually identifiable. "Most of the vagrants . . . seem to have been far from any past reality or present hope of respectability". He finds that the most important characteristic of the vagrant was "his

[70] Dorothy Marshall, "The Old Poor Law, 1662-1795", *Econ. Hist. Rev.*, 1st ser., viii (1937-8), p. 47.

long-term and often long-distance mobility". An absence of complete families and a predominance of single men were others: Slack, "Vagrants and Vagrancy in England, 1598-1664", pp. 364, 368. This is probably true in later years as well.

In geographical terms, settlement records are most unevenly spread. In Devon, out of 3,000 settlement examinations located in a survey undertaken in June 1972, 1,446 were found in fourteen parishes along the Plymouth-Exeter road, while there is a suggestive clustering of parishes with collections along the routes connecting Exeter with Tiverton, Crediton, Barnstaple and Bideford to the north and west. The phenomenon is seen along routes leading to London. Thomas estimated that he examined about 20,000 settlement papers for Essex, which straddles the northeastern approaches to London, while the yield from more distant Berkshire and Oxfordshire was but a tenth of that total: Thomas, p. 294. Within London certain parishes were especially attractive; sometimes the reasons are obvious, as St. Luke, Chelsea, with the hospital. The collections in such parishes may be very large indeed. It is possible that the paucity of settlement records in Cumberland resulted from infrequency of short-distance movement along heavily travelled roads, although there is equal paucity in Hampshire, and Portsmouth and Southampton surely stimulated migration. Miss M. E. Cash, the Hampshire County Archivist, informally suggested to me that possibly the disparity in pre-1834 Hampshire between the poverty of the majority and the great wealth of the few may have diminished the overall role of public poor relief (which was, in the main, administered and paid for by the middling orders). Miss Sinar has discovered that survival in Derbyshire is most prevalent in the small towns and large villages, and particularly among villages near some form of industrial activity: letter to the author, 30 April 1975.

Survival of quarter sessions records is excellent compared to those of the parish, but the former may provide little information on settlement beyond the names of parishes involved in appeals; even when much more information beyond the order books is available, it is impossible to estimate the proportion of settlement cases brought to quarter sessions. Kenton, a large Devon parish bordering the Exe estuary, has the only settlement collection I have seen which suggests no scrap of paper was discarded: six of its 267 cases between 1731 and 1850 were appealed: D.R.O., 70A/P06030-6763. Was this a representative use of quarter sessions? In 1816 one appeal a year per three parishes, and in 1828 one appeal a year per five parishes, were the national averages: *Report from the Select Committee on the Poor Laws*, P.P., 1817 (462), vi, pp. 168-9; *Poor Rates: Abstract of Returns*, P.P., 1829 (78), xxi, pp. 4-5. The proportion is interesting, but may be misleading as an index to the total number of settlement

cases over time or significant change in key localities. The number of quarter sessions appeals in the City of London and Middlesex dramatically increased between 1760 and 1832. There were only eight appeals in the 1760 Easter Sessions in Middlesex to eighty-nine in 1832, for example: Corporation of the City of London Rec. Off., Orders on Appeals, vols. 3-21; G.L.R.O., Middx., Sessions of the Peace and Oyer and Terminer Books, vols. 1161-1936. Even such increases in London's quarter sessions, without knowing the number of settlement cases at the parish level, do not necessarily indicate an increasing or even a proportionately decreasing tendency to resort to litigation on the part of the parish. Another problem is the likelihood that appeals were in some manner influenced by the distance separating the parishes involved. Thomas found in the Oxfordshire quarter sessions that for the 103 parishes in his sample the mean distance for a removal order was only six miles: Thomas, p. 221. But was the mean distance for parish settlement cases that never reached the appeal stage the same? Nor can the distance be measured solely in miles. St. Sepulchre in the City, for example, kept a list of "parishes who are friendly": Guildhall Lib., MS. 9095/2. It is natural to expect that parish friendships and feuds influenced patterns observed in cases appealed, especially as the overwhelming flow of business was short-distance. Not all quarter sessions records are appeals or laconic entries in order books, but the unmeasurable variables for using these records in quantification analysis must not be underestimated.

The evidential base of this essay lies primarily in parish records, especially the examinations, drawn from Devon, the City of London and Middlesex for the most part, and supplemented by records from nine additional counties. The unfortunate paradox is that records are most illuminating in parishes with few examinations. The busy professionals of St. Pancras (whose history is fairly chaotic in the early nineteenth century) needed only a few words to make a settlement determination: their deep-country counterparts needed to get it all down. The fullest collection was that of Kenton in Devon. For greater London, St. Martin in the Fields, with seventy-three vols., 1708-95, and St. Botolph Aldgate in the City, with thirty vols., 1742-1866, are of special note: survival in these parishes was enhanced because the examinations were bound in volumes instead of the more usual procedure of collecting loose papers in bundles. Also used were quarter sessions records in Devon, the City of London, Middlesex, Cambridge, Cumberland, Lancashire, Lincolnshire, Shropshire and Wiltshire. Theses and correspondence relevant to other counties helped fill out the picture. Principal parish collections consulted are as follows:

Devon

Devon Record Office: Ashcombe; Bere Ferrers; Bishops Tawton; Blackawton; Bovey Tracey; Broadhembury; Broadwood Kelly; Cadeleigh; Cheriton Bishop; Cheriton Fitzpaine; Clayhidon; Coffinswell; Coldridge; Colebrooke; Cornworthy; Cruwys Morchard; East Budleigh; Hartland; Ilsington; Kenton; Luppitt; Lympstone; Marystow; Merton; Modbury; Newton St. Cyres; Northam; Sampford Courtney; Sampford Peverell; Sandford; Sidmouth; South Molton; Sowton; Stoke Fleming; Totnes Borough; Ugborough; Warkleigh; West Alvington; Westleigh; West Worlington; Widworthy; Willand.

Exeter City Record Office: Brixham; Chagford; Chudleigh; Dartington; Dean Prior; Membury; St. Thomas; Staverton; Winkleigh.

Plymouth Public Library: St. Budeaux; Wembury.

Greater London

Greater London Record Office: St. Leonard Shoreditch; St. Luke Chelsea; St. Pancras.

Greater London Record Office, Middlesex Branch: Friern Barnet; Great Stanmore; Harrow-on-the-Hill.

Guildhall Library: St. Alphage London Wall; St. Andrew Holborn; St. Anne and St. Agnes; St. Bartholomew by the Exchange; St. Botolph without Aldersgate; St. Botolph without Aldgate; St. Edmund the King and Martyr; St. Ethelburga Bishopsgate; St. Faith under St. Paul; St. Helens Bishopsgate; St. Margaret New Fish Street Hill; St. Martin Ludgate; St. Michael Royal; St. Martin Vintry; St. Mary Aldermary; St. Mary at Hill; St. Michael Crooked Lane; St. Mildred Poultry; St. Nicholas Acons; St. Peter le Poor; St. Peter upon Cornhill; St. Sepulchre; St. Stephen Coleman Street.

Holborn Library: Liberty of Saffron Hill and Hatton Garden.

Westminster Public Library: Liberty of the Rolls; St. Anne Soho; St. Martin in the Fields; St. Mary-le-Strand; St. Paul Covent Garden; Paddington (Marylebone Branch Library).

Elsewhere

Cambridge Record Office: Kirtling; Royston; Soham.

Joint Archives Committee (Cumberland): Dalston.

Joint Archives Committee (Westmorland): Bampton; Great Asby; Kirkby Lonsdale; Ravenstonedale; Skelsmergh.

Lancashire Record Office: Lowton.

Lincolnshire Archives Committee: Algarkirk; Coningsby; Stainfield; Toynton St. Peter.

Oxford Record Office: Milton-under-Wychwood; Northleigh.

Shropshire Record Office: Drayton-in-Hales; Kinnerley; Mainstone; Stokesay.

Wiltshire Record Office: Bromham; Hilmarton; Horningsham; Lydiard Millicent; Ogbourne St. George; Purton.

Yorkshire Record Office (North Riding): Topcliffe.