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E. M. Leonard

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THE  
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BY

E. M. LEONARD,  
FORMER STUDENT OF GIRTON COLLEGE.

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TO THE  
**REV. WILLIAM CUNNINGHAM, D.D., LL.D.**  
FELLOW AND LECTURER IN TRINITY COLLEGE, CAMBRIDGE,  
IN ACKNOWLEDGMENT OF MANY KINDNESSES  
I DEDICATE THIS BOOK.

L.

*b*

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## PREFACE.

THE present account of the early history of English poor relief is chiefly derived from the municipal records of London and Norwich and from the reports of the justices of the peace which are included amongst the state papers. Information on the subject is also contained in the Privy Council Register, while some of the orders of both Privy Council and justices and a few of the overseers' accounts are to be found in the collections of the British Museum.

A fairly effectual system of relieving the destitute by public authority has had in England a continuous existence since the seventeenth century. Attempts to found such a system of poor relief in the sixteenth century were common to most of the countries of Western Europe, but the continued existence of any organisation of the kind is peculiar to England.

Possibly this fact has an important influence on our national history. We are apt to consider the facts that we are a law-abiding people and that we have not suffered from violent revolutions to be entirely due to the virtues of the national character and the excellence of the British Constitution. But before the introduction of our system of relieving the poor we were by no means so free from disorder. The poor laws themselves were at least partly police measures, and, until they were successfully administered, the country was repeatedly disturbed by rebellions and constantly plagued by vagrants. The connection between the relief of the poor and orderly government in England appears fully during the course of the sixteenth and seventeenth centuries, and it may be that our legal system of poor relief has

ever since contributed to the absence of violent catastrophes in our national history.

But although the continuous existence of a system of public poor relief for nearly three centuries is peculiar to England, the English organisation was at first only one of a series of similar systems which began to arise during the sixteenth century in most of the countries of Europe. Both in England and on the continent, however, poor laws were difficult to administer. On the continent they fell gradually into abeyance, and the English system of poor relief was by no means enforced simply because a poor law was passed in the reign of Queen Elizabeth. It survived almost alone among the similar organisations of the time chiefly in consequence of the policy adopted by the Privy Council in the reign of Charles I. and of the efforts made by English justices of the peace as a result of that policy.

For nearly a century before the time of Charles I., however, experiments had been made in the organisation of public poor relief. Efforts in this direction were first undertaken by the towns, and the provisions of the earlier English poor laws appear to have been modelled on pre-existing municipal regulations. The City of London was apparently the first English secular authority to organise the public relief of the poor. Collections by the aldermen at the church doors were decreed by the Court of Aldermen in 1532: compulsory taxation was levied by the Common Council as early as 1547, while the Bishop and citizens persuaded Edward VI. to grant the royal palace of Bridewell for the creation of the first House of Correction. Before 1569 legislation also had been fashioned upon these pre-existing orders and bye-laws of the towns, but neither statutes nor municipal orders were successful.

Statute succeeded statute throughout the sixteenth century; during the years 1594 to 1597, however, there was great scarcity of corn and provisions; the poor died from starvation or rose in insurrection. The whole question of poor relief was in consequence thoroughly thrashed out in Parliament. Bacon and Burleigh, Whitgift and Raleigh took part in the debates. A great committee appointed in 1597 held its meetings in the Middle Temple Hall, and there Bacon, Coke, and the most



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distinguished men in the House discussed at least thirteen bills on the subject. This committee finally rejected all the bills referred to them in favour of a new bill drafted by themselves which finally passed into law. This was practically re-enacted in 1601 and has remained in force until our own time as the basis of our organisation for the relief of the poor.

But the question of poor relief was not settled by statutory enactment any more than by municipal regulations. Administration and not legislation has always been the difficulty in laws concerning the poor. Until the end of the sixteenth century the history of relief in England is parallel to that of France and Scotland; there were in all three countries many poor laws but none were well administered. But in the time of Charles I. the machinery for the execution of the law is developed, and henceforward the history of poor relief in England differs from that of the neighbouring countries.

The machinery for the execution of the law is created by means of the pressure of the Privy Council on the justices of the peace. Even in the reign of Elizabeth the Privy Council had occasionally issued orders with the object of enforcing the poor law. But from 1629 to 1640 the Privy Council under the personal government of Charles I. interfered constantly and regularly in the matter. The Council attempted to provide work for the unemployed, to procure cheap corn in years of scarcity, and to regulate wages in the supposed interests of the workmen. It also established a new organisation for the ordinary relief of the poor. In 1631 the justices still neglected to execute the laws for the poor, but the Book of Orders issued in that year ordered special meetings to be held and reports to be sent to the Privy Council. Nearly a thousand of these reports remain, and in these we are told that in many districts of the kingdom the execution of the law so improved that it became part of the practice as well as of the law of the land.

Moreover the whole of the Elizabethan Poor Law was administered: work was provided for the unemployed, as well as pensions for the impotent. In most places in south-eastern England, and in some districts of almost every county, sums

were levied in order that materials and tools might be furnished to the unemployed.

Thus during the personal government of Charles I. we have not only the first thorough execution of the poor law, but a more complete organisation for the help of the weaker classes than at any other period of our history.

The system thus established was successful in meeting the temporary difficulties of the time. Some Shropshire justices worked "such effect" by the execution of the Book of Orders that "there have not any rogues or vagabonds appeared amongst us or walked abroad as wee heare of since our first meetings." There were also no complaints from the impotent poor, and the unemployed were set to work. There are similar accounts from many different parts of the country which show that the administration of the Poor Law had then much to do with making England a law-abiding and orderly community.

But the outbreak of the Civil War rendered the finding of work for the unemployed less necessary, and broke up the organisation established by the Book of Orders. There are no reports after 1640, and probably the special meetings of the justices were discontinued. The whole of the poor law was laxly administered and only in a few places did this provision for the unemployed outlast the Commonwealth. Still a part of the poor law survived and has a continuous history from the time of Henry VIII. In Scotland and France either the central government was not so vigilant, or there were no efficient local officials, and in both these countries therefore regulations for the relief of the poor were issued but were not effectually executed. The English organisation alone survived, and this probably in consequence of the enforcement of the Book of Orders under the personal government of Charles I.

During my investigations I have received valuable assistance. To the Rev. Dr Cunningham of Trinity College, Cambridge, I am especially grateful for much kindly advice and criticism. I began my researches into this subject while I was a student of the London School of Economics and desire to express my obligations to Mr Hewins, the Director of the School, who first

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suggested the subject to me, and also pointed out to me some of the printed sources of information. I also thank Mr Hubert Hall of the Public Record Office for the ready kindness with which he has always helped me. Mr Tigny of the Norwich muniment room, Dr Sharpe of the Guildhall Record Office, and the officials of the British Museum and Public Record Office have also courteously assisted me while I was investigating the manuscripts under their care. My thanks are also due to Mr S. H. Leonard of Lincoln's Inn, Mr J. L. Burbey of Exeter College, and Miss Maud Syson of Girton College. I desire also to express my gratitude to Mr Loch, Sec. of the C. O. S., who, on behalf of the Syndics of the University Press, made several suggestions of which I have been glad to avail myself.

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P. 50, n. 4. *For Amysbury read Amesbury, for Boscum read Boscombe, for Alyngton read Allington and for Fiddeldene read Figheldean.*

P. 102, n. 1, p. 106, n. 2, p. 142, n. 3 *for Maiores Booke for the Poore read Maioris Bocke for the Pore.*

P. 118, l. 18. *For Twiford read Twyford.*

P. 168, l. 10. *For Arkesey read Arksey.*

P. 169, n. 3. *For Dewisburie read Dewsbury, for Shelve read Shelf, and for Northowrom read Northrowrom.*

P. 170, n. 2. *For Thirske read Thirsk.*

P. 173, l. 22. *For Fropfield read Froxfield.*

P. 214, n. 2. *For Easbie read Easby.*

NOTE. P. 141, n. 1. The decision of Lord Romer was reversed by the Court of Appeal on March 7th, 1900; it was decided that the Guardians were not entitled to relieve the colliers during a strike.