

Migration, the law, and parochial policy in eighteenth and early nineteenth-century southern England

ROGER WELLS*

I Historians and the Laws of Settlement

One of the greatest confrontations between legal provision and practical administration in later eighteenth and early nineteenth-century England, occurred between the theoretical stipulations of the Settlement Laws and actual migration. The law was condemned on ideological grounds by *laissez-faire* advocates including Adam Smith, and utilitarians like the Poor Law Commissioner Sir George Nicholls, who added the early nineteenth-century notoriety of the huge costs incurred through escalating inter-parochial disputes over responsibilities for individual paupers and their families. Others, including the independently-minded East Anglian Anglican cleric John Howlett, pointed out that the massive growth of industrial towns, among them Manchester, Sheffield and Birmingham, had occurred despite the apparent severity of legal restraint on migration, and we might add more modest southern towns like Exeter and Southampton. Howlett also gave London as another example, and if historians are united on one demographic issue, it is that metropolitan death rates were invariably much higher than birth rates, until the later eighteenth-century. Even then, the continuation of substantial population growth in the capital remained dependent on sustained net augmentation through migration. The dramatic impact of these migrations principally of working people, whether to tumescent industrial cities, or to fuel the inexorably ceaseless growth of the metropolitan conurbation, would have been technically impossible if the Settlement Laws before their modification in 1795, under which any migrant without substantial independent means could be forcibly returned to their parish of settlement – commonly to the countryside – had been enforced.¹

Historians are now more fully apprised of the importance of migration, and less attention is paid to ideologically-driven critiques of the settlement system. But the Laws were enforced to degrees, and even their non-observance generated change in the administration of

the poor law, to which they remained central whether invoked or not. Their operation generated considerable archival deposits currently in many county and municipal record offices. These documentary sources comprise three principal types. Firstly, settlement examinations record the formal interview of a person to establish his or her parish of settlement, taken by one magistrate – and increasingly two in Petty Sessions – often a complex task owing to settlement bestowing criteria, and the individual's knowledge, memory, and on occasion artifice. Secondly, certification, by which a parish gave a formal written acknowledgement of responsibility for any poor relief costs for a person, and their family where appropriate, to another parish where the subject resided or intended to live. Removal orders are the third type; they documented magisterial decisions to return a person, and their family, to their place of settlement because they appeared 'likely to become chargeable', or had *actually applied* for poor relief in their parish of domicile. The formal document rarely demarcated between the two categories as they were not issues prior to 1795. Then removals before application were illegalised, except in cases of pregnant single women; they remained removeable because illegitimate children automatically took their parish of birth as their settlement, whereas babies born in families equally automatically took their father's settlement.

The retention of removal for unmarried pregnant women in 1795, and the later failure to abolish – as opposed to minor tinkering – the system despite the radicalism of other components of the 1834 Poor Law Amendment Act, symbolises what lay at the centre of settlement. Technically, every English or Welsh person had a settlement designating a specific parish, where they were entitled to the provisions under the unique Elizabethan poor law; the law constituted a form of critical, statutory social-security, unknown in any other European country except Holland and Denmark, before the later nineteenth century.² If the advantage was effectiveness – and some would argue poor-law provisions were crucial in England's sanitisation against the European Age of Revolutions – its main disadvantage was the seemingly inexorably rising costs deriving from the legal obligation to assist the settled in time of need. One certain method of restraining costs was to use every possible device to limit the numbers of people for whom a parish was responsible. Therefore the expulsion of pregnant unmarried women made sense, as too – much more importantly – were moves to prevent the settlement of working-class (and some other) migrants, who were very likely to breed, and quite possibly end up with a family of several children, all of whom – and in the case of the males, their children – could in the absence of intervention by the local authorities, become settled in the parish.

Representative examples include the family with eight children, half of them boys, forced to obtain a certificate to continue residing in Clayton (Sussex) in 1792, and the removal in 1763 by the Kent North Aylesford Petty Sessions of an elderly man, his forty-five year old son and daughter aged thirty-seven, all domiciled under a certificate dated 1721. In 1771 its Malling counterpart invoked the great grandfather's 1703 settlement in another removal case. In 1835 Southwick (Hampshire) authorities faced the return of the Wilkins family, headed by William aged seventy-two, 'a Cripple unable to do any work', with his sick forty year-old wife, and six children aged from six months to fifteen years. Only the eldest son was capable of work collecting dung for under four shillings a week; as 'his Father states . . . were it not for this they could not exist'. Such spectres were not uncommon.³

However, if legal regularity had governed settlement application, rather than mitigation by pragmatic and economic considerations, industrialisation – to give one principal example – would have developed very differently. Moreover, modification came through the 1697 Act which like so many legislative alterations to the poor law, statutorily legitimised existing practices, namely enabling parishes to provide security for their settled people wishing to migrate to whichever parish they wanted to live in. The Act's preamble articulated its economic rationale:

many poor persons chargeable to the parish . . . where they live, merely for want of work would in any other place where sufficient employment were to be had, maintain themselves and their families, without being burdensome to any parish . . . but . . . they are . . . confined to live in their own parishes . . . and not permitted to inhabit elsewhere though their labour is wanted in many other places.⁴

The major limitation of certification lay in the required stipulation of the new parish of residence. There are examples of certificates without the relevant entry including that issued in the early years by Findon to George and Elizabeth Kemp, addressed to the 'parish where the bearer shall come to reside'; it was dutifully filed away by East Grinstead, also in Sussex.⁵ Despite this apparent acceptance, and other examples of non-legally binding notes exchanged notably between adjacent parishes, one doubts whether – at least *in extremis* – such deficient documentation would have preserved those named against the vagrancy laws, another function of the certificate. More significantly it meant compliant home parishes were unable to legally underpin would-be migrants during their search for work across an itineracy dictated by events, and once employment was secured, finding housing accommodation. This shortcoming of certification may be one reason

why rural parishes in the Midlands and the North, from whence came hundreds of thousands of migrants to industrial towns and villages, *relatively* rarely issued certificates to those seeking work in industrial districts, probably because nobody knew where individuals would end up. This did not stop home parishes underwriting their people in their new locations – notably through aid payments – known as non-resident relief, or ‘industrial Speenhamland’ in the misleading terminology of a recent settlement historian.⁶ This is not to suggest that authorities in industrial locations, like their counterparts in London and other substantial southern towns including Southampton, never resorted to formal removal. They did, though the number involved is infinitesimal compared to the millions of people comprising the migration across time. Likewise, resort to formal removal was relatively restrained in rural England, including the increasingly pauperised South, though specialist historians are divided over whether removals declined or increased in the second part of the eighteenth century.⁷ Although pamphleteers at this time revealed growing concern over removals, it was their scale *after 1815* – and especially contested removals – which cemented settlement’s notoriety in the last two decades of the old poor law. There are significant collections of certificates kept by urban authorities throughout England, and their counterparts in scores of industrialising villages; if the real picture is complicated by uneven documentary survival, all southern counties have sizeable deposits deriving from rural parish chests, together with the other main poor-law administrative record categories.⁸

Given the potential importance of settlement certificates to every receiving parish’s future finances, it is not surprising that they and related documents were assiduously preserved by officials. As most stages of implementation gravitated towards Petty Sessions across the eighteenth century, their records are increasingly filled by settlement adjudication, though a combination of the disparate growth of regularised Petty Sessional procedures and the survival profile of their minutes add complications for historians here too. Certainly Kent had particularly regular Petty Sessions, at a time when Westmorland according to Richard Burn, the magisterial author of the best legal guide to judicial office, was only experimenting with administrative restructuring on this model. The Kent divisions’ ‘minutes’ also survive in much greater numbers than those from other counties with roughly parallel juridical development.⁹ Traditional use of this corpus of evidence has focused on exploring removal as an important element in the *relatively* narrow connection of poor-law history.¹⁰ Pioneering use of notably examinations and removal orders to establish agrarian seasonal unemployment patterns, and changes in the gender dimension

between 1690 and 1860, was published in 1981 by Dr Keith Snell.¹¹ He covered a much broader number of major topics including the declines of living-in farm service and male and female apprenticeship, the impact of enclosure on employment, and the role of the family across a slightly broader chronology, in his enthusiastically received *Annals of the Labouring Poor* (1985).¹²

Snell's original assumptions about one critical value of the examination documentation were unequivocally spelled out in 1981: 'This source permits the analysis of seasonal distribution of unemployment as it provides the exact date at which the examinant for relief came to require parochial aid'.¹³ More recently, Norma Landau advanced a case whereby in eighteenth-century rural Kent the Settlement Laws were used by parish officers to monitor, or to use her word to surveille migrants, incomers or intruders, whose status if not their present poverty made them potential supplicants for relief, and who if not closely observed might gain a settlement in their new parish with the future ramifications for parochial expenditure based on the reproductive and generational considerations mentioned above. Landau argued that surveillance was commonly precautionary, having intruders formally examined to establish their place of settlement, with the options of either expelling them immediately, or forcing them to seek a certificate from their parish to absolve the host parish from financial responsibility. Alternatively, the examination could simply be filed in case relief and/or removal subsequently became necessary. The timing of the examination, according to Landau, was not therefore inevitably a reflection of examinees becoming unemployed, and because neither removal orders nor even certificates were always sought, the parties were often not destitute but had work in their place of intended domicile. Hence her interpretation of immigration surveillance, some of it of a routine nature. Moreover Landau claimed that the 1795 Act terminated parish officials' capacity to monitor immigration, because if migrants were not removeable until they *applied* for poor relief, there was no point incurring expenses entailed in precautions, not least because certification was a casualty of the same Act, and important legal decisions in the King's Bench which quickly followed.¹⁴

Landau's surveillance argument produced a reply by Snell, and was followed by an acerbic debate, much – but not all – of which focused on very detailed exploration of the implementation of the Settlement Laws, and interpretation of the surviving evidence.¹⁵ To an extent, this rolling interchange got bogged down in minutiae and the very extensive case law built up across the later seventeenth and eighteenth centuries as presented in several substantial contemporary legal guides, exemplified by the two volume one-thousand plus page tome first

published by barrister Michael Nolan in 1805,¹⁶ and reflected further in the equally huge devotion of space to closely-argued footnote supplementation in the protagonists' articles.¹⁷ This argumentative trajectory *ultimately* derives from the threat posed to the broader analyses presented in Snell's *Annals*. Landau's assertion that the 1795 Act radically changed settlement implementation, together with her perception of examination documentation emanating from routine surveillance, were very different from Snell's assumptions that settlement procedures remained essentially unchanged until the minor modifications of 1834: namely that most examinations were taken either in immediate response to the *start* of unemployment, or in anticipation of its imminence, and that those who fell outside these closely-related categories could be identified and removed from the historian's analytical process, for example in vagrancy or bastardy cases.¹⁸ As Landau temperately if somewhat belatedly acknowledged in 1992, Snell's responses were 'in defence of the evidence and argument of his book', and more specifically was in covert acknowledgement that her challenge to his use of the evidence 'jeopardised' arguments pertaining to enclosure, living-in yearly service, and apprenticeship; if her surveillance thesis was accepted, it would additionally 'invalidate Snell's analyses of the seasonal distribution of unemployment, and the sexual division of labour'.¹⁹

The scholarly stakes are thus high, although, after hostile reference to Landau's work by a third expert was subsequently covered by an unequivocal rebuttal,²⁰ the mutual accusations remain focused on the different use of the material by Snell and Landau. At present the academic debate has been hampered because Snell has been legally advised against further citations from his opponent's publications. It would be immensely ironic if a welfare system which spawned such notoriously ceaseless resort to lawyers and the courts during well over half of its two hundred and fifty year history, should mutate historians into international litigants on the eve of the twenty-first century. Clearly, the incumbency is on Dr Snell to address the implications of Landau's findings for his widely-acclaimed *Annals*, in addition to his advocacy of the historiographical 'new approaches and opportunities' opened up through studies using the very wide documentation generated by the poor laws, old and new, however suggestive and excellent his recent agenda addressed to British 'rural historians'.²¹ The intention here is not to enter into the very detailed and technical arguments currently engrossing the principals, nor to engage with them in further detailed analysis of contemporary legal manuals, as these reveal – despite claims to the contrary – little evidence of day-to-day administration.²² Certainly two major issues, namely those of surveillance and the

impact of the 1795 Act, and thus legal considerations have to be addressed, but there are other major aspects which to date have been more-or-less ignored. This discussion uses principally southern and especially South-eastern rural evidence to suggest that attention to several important economic factors, add multiple considerations either missing or under-emphasised in the current debate. These include the pace of demographic change, the profile of inflation, additional features of social security, notably the payment of assistance to non-resident claimants, and especially temporary response to their illnesses, and parish poor-law policies. Parochial politics are certainly rendered opaque by evidential problems, but it is argued here that the use of vestry minutes – ignored by both protagonists – is vital in uncovering and following the twists and turns in relevant local policies. Some urban evidence is additionally deployed here, partially as a control on the rural focus, but also because the Southampton material – an Incorporation for poor-law purposes under the local Act of 1772 – derives from the relatively well preserved bureaucracy of an efficiently managed and comparatively large authority. Finally, as both Landau and rather surprisingly Snell simply extract and quantify critical information from the considerable removal and above all examination documentation, here we cite heavily from the latter source, both in support of the arguments, but also to illustrate the richness of these fascinating, if truncated auto-biographical snippets of principally working people's lives.²³

II Ratepayers, Removals and Certificates

The litigious contemporary and historical reputations of the settlement system sealed its perceived combative and confrontational character. The 1662 Act conformed to the typical early modern paternalist concern to increase social orderliness, but generated conflict over the interacting critical issues of migration and social-security costs, integral to the attempted clarification of certification procedures in the 1690s. However, firstly, the geographical configurations of English rural parish boundaries, meant that in places anything between three and five parishes joined, and even a single boundary between two often meant the next farm lay across it. Secondly, parish boundaries bore little relationship to regional economies, and their labour supply requirements – including service industry workers – were at risk from geographical and administrative quirks. Much mobility by farmworkers, especially the unmarried of both sexes seeking living-in service, but also married men with families, was essentially local,

within – at most – a ten mile radius, according to modern studies.²⁴ Economic considerations dictated interchanges of workers between adjacent parishes, but poor-law financial and social ramifications, and the settlement system, necessitated co-operation as represented by a note penned between officials in two Sussex parishes only one and half miles apart, but separated through peculiar boundary configurations by two more parishes; Ditchling

Acknowledge Isaac Blink and Ann his wife to be our perrishioners . . . and as your parish of Hurstperpoint has Thos White and his familey in our parish . . . we will take the same acknowledgement from your parish for them.²⁵

In this case formalities, did not extend to legal certification incurring magistrates' clerk's fees, and authentication by two justices. Moreover, in the earlier eighteenth century before parish after parish began to panic over rocketing poor-law expenditure, the later competitive, argumentative, threatening, and ultimately litigious tone was much less evident. Three months elapsed between the parish officers of rural Eastbourne's receipt of a letter from Rye about aid required for the certificated Earl family, before Rye officials chided in mid-February 1754,

that you have Used us ill in not givinge any Answer, which is the least we might Expect . . . when we wrote in a freindly and Neighbourly Maner.

Debate continued over the cheapest way of sending the family home; it was late June before they travelled by coaster for ten shillings. Later animosities are found in eighteenth-century sources. St Michael's (Lewes) vestry's 1777 directive to the overseers to rigorously investigate George Opted's legal position despite the profound problems in authenticating claims of previous property rentals over a yearly £10, and 'to do their Endeavour to settle him on another Parish', fell into a small if burgeoning minority.²⁶

Formal certification protected migrants from removal. The issuing parish committed itself to support those named in the document, plus children subsequently fathered by household heads, and possibly grandchildren too. It is therefore believed that certification was essentially a concession on the part of the issuing parish.²⁷ But every authority agrees that single unmarried people of both sexes seeking situations as living-in annual servants went unimpeded,²⁸ although such service supplanted existing settlement, usually the father's in the case of youthful workers. This source of settlement was of considerable importance in the eighteenth century, and as annual hireage also prevented removal, was originally unproblematic owing to perceptions

of social advantage from its training function. A simple acceptance that any one parish would literally gain some and lose others in terms of settlement seems likely. Only when poor-law expenditure started to rise rapidly towards the end of the century, did the well-attested decline in living-in commence, partly fuelled by settlement-related financial considerations,²⁹ but also other factors.³⁰ One of the latter turned on parochial authorities' expanding responsibility for children. The traditional category, orphans, were joined by a growing proportion of the offspring of parents in receipt of regular relief. Official determination increased to settle these charges elsewhere when possible, either through formal apprenticeship, or annual service, respectively carrying premiums³¹ or subsidies. These features developed notably during and after the French Wars, when a burgeoning sector of the agrarian working adult population needed wage subsidies. This, together with regional resurgences of living-in during the post-war agricultural depression and rural crisis from the mid-1810s to the late-1830s, obtained before living-in was abolished as settlement-conferring under the 1834 Poor Law Amendment Act, issues to which we return below.

The certificate system in the South enabled families to migrate from parishes of settlement where work and increasingly often housing were unavailable, to where employment and accommodation were procurable. If the issuing parish was faced by the dilemma of either paying for unemployment (and commonly providing accommodation) or accepting the theoretically potentially limitless maintenance costs of an extended family at some unknowable point in the future, potential recipients exerted pressure for certification. Keith Snell correctly observed that the poor's attitude is elusive, but as the incumbent of Pluckley (Kent) remarked over a couple he rewarded for marrying after 'some Months' cohabitation,

I made them a present of a Certificate, taking it for granted such thing would be called for for persons who were able to give so poor an account of themselves.³²

Further evidence derives from attempted fraudulent certification.³³ There are examples of parishes terminating certification, perhaps because jobs were available locally, or possibly after incurring heavy expenditure on people long since gone and forgotten, but the principals through age, or their descendants through misfortune now fallen on hard times, to try to prevent such future financial disasters. Although such decisions were usually equally publicly rescinded, the relevant issues go beyond the possible disadvantages accruing to the issuing parish.³⁴

Firstly, certification was not obligatory; many parishes refused and resisted pressure to reconsider. Residence elsewhere could prove unproblematic, and notably – but not exclusively – when people migrated to modestly growing towns or the exploding metropolis, they might prosper, lose sight of their roots, or at least forget settlement-bestowing bits of their history, as evidenced by obdurate examinees, resisting removal from wherever they had established an identity. Refusals to submit to examination, and clandestine and illegal returns after enforced delivery to places of settlement, were common.³⁵ Secondly, settlement through certification could be superseded, principally by hiring premises at more than £10 per annum, or by serving a parish office where domiciled. The biography of John Andrews is a particularly complex example from what appears to be the application of residual gavelkind principles to a Kentish farm tenancy. In January 1767 he informed Malling Petty Sessions that his first settlement came from living-in service at Mereworth commencing in about 1748. Mereworth later granted a certificate for residence in Cheavening, where he stayed from 1750 to 1765 ‘under the sd. Certificate without gaining any Settlement’, but in October moved to

East Peckham at a Farm of the yearly Rent of £41 . . . which his father John . . . had occupied & dyed in the Poss[ess]ion thereof . . . he continued in the . . . Farm till Mich[ael]mas last & reoccupied the same & took Care of the Business there on behalf of himself & his Brothers John & Benjamin & his Sisters Phebe Wife of John Clements & Mary Wife of John Hunt[.] Saith that Hunt & his Wife sold their Interest Share . . . about Lady Day 1766 to . . . himself & this Examt & . . . Benjamin [Andrews] & James [John?] Clements.

John Andrews ‘paid the Rent’ and managed the farm, though ‘the Profits were equally divided between them Four’ after the Hunts had been bought out; the enterprize terminated in undisclosed circumstances, but this somewhat shaky profile convinced the Bench that John Andrews, his wife and two children, were now settled in East Peckham.³⁶

Thirdly, while one parish anxiously sought the back of their unemployed, others – and not simply urban ones with expanding economies including Southampton – calculated very real advantages in attracting incomers, or at least sectors of their inhabitants would, on occasion with or without certificates. Those ratepayers not economically advantaged might insist on certification. Unfortunately, the sources very rarely detail divisions within communities, or their reflection in argumentative vestries in the context of evolving parish policies. But the uniquely detailed diary of the Sussex shopkeeper

Thomas Turner at East Hoathly, comments eloquently on this opaque but critically significant topic of parochial politics. In October 1756 Turner noted that farmers,

many of [them] the richest and leading men of our parish . . . have long since been endeavouring to pull down the price of . . . poor men's wages . . . by bringing in many poor into the parish from other parishes, some with certificates and some without, until the parish is full of poor.

As a shopkeeper, Turner anticipated no personal advantage from more customers if individuals had less to spend through 'inhuman usage, oppression, fraud and grinding the face of the poor'. He made a parallel complaint in 1761 about further incomers. Non-labour employing ratepayers had presumably engineered a compromise, as all these people were certificated to minimise future responsibilities. The evidence for other places at this critical mid-century period is thin, but it includes questions to a lawyer from Ticehurst in 1754 in response to the parish being 'obliged to admitt Several Familys under Certificates', and the Battle Bench's somewhat surprising inability to agree on whether children born after the date of certification, secured settlement in the certificating or the host parish. At Northiam, also in East Sussex, a vestry majority recorded objections to 'Secret and Clandestine' intrusions facilitated by employers in 1765, and prescribed £10 fines for any parishioners whose manouevres led to newcomers gaining settlements.³⁷

The Northiam and East Hoathly evidence suggests that if certification could resolve divisions among ratepayers over immigration, the former parish illustrates intruders gaining clandestine *de facto* settlements even in relatively modestly populated countryside places. Although the precise form differed, a considerable number of villages periodically ordered a blanket resort to settlement procedures for all inhabitants whose status was in doubt, often a clear response to gradual increases in people who fell into that category. Sometimes, they were simply examined as a precautionary measure, like the five men who made sworn statements in February 1739 at Salehurst, East Sussex, which established that four had gained settlements elsewhere through yearly servitude, two in adjacent Etchingham, one at Hawkhurst just over the Kent border, and another at Tonbridge eighteen miles away; the fifth character experienced downward social mobility, as his settlement derived from annual £30 farm rental at Barnet in Hertfordshire.³⁸ Considerable numbers were often forced for formal examination to Petty Sessions, as with the eighteen men – most of them with families – named in the Beddington (Surrey) vestry minute of 9 July 1786 as resident without certificates 'as by law required', with

the intention of seeking their removal.³⁹ Petty Sessional sources occasionally document the issue of orders at the behest of officers clamping down in specific parishes, including the five naming men living at Bapchild and another six at Newington, made at Bearsted in Kent on 2 June 1751.⁴⁰ Nor were at least the more modest towns incapable of emulation; door to door investigations, to 'fully inspect all Occupiers of Houses' for 'such who appear not to be legally settled', were ordered by St Michael's Lewes in 1791, while Guildford Petty Sessions' time on 6 February 1794 was absorbed by eleven examinations, only three of whom were labourers, the others comprising a butcher, two 'fowl pickers', a maltman, a bricklayer, a cordwainer, and a musician. During the same period in Southampton, few weeks passed without examinations, but the eleven men before the Bench on 16 August 1780 and the seven on 19 July 1781, suggest occasional resort to crackdowns.⁴¹ It is difficult to conceive of these periodic purges as the product of constant surveillance, but the result of combinations of a lack of day-to-day concern until an accretion of incomers caused alarm, with actions triggered by the type of localised parochial crisis deriving from major divisions between ratepayers with opposing interests, and by national crises – notably the subsistence variety – of considerable contextual significance for that important year in settlement history, 1795.⁴²

The occupational profile of the men before Courts at Guildford and Southampton, like the many certificates filed away by urban parishes in the City of Oxford, reveal that Settlement Laws affected others than simply labourers and farmworkers; there are numerous examples of journeymen craftsmen, some of whom aspired to master status.⁴³ Apprenticeships bestowed settlement, and the relevant documentation of successful completion was prized evidence for establishing a right to poor relief as well as securing work, often in closed shops. Leaving aside the question of the decline of apprenticeship across most trades in this period,⁴⁴ many apprentices' terms went uncompleted, though as revealed by thousands of settlement examinations, this rarely if ever prevented procurement of employment even in notoriously worker-regulated occupations concentrated in specific towns, including West Country woollens.⁴⁵ Many skilled men domiciled outside their settlement, especially in towns like Bradford-on-Avon hosting declining industries after 1750, were subjected to formal removal. However, a combination of the possession of apprenticeship documentation, and indifference while buoyant economic conditions obtained, served to render certification of restricted consequence for many skilled men, some of whom were also protected through trade tramping arrangements. Those in traditionally over-subscribed and

easily learnt trades, like shoemaking and tailoring, in which proper documentation of binding completion was only less elusive than authenticated completion of seven year terms, were often differently placed. Shoemaker Saunders was representative of this genre; 'a Certificate Man' from Bexhill while domiciled at Pett, he nevertheless took Michael Barns, born at Fairlight also in this Sussex coastal district, as an apprentice which on completion gave Barns a settlement at Pett not Bexhill, the reverse of a child born to a certificated father.⁴⁶

Saunders's case, like that of James Stillwell certificated in 1784 from Fetcham to take a pub at £9-9-0 a year in nearby Dorking, suggests that skilled masters and small businessmen were not invariably welcomed by prospective host communities. Those with aspirations could secure – often easily – new settlements through property rental for forty days at a rate equal to £10 a year, on landlords' satisfaction of reasonable risk and forthcoming rent; labourers found this more difficult.⁴⁷ Many businessmen were not particularly stable. James Orpin hired a corn mill at Otham outside Maidstone in 1746 at a yearly £17-10-0, soon moved to the town to take more modest and certainly cheaper similar premises at under £10, whereupon his economic viability was challenged by formal examination. Others, including certificate holders, hired farming land and usually accommodation, among them John Copus who moved eight miles initially in 1708 with a certificate from Pembury to Yalding; by the time Copus appeared at Malling Petty Sessions in 1750 he had rented from 'severell Persons above Ten Pound a Year'. Another journeyman miller, William Eason gained a settlement at Hinton (Kent) from service between 1751 and 1756; he went to Mereworth hiring a house and garden for £3-10-0 per annum, but if this did not represent a toehold in agrarian production, in 1772 a brother-in-law sublet part of a farm, namely 'Nine Acre Piece planted with Cherrys & Apple Trees', with a further four acres sown with corn.⁴⁸

A significant proportion of non-labourers who appear in settlement documentation originated in that considerable sector of rural society recently rescued from an undeserved and misleading obscurity by Mick Reed, family and small farmers, classic dual-occupationists, which he dubs the 'peasantry' for their household production and principal dependency on family labour; they embrace a broad swathe of society somewhat above the labouring sector but imperceptibly merging with it at one end, while including towards the other, many ambitious but modest entrepreneurs. These people were particularly favoured by William Cobbett, because their social status or rather degrees overlapped, with not even nominal demarcations among that amorphous mass which was crucial to the facilitation of upward social mobility from labourer to at least small farmer or dual occupationist. A

tiny minority, represented by the big tenant farming Ellman family of Glynde, succeeded in escaping the mass altogether.⁴⁹ Settlement details reveal many interesting evidential snippets of this grouping. John Akehurst, married with children, lived in a house at Hooe rented for a yearly £4 'of which the parish from . . . [his] inability paid 40s'. However, Akehurst 'had the opportunity of engaging in a contract' with a partner 'in carrying chalk coastwise' earning £60 a year, nearly double current earnings for farmworkers, but which lost his housing allowances; the landlord – a sometime overseer of the poor – unsuccessfully insisted that the partner guarantee Akehurst's rent, ironically at the cost of the joint enterprise. In 1801 another opportunity came Akehurst's way by moving over the Pevensey border to take a house 'with certain rights of Common' for £11 per annum. He later mournfully recalled that

The period of Lady Day 1801 was a time of scarcity & . . . Hooe continued to give relief . . . [until] six months after he went to reside at Pevensey. The pauper was unable to purchase Cattle to turn out on the Common,

and with dashed hopes he was finally moved back to Hooe in 1803, with a family of six children under the age of eleven. Another aspirant, with a similarly sorry tale – for the successful rarely became entangled with settlement procedures – concerned John Banks, who gained a settlement through service at Petworth in 1767; in about 1775 he 'hired two Rooms & a stable . . . in . . . East Malling' at an annual £4, and in 1777 further rented – for three guineas – 'a piece of Hop Gr[oun]d containing One Hundred & Seventy Hills', but either this arrangement or a subsequent rental and subletting of land failed, and he was sent back to West Sussex in 1778.⁵⁰

People from Reed's peasantry owed their appearance in settlement cases to their troubles and economic failures, and are therefore fully representative of only that category. Some appearances derived from suspicion spawned by attempted manipulation of the law to achieve a settlement in the location of choice, where relatives were domiciled or under more generous parochial regimes. It is difficult to demarcate between those whose rental property dealings were simply chaotic or merely uncommitted to paper, and others seeking to engineer new settlements. Walter Cruttenden was exposed in the latter category on his appearance before Malling Petty Sessions in 1762. In 1758 Cruttenden hired the Castle pub in Maidstone at an annual £12, but in September 1761 moved to another hostelry in nearby East Malling at six guineas. At the beginning of 1762 he took two parcels of land totalling between three and four acres twelve miles away at Boughton

Malherbe for a yearly ninety shillings, becoming a sub-tenant to his brother, with whom he also agreed to have the wheat growing thereon, though he reimbursed expenses for 'Ploughing, Sowing and Seed'. The transparency of all this was manifest, and with the East Malling

Parishioners being uneasy at this Examinant residing . . . [believing] he had hired the Two pieces of Land in order to make himself a Parishioner [because] he hath not paid any Rent . . . his Brother harvested and managed the Crop of Wheat,

the Court 'adjudged the hiring at Boughton Malherbe to be fraudulent'. Cruttenden was formally removed to Maidstone in September 1762 once his pub tenancy had expired. The real manipulator in another case – involving Christopher Manonal who came with his family with a certificate from Ospringe to Chartham in 1781 – is obscure. Certainly, Manonal received aid from Ospringe at Chartham before he quickly hired seven acres of woodland at an annual £16, was not 'to sell more than 4 acres' of underwood cutting rights 'a year under penalty of £10 p Acre', and was 'not to fell beech at any time and to pay all the poor rates Church rate & Highway rates'. Landlord Hambrook 'told him if we signed the Agreemt the parish could not remove him'; once the agreement was clinched, 'Hambrook went to Ospringe & told them he had let the Woodland . . . & had settled him on Chartham'. Chartham was certainly responsible for relief payments in 1787, by which date the Manonals had '3 other children . . . all born in Chartham'. Bennett Nash was less devious, possibly scheming to circumvent a very early example of parishes reserving all employment for the legally settled.⁵¹ Nash had gained a settlement through servitude in 1761–2 at Marden. At Michaelmas 1763 he sub-tenanted a house and fourteen acres from the twenty-acre farm rented elsewhere by his brother, later admitting that 'he hired it under Colour of gaining a Settlement . . . that he might work for his . . . Brother', but was promptly removed to Marden once the officers in his adopted parish observed 'no Stock on the Lands' after five months.⁵²

Bankruptcy, notably during the post-war agricultural depression, also saw many from above this social category falling foul of the Settlement Laws. Farmer Franks imprisoned for debt in 1815, had during the prosperous war years tenanted a farm straddling the Wadhurst/Rotherfield border at an annual rental of £255, while hiring a house in not unfashionable Sevenoaks, fifteen miles away; when at the farm, Franks stayed 'at the Public House a great many Nights' on the Wadhurst side.⁵³ In the main tenant farmers of all descriptions, and master tradesmen, were not only mobile but communities depended on them for fresh infusions of capital and enthusiasm, by taking over

businesses from predecessors, and if not to expand they kept parochial economies afloat and employed the workers. In the main these capitalists were welcomed, though on occasion such incomers provoked understandable suspicion, and the continuation of the pre-1662 practice of giving bonds or other forms of not invariably legally binding security respecting their antecedents, is understandable. Hence the outrage of one family historian on discovery that a member of his yeoman family from Cranbrook on taking an inn at Sittingbourne, was required to have a note from the former's authorities, confirming no ancestor had claimed poor relief during their two hundred year history in the place.⁵⁴

Nevertheless, despite these complications, surveillance – of fluctuating intensity – does seem to have featured in many rural parishes, at least at times, for those 'living in a tenement under £10 a year and likely to become chargeable' which in 1717 a Justice in Eyre claimed were 'Convertible terms'. Greater rigour featured in those numerous southern rural parishes where the scale of poverty and unmistakable signs of an oversupply of labour developed between the mid-eighteenth century and the start of the French Wars in 1793.⁵⁵ Sometimes actions followed growing concern at specific incomers. As shopkeeper Turner recorded of the Bristow family, resident at three villages in the district prior to setting up home in East Hoathly, where in 1763

His family coming on, and no very promising person to maintain [employ] them, they [the ratepayers] began to be uneasy and talked of removing them.

To Hellingly vestrymen a category of people existed, 'known to be in very indigent circumstances . . . if not actually receiving Relief'.⁵⁶ Such people, either with no work, or those represented by the Pluckley cohabitators' capacity to provide only a very 'poor account of themselves', signally inadequate to the assurance of apprehensive officials, irrespective of actual applications for relief, were most likely to be removed. The documentation as we have seen, in most cases before 1795, does not specify whether they had so applied. The legal requirement was simply that the magistrates were satisfied that the facts surrounding specific cases made subjects 'likely to become chargeable', whereupon at the parish officers' application, removal orders were issued.

However, one very common instruction to those scrutinised was to secure certificates to protect their adopted parish. Many vestry entries at various times ruled similarly to Northiam on 11 April 1748 that

all prsons not Inhabites to this Parish Do forthwith repair to their Respective Parishes where they belong and forthwith bring Certificates or they will be Directly Removed according to Law.⁵⁷

From the receiving authority's end, the Wimbledon vestry noted a parallel ruling, though pressure in this case was reinforced by a formal examination; on 9 July 1749, a minute related that

Dewry Ridley and his wife allowed a certificate from this parish, they having brought a copy of examination, to certify it being the place of his last legal settlement by servitude to Wi Grover.⁵⁸

Wimbledon probably filed the examination for reference, thus suggesting why parish collections contain examinations and certificates, both to and from the parish, and the same goes for formal removal orders, again for both directions. Together with inter-relating different parish archives, these enable the exploration of relationships between examination, certification and removal, and the assessment of the critical question of surveillance, without dependency on the Petty Sessional documentation, heavily used by Landau with respect to Kent, but largely unavailable elsewhere. For example, the parish files from East Grinstead (Sussex) contain seventy-five certificates dated between 1699 and 1789; ten of the people concerned also had a removal order filed. There is no way of knowing if these are complete collections of such documentary categories, or of assessing rates of loss. All ten cases reveal certificates secured, some expeditiously in a few days, others up to seven months, with one taking eleven. This evidence proves that the process of examination, often underscored by a formal removal order, were common devices making both continued, or re-established residence, conditional on certification.⁵⁹

Professor Landau's claim that certificating parishes acted under pressure, and essentially unwillingly, may be correct in some, but not all instances.⁶⁰ Obtaining the signatures of parish officers, representatives of the more affluent ratepayers, and final formal authentication from the Bench, was not always easy, and sometimes officials responded quickly with letters promising certificates would follow but acknowledging liability. In these cases there seems to be no reticence, though the device which became rampant in inter-parochial relationships after 1815 – not answering letters – was well-known before 1795. When husbandman Sharp, wife and unbaptised daughter were the subject of a formal examination on 11 October 1775 at Lindfield, Sharp clearly took it across the parish border to Wivelsfield, his settlement, where the same day three men signed a note written on the examination itself, to 'Acknowledge John Sharp' and dependants as settled. Similarly, when Thomas Mercer and family were removed from Hurstperpoint to Crawley on 6 November 1790, the Crawley officers wrote to Hurstperpoint on the 24th to the effect that they were 'agreeable to give . . . Mercer a certificate & send it

to the Swan at Horsham as soon as confirmed', which it duly was on 5 December.⁶¹ Those threatened with removal sometimes proved obdurate, though their motives rarely emerge; the Wimbledon vestry crustily noted on 9 July 1749

Whereas Wi. Bramley has been examined and appears to have a settlement in . . . Egham and he refuses to get a certificate, it is ordered that he be had to the next bench to be removed to Egham according to law.⁶²

The fact that where individuals so circumstanced could easily apply in person, by walking short or moderate distances, nine miles in Bramley's case, is one – probably contributory – cause behind observations that most certificated migrants were short distance, and relatively few long-distance migrants produced certificates.⁶³ This latter imbalance might reflect a greater sympathy for long-distance migrants, but tolerance of them at least in places was no doubt a victim of rising social-security expenditure. The payment of relief to settled but non-resident claimants in the rural south was a contributing cause.

III Settlement and Non-Resident Relief

Some specialist historians are seemingly unaware of this form of aid;⁶⁴ full analysis is prevented by evidential difficulties prior to the very late eighteenth century, but the procedure's rationale remained unchanged, and survived the statutory changes of 1795. When a settled person domiciled elsewhere experienced anticipated short-term difficulties, notably incapacity through illness, or loss of employ, or required casual relief to cover a severe peak in basic living costs, there was often little point in the responsible authority refusing to meet the necessary non-resident relief expenditure, if that would precipitate the man and family's removal to their place of settlement where there might be neither work, nor prospect of employment, nor housing accommodation. Administrative records from Southampton, including the extant minutes of the Court of Guardians, and the outgoing correspondence of their Clerk – a solicitor earning over an annual £100 for this part-time post – reveal much about the City's use of settlement legislation, and in this context the importance of non-resident relief.⁶⁵

Given the potential scale of the relevance of the law in a port, including its inevitable vagrancy problem, it is not surprising that Southampton developed a time-saving, precision-inducing, written formulae, comprising the 'Questions to be asked on Examining Persons to their Settlement':

Where born? Where Father was settled? If ever apprenticed? To whom? for how long, how long served? where the last forty days of the time? If served as a yearly Servant? for how long? Where the last forty days? if married? How many Children? their Ages, Sexes and Names? If rented any House or Land? how much rent? whether ever Rated to the Poor? What Parish Land in or Rates paid? How long occupied Land or Paid Rates?

This enabled officials, whether overseers conducting preliminary investigations, or magistrates formally examining, to speedily identify those subjects settled in Southampton parishes, and the probable settlements of migrants. The evidence suggests that those formal examinations which were subsequently entered in specific reference volumes, were mainly of people *without* Southampton settlements.⁶⁶ After this *de facto* filter, the principal categories appearing in this very extensive documentation, were the sick – especially heads of households – and recently widowed women, with a smaller percentage of largely male unemployed.

All examinations established settlement and therefore the responsible authority, but this was not the invaried prelude to removal, notably in the case of sick males. In their cases the relevant authority was contacted, and given the option of meeting all maintenance and medical costs (which could be considerable⁶⁷), the Clerk normally sending copies of the examination and a medical certificate, asking the recipients to accept the settlement identification and agree to reimburse Southampton's expenditure. There is little doubt that humanitarian considerations did play a part, but the ideal was to reconcile the interests of all concerned, and enough has been said to suggest that it was possible to reconcile those of the subjects themselves, ratepayers in both the parish of settlement and Southampton, and employers who formed a politically powerful component among the latter.

This was more problematic with the recently widowed, for additional considerations included the woman's age, her reputation and employment situation, and the numbers, ages and earning capacity of the children. Each case was taken on its merits and many were removed, including pregnant spinsters and widows conceiving since their husband's demise; others were not, exemplified by the case of Elizabeth Kelley, who 'may remain in this town' if her settlement parish paid a small weekly sum to support her remaining child. Chippenham authorities were requested to 'allow' Widow Bailey 'such a Sum of Money as will enable this poor Woman (in addition to her earnings) to maintain herself and family without compelling them to go home'. The unemployed appear to have been similarly treated, and logic would suggest that those like claimant John Jelly ordered to 'be Examined and Removed' were deemed on their circumstances – no

doubt explained by parish overseers to the Court, which unfortunately did not record the details – to have few if any prospects. Others fell into another category, like Henry Thorpe, settled in Hampstead, but ‘in expectation of getting a situation . . . appears to be very industrious and desirous of not troubling his Parish’ once he succeeded. Of course these proceedings were irrelevant to those, notably the skilled, who had resources adequate to their support in between jobs, and their temporary difficulties went unrecorded by the Court.⁶⁸

Southampton applied similar criteria when deciding on applications for non-resident relief for their settled domiciled elsewhere, including receipt of the documentation Southampton customarily supplied in the opposite direction. Hence Mary Hammerton living at Portsmouth was to have a weekly five shillings on receipt of a ‘Certificate from the Overseers or Minister . . . to satisfy the Court of her inability to support her Children’; relief would be sent to William Johnson once his stated circumstances were ‘attested by some persons of respectability in Guernsey’ where he was living. Employers were also approached, the Court on one occasion transmitting its formal thanks to a Mr Howard in London ‘for the very candid statement . . . respecting N Wallas who is in his employ’. Some non-resident claimants were pressurised. Michael Butt, domiciled at Portsea obtained an immediate five shilling payment, but if he applied for more he had ‘to attend next Month’s Court’; Mrs John Abraham received six shillings for support at Romsey with respect to her husband’s unemployment, but ‘if she needs any further relief to be admitted to the [work]House’ a realistic option for an Incorporation with such accommodation for over two hundred. Obtaining non-resident relief was not an invaried easy option, and never automatic.⁶⁹

The Court clearly prided itself on efficiency and demanded co-operation in these questions from other authorities. Distant overseers were not only initially asked to confirm claimants’ details, but in cases of long-term payments, were expected to update them when submitting quarterly accounts for reimbursements. On occasion assistance was requested in checking and confirming details revealed in examinations, notably the difficult variety over such matters as long-passed annual service and rentals, usually with a view to privately resolving disputed settlements without the expenses of Quarter Sessions appeals. Where payments went in both directions between Southampton and another authority, one net periodic payment was preferred to efficiently settle the overall account. It was invariably hoped that agreements and arrangements could be finalised by post, as opposed to expensive personal serving of documents, and indeed with minimal if any costly legal proceedings. Where co-operation was not forthcoming the Clerk

often expressed the Court's righteous indignation, as well as threatened sanctions, including the expense of messengers delivering documents, and in the case of the recalcitrant Fareham authority, their sick people making claims on Southampton were 'to be placed under suspended [removal] Orders, which will prevent trouble and frivolous objections'. In other cases, notably over non-reimbursement despite repeated reminders, Southampton went over the heads of obdurate civil officers by contacting the incumbent who ought to have a developed sense of gentlemanly integrity. Despite the problems, the scale of fraud seems to have been minimised, and imposters like Ann Jones promptly prosecuted 'for some time past receiving weekly relief from Southampton and Portsmouth . . . for the same time'.⁷⁰

Non-resident relief payments were normal elsewhere if on an essentially modest scale before 1795. For example St Michael's Lewes paid £3 through Ringmer officials for 'keeping & Clothing' a man there in 1764, the same year that a decision was first taken to pay the widowed Mary Elpheck domiciled twenty miles away at Burwash a weekly 1/6 which continued until 1772. Much more expensive was the weekly five shillings paid from 1767 to another widow for 'Parker's Family' domiciled at Westham, fifteen miles away, and though reduced to three shillings in 1773, was paid to until 1801. More usual was the five shilling one-off payment made to another widow living at nearby Newhaven, and weekly two shillings 'during her present Distressed Situation'.⁷¹ Equally revealing were the decisions taken by an economising Kentish Gilbert Union with its expanded workhouse accommodation, on its formation in 1789, consciously eradicating the costly existing practices of constituent parishes. These included a stop to all non-resident relief except that paid to sick, aged and impotent recipients, a stipulation not breached until 1791 by one parish, when the Union seized the opportunity of restating the principle – and introducing a financial penalty – when agreeing the exception.⁷² To degrees, the temporarily sick, were similar to those elderly people who commonly became relatively uncontentious recipients of non-resident relief; the latter had the additional advantages of reproductive incapacity, were usually adequately housed, and it was often deemed immoral to remove them at the end of their lives from their social circle in a place they had enriched through toil. Removal might be in response to aged individuals not receiving *de facto* pensions from parishes of settlement. But in the main, parishes did not want pressurised housing coming under further strain through returning elderly folk, nor did they want friendless geriatrics forming an aggrieved and cantankerous workhouse population. Non-resident relief was not then simply a feature of northern and industrialising England,

but well-established apparently universally, if especially the geography of Southampton's traffic, both in and out, was at all representative. Indeed, it was a critically important feature not simply of the Settlement Laws, but of the entire poor law edifice, despite its neglect by historians. There is however, no doubt, that it became much more extensive in rural southern England, and embraced much more relief in-aid-of wages, owing to the inflationary and other economic pressures experienced during the French Wars between 1793 and 1815.

IV War, Inflation and the Impact of the Act of 1795

The start of the French Wars in 1793 ushered in a critical period for the poor law and economic factors central to it. First, the general inflation notably of foodstuffs which obtained throughout the entire following twenty-two years was punctuated by the famines of 1794–96, 1799–1801 and 1810–2, which drove up workers' basic food prices by over one hundred percent, to endure for up to twenty-two consecutive months. Secondly, mobilisation delayed a visibly impending rural southern employment crisis, as thousands of men were recruited for the army and navy. Claims of wartime labour shortages in the southern countryside, are however, partisan, exaggerated, and unreal, with localised exceptions principally over the harvest. Wages, notably for farmworkers, the largest single occupational group, lagged increasingly seriously behind prices, a major indicator of no profound labour shortages materialising, despite the fact that younger and fitter men were able to obtain improved wages by taking work by the piece. This accelerated the decline in settlement-creating living-in service, visible in various ways since mid-century, because young men could earn much more through piece work, and also escaped from the irksome restrictions of living-in the farmhouse. The partial switch to piece rates encouraged itineracy *and* mobility, and a proportion of the fittest and more skilled land-workers exploited advantages accruing through military recruitment, and the profit-driven increase in intensive cereal farming, by travelling about; many moved from their settlement parish, either with families or before marriage, and thus worked, lived and many married to put down roots away. Outside the subsistence crises, most were unaffected by settlement legislation. We return to the latter in a moment, but piece rates also brought seasonal job insecurities, and perhaps married men with larger families calculated that permanent employment carried a different, but worthwhile premium. Those opting for piece work possibly had to seek seasonal unemployment pay, and piece rates were inadequate outside harvestings to meet the living costs

of men with substantial families. This reality was recognised by the notorious Speenhamland decision, and although the cost-of-living scales were an early casualty of the huge expense involved in meeting stipulated incomes, their replacement by static supplements, increasingly payable with respect to children – namely speedy conversion to *de facto* child supplements – became entrenched subsequently in especially rural regions.⁷³

Although wage-supplementation from the rates was common earlier in the eighteenth century, the famine conditions of 1795 gave them an unprecedented currency. This posed problems for those domiciled outside their places of settlement, notably family men, when the first famine began to strike ferociously across the unusually hard winter of 1794–5 and in the early spring of 1795. Employers mainly eschewed responsibility to meet inflated living costs by wage increases. There were exceptions, including the expansion of a West Country farming tradition, powerful only perhaps in Devon, of normally selling often substandard corn at a low and stable rate to employees. This arrangement intensified in the West and spread to additional locations; so long as such employers were prepared to make sacrifices by ensuring that men with the largest families purchased all their necessary cereal at these prices, this system largely preserved them from the worst inflationary pressures.⁷⁴ Some mining and other substantial industrial employers, notably in Cornwall, also provided cereals at stable prices, in part because few employees were settled where they worked, partly because miners were notorious authors of riotous direct action against food producers, manufacturers, and retailers, and also to discourage wage increases which a well-rehearsed adage held to be inappropriate for temporary emergencies as they were difficult to lower again.⁷⁵ All employers – especially those in towns – could contribute to charities, increasingly features of most winters even in the numerous modest southern towns, regularised, and in the initially unpopular soup kitchens, institutionalised in the 1790s: the latter spread rapidly from 1796/7, and were of special importance during the 1799–1801 famine. Funds remaining unspent from one year constituted the financial base for the next, and they also extended operations beyond winters. Beneficiaries became entitled to participate by simple residence, joining queues, or through tickets distributed by subscribers to their employees, tenement tenants, and fellow church-goers. Food subsidies and aid from charities had three perceived critical advantages. They preserved poor rates, and especially poorer ratepayers, from the rocketing levels of expenditure endured elsewhere as a result of all or almost all relief being financed under the statutory system. Secondly, voluntarism was believed to enhance social cohesion in times of mass

deprivation. Thirdly, both forms of non-mandatory aid rendered settlement legally irrelevant.⁷⁶

Whatever charity's importance in urban and industrial locations, some were restricted to the formally settled to mitigate pressures of demand, and statutory relief assumed an unparalleled importance, in some senses symbolised by the infamous though untypical Speenhamland decision in the spring of 1795.⁷⁷ Although a tiny minority of local authorities ignored the settlement issue, the initiative usually came from a resident grandee, like the Marquis of Salisbury at Hatfield, who railroaded through a vestry decision to pay minimum wages and supply subsidised cereals to farmworkers 'whether Parishioners or not'; but the Marquis was able only to 'recommend . . . the same liberal Line of Conduct . . . to all the Neighbouring Parishes', as opposed to enforcement. Countryside trends were in the opposite direction, nowhere more harshly exemplified than the 26 November 1794 Midhurst decision that non-certificated intruders were to be arrested immediately and 'carried to their respective parishes'.⁷⁸ Arrest and expulsion were extreme variants of the refusal to extend emergency relief schemes to the unsettled, but the logic of the developing situation in late 1794 and early 1795 was an unprecedented and potentially universal resort to removal orders. However manageable at the level of the individual rural parish, this had ominous portents in the aggregate through wide adoption in the countryside. But at least two major decisions against poor relief to the non-settled were taken in big urban centres, namely the populous Birmingham parish of Handsworth, and Norwich where poor relief was centrally administered, as at Southampton. Although the details are obscure, public order in both locations – according to senior magistrates – necessitated military manoeuvres, and in Handsworth where removal orders against large numbers were expected, violent animosity was manifested against one of the decision-takers, Matthew Boulton.⁷⁹ Massive repatriation, especially from, though ultimately not just towns, would have sparked resistance and probably fierce riots, in addition to those inevitably in response to rocketing food prices. Moreover, politically, it would have additionally fuelled the resurgent populist democratic movement, at the very moment when the government's leadership of the allied European ancien régime's military crusade against revolutionary France was under both hostile public and parliamentary scrutiny.

The combined political and economic situation suffices to explain why the Act amending the Settlement Laws so that only people (other than vagabonds and unmarried pregnant women) who had actually applied for relief as opposed to those considered 'liable to become chargeable' could be subjected to removal orders, was passed under the

ministry's auspices. Those historians who have correctly stated that there is virtually no evidence respecting the Act's authorship, the government's strategy, or parliamentary responses from the Bill's introduction in February in 1795 – including debate – are generally uncognizant of the precise circumstances surrounding the Act's eventual passage in June, nor the universal anticipation that food prices would scale further but previously unimagined heights over the summer, thus driving an even larger percentage of the working population into degrees of dependency on poor relief.⁸⁰

The Act was not the only new statute addressing sensitive issues which was slipped quietly through its final stages during the last poorly-attended days of the session, and the lack of publicity probably derived from ministerial concern that wide appreciations of the changes might trigger a massive pre-emptory resort to existing law.⁸¹ In fact the new Act made *very little immediate difference*. The Malling Petty Sessions convened on 3 August some eight weeks after the Bill passed, and minuted magistrates' majority perceptions of *continuing* problems and their solution;

Taking into Consideration the difficulties which the industrious Poor at this particular crisis, experience in Maintaining their Families; and having this Day heard several complaints, brought before Us by Persons desiring temporary relief and residing in Parishes to which they do not belong We do very strongly recommend to the respective Vestries . . . in this Division to afford such Relief . . . to all industrious Persons in the Parishes in which they reside whether belonging or not . . . [to] prevent the necessity of many expensive removals extremely detrimental to the Poor and particularly inconvenient to the Farmers at this time of the year without an ultimate prospect of advantage to any Parishes concerned.

Hence, the recommended relief to the non-settled was to extend to only 1 October 1795, after the harvests, and when it was also widely, if very erroneously anticipated that food prices would decline to customary levels.⁸²

The 1795 Act was not some stage in the 'liberalization' of the system.⁸³ In these circumstances, the Act's precise impact was very modest indeed, as the percentage of working folk, especially those with more than one or two infant dependants who could avoid supplication for statutory relief, was rapidly dwindling, as testified at Malling. Major alterations to the settlement system ran the very real risk of parliamentary defeat, as exemplified on at least six previous occasions when Bills to terminate 'vexatious removals' were rejected. Pitt soon rediscovered all these fierce prejudices over his Poor Law Bill of 1796, which advocated settlement being achieved by five year residence, and

making parishes of settlement statutorily responsible for meeting the cost of any relief paid to individuals by host parishes. These clauses so horrified the West Kent Quarter Sessions that formal representations to the Commons followed. The magistrates also insisted that their removal powers should remain with respect to families applying for aid during their first year's residence, if they proved of 'bad repute', or were unable to secure 'honest employment'. Very significantly, their workshops excluded from the latter category household heads denied work, 'solely upon account of the number of their children and the supposition they might in future become chargeable'.⁸⁴

Circumstances current in mid-1795 dictated that few workers domiciled without certificates, remained non-suplicants, and remained removeable *unless* relieved as non-residents. Certification became virtually redundant, revealed by the archival paucity of those granted after the Act's passage. The expense and trouble involved in the certification process was as critical in the system's demise as its apparent redundancy owing to removal being dependent on relief application, but so too was the reduction in the rural labour supply through recruitment. Migrant workers were much more likely to be welcomed from the mid-nineties, though a marked recourse to removal occurred in some rural regions during the 1799–1801 famine, and more spectacularly during the nineteen months of peace in 1801–3.⁸⁵ Professor Landau is technically correct that the 1795 Act terminated the current mode of immigrant surveillance,⁸⁶ but monitoring was generally less necessary on economic grounds, and further reduced by migrant family men's access to outdoor non-resident relief. In the South the Act was an unwritten charter for a massive extension of the existing system of non-resident relief, firstly for the duration of the 1795 crisis until the early summer of 1796, secondly in the much more severe famine-induced crisis in 1799–1801, and thirdly especially with the return of war and continued high living costs after the ephemeral armistice and peace from October 1801 to May 1803.

Although one critical evidential source for the extension of non-resident relief during the war after 1795, overseers' correspondence, is fairly thin, what does survive proves the importance of the famines. The Gravesend employer of one man settled in a High Wealden parish, wrote on his behalf stressing the inadequacy of the incomes of working men with families to current food prices, that Gravesend's settled poor received subsidised flour from the overseers, and that unless a 'weekly Allowance' from the home parish was paid through the employer, the worker would be forced to 'sell his goods & Come home'. Master breeches-maker Piper of Cowden Kent, first employed glover Climpson from Ticehurst at Christmas 1810, but with food prices rising rapidly

again in March 1811 wanted a 1/6 weekly subsidy for Climpson, emphasising that 'I cannot think of Employing him whithout'; the outcome is not recorded, but another letter to Ticehurst from James Baker's employer threatening dismissal unless Baker were put on the same footing as other farmworkers with a family with three children, is endorsed – 'To have 5/- a week from this Day'.⁸⁷ The overseer of Exmouth Devon, had already obtained a removal order when he advanced a case why it would be cheaper, as well as more humane for Frant on the Kent/Sussex border, to pay regular non-resident relief to the wife with four children, abandoned by her husband;

the Family have a great desire to remain hear as they can do much better the Wife being amongst her friends . . . you relieving them would be less expence to you than to have them home, the Wife is a very cleanly industrious Woman.⁸⁸

Non-resident relief during the war thus extended to weekly allowances in-aid-of wages. Other one-dimensional crises, include rent arrears, exemplified by the £4 Brede agreed to pay to the landlord of a non-domiciled claimant, 'provided that Battle . . . will allow him to stop'. Further evidential snippets about these arrangements reveal that whereas some claimants were made to collect their money, others received it through the host parish's overseer, or an alternative regular mechanism. A Storrington mother of nine died on the twenty or more mile walk to West Preston in March 1804, whereas Barcombe parish officers asked their St Clements Hastings counterparts 'to relieve' a Barcombe man

the same as you woud one of your own Paupers with a Wife and two Children . . . send your Bill to Mr Henry Pride Overseer he will send it you by return of Post.

Samuel Gurr 'received relief from . . . the Overseer of Hamsey . . . paid . . . by the Lewes Newsman', twenty-seven miles away at Pulborough. The doctor contracted to treat the poor of Framfield also attended people domiciled in five neighbouring parishes; his furthest non-resident patient lived seven miles distant.⁸⁹

However, non-resident relief remained discriminatory, and if wartime removal orders stayed relatively low, some – as at Exmouth – were the means of pressurising parishes of settlement. Ignoring communication remained, together with that form of return of serve represented by All Saints Hastings vestry's determination on Mrs Craig's case, 'not to send you any Relief, as in the course of Twenty Eight Years absence you may have gained a settlement elsewhere'. Such situations

multiplied significantly owing to enhanced wartime mobility, but whatever the numbers of new settlements, with others the onus was placed on claimants, and in the next resort their host parishes, liable for removal costs under the 1795 Act. Hence a proportion of those resident elsewhere who might have received relief in-aid-of wages, or temporary assistance in their own parish, neither received nor dared ask; as the incumbent of Bushey, Hertfordshire reported,

we have seen sometimes in times of scarcity, persons almost starve rather than be removed, for fear of the workhouse in the parish to which they would be removed.

His reverence probably partly referred to the aged, like the overseers of Newington (Oxon or Kent) when they contacted their Shere (Surrey) counterparts respecting almost seventy year-old Ann Wild, to suggest that a 'few shillings' monthly would enable her 'with a few friends she has been used to work for kept from starving', as it was 'thought improper at her Age to come down to your workhouse'.⁹⁰

Non-resident relief to able-bodied males and their families was not the simple notorious subsidy of big farmers' wage bills paid by all parish ratepayers, but subsidies from other *entirely distinct communities*, ultimately exacted by threats to force migrant families' return; for many parishes payment was economical. Another element to non-resident relief was emphasised in 1817 by Thomas Lacoast of the Surrey Thames-side parish of Chertsey;

a great many of these [resident, non-settled] people receive little allowances from their own parishes to prevent their returning home, and therefore they are enabled to offer their labour at far less than our parishioners,

unless indigenous workers also received allowances in-aid-of wages.⁹¹ If such labour forces had competed on a level wartime playing field, the situation after the war changed as dramatically as drastically, once demobbed servicemen enormously swelled the labour supply, which was inflated further by the marked increase in birth rates during the second and third decades of the nineteenth century. This demographic phenomenon coincided with the post-war agricultural depression, characterised by low prices discouraging agricultural productivity, in turn inducing a switch from labour-intensive arable farming, especially on marginal lands put down to cereals under wartime profit stimuli. The delayed lifting of the depression proved uneven, notably in the less-advantaged regions including the Weald occupying half of the three historic South-eastern counties, with sustained recovery only after the mid-1830s.⁹²

V The Post-War Agricultural Depression and Parish Policies

The intensifying and prolonged postwar under- and unemployment of farmworkers, extended unevenly to skilled workers in the rural service industries, and constituted parish vestries' major problem in all but the most favoured districts, like the Downs where inadequate indigenous labour forces required supplementation from adjacent districts. Parish followed parish in work-creation schemes, ranging from the tested if defective pre-war expedient of Roundsmen systems, to essentially experimental resort in putting the unemployed on to roadwork, and hired quarries and even farms. In these dire circumstances, non-settled workers, welcomed in wartime were now very vulnerable. Firstly, in many places employers felt constrained to give priority to settled workers; those non-settled unable to obtain required wage supplementation through private negotiation with parishes of settlement, were expendable; they were secondly formally removed in great numbers, dramatically revealed by speedy procedural changes initiated by Sevenoaks Petty Sessions as early as 3 April 1815. Magistrates quickly tired of delays to unusually late hours; commencement was advanced from noon to eleven, a first come first served system introduced, and removal order seeking parish officers instructed to bring those involved before the Clerk at 9.30a.m. for examinations ready for magisterial scrutiny and a ruling after 11a.m. George Courthope the incisive squire who chaired the High Wealden Bench convening at Hurst Green, later expressed himself forcefully about the social mayhem he witnessed, writing that

the immediate consequence . . . was the removal of numbers of the most industrious families from homes they had lived in comfort . . . to a workhouse in the parish to which they belonged . . . [which] produced more individual misery than can be conceived by those who were not eye witnesses.⁹³

By the early 1820s vestry after vestry including Courthope's home parish debated sacking 'those labourers that do not belong to the Parish', and quickly decided that farmers employing non-settled be 'requested to discharge them'. According to Courthope such decisions – backed in places by penalties on non-compliant farmers – were 'very general . . . [in] agricultural parishes'. In the fervent atmosphere created by resort to discriminatory employment and formal removals, and with many more populous parishes recurrently verging on bankruptcy, appealing against removals appeared the only chance of staving off a seemingly unstoppable expenditure spiral, which simultaneously also immeasurably aggravated unemployment and

housing problems.⁹⁴ Panic altered customary parochial perceptions, and distorted wartime sectoral alliances among ratepayers; litigation level records shattered – appeals to the West Sussex Quarter Sessions ‘doubled the number ever before presented’ at Easter 1816 – and speedily germinated ‘the proverb that if you could gain one appeal out of three, it was worth while to contest them’. To quote one poor-law legislative specialist, Sturges Bourne, falling agricultural wages, reduced and selective employment, ‘restored . . . the intricacies in which settlements were involved’, to embrace almost anybody domiciled outside their parish of settlement, whether in or out of the job market.⁹⁵ When the formal examination of the Earl of Verulam’s former gamekeeper, Thomas Card and his wife, aged seventy-five and sixty-nine respectively, living with their son at Gorhambury, Hertfordshire, was presented by Verulam’s estate steward to Ticehurst, the Cards’ alleged parish of settlement, a typically evasive explanation followed:

The reason we have not granted any Relief to . . . Card is that the House with Eight Acres of Land that he Occupied under [major land-owner] Mr Micklethwait we think was sufficient to make him a Parishioner . . . of Salehurst, although he paid no Rent it was calculated in Lieu of Wages, and if this does not Settle him . . . we have good reason to believe he belongs to Etchingham

by dint of a previous land tenancy exceeding £10.⁹⁶

However, further factors mitigated the scale of resort to litigation. First, there was some recourse to living-in service which aided farmers’ liquidity, being *de facto* delayed wage payments; board effectively represented remuneration in kind principally from the employer’s own produce.⁹⁷ Secondly, parishes faced ever-deepening crises with employment of adolescents, in places before the end of the war. Confronting the inability to secure annual work contracts in 1813, Billingshurst tellingly entered its decision to put workhouse boys ‘out on the Highway’ in its ‘Apprenticeship’ record book opened in 1745, but securing jobs for all children – notably those of relief recipients – worsened by the early 1830s; while fourteen year-old lasses eligible for weekly subsidies and fully-fitted out with clothes could still ‘go into Service’, boys from the age of eleven had no option to being ‘allowed on the roads’. Ensuring that children achieved settlements elsewhere became more problematic. Potential employers needed the bribes represented by subsidies, premiums and clothing, which gave them sufficient pecuniary advantage to break parish stipulations against extending employment to non-residents, and where as at Bletchingly, vestries had stipulated half-yearly maximum hirings. In 1825 this

Surrey village also resorted to character assassination to discourage another parish from apprenticing a lad to Bletchingly saddler James French; French, it was said,

is notoriously known to have but little business not having sufficient to employ himself constantly as he being continually in arrears with his Poor Rates, and being from home great part of the time abundantly proves . . . more than probable he will be obliged to leave his present dwelling house in a very short time and it is very questionable whether he will afterwards be a House Dweller in Bletchingly. . . . [He is] in indigent circumstances the Obtaining the Premium is what he aims at and nothing else.⁹⁸

Thirdly, some employers did not want to lose men, those like 'very Industrious Sober' John Homewood, as there was 'no wish to remove such a Man', employed at East Farleigh (Kent) on wages inadequate to the maintenance of three children under four. If this constituted a virtual demand for non-resident relief, others made it explicit, including farmer Longley of Lydd, employer of 'honest, sober and industrious' Thomas Bailey. Now, as Bailey's wages were unequal to the costs of four children's maintenance and rent, Longley explained

if the Parish . . . does not assist him I must be under the necessity of discharging him and he must come home . . . as all the rest of our Parishioners employ their own people.

Faced with such decisions, mindful of all the other difficulties by the return of such people, many did continue to pay non-resident relief in-aid-of wages, ranging from underwriting rents to weekly supplements, and the stimuli to such payments became more powerful after some calming of the post-war situation from about 1823.⁹⁹

Urgency, and intense irritation remained common, typified by the note announcing the result of Thomas Gains' application to Crondall (Surrey); five shillings on condition that 'he will stay away as long as any work could be found'. Charles Elphick, writing from Westminster, after 150 miles 'traversed for work through Kent, Surrey and some part of Sussex', received a pound from Hailsham to assist further search.¹⁰⁰ Impressionistic evidence suggests some relaxation of rural inter-parochial hostilities spawned by removals and appeals. Officials from two High Wealden parishes agreed to value property at the centre of a disputed settlement rather than go to law, and on one occasion Northiam explained that as they had a pool of thirty unemployed, they would be obliged if James Baker's parish of settlement could accept his return with a house. When John Nash provided details of his children's ages in response to a request from his settlement, the overseer of

Hawkhurst in Kent where he was domiciled endorsed the letter, 'I believe the Above to be correct & the Man seems very sober & Endeavours to gett a Liveing'. Hythe officers rather proudly informed their counterparts elsewhere that

we suffer no imposition on the part of non-Parishioners to their Parishes that are resident here if we know of it our vestry being very active and strict.

In some circumstances, calculations no doubt suggested that *de facto* wage subsidies paid by distant parishes retained advantages, and hence Hythe's reassurances that their vigilance prevented fraud. Precariously balanced parochial liquidities deterred officers from relieving non-settled residents, in case home parishes dishonoured their debts, and in the peremptory fashion of one letter were notified that officers had 'no means to satisfy your demand from inability to collect the rates fast enough even for . . . trifling demands'.¹⁰¹

The employment of non-settled workers and their receipt of regular outdoor relief, remained fractious issues, and a proportion of Swing crowds in the autumn of 1830 insisted that parish employment be reserved for the settled.¹⁰² The permissive Labourers' Employment Act of 1832, one of the few measures directly addressing Swing's grievances, legalised the Labour Rate system previously introduced by many and abandoned by some parishes, and could compel farmers to employ designated numbers of labourers. Essentially a stop-gap measure, calculated to quieten Tory complaints – and in the Duke of Richmond, appease a prestigious advocate – it was taken by the Whig government as an interim measure to expire on the radical poor-law reform, to which it was firmly committed. The 1832 Act expressly excluded the use of funds for the employment of settled labourers living elsewhere, and also encouraged a return to discriminatory hiring of labour. Where adopted, many parishes specifically excluded the non-settled by simply making them ineligible for calculations linking individuals' employment quotas and rental values, and led directly to the sacking of many non-settled workers, a fact stressed by the Chancellor of the Exchequer. The negotiations at Brenchley vestry resulted in a tortuous resolution to the probably deliberately unimplementable effect

That any Agricultural Labourer not belonging to this Parish, but employed therein by a Rate payer, may be returned by his employer in his List of Labourers, provided such Ratepayer furnishes the Name of a Brenchley labourer employed for the same time, and paid the same . . . in the Parish to which Such Agricultural Labourer belongs.¹⁰³

The Act was quite widely adopted in the South-east and in East Anglia, and generated satisfaction for rate reductions, stopping perceived morally harmful highway employment, and facilitating otherwise uneconomic capital investment.¹⁰⁴ It also spawned hostility. The Chancellor – as befitting a utilitarian opponent of the entire poor law edifice – also made it categorically clear that in his view a Labour Rate

destroys the Distinction between Pauperism and Independence. . . . Relief and wages are utterly confounded. . . . Good Conduct, Diligence, Skill, all become valueless.¹⁰⁵

More significantly the Act played straight into the hands of the larger farmers and bigger tradesmen employing journeymen, receiving subsidies and facilitating reductions of workers to winter minimums, without jeopardising peak season labour supplies. During Heathfield winters ‘all Mechanics who are paupers’ were deemed labourers. Other inhabitants were disadvantaged, especially the small farmer customarily dependent on family labour, ‘ruined by the extra burden of having a labourer or two thrown upon him’, while ‘the shopkeeper, small tradesmen and small householders . . . had to pay under the labour rate’ for work being executed for the affluent. Moreover the clergy took umbrage after ‘some dirty fellows’ used the scheme to manipulate increased poor-rate payments from tithe-owners.¹⁰⁶

The Labour Employment Act was insufficiently adopted to radically alter non-resident relief. At Goudhurst 174 men working in some thirty-six places mostly in Kent and Sussex, but others in London and Essex, received regular relief. If 133 were farm labourers, a wide range of other trades were represented, bricklayer, waggoner, carpenter, shoemaker, brushmaker, sawyer, and a journeyman miller; specialist agricultural skills included a sheep-shearer and a molecatcher, together with a ‘postboy’ and a beadle – the last’s no doubt miserly wages paid by a hard-pressed parish’s attempts to reduce vagrancy and crime. Non-resident relief payments by more populous places out-grew their administrative capacities; in March 1835 all payees on behalf of the relatively inexperienced poor-law authority in Brighton, were asked for accounts ‘together with a copy of the authority under which such payments may have been made’. Others were immunised to degrees against recessionary impacts, and Southampton benefited additionally from well-established procedures to resist most claims for all forms of allowances in-aid-of wages made by non-residents. Moves to finance public works to soak up the unemployed during a crisis over the 1826–7 winter generated a profound split within the Court of Guardians; a compromise was engineered through the introduction of utilitarian-inspired payments in kind to the City’s settled unemployed.¹⁰⁷

VI Settlement and Non-Resident Relief under the New Poor Law

The Poor Law Amendment Act, implemented in the South between the winter of 1834–5 and the late summer of 1836, made but ‘trifling’ changes to the Settlement Laws, symbolised by the fact that the termination of the criteria of annual service for the unmarried applied only to contracts entered into after the Act’s passage and that even by 1841 a quarter of settlements established still depended on pre-1834 service; the remainder reveal an increasing dependence on fathers’ and grandfathers’ settlements.¹⁰⁸ Several of the critical radical changes attempted by the new legislation militated against important existing functions of non-resident relief.¹⁰⁹ Payment of regular allowances in-aid-of wages were the most potent, but all other forms with the clear exception of medical relief, and the somewhat ambiguous major area of *de facto* pensions to the disabled, retired and elderly, precisely those who had been preserved from resort to formal removals after the war and for the duration of the agricultural depression, were if not illegalised under the Amendment Act then disapproved of by both the Commissioners at Somerset House, and their roving assistants responsible for very interventive supervision of implementation in the localities. Edwin Chadwick’s notorious circular of 8 November 1834 was not the prescriptive document as commonly interpreted.¹¹⁰ It certainly spelled out some of the major changes he calculated to derive from the Amending Act’s implementation, but it was addressed to those regions – notably Midland and Northern – yet to be visited by assistant commissioners. They were presently pressurising parochial poor-law authorities mostly in the South and the East to start the essential softening up of claimants by a gradual and piecemeal enforcement of the Act’s principles, before the infrastructure for full enforcement had been created through the formation of the new Poor Law Unions. It called on overseers to ‘revise’ the lists of recipients of non-resident relief, and implied that aid to able-bodied males should be stopped and the workhouse offered, where such accommodation was adequate.

Chadwick stressed that these were suggestions not rules, and as the document contained injunctions against sudden and violent changes on pragmatic and practical grounds, it was immediately ridiculed by the radical press; the Amendment Act was law, yet as it was unworkable, in practice the old law should be continued. But some authorities – including Southampton with a majority of Amendment Act supporters – quickly committed funds to increase already substantial workhouse accommodation, and enthusiastically implemented Chadwick’s advice. Joseph Page, living in Lewisham was told that the enclosed £5 was his last payment, and with Isaac Combs – also living in the metropolis –

was informed that if his earnings were inadequate 'you and your Family must come home, and . . . into the House'. Daniel Hawes tried to resist – again from London – only to be told that further 'Letters will be returned unopened'.¹¹¹

The scale of non-resident relief to able-bodied males currently paid when the assistant commissioners started their southern work, was sufficient to generate widespread fears that recipients, on its abolition, would return en masse to their parishes of origin in the countryside. In Sussex even model Unions including Thakeham prepared initially to fight on this issue, while in Cuckfield Union, chairman William Day was 'struggling against the Board for several meetings', convinced by assistant-commissioner Hawley that there were 'no frauds so great as those practised by this class of paupers'. The threatened migration principally back from towns to the countryside, to fuel unemployment and housing problems, failed to materialise.¹¹² Of course, some recipients tried to exploit the situation, but the old ploy of threatening to return home was quickly losing much of its historic force, notably as the erection of new workhouses proceeded apace. Those conversant with the changed scenario, attempted to exploit the intense hostility to the new system amongst those responsible for the last administrative gasps of the old, and adapted previous ploys, including the character settled at Cuckfield, but trading in Brighton as a 'sausage-maker', who would return with his extensive family unless his parish met his demand for no less than £20 to stay in business. In these cases, as in lesser ones, for example sailors who commonly applied for 'an outfit' in between voyages, the assistant commissioners when and where necessary, put backbone into wavering officials, and in the main defiance saw off the threats. The much publicised specific exclusion of medical aid from the end of payments to able-bodied non-residents by the Kentish Unions removed one principal source of disquiet. In the critical and tense early days, Hawley, responsible for Sussex, used the successful abolition of allowances in-aid-of wages to able-bodied male non-residents as an argument to impress the legions of doubters that this could be imposed upon all such recipients without serious social implosions, if not revolution. He advanced the same argument in May 1836 to his Somerset House superiors in support of a speedy issue by the Commissioners of the Outdoor Relief Prohibition Order to ban its receipt by all able-bodied males across his jurisdiction before he took over Hampshire as well. However, in the meantime, he had been cunning enough to agree to advocate the continuation of non-resident relief to applicants from the heavily impoverished and notoriously unruly – if small – High Wealden Union of Ticehurst over the 1835–6 winter principally as employment in the district would be slack, and in

his estimation continuation would 'in a great measure promote . . . the tranquillity of this part of the Country'; he cannot have been surprised when the Commissioners rejected the suggestion despite further lobbying from the Ticehurst Board.¹¹³ The Horsham Board – despite its deep political divisions – simply offered the alternative of taking some of the children of able-bodied, non-resident recipients, into the workhouse. In a major review of his work to date, penned in April 1836, Hawley reported that in all his Sussex Unions, a mere five families had returned to their parishes of settlement on the termination of their relief, a fact soon relayed to local doubters including the Earl of Liverpool, chair of the Uckfield Union.¹¹⁴

In some Unions attempts were made to end outdoor relief to non-resident widows too, especially where workhouse provision was abundant and such vulnerable folk incarcerated, but all the evidence suggests that more than token experimentation was deterred by the blatant unfairness of such a policy, underpinned by the even more powerful stimulant, namely that institutionalisation actually cost more than outdoor relief. In the main non-resident relief was retained for 'the old pensioners; the worn out pensioners upon the parishes; old widows, and old men, past work completely, who receive their stipends every week', though some recipients seem to have been victims of occasional economy drives by Boards of Guardians, and took action to evade the workhouse including residence with children.¹¹⁵ Regular, weekly, fortnightly or monthly payments commonly went through shopkeepers, or via the relieving officers of appropriate Unions; the latter arrangements were used when temporary payments were made for illness and for probably illegitimate and even illegal matters which became possible under the laxer administration of the law from the 1840s through to the early seventies. The Poor Law Commission essentially backed away from campaigning against the relief of non-resident, non-male able-bodied claimants; commenting on a proposal of three shilling weekly payments of a widow with three children, domiciled in London, but settled in Cranbrook, Chadwick argued that the guardians must appreciate the 'extreme difficulties of guarding against imposition when Rural Unions grant Relief to Persons resident in London', despite the fact that Cranbrook had secured a report from the metropolitan relieving officer responsible for the widow's district. There are cases of corrupt relieving officers entrusted with the despatch of payments to non-residents pocketing the cash, as in the case of Thomas Miles, who 'retained in his hands for several years' monies due to a Ticehurst settled claimant resident in Greenwich. John Piper with a settlement in Heathfield, had been domiciled at Selmeaton for one and a half years when he was taken ill in 1852, and West Firle

Union expended nearly fifty shillings on his relief, but Piper's own Union – Hellingly – refused reimbursement when informed that his employer, a West Firle Guardian, had evicted Piper from a tied house during his incapacity. Certainly the 'network of inter-township accounting' common in northern and other big towns, described by one urban historian, was less pronounced as opposed to unknown in the South, despite the complaints that southern Unions were very reluctant to reimburse northern Unions for expenditure on people who had migrated. No doubt this reluctance was a form of bluff, southern authorities calculating that even non-payment would be unlikely to result in formal removal.¹¹⁶

However, whatever the reluctance of industrial and industrialising non-southern communities to resort to removal after 1834–5 as before, a reluctance based principally on securing an adequate labour supply despite the proclivities of the maturing economic cycle, and underwritten by the attitudes of authorities in the rural regions supplying that labour, settlement and removal remained important issues after 1834 along with non-resident outdoor relief. If some southern towns in the early Victorian period were experiencing quite quick growth, others were declining absolutely, among them Rye which resorted to the economic downturn which set in over the 1841–2 winter with the formal removal of fourteen families to thirteen principally rural South-eastern locations.¹¹⁷ The 1846 statutory change to settlement criteria, advanced a number of conditions generating irremovability, among them widows within one year of their husband's death, the sick who were not certified permanently disabled, and most importantly, the five-year constant residence rule. It is very significant that any period of receipt of relief from any parish, was excluded from the time calculation, a clause that was clearly aimed against parishes who had paid non-resident relief benefiting through transferring such recipients' settlements to their parish of domicile. The impact of this Act is difficult to assess. One Kent witness spoke of a new 'vigilance'; officials came under pressure particularly in economically disadvantaged districts to report on removeable non-settled residents, and some observers, among them the vicar of Brightling who committed many relevant details and legal opinions to his diary, claimed that

all neighbouring parishes are now keenly alive to such matters & are sending home persons of whom we have not heard for years, & refusing to give employment to any

unsettled men. In partially industrialised Gloucestershire 'there is no indication of the flood of Removal Orders which might have been

expected following the irremovability clauses of the 1846 Act'.¹¹⁸ The 1851 legislation enabling the Poor Law Board to arbitrate over disputed settlements came somewhat tardily, but it at least had the effect of terminating expensive Quarter Sessional proceedings. The relevance of settlement declined further on the reduction of the residence qualification to three years in 1861, and again with the Union Chargeability Act of 1865, which meant that disputes between parishes in the same Union also became a thing of the past. Nevertheless, removals persisted, as exemplified by the 153 involving seventeen Sussex Unions in 1882.¹¹⁹

As late as 1857 a Poor Law Inspector could claim that the Settlement Laws deterred outward migration by unmarried men from villages. The survival of the removal option, be it in reduced form, meant that the Settlement Laws continued to 'hang like a shadow over . . . poorer migrants' and served to deter relief applications from those not covered where they resided. In January 1861 Chertsey day labourer Hazell complained to his next door neighbour of unemployment for a month owing to the 'the Frost';

He said he did not know what he shd. do if this weather lasted. I said why dont you go to the Board. He said that would be of no use as he did not belong to this Parish.¹²⁰

Despite the statutory clauses against arbitrary and inhuman removals commencing with the stipulations in the 1795 Act – including the 1846 prescription of fines for any parish or union officer who contrived or countenanced an illegal removal – the system continued to encourage harsh treatment of some people. Mary Freind may have been awkward on occasion, and she was certainly at a considerable social remove from the run of people supplicating relief. A widow, she had four children by her husband – when alive 'in very good circumstances' and the son of a substantial farmer – and another two by 'different Fathers' since her bereavement in May 1857. She remained at Dallington until the exhaustion of the £170 from his effects, whereupon she went into Battle Union workhouse on 30 April 1863 with all children. She left on 4 September to go hop-picking, no doubt as customary with every other inmate capable of walking. At the end of the harvest she applied for, but was denied relief on the spurious grounds that she had contravened the residence criteria through visiting Rye (where she installed the youngest children at her mother's while hop-picking), and that she now took her husband's settlement at Salehurst in the Ticehurst Union. She promptly dumped the children on the Battle workhouse master and went back to Dallington; told by a Guardian that the family must go to Salehurst,

she refused to leave and he [the master] call'd men to assist him and then put her Children out by force and said if she did not go they would carry her out in the Chair in which she was sitting, she then followed the Children out,

and eventually caught the train up the line with money supplied by a relation. On arrival, the entire family had to seek refuge in Ticehurst workhouse where they remained in August 1864, well after the date of an eventual enquiry, which found that not only had Battle contrived to get rid of her, but no lesser official than the Union Clerk had lied on several occasions, depriving Mrs Freind of at least workhouse accommodation in the district in which she had made her home.¹²¹

VI Conclusions

Evidential problems repeatedly compromise the historical analysis of migration and the law, and major aspects of the Snell-Landau debate derive from difficulties and ambiguities over the interpretation of the details contained in the principal sources they use. In fact there are more problems with some records than they admit. Clearly, the importance of Petty Sessions in settlement legal administration, became paramount – whatever the significance of the appellant system to the Quarter Sessions at some moments in time, notably after the 1793–1815 war. Yet categories of records emergent from Petty Sessional proceedings are not invariably what they seem, or appear to seem notably to Landau rather than Snell, who makes few direct references to those available.

At the very start of this century, the Webbs researching their volumes on English local administration, found few examples of Petty Sessions minutes, and were informed that there was no provision for their safe custody, usually being left in the hands of the justices' clerk; when he changed the volumes were often not transferred to his successor. There are no doubt exceptions to this perceived state of affairs; Landau resorted to the Dog Inn at Wingham to consult one minute book, apparently eventually abandoned in the hostelry where the court convened.¹²² Justices were encouraged from the 1690s to keep diaries of their summary actions whether in Petty Sessions or acting singly, so that they constructed a 'Prospect of all he hath done', an essential record; however many were kept, relatively few appear to have survived, though they comprise a fascinating source, and some have been published.¹²³ In Petty Sessions, magistrates dealt with a whole range of relatively minor matters in addition to committals of criminal suspects to the courts of Quarter Sessions and Assize. This range is

revealed by a recently published example from Surrey, namely the minutes (1783–94) of the Copthorne and Effingham Petty Sessional Bench. Here, in addition to committals, we have game law cases, road-traffic accident hearings, warrants issued to search and arrest, recognizances taken from prosecution witnesses, orders to the constables relating to purges against vagrants, numerous licensing matters from victuallers suspected of fraudulent Excise returns, the annual Brewster Session decisions, and a host of other rulings and instructions to local officials, including overseers of the poor and surveyors of highways. Disputes over parish rating, non-payment of wages, leaving work unfinished, and bastardy, are recorded alongside rulings in multifarious cases, in addition to certificates, examinations, and removal orders.¹²⁴

These Surrey minutes are very different from some of the Kent examples heavily used by Landau. One of the eighteenth-century examples, from the Upper Scray division covering 1776 to 1783, is filled very largely with settlement examinations, with others – of pregnant unmarried women – something of a dual purpose covering settlement and paternity. This record contains the issue of summonses for the appearance of disputants over wages, and the succeeding book covering 1783 to 1794 additionally includes actions over problematic Militia Substitutes. Most of these functions involved fees paid to the clerk; as the record does not contain further references to the outcomes of either settlement or wages matters, one is forced to consider whether these are simply a record of the fee-bearing functions of the clerk, and not minutes of the court. Settlement examinations were of course an important record in their own right, and as there were many, though not always foreseeable occasions on which they would require copying, it could very well be that the clerks to Kent Benches were required to ensure that the court had access to these volumes.¹²⁵ Although other Kent Petty Sessions do contain a broader – though with the exception of Sevenoaks (1714–26), not as broad – a coverage as the Surrey Bench referred to above,¹²⁶ other evidence suggests that certain principally rural Benches, including Sevenoaks which we have encountered becoming severely pressed by post-war settlement business, after the mid-eighteenth century kept a separate volume containing nothing but settlement examinations.¹²⁷ In a case heard at St Augustine's Petty Sessions (Kent) on 15 March 1834, the clerk noted that

It appears by a Minute in Mr Savoy's [non-extant] Book that Reynolds (the Lodger) and his family were on the 4th Feb. 1832 ordered to be removed from Thanington . . . and the Overseer stated that he removed them . . . but that they returned immediately into the same Lodgings.

Therefore, what superficially appears to be the record of the court may be very inadequate. Of equal danger is the type of bureaucratic indolence deriving from magisterial dependency on the clerk. As one unidentified justice from the trio attending at Wingham on 7 December 1762 wrote,

Memr. That no Minutes was taken for this day there being only Two or Three Certs Calld & the like; the reason of their being omitted was that Mr Halford [clerk] not being present & myself taken Ill at Wingham.¹²⁸

The keeping of separate volumes exclusively for recording settlement examinations was the practice of the Guildford Borough Bench, with four extant volumes covering 1794 to 1836. Southampton has seventeen volumes kept between 1711 and 1901, and though there are some chronological overlaps between them, each was contemporaneously indexed and used as an important reference. When the sixty-six year old widow Elizabeth Newcomen and her daughter were taken ill in March 1836, Southampton wrote to Wimborne Minster in Dorset that

On reference I find that on the 20th April 1819 the Examination of her Husband Daniel . . . was taken by which it appears he gained a Settlement on your Parish by Apprenticeship with Mr Boreham a Tailor.

In 1781, another recently widowed lady on hearing her husband's examination taken in 1779 in which Yeovil was established as his parish, confirmed that 'she believed it to be true'. This system rarely went wrong, though when it faltered on the death of the Court's long-serving Clerk in 1836, his successor confidently asked Newbury – the other parish in the case – 'to transmit a Copy' of an original assumed to be on their file. On another occasion, Southampton wrote to the Clerk of the Peace at Salisbury, offering to pay for a copy of an examination of a then unmarried woman – since married – supplying her maiden name, 'by you searching the Examination Book of your City'.¹²⁹

The foregoing discussion of rural Petty Sessional minutes, and their urban counterparts, suggests that even when some documentation approximate to minutes survives, it cannot be taken as an authentic record of the courts' entire proceedings.¹³⁰ This is not to suggest that such records should be ignored, but the checking of surviving settlement examinations with rulings in court is possible only on a more reduced scale than Landau recognizes; as this documentary cross-referencing underpins much of her argument, its import is itself reduced. Other problems commonly derive from documentary deficiencies over the marital status and family responsibilities of men

subjected to settlement litigation. For example, the Battle Petty Sessions recorded the issue of orders removing only household heads William and Stephen Elliott from Salehurst to Burwash on 11 June 1816; according to the formal return filed with the Quarter Sessions papers, William had a wife and a month-old unchristened son, whereas Stephen had a wife and two daughters, the age of only the youngest at fifteen months being entered. Other records, including removal orders and examinations exhibit a similarly cavalier attitude on occasion to family members.¹³¹ Likewise, the survival of important papers at parochial level certainly do permit cross referencing, including the entire range between examination, removal and certification, but this does not mean that extant documentation is adequate to establishing the relationship, because losses may generate underestimations of the linkages. For example, the Sussex parish of Bolney, in common with many others, decided to make a comprehensive lists of certificates in the mid-1760s; sixty-five were listed, and annotations added, notably about those who had since moved or died. But nine of those listed certificates are not among those extant in this parochial collection, which represents a leakage of almost fourteen percent.¹³²

The evidence stemming from this examination of appropriate sources, suggests that while notions of surveillance appear exaggerated, monitoring migrants and people who appeared as if they sought to reside, was common, even if often of an essentially *ad hoc* variety, and that this could emerge as a matter of considerable concern and provoke action on the part of the vestry. Vestry minutes, which are unfortunately rarely impeccably kept, nevertheless comprise a guide to the question of migration and the local community. But, too many historians assume that vestries were united, or perhaps more accurately those men who actually attended represented the victorious and now dominant sector of ratepayers.¹³³ There was much more conflict in at least some vestries, between groups of ratepayers, than is generally recognised, and some of these struggles saw policy changes, notably over selective employment, which had major implications for Settlement Law administration in what proved the final two decades of the old poor law. Parish policies were principally responses to economic changes and demographic developments, and although of considerable importance for the profile of settlement use, this is not necessarily apparent from legal proceedings and court records. Likewise, owing to a desire to focus on the technical dimension to questions relating to settlement and migration, historians have revealed an indifference to the precise context of seemingly important legal changes, incredibly even that of 1795, with the result that settlement is far too myopically viewed. Among the unfortunate products are some

flawed assumptions underpinning Snell's pioneering attempts to extract much more sophisticated data from settlement examinations. We have given completely at random numerous examples both in the text and in the notes of the precise dating of settlement proceedings in rural communities, and this evidence certainly does not reveal any seasonal bias; indeed, the incidence of resort to removals over the early summer suggests – as does the 3 August 1795 comment of the Kent Petty Sessional Bench above – that farmers, or perhaps non-arable farming majorities on rural vestries, were not necessarily greatly exercised over harvest labour supplies across this period.

Finally, the better – though far from perfect – evidence from Southampton, reveals the critical significance of illness *and* the understandable concern to ensure that the costs of assistance fell on the parish of settlement. The process hinged on establishing settlement, as did reasons for the payment of other forms of non-resident relief. Settlement examinations of migrants were efficiently filed, and copies despatched to the distant relevant authorities. But examinations rarely give the precise cause of subjects' interrogations, before or after the changes introduced in 1795, and though some may reveal suggestive details notably respecting the recently widowed, hardly any mention illness because it was not relevant to the process of settlement identification as revealed by the examiners' brief used at Southampton. Here the cause of the need for public assistance is disclosed in a large number of cases by the Guardians' minutes and especially their Clerk's correspondence. However, the dates of examinations – at the very least – will embrace either the onset of sickness, or the moment of a debilitating accident, though even here other considerations including aid from Friendly Societies, possession of some savings, or access to charitable provisions, would enable a proportion to avoid poor-law supplications, while the date of claim for others resulting in examination, might be delayed for weeks and even months owing to these alternative provisions.

Settlement examinations contain vital information on all manner of aspects especially of working-class and petty entrepreneurial folk's lives, which for the historian – to echo Edward Thompson's concept – are opaque. Their future use – especially in conjunction with other evidence – is undebateable, but whether or not their mechanically systematic use for the analysis of economic change, remains a question which can be answered only through the development of more sophisticated methods; aggregations of dates do not come into that category, because the moment of examination involves a host of fluctuating factors, among them illness, widowhood, as well as the start of unemployment. The several forms of surveillance – not simply

monitoring migrants – but also those people becoming problematic through ill-health or bereavement, can be joined by strategies adopted on occasion respecting periodic assaults on vagrancy. The examinations resulting from one example – at Southampton – do not mention their subjects' vagrant status, nor the fact that they were caught in a trawl. But on 12 October 1818 the Court of Guardians, who rarely concerned themselves with what members regarded as a separate police matter, made an appeal to the relevant authority:

In consequence of a Number of Idle and disorderly persons as are represented as frequenting the Queen Charlotte the Guernsey Trader, the Cross Guns, and the other Houses in the Neighbourhood the Guardians . . . request the Mayor and Magistrates will take immediate Measures for apprehending such persons, examining them as to their Settlement, and pass them to their respective Parishes.¹³⁴

Notes

* Sincere thanks are owing to Keith Snell of the University of Leicester for his extended commentary – both oral and written – on earlier drafts of this article. Professor Landau of the University of California kindly made available a copy of her major in-house research paper (see note 19 below). Joanna Innes of Somerville College, Oxford, and Professor John Rule of the University of Southampton, made valuable critiques. It is unusually vital in the context of the debate to emphasise that the author alone is responsible for the views expressed here, not the *Southern History, Society* and that the original text has been modified in the light of legal advice.

¹ Howlett, cited J.R. Poynter, *Society and Pauperism; English Ideas on Poor Relief 1795–1834* (1969), pp. 5–6. Nicholls, cited by G. O'Brien, 'The establishment of poor law unions in Ireland, 1838–43', *Irish Historical Studies*, XXIII (1982–3), p. 103.

² For a brief European survey see S. Woolf, *The Poor in Western Europe in the Eighteenth and Nineteenth Centuries* (1986) ch. 1.

³ Removal order and settlement certificates for the White family, respectively dated 13 Mar. and 11 Apr. 1792, E[ast] S[ussex] C[ounty] R[ecord] O[ffice]. Par.400/32/1/57; 400/32/2/11. I should like to thank the Sussex Record Society, and particularly Mrs Norma Pilbeam for allowing me to use her abstractions from the parochial records of a number of mid-Sussex parishes, while evaluating the case for publishing a volume of these records. North Aylesford, and Malling, Petty Sessions, 4 Feb. 1763, and 6 July and 3 Aug. 1771, K[ent] CRO. PS/Na1; PS/Ma2. Clerk, Southampton Court of Guardians, to Southwick overseers, 24 Nov. 1835, S[outhampton] A[rchives] O[ffice], SC/AG2/1.

⁴ 8 and 9 William III, cap. 30.

⁵ Dated 3 Oct. 1726, ESCRO. Par.348/32/1/19. A similar document also appears in the pioneering article on the subject, E.M. Hampson, 'Settlement and removal in Cambridgeshire, 1662–1834', *Cambridge Historical Journal*, 2 (1928), p. 284.

⁶ J.S. Taylor, 'A different kind of Speenhamland: non-resident relief in the industrial revolution', *Journal of British Studies*, 30, 2 (1991), and *idem.*, *Poverty, Migration, and Settlement in the Industrial Revolution: Sojourners' Narratives* (Palo Alto, California, 1989), esp. p. 21, the only reference to certification in the volume.

⁷ N. Landau, 'The regulation of immigration, economic structures and definition of the

poor in eighteenth-century England', *Historical Journal*, 33, 3 (1990), pp. 547–8, 550, 558, 568–9.

⁸ Information on certificates from Midland and Northern urban and industrial locations was kindly supplied by the County Archivists of Cheshire, Lancashire, Leicestershire, Nottinghamshire, Staffordshire, and Warwickshire; further information was gratefully received from the local history staff of the Liverpool and Manchester Reference Libraries. An expert on migration in Gloucestershire believed that in the woollen areas there was 'little need' for certificates as local authorities were 'unlikely to operate a restrictive policy against the [especially skilled] labour they required'. He added, sagely, that 'however substantial a collection of [certification] documents survive it represents an unknown fraction of the number issued and of total movement'. D. Gowing, 'Migration in Gloucestershire 1662–1865: a Geographical Evaluation of the Documentary Evidence related to the Administration of the Law of Settlement and Removal' (Unpublished Ph.D thesis, University of Southampton, 1979), pp. 47–8. Thanks to Joanna Innes for recommending this thesis.

⁹ K.D.M. Snell, 'Pauper settlement and the right to poor relief in England and Wales', *Continuity and Change*, 6, 3 (1991), pp. 380–2.

¹⁰ See esp. Hampson, *op. cit.*, *passim*. W.E. Tate, *The Parish Chest* (Cambridge, 1960 edition), pp. 190–204, and G.W. Oxley, *Poor Relief in England and Wales 1601–1834* (1974), pp. 18–21, 39–42.

¹¹ K.D.M. Snell, 'Agricultural seasonal unemployment, the standard of living, and women's work in the south and east, 1690–1860', *Economic History Review*, XXXIV, 3 (1981).

¹² R. Price, 'Economy, social relations, and social policy in Britain 1780–1914', *Journal of Modern History*, 61 (1989), pp. 286, 290, wrote that Snell's *Annals of the Labouring Poor* (Cambridge, 1985) contained a 'masterly account of the changes in rural social structure . . . rooted in exhaustive research into the parish settlement records of southern England', which enabled the location of the 'decisive changes in social relations in the eighteenth-century'. Price added that once Snell had produced a promised book on the North, he would be 'the major authority on the social history of rural England'. Ann Kussmaul spoke of Snell's 'thorough milking of settlement examinations', which was statistically adequate 'to yield fascinating results when segmented by time, place . . . and sex'. *Journal of Economic History*, 46 (1986), pp. 526–7.

¹³ Snell, 'Seasonal unemployment . . .', p. 408. Snell, *Annals* . . . , pp. 17–8 adds a further category of those subjected to formal examination, namely other people identified as a 'potential burden on the poor rates' (my emphasis). See also R. Wells, review of Snell, *Annals*, in *Social History*, 11, 2 (1986), p. 257. The examinations also provided 'very specific geographical, occupational, and sexual location of the patterns of unemployment', through the additional biographical details recorded, which one reviewer enthusiastically endorsed as 'facilitation of superb insights into the course of people's working lives'.

¹⁴ The King's Bench cases are the King v. Nuneham Courtney (heard 29 Apr. 1801), 1 East 373, the King v. Ferrybridge, 2 East 54, and the King v. Abergwilly, 2 East 63 (heard 14 and 18 Nov. 1801). N. Landau, 'The laws of settlement and the surveillance of immigration in eighteenth-century Kent', *Continuity and Change*, 3, 3 (1988) and *idem*. 'The regulation of immigration . . . '.

¹⁵ In addition to Landau's article given in note 7, and Snell's in notes 9 and 13, see Landau, 'The laws of settlement and the surveillance of immigration in eighteenth-century Kent', *Continuity and Change*, 3, 3 (1988); *idem*., 'The eighteenth-century context of the laws of settlement', *ibid.*, 6 (1991) Snell, 'Settlement, poor law and the rural historian: new approaches and opportunities', *Rural History*, 3, 2 (1992).

¹⁶ *A Treatise of the Laws for the Relief of the Poor*. The first edition has been republished (Garland, New York and London, 1978), 2 vols.

¹⁷ *The Continuity and Change* (1991) articles have 136 endnotes occupying thirteen pages of small print (Snell) and sixty-six occupying eight (Landau).

¹⁸ See esp. Snell, 'Settlement, poor law . . .', pp. 150–7; cf. *idem.*, 'Agricultural unemployment . . .', p. 409, and *Annals* . . ., p. 17.

¹⁹ Landau, 'The application of the laws of settlement in eighteenth-century England', *Agricultural History Center University of California, Davis, Working Paper Series*, 67 (June 1992), esp. pp. 2–4, 55–6; Appendix B re-examines the critical time factor in the relationship between formal examination and the issue of a removal order, on which Snell's seasonality findings turn.

²⁰ Taylor, 'Different kind of Speenhamland . . .', note 7, p. 185, subsequently stated as not implying that Landau had in any way copied Professor Taylor's earlier work, *Journal of British Studies*, 31, 1 (1992), frontispiece.

²¹ Snell, 'Settlement, poor law . . .', which focuses heavily if not invariably convincingly, on the detailed defence of the central methodology and principal findings of his *Annals*.

²² *Ibid.*, p. 153, where Snell claims that because the manuals do not specify that settlement examinations could, or did, constitute a form of 'monitoring', that notions of monitoring comprise an 'exaggeration' of the rationale behind recourse to the examination of sojourners.

²³ The most ambitious work, other than Snell's *Annals*, utilising settlement examinations, is Taylor, *Poverty, Migration* . . .; see also my review in *Southern History*, 12 (1990), pp. 162–3.

²⁴ For a recent synthesis see M. Kitch, 'Population movement and migration in pre-industrial rural England', in B. Short (ed.), *The English Rural Community: Image and Analysis*, (Cambridge, 1992).

²⁵ Ditchling P[arish] O[fficer]s and nine inhabitants to Hurstpierpoint counterparts, 16 Apr. 1759, ESCRO. Par.467/31/1.

²⁶ Rye to Eastbourne POS, 13 Feb. and 20 June 1754; St Michael's minute, 1 Apr. 1771, ESCRO. Par.400/32/1/30; 414/12/1.

²⁷ Landau, 'Regulation of immigration . . .', pp. 559–62.

²⁸ Hampson, *op. cit.*, pp. 280, 286. J.S. Taylor, 'The impact of pauper settlement 1691–1834', *Past and Present*, 73 (1976), p. 55 and note 37. Gowing, *op. cit.*, p. 187.

²⁹ Settlement examinations, and Petty Sessional proceedings, are major sources for revealing the development of techniques used to deny settlements to living-in servants. The simple device of hirings commencing one to three days after Michaelmas, instead of from Michaelmas to Michaelmas, and therefore not extending to the entire year stipulated for settlement, was being used in Kent in the 1740s. See case of John Hawes, North Aylesford Petty Sessions, 6 Aug. 1756, and cf. that of John Bromley, heard Mallings Petty Sessions 2 July 1748; some employers made no bones about their motives, like Thomas Whittaker who 'discharged' William Geal one week early, 'for Fear as . . . Whittaker told this Examinant he should gain a Settlement in Trotterscliffe' (Mallings, 1 Dec. 1759); KCRO. PS/Na1; PS/Ma1. Benches were commonly unimpressed when these devices made an appearance, and employers accordingly became more inventive, symbolised by the case of Henry Akehurst, settled in Burwash, but hired over the border by farmer Noakes in Etchingam in the early 1780s for three consecutive years, 'but . . . he always slept in that Part of the House of his . . . Master which was in the . . . Parish of Burwash'; examination, 5 Oct 1790, on which the Bench could only rule that Akehurst retained his settlement, ESCRO. Par.477/32/4/41.

³⁰ For consideration of the complexity of causes behind the later eighteenth-century decline in living-in, see R. Wells, 'Tolpuddle in the context of English agrarian labour history, 1780–1850', in John Rule (ed.), *British Trade Unionism 1750–1850; the Formative years* (1988), pp. 102–3. Thomas Lacoast, a substantial Thames-side farmer at Chertsey noted that in the 1770s it was 'cheaper . . . to let' day labourers 'find their own board and lodging', but that his half-dozen living-in servants compromised the employer's economic advantage by 'continually . . . carrying my bread and cheese to the other people'; although this comment implied inadequate wages, Lacoast's solution lay in terminating in-service. B[ritish] P[arliamentary] P[apers], 'Select Committee of the House of Commons on the Poor Laws' (1817), VI, p. 112.

³¹ When offering £6 in two instalments for taking a girl as an apprentice, Rye made the agreement conditional, to ensure that the employer was not himself removed; 'Provided you bring (for Satisfaction to ye Parish) a Certificate from Under ye Hands of Ministers & [parish] Officers you do belong to Dorking'. Rye POs to E. Fenn, Dorking, 19 June 1751, ESCRO. Par.467/37/1. The status of the master remained an issue despite the fact that an apprentice's settlement derived from the place (or places, the last forty days of the entire apprenticeship being critical) of work, not the master's settlement. Nolan, *op. cit.*, I, pp. 355–6, and cf. Hampson, *op. cit.*, p. 282.

³² Revd. Jones to Revd. Collet of Rye, respecting Richard Tap and Mercy Slater, 6 Dec. 1770, ESCRO. Par.497/35/11. Snell, 'Pauper settlement . . .', p. 401 and note 129.

³³ 'May the 24 1747 This is to letyou know to home it Dusconsarn That tho martain the sun of the wid martain was bound in the parish of Hucking and we own him a parishar witness our hans Daniel Wise Courchwarden William Staple Robert Attwood overseer'. ESCRO. Par.348/32/1/89. On 23 Feb. 1716 William Johnson 'appeared' at Sevenoaks Petty Sessions 'and brought a Certificate but the [unidentified recipient] Parish doubting whether the same might not be a Counterfeite it was respited until Inquiry made'. Minutes, S[evenoaks] P[ublic] L[ibrary], U1000/20/017.

³⁴ The repeated gist of Landau's argument.

³⁵ One Surrey Petty Sessions issued arrest warrants for three men on 1 Nov. 1790, and five months later issued another three for all involved in a broken marriage, on the wife cohabitating with another man; if any of these six were formally examined, they went unrecorded in the minutes, though another example reveals a subsequent appearance. C. Webb (ed.), 'Petty Sessions minutes Copthorne and Effingham Hundreds 1784–1793', *West Surrey Family History Record Series*, VIII (1989), pp. 42, 46, 50. Cf. R. Arnold, *A Yeoman of Kent* (1949), p. 143. Imposters on occasion fooled experienced administrators in efficiently managed jurisdictions, including James Nye, who received aid for two years from Southampton Guardians 'having claim[ed] a Settlement improperly', before his Isle of Wight settlement was discovered in undisclosed circumstances. Court of Guardians minute, 24 Mar. 1823, SAO. SC/AG1/1/1.

³⁶ Nolan, *op. cit.*, II, pp. 117–9. Andrew's examination, Malling Petty Sessions, 4 Jan. 1767, KCRO. PS/Ma/2.

³⁷ D. Vaisey (ed.), *The Diary of Thomas Turner, 1754–1765* (Oxford, 1984), pp. 67–8, 238–9. Ticehurst, case submitted for legal consideration, and observations, 1754; Northiam vestry minute, 5 Apr. 1765, ESCRO. Par. 492/35/7–8; 431./12/1.

³⁸ The examinations, economically entered on to one sheet of paper, appear to have been simply filed, ESCRO. Par. 437/32/4/2.

³⁹ An identical decision was taken on eight more intruders on 18 Nov. 1793, S[urrey] CRO. P.56/4/1. Earlier examples include the warrants issued at Sevenoaks, 19 Nov. 1715 against five named 'Intruders' at Kempsey. SPL. U1000/20/017.

⁴⁰ Bearsted Petty Sessions minutes 1748–64, KCRO. PS/B1.

⁴¹ St Michael's Lewes, vestry minute 25 Apr. 1791, ESCRO. Par.414/12/1. Guildford

Petty Sessions minute, 6 Feb. 1794, G[uildford] M[uniment] R[oom], BR/QS/4/2. Southampton settlement examination book 1780–97, SAO. SC/AG6/6.

⁴² See esp. R. Wells, *Wretched Faces; Famine in Wartime England, 1793–1801* (Gloucester, 1988), p. 308.

⁴³ E.G. Thomas, 'The poor law migrant to Oxford 1700–1795', *Oxoniensia*, 45 (1980), pp. 300–5.

⁴⁴ Snell, *Annals* . . . , ch. 5.

⁴⁵ See for example examinations of narrow weaver Howel, 20 July 1741, broad weaver Stephen Pound, 6 July 1750, 'staymaker and tailor' Bagnall, 22 Mar. 1752, shoemaker John May, 9 Jan. 1756, shearman Jacob Silcock who agreed with his master 'to give up the indentures and threw them in the fire' after five years, 3 July 1788, and the Irish breeches-maker William Davis 'which business he learnt from several persons', 13 May 1789. P. Hembry (ed.), 'Calendar of Bradford-on-Avon settlement examinations and removal orders 1725–98', *Wiltshire Record Society*, XLVI (Trowbridge, 1990), pp. 4, 6, 9–10, 14, 77, 79. Rural jurisdictions also adjudicated on numerous settlement cases involving apprenticed men; examples for one Surrey division include several who completed their terms with another master following bankruptcy or death, and a cordwainer who 'ran away' from a marathon eleven-year term but who finished it with another: one more shoemaker served eight months with his master's widow – totalling four years – when they 'parted after words, since when he has worked as a journey man'. Webb, *op. cit.*, pp. 5, 12, 36 55.

⁴⁶ Gowing, *op. cit.*, p. 183. Barns's examination, 11 Oct. 1793, ESCRO. Par.361/32/4/9.

⁴⁷ An 1819 statutory change extended the rental to a whole year. Taylor, *Poverty, Migration* . . . , p. 55 and esp. note 33; examination of J. Stillwell, 5 Jan. 1789, Webb, *op. cit.*, p. 30.

⁴⁸ Malling, and Bearsted, Petty Sessions, 2 June 1750 and 4 Sept. 1773, and 1 Mar. 1756, KCRO. PS.Ma/1, 3; PS.B/1.

⁴⁹ M. Reed, 'The peasantry of nineteenth-century rural England: a neglected class?', in B. Stapleton (ed.), *Conflict and Community in Southern England* (Gloucester, 1992). *Idem.*, 'Nineteenth-century rural England; a case for "peasant studies"?', *Journal of Peasant Studies*, 14, 1 (1986). *Idem.*, "'Gnawing it out": a new look at economic relations nineteenth-century rural England', *Rural History*, 1, 1 (1990). For Cobbett, see esp. the consistent analysis in I. Dyck, *William Cobbett and Popular Rural Culture* (1992).

⁵⁰ Case of John and Mary Akehurst, removed 18 June 1803, apparently sent to the lawyer D'Oyley presumably for a legal opinion. ESCRO. QR/E696. West Malling Petty Sessions, 6 June 1778, KCRO. PS.Ma/3.

⁵¹ A probable source of early dissatisfaction over both the Settlement Laws and parochial poor-law management, which induced the MP for Seaford in 1751 to advocate the use of national or at least provincial funding, and run by people with less myopic considerations. William Hay, *Remarks on the Laws relating to the Poor with proposals for their Better Relief and Management* (1751), cited by N. Rogers, 'Confronting the crime wave: the debate over social reform and regulation 1749–1753', in L. Davison, J. Hitchcock, T. Keirn and R.B. Shoemaker (eds.), *Stilling the Grumbling Hive. The Responses to Social and Economic Problems in England 1689–1750* (Gloucester, 1992), pp. 89–90, and R. Sedgewick (ed.), *The History of Parliament: the House of Commons 1715–1754*, 2 vols. (1970), II, pp. 119–20. See also below, section v.

⁵² Petty Sessions minutes, Malling, 4 Sept. 1762, Bearsted, 2 Apr. 1764, and Ashford, 15 Sept. 1787, KCRO. PS.Ma.2; PS/B1; PS/A1.

⁵³ Letter to overseer Cole of Sunridge, 26 Jan. – where Franks claimed an original

settlement through his father – and Frank's examination, Sevenoaks Petty Sessions, 8 Apr. 1815, KCRO. PS/Se.2.

⁵⁴ P. Styles, 'The evolution of the law of settlement', in *idem* (ed.), *Studies in Seventeenth-Century West Midlands History* (Kineton, 1978), pp. 181–4. F.M. Ballard and W.P.D. Stebbing, 'The Ballard family register', *Archaeologia Cantiana*, XLVI (1934), p. 111.

⁵⁵ Eyre cited Styles, *op. cit.*, p. 200. Wells, 'Social protest, class conflict and consciousness, in the English countryside, 1700–1880', in M. Reed and Wells (eds.), *Class, Conflict and Protest in the English Countryside 1700–1880* (1990), pp. 134–5.

⁵⁶ Vaisey, *op. cit.*, pp. 276–7. Hellingly vestry minute 1 Feb. 1812, ESCRO. Par. 375/12/3.

⁵⁷ ESCRO. Par. 431/12/1. Other examples include Micklesham, 29 Jan. 1723, Cobham, 18 Sept. 1771, 2 July 1777 and 27 Jan. 1784, GMR. PS.17/MIC/9/1; RB.0404/30, Icklesham, 12 Jan. 1785, Peasemarsch 28 Feb. 1776, and Winchelsea, 11 Mar. 1765 and 23 July 1777, ESCRO. Par.401/12/2; 440/12/1; 511/12/1.

⁵⁸ A. Brundage, 'Ministers, magnates, and reformers; the genesis of the rural constabulary act of 1839', *Parliamentary History*, 5 (1986), p. 14. F. Cowe (ed.), 'Wimbledon vestry minutes 1736, 1743–88', *Surrey Record Society*, XXV (1964), p. 14.

⁵⁹ ESCRO. Par. 348/32/1/series and 348/32/2/series. There are many permutations, exemplified when Henry Booking was summoned by Cheavening PO's to the Sevenoaks Bench on 19 Feb. 1715; the court simply 'ordered that he have one Month's time to provide a Certificate from Goudhurst or else to send him [back] with an Order'; the latter's issue was not recorded. Minutes, SPL. U1000/20/017.

⁶⁰ Landau, 'Regulation of immigration . . .', pp. 559–62.

⁶¹ ESCRO. Par. 400/32/1/54–5; 400/32/2/8; 416/32/4/7.

⁶² Cowe, *loc. cit.*

⁶³ Landau, *op. cit.*, pp. 564–5. Thomas, *loc.cit.* notes that some certificated artisans gravitating to the far from typical City of Oxford – owing to the impact of University population on demand for craftsmen-produced affluent consumer goods – came from localities at distances of over eighty miles. In contrast, the Gloucestershire woollen industry was heavily dependent on long-distance migrants – notably from the North – and Gowing concludes that this was neither restricted by certification, nor reflected in the system's local records which contain few documents for such men; *op. cit.*, pp. 198, 219–20.

⁶⁴ Notably J.P. Huzel, 'The labourers and the poor law 1750–1850', in G.E. Mingay (ed.), *The Cambridge Agrarian History of England and Wales*, vol. VI (1750–1850), pp. 758, 787–8, despite the considerable emphasis in the classic article of over sixty years standing on rural Cambridgeshire, Hampson, *op. cit.*, pp. 278, 287–8, the source cited in Snell's brief mention, *Annals* . . . , p. 338.

⁶⁵ Unfortunately, the minutes are not extant before 1818, and the outgoing correspondence commences in 1832. But internal evidence suggests that procedures were established long before 1818, as does the structural consistency of hundreds of settlement examinations dating from 1711.

⁶⁶ SAO. SC/AG6/11.

⁶⁷ For example, Rye medical bill totalling £20-15-6 re James Potter, 'Reduction of a double Fracture of the Thigh bone – Dislocation of the knee, Medecines, Applications, Bleeding & Attendance', including 'Damage of Bed' and £4-10-0 for nine weeks maintenance, sent to Udimore 6 June 1814, ESCRO. Par.497/35/17–20.

⁶⁸ Court Clerk to Hampstead POs, 1 Oct. 1832, and Chippenham, Wiltshire, Relieving Officer, 29 Nov. 1836; Court minutes, 3 and 17 Aug., 7 and 21 Dec. 1818, 15 Feb., 26 Apr., 19 July and 23 Aug. 1819, SAO. SC/AG1/1/1; SC/AG2/1.

⁶⁹ Court minutes, 6 Apr. and 4 May 1818, 4 Sept. and 25 Oct. 1820, SAO. SC/AG1/1/1.

⁷⁰ Court Clerk to POs, Melcombe Regis, Dorset, 19 Apr. 1833, Frome, 2 and 23 Apr., 9 and 21 May 1833, Frimley (Surrey), and Romsey, 13 and 17 Feb. 1834, Hordle (Hampshire), 25 Nov. 1834, St Swithin, Winchester, 26 Feb. and 26 Mar. 1835, Falmouth, and St Maurice, Winchester, 1 and 19 Mar. 1836; to the Relieving Officer, Fareham Union, 6 Nov. and 1 Dec. 1835; to the incumbent of Stallbridge, and Surgeon Payne, Andover, 17 and 23 Nov. 1835. Court minutes, 3 Jan. and 4 Sept. 1820, 12 Mar. 1821 and 18 Nov. 1822, SAO. SC/AG1/1/1; SC/AG2/1. Rural parishes also used banks to facilitate regular payments, exemplified by Micklesham's (Surrey) remittance 'to the Exeter City Bank our Usual Five Pound four shillings the amount of one Quarter's Pay in advance for Joseph Hoare': vestry clerk to the overseer of Ottery St Mary (Devon), 29 Sept. 1822, GMR. PSH/MIC/9/5.

⁷¹ ESCRO. Par.414/12/1.

⁷² Faversham Gilbert Union, minutes 30 May 1789 and 4 Jan. 1791, KCRO. GA2/1.

⁷³ Wells, 'Social protest . . .', pp. 135–8. *Idem.*, 'Tolpuddle . . .', pp. 101–7. *Idem.*, *Wretched Faces* . . ., pp. 15–22, 288–310, 332–4.

⁷⁴ In 1794 a Devonian ardently advocated the system's extension, and reputedly by early 1795 the 'Measure is almost universal' in the county, with many satisfied that 'the danger of Insurrection does not lie in Country parishes'. The system spread over more of the West Country – including Gloucestershire – later the same year, and to cornland England, including Lincolnshire and parts of East Anglia. In the latter, when introduced into the Gilbert Union of Blything, the constituent parishes were informed that if 'the farmers will supply their labourers with bread corn at reduced prices', the 'quarterly assessment' for that ending in Apr. 1796 could 'be reduced' to the level of its predecessor, when prices were lower and rural earnings enhanced by harvesting. On the South-west see R. Wells, 'The revolt of the South-west 1800–1801; a study in English popular protest', *Social History*, 6 (1977), pp. 717–20. John Monk (a Devonian), *A General View of the Agriculture of the County of Leicester*, (1794), p. 57. J. Farneune, Swilly near Plymouth, to R. Pole-Carew, 6 Apr. 1795, Cornwall CRO. CC/K/25. *Gloucester Journal*, 7 Dec. 1795. *Stamford Mercury*, 3 July 1795. Blything Union minute, 7 Apr. 1796, Ipswich and East Suffolk RO. ADA/AB1/1.

⁷⁵ The Cornish industrial parish of Ludgvan ruled on 3 May 1800 that parish-purchased and subsidised corn supplies were not extended to those 'provided [with] Corn from any Mine, Stamping Mill, Smelting House, Rolling Mill or otherwise'. Cf. Gulval minute, Apr. 1800, Cornwall CRO. DDP.29/8/1; DDX.173/77/1. J. Drowas, Lollisbury, Cornwall, to the Home Office, 14 Apr. 1800; notice issued by proprietor of North Redimor mine, Callington, 3 Apr. 1801, P[ublic] RO. H[ome] O[ffice] 42/49; 56. Drowas noted that 'Tinnars are in general in a transitory state going from one mine to another & not belonging to the Parish where they work cannot obtain Relief from the Officers & few of them can ascertain their settlement'.

⁷⁶ The Canterbury kitchen's programme is particularly well reported in the *Kentish Chronicle*, 14 Mar., 1, 8 and 25 Apr., 20 May, and 24 June 1800, 2, 6, 20 and 30 Jan. and 13 Mar. 1801. See also *Reading Mercury*, 5 Jan. 1795, *Gloucester Journal*, 2 Feb. 1800, and the interesting observations respecting relief in Surrey Thames-side locations in E. Blackett, Thorpe Lee, to Sir J.E. Blackett, 19 Jan. 1800, Northumberland CRO. ZBL/231, and respecting Aylesbury, Captain Harvey diary entry 7 Jan. 1800, 'Journals of the Hon. William Hervey 1755–1814', *Suffolk Green Books*, no. xiv, vol. 16 (Bury St Edmunds, 1906), p. 433.

⁷⁷ For a recent revisionist account of the Speenhamland decision, stressing its *de facto*

limited and ephemeral implementation, even in Berkshire, together with national contextualisation, including the relevance of government exigency policies, see Wells, *Wretched Faces* . . . , pp. 290–301.

⁷⁸ 'Bishops Hatfield', printed notice of vestry decision 15 Dec. 1795, Bedfordshire CRO. Whitbread Mss. W1/11. Midhurst vestry minute, WSCRO. Par.138/12/1.

⁷⁹ Boulton's involvement spawned incredulity on the part of a local pamphleteer, which was revealing nonetheless: 'had these resolutions been the result of deliberations of country gentlemen I should have felt no surprise'. At Norwich the 'Corporation of Guardians' rejected its sub-committee's advocacy to relieve 'the Aliens resident here'. J. Money, *Experience and Identity: Birmingham and the West Midlands 1760–1800*, (Manchester, 1977), p. 267 and footnote 56. Norwich Guardians of the Poor book, 1789–1796, entries 5, 6 and 7 Jan. 1795, Norfolk and Norwich RO, Case 20, Shelf e. Letters to the War Office from the Mayor of Norwich, and W. Villiers, senior Birmingham magistrate, 31 Jan. and 30 Apr. 1795, PRO. War Office 1/1084 (unfoliated); 1/1091, ff. 7–8.

⁸⁰ The Act was piloted through by Pitt supporter R.J. Buxton, but petitions were heard against in mid-April from London parishes who favoured the policy but objected to the precise provisions; the Commons was inquorate on one scheduled occasion, and the Bill passed on a final vote of only thirty-six to eighteen. It received minimal press coverage, and is unmentioned in *Hansard. Journal of the House of Commons*, vol. 50, pp. 268, 277–8, 284, 435, 476, 479, 522, 542, 560, 617. *The Times*, 27 and 28 Feb., 29 Apr., 9, 15 and 28 May 1795. Landau, 'Regulation of immigration . . .', pp. 558, 570–1.

⁸¹ For a private perception of parliamentary proceedings by one very ambitious MP, who did not mention the subject, see P. Jupp (ed.), 'The letter-journal of George Canning 1793–1795', *Camden Fourth Series*, 41 (1991), pp. 259–83.

⁸² Mallings Petty Sessions minute, 3 Aug. 1795, KCRO. PS/Ma.4, a decision carried by the chair's casting vote on a seven-man Bench.

⁸³ As perceived by W.A. Armstrong, 'Food, shelter and self-help', in Mingay, *loc. cit.*, p. 662; nor did it reflect the 'humanitarian sentiment' suggested by Taylor, 'Impact of pauper settlement . . .', p. 53.

⁸⁴ Poynter, *op. cit.*, esp. pp. 65, 71–5. Landau, *op. cit.*, p. 569. Gowing, *op. cit.*, p. 63 note 49. West Kent adjourned Quarter Sessions, 25 Feb. 1797, KCRO. Q/SO/W13. Others, notably family farmers, were simply horrified at further costs 'now corn has got down to a moderate price', while 'so large a proportion of his profits go towards the maintenance of the Poor'. *Cambridge Intelligencer*, 25 Feb. 1797.

⁸⁵ At Eaton Socon Petty Sessions on 21 May 1800, justice Reynolds and colleagues 'had a great deal to do in granting Orders of removal'. F. Knight (ed.), 'Letters to William Friend', *Cambridge Antiquarian Record Society* (1974). Mallings Petty Sessions dealt with a considerable rise in settlement cases during the whole of 1802, but these numbers declined dramatically from May 1803, KCRO. PS/Ma.5.

⁸⁶ Landau, *op. cit.*, esp. p. 570, where she reveals a wholly inadequate grasp of the ways in which 'the economy promptly reimposed . . . restrictions' on mobility, ostensibly lifted by the 1795 Act.

⁸⁷ W. Ashby, Gravesend, to Burwash (Sussex) overseer Pattenden, 1 Mar. 1800; Piper, and T Trepp (Gate Court), to Ticehurst POs, 27 Mar. 1811, and 26 Nov. 1816, ESCRO. Par.284/35/12/8; 492/37/16.

⁸⁸ R. Wye, Exmouth, to Frant, 7 May 1810, ESCRO. Par.344/37/3.

⁸⁹ Barcombe to St Clements, Hastings, 28 Oct. 1820; Vestry minutes, Framfield 11 Apr. 1803, and Brede 10 Feb. 1812; S Gurr, deposition, 1810, ESCRO. Par. 253/12/2; 367/35/9; 343/12/1; QR/E907. *Sussex Weekly Advertiser*, 12 Mar. 1804.

⁹⁰ All Saints, Hastings, to Mrs Gray, 4 Dec. 1810, ESCRO. Par.361/35/12. Newington

overseers to Shere, GMR. PSH/SHER/28/1. B[ritish] P[arliamentary] P[apers], 'Select committee of the House of Commons on the poor laws', (1817), VI, p. 83. Cf. Hampson, *op. cit.*, p. 86.

⁹¹ BPP., *loc. cit.*, p. 111.

⁹² A.R. Wilks, 'Adjustments to arable farming after the Napoleonic Wars', *Agricultural History Review*, 28 (1980).

⁹³ Sevenoaks Petty Sessions minutes, KCRO. PS/Se.3. Courthope, draft reply to the Poor Law Commissioners (Dec. 1832 or Jan. 1833), ESCRO. CC/Co/232.

⁹⁴ In Romney Marsh Brenzett vestry ruled on 30 Mar. 1830 that 'As the House [previously] Occupied by Rd. Smith is not taken down [demolished] according to the last order, it is hereby agreed to lett it now Remain until further ordered in Consequence of the Picall family being brought Home'. KCRO. P46/8/1. Courthope, *loc. cit.* Ticehurst select vestry minutes, 5 and 16 Mar. 1821, ESCRO. Par.429/12/2/5.

⁹⁵ Hampson, *op. cit.*, pp. 276, 288, accurately observed that the ephemeral high peak of Cambridgeshire appeals occurred only in 1816–20, yet insisted nevertheless that the responsible authorities 'squandered' ratepayers' money. Cf. B. Stapleton, 'Migration in pre-industrial England; the example of Odiham', *Southern History*, 10 (1988), p. 69, which also identifies 1816–20 as the period which saw sixty percent of that parish's extant removal orders. *Sussex Weekly Advertiser*, 29 Apr. 1816. *Brighton Gazette*, 18 Aug. 1842. *Hansard's Parliamentary Debates*, XXIX (1819), cols. 1153–4, (25 Mar. 1819).

⁹⁶ John Pocock to Ticehurst, vestry clerk Sawyer's reply, nd. and 21 Dec. 1818; Card settlement examination, ESCRO. Par.492/32/4/58; 492/37/16.

⁹⁷ Courthope, *loc. cit.*

⁹⁸ Mrs Francis, living in Carlton Row, Brighton, contacted the Winchelsea authorities to say that her lad had spent a month on trial at his new place, 'But Cant stay if he as not A Great Coat and pair of Shoes', which would cost about £1-10-0, and if sent 'as Quick as Poseable . . . it might be the mens of his Getting Quit of my hands and the Parishes'; otherwise 'I must send him home'. Francis to Winchelsea, 10 Oct. and 4 Nov. 1830, ESCRO. Par.511/35/1/16, 21. Bletchingly vestry minute 6 Sept. 1818 re six month hirings 'to prevent the further increase of pauperism', and overseer to his Clapham counterpart, 17 Mar. 1825, SCRO. PO.25/2/2; 20/2/2. Vestry minutes, Billingshurst, 15 June 1813, and West Grinstead, 8 Feb. 1834, WSCRO. Par.21/33/3; 95/12/1. *Royal Commission on the Poor Laws, Report*, Appendix B, p. 520.

⁹⁹ When Ticehurst tried to reduce expenditure through stopping aid with respect to rents (minute 25 Mar. 1825) they pointedly excepted existing arrangements with people domiciled elsewhere. Overseer of East Farleigh, Kent, to Ticehurst counterpart, 31 Jan. 1817, ESCRO. Par.492/12/2/5; 492/32/16. Conversely, when food prices reached their nadir in 1822, Micklesham made it clear to non-resident recipients that the vestry's determination 'to lower all weekly Pays', would be extended to them; vestry clerk to F.Seaward, 29 Dec. 1822, GMR. PSA/MIC/9/5.

¹⁰⁰ Elphick to Hailsham overseer, and endorsement, 3 Sept 1814, ESCRO. Par.353/35/2/2. Crondall vestry minute, 16 Feb. 1823, GMR. PSH/CRON/8/1.

¹⁰¹ Ticehurst vestry minute, 7 Mar. 1833, and Northiam overseers to Ticehurst, 23 May 1820; Nash to Winchelsea, endorsed assistant overseer Pope of Hawkhurst. W. Elgar, Hythe, to overseer Button, Burwash, 13 June 1831, and endorsement on W. Scrivens, Hastings, to R. Tournay, 20 Apr. 1833, ESCRO. Par.492/12/1/2; 495/35/44; Par.511/35/1/253; Par.284/35/46, 74.

¹⁰² Cobbett vigorously attacked parochial authorities who either acquiesced in this demand, or implemented it of their own volition. *Political Register*, 4 Dec. 1830. Other sources claimed that the resultant sackings dismayed Swing activists; see esp. *Kent Herald*, 29 Nov. 1830.

¹⁰³ 2 and 3 William IV, Cap. 96, clause 5. R.G. Cowherd, *Political Economists and the English Poor Laws*, (Ohio UP, 1977), pp. 193, 201. A. Brundage, *The Making of the New Poor Law 1832–1839*, (1978), pp. 15–9. J.P.D. Dunbabin, *Rural Discontent in Nineteenth-Century Britain*, (1974), pp. 299–300. Framfield, and Heathfield, vestry minutes, 1 Nov. and 5 Dec. 1832; Brenchley, printed form re. implementation, 1 Dec. 1832, ESCRO. Par.343/12/2; Par.372/12/2; Co/C/230.

¹⁰⁴ Letters re Act's operation from Capt. Berkeley re Bosham, Sir T. Shelley re Warnham, Mr Power re Henfield, and F.J. Blunt re Worth, and others, to the Duke of Richmond, Jan.–Feb. 1833, WSCRO. Goodwood Mss.642.

¹⁰⁵ Chancellor of the Exchequer's evidence to the Royal Commission on the Poor Laws, 23 Mar. 1833, printed sheet, WSCRO. Goodwood. Mss.638.

¹⁰⁶ Heathfield vestry, *loc. cit.* *Hampshire Chronicle*, 31 Dec. 1832. *Kent Herald*, 7 Aug. 1833. Henfield witness, Royal Commission, *Report*, Appendix D. pp. 166–70. Sir Charles Burrell MP to Richmond, 7 May 1833, WSCRO. Goodwood Mss.638.

¹⁰⁷ Goudhurst list of regular recipients of non-resident relief, 1834–5, PRO. M[inistry of] H[ealth] 12/4911. *Brighton Patriot*, 9 Mar. 1835. Southampton Court of Guardians minutes, 6 Apr. and 4 May 1818, 1 Feb., 4 Oct. and 6 Dec. 1819, 6 Mar., 22 May and 28 Sept. 1820, 7 Oct. 1822, 12 and 26 Feb., 1 and 3 Mar. 1827, SAO. SC/AG1/1/1–2.

¹⁰⁸ A typically complex case is exemplified by the chronically-sick, recently-widowed, mother-of-three, Naomi Gillam, examined at Brighton on 10 and 16 Mar. 1848; ninety-six year-old Henry Heasman was called to prove that Naomi's husband William, born in 1792, was the son of John who served as carter's boy to Heasman at Cowfold in about 1771, and lived-in for the contracted year and thereby gained the settlement. Examinations, ESCRO. Par.59/32/3/68–9.

¹⁰⁹ D. Ashforth, 'Settlement and removal in urban areas; Bradford 1834–71', in M.E. Rose (ed.), *The Poor and the City; the English Poor Law in its Urban Context 1834–1914* (Leicester, 1985), esp. pp. 61–2.

¹¹⁰ E.g. by Snell, *Annals* . . . , pp. 80, 123, 334–8, a view which derives from a suspect source, namely an anti-Poor-Law Amendment Act pamphleteer.

¹¹¹ *Poor Man's Guardian*, 22 Nov. 1834. Southampton Guardians' Clerk to Hawes, 13 Nov. and 18 Dec., to Smith, 15 Dec. 1835, and to Lamb, 14 Nov. 1836; deputy-chairman to the editor of the *Hampshire Independent*, 10 Sept. 1835, SAO. SC/AG2/1.

¹¹² Snell's claim, *Annals* . . . , p. 123, that migrants flooded back to their home parishes is again based on an anti-New Poor Law pamphlet.

¹¹³ The Board wanted to grant six labourers with five or more children domiciled in adjacent Unions, one gallon of flour weekly to the fifth and further children; this modest proposal, a regular form of relief under the old law, widely allowed as a stop-gap measure during the changeover period, and which relatively soon became a common *de facto* form of outdoor aid under the Amendment Act, at this moment in time generated an intransigent response from the Commissioners who refused to 'relax the Rule which they find it their duty to enforce in every instance'. However much the 'Commissioners wanted to comply with Boards of Guardians' wishes', in this area they were 'fearful that such a departure would be mischievous in its operation'. Assistant-commissioner Hawley to Nicholls, 30 Oct., Clerk Ticehurst Union to the PLC, and draft reply, 27 Nov. and 5 Dec. 1835, PRO MH.12/13138.

¹¹⁴ Hawley to the PLC, 30 Oct. and 9 Nov. 1835, and 20 Apr. 1836, to Nicholls, 17 and 18 July, 10, 18 and 23 Sept. 1835, 7 Apr. and 15 May 1836, and to the Revd. Constable, 10 Sept. 1835 and undated reply; Clerks, Chailey and four other Unions to Hawley, Sept. 1835: PLC to Liverpool, 31 May 1836 PRO. MH.12/12747; 13138; 13157; 32/38. Horsham Union minutes, 13 Jan. and 3 Feb. 1836, WSCRO. WG.6/1/1. *Kent Herald*, 30 Apr. 1835.

¹¹⁵ Ticehurst Union, comprising only eight parishes, was paying regular outdoor relief to claimants living in fourteen Unions, namely St Saviours (London), Bermondsey, Lewisham, Chailey, Hailsham, Sevenoaks, Lewes, Rye, Uckfield, Eltham, Tonbridge,

Bromley, Godstone and Brighton. Petition by recipients of non-resident relief, Nov. 1845, PRO. MH.12/13143.

¹¹⁶ Ashforth, *op. cit.*, pp. 71–2. A. Digby, *Pauper Palaces* (1978), pp. 133–4. Letters to the PLC from, Clerk to Ticehurst Union, and assistant commissioner Parker, 27 Nov. 1835, and 15 Feb. 1845; Clerk Cranbrook Union to Chadwick, and endorsement, 27 Aug. 1842; letters to the PLB[oard] from, Revd. Foster, Selmeiston, 7, 14 and 21 Sept., and 8 Nov. 1852, 7 and 21 Jan. 1853, John B. Ellman, and C.M. Ellis, 13 Sept. and 9 Dec. 1852, PRO. MH.12/4913, 13138, 13143, 13190. BPP. 'Select Committee of the House of Commons on Settlement and Removal', (1847), vol. XI, Q[uestions] 7115, 7120. *Sussex Agricultural Express*, 3 Dec. 1878.

¹¹⁷ Detail in ESCRO. QR/E875.

¹¹⁸ 9 and 10 Victoria Cap. 66. BPP., *loc. cit.*, Q.7178. Clerk, Ticehurst Union, to the PLB, 26 Jan. 1849, PRO. MH.12/13145. Revd. J.B. Hayley's parish memorandum book, entries 1851, and Hayley to A.E. Fuller, 18 July 1851, ESCRO. Par.254/7/15. Gowing, *op. cit.*, p. 52.

¹¹⁹ Ashforth, *op. cit.*, pp. 78–82. *Sussex Agricultural Express*, 24 Feb. 1883.

¹²⁰ Clerk, Ticehurst Union, to the PLB, 3 Apr. 1857, and Inspector Piggott's endorsement; deposition of Emma Hardy, 15 Jan. 1863, PRO. MH.12/13146: Assizes, 36/10. Ashforth, *op. cit.*, p. 78.

¹²¹ Two statements by Mary Freind, Nov. 1863; letters from the Battle Union to Ticehurst counterpart, and the PLB., 11 Nov. and 10 Dec. 1863, Inspector Cane to the PLB. 26 Feb. and (with enquiry report) 14 Aug. 1864, and other enclosed documentation, PRO. MH.12/13147.

¹²² E. Moir, 'Local government in Gloucestershire 1775–1800', *Publications of the Bristol and Gloucestershire Archaeological Society, Records Section*, VIII (1969), p. 116 and esp. note 46. Landau, 'The laws of settlement . . .', p. 401.

¹²³ Moir, *op. cit.*, p. 123 and esp. note 75. For examples, see A.F. Cirket (ed.), 'Samuel Whitbread's notebooks', *Bedfordshire Record Society*, 51 (1971), and E. Crittall (ed.), 'The justicing notebook of William Hunt, 1744–9', *Wiltshire Records Series*, XXXVII (1982).

¹²⁴ Webb, *loc. cit.*

¹²⁵ KCRO. PS/US/5, 6.

¹²⁶ Sevenoaks 1714–26, SPL. U1000/20/017, Bearsted 1748–1764 and Wingham 1755–1769, KCRO PS/B1; PS/W3A.

¹²⁷ Sevenoaks Petty Sessions 'minutes' covering 1820–4, which weighs about twenty pounds, contains some curious entries, including 31 Aug. 1822, 'Mem No Exams. taken at this Meeting as to Settlement', and 28 Apr. 1824 'No orders made on Examons to Settlemt'; neither of these meetings of the court has any minutes, though those for other meetings contain quite a range of normal Petty Sessional business. KCRO. PS/Se3. Cf. the comments, arrived at independently on Kent Petty Sessional records by S.B. Black, *Local Government, Law and Order in a Pre-Reform English Parish 1790–1834*, (Lampeter, 1992), p. 333, that 'there was certainly far more going on . . . than . . . the "minutes" . . . reveal'.

¹²⁸ Wingham, 7 Dec. 1762, and St Augustines, 15 Mar. 1834, KCRO. PS/W3A; PS/SA/Sm1.

¹²⁹ Clerk, Southampton Court of Guardians to the Clerk of the Peace, City of Salisbury, 26 Aug. 1834, and POs, Wimborne Minster, and Newbury, 15 Mar. and 2 Apr. 1836; examination of Ruth Taylor, 27 Aug. 1781, SAO. SC/AG2/1; SC/AG6/6.

¹³⁰ Landau, 'Application of the Laws . . .', pp. 20–1.

¹³¹ Battle Petty Sessions minute 11 June 1816; return of removal orders issued same day, ESCRO. PSBA.7: QR/E748.

¹³² Bolney list of parish certificates, ESCRO. Par.252/31/1/2. Cf. Gowing, *op. cit.*, p. 60 note 40.

¹³³ For a recent example see G.R. Boyer, *An Economic History of the English Poor Law 1750–1850*, (Cambridge, 1990).

¹³⁴ SAO. SC/AG1/1/1.