

REASONS  
FOR A POOR LAW  
CONSIDERED.

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**PART I.**

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BY

THE REV. THOMAS SPENCER, M.A.

PERPETUAL CURATE OF HINTON CHARTERHOUSE, NEAR BATH;  
FORMERLY FELLOW OF ST. JOHN'S COLLEGE, CAMBRIDGE;  
AND DURING SIX YEARS A GUARDIAN  
OF THE BATH UNION.

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**FOURTH THOUSAND.**

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LONDON:  
JOHN GREEN, 121, NEWGATE STREET.

BATH:

# Rev. Thomas Spencer, champion of the New Poor Law

*Graham Davis*

**A**t a time of austerity and welfare cuts that have been dubbed 'the New Poor Law', it is no surprise to find the reappearance of the age-old tension in social policy between the national and local level, a major row erupted with the introduction of the New Poor Law following the Poor Law Amendment Act of 1834. National and local controversy featured the Rev. Thomas Spencer, who became the first chairman of the newly-created Board of Guardians of the Bath Poor Law Union in 1836.<sup>1</sup> Spencer was a prolific writer of pamphlets in which he roundly condemned the abuses of the Old Poor Law and became an enthusiastic advocate for the new system. His own period of office was also a time of fierce arguments among competing interests in the city.

The importance attached to the Poor Law as a sphere of influence was reflected in the fierce pamphlet warfare engaged in during elections to the Board of Guardians. The two sides represented the party rivalry of municipal politics. The poor, without a vote determined by a property qualification, were pawns in a political game. Behind the humanitarian rhetoric lay a political struggle for controlling the administration of the Poor Law. The politics of the Board of Guardians brought patronage and influence, and determined the level of rates to be paid by the citizens of Bath and district.

The Rev. Thomas Spencer, as curate of Hinton Charterhouse, near Bath [fig. 1], claimed to have already implemented the spirit of the new Poor Law, by applying a workhouse test to pauper applicants and to have reduced poor law expenditure in his own parish.<sup>2</sup> In March 1837, a new Board of Guardians was to be elected. Spencer produced a tract justifying the conduct of the first Board and attacked the 'mischievous meddling' of the City Magistrates in the administration of the Poor Law. This prompted one of the magistrates to reply in another pamphlet which castigated the 'inhumanity' of the Guardians in its first year of office.<sup>3</sup>

Spencer's pamphlet extolled the virtues of the 41 elected and 8 ex-officio Guardians while criticisms were directed at individuals. Nevertheless, country Guardians, who were mostly farmers, were less likely to attend Board meetings than those who represented Bath parishes.

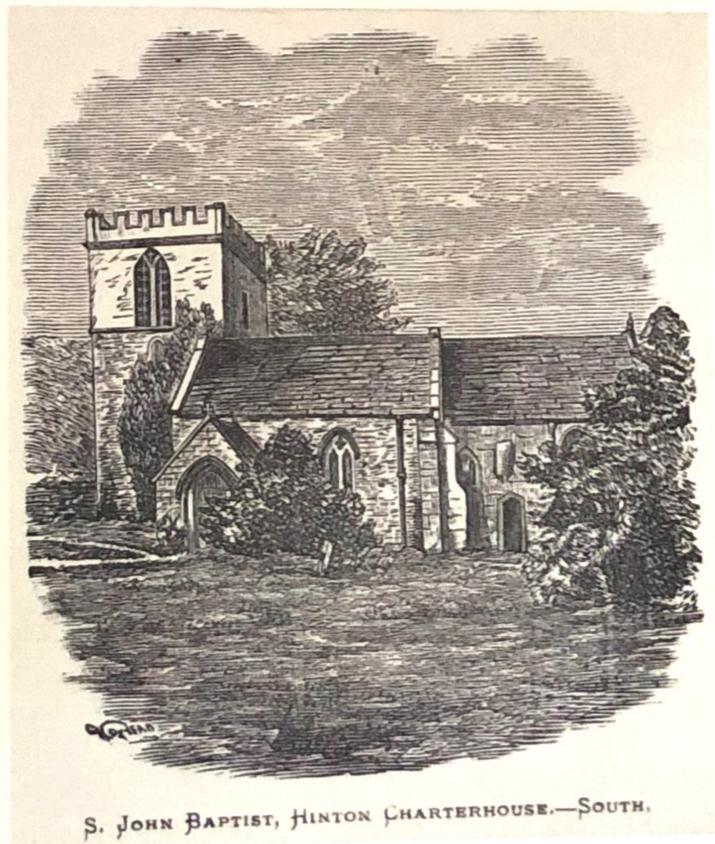


fig 1: Church of St John the Baptist, south view, Hinton Charterhouse, 1876, steel engraving  
*Bath in Time - Bath Central Library Collection*

'The feelings of the Board', Spencer claimed, 'are decidedly in favour of erring on the side of liberality....and although a senseless outcry is everywhere raised against Boards of Guardians, as though every man lost all the generous sympathies of his nature the moment he is elected a Guardian; yet notwithstanding this false and frequently malicious and interested outcry, the very reverse is the fact....The charge of cruelty, is misplaced even in the worst cases.' <sup>4</sup>

Spencer was equally critical of the interference of magistrates. The 27<sup>th</sup> section of the 1834 Act gave magistrates the right to interfere in cases of poor relief for those unable to work. Magistrates were accused of interfering beyond such cases:

'There have been perpetual messages from them to the Relieving Officer, requesting him to relieve able-bodied men; women with illegitimate children; or to give orders for medical relief or for coffins, and in cases where the very contrary had been decided by the Board after careful enquiry.' <sup>5</sup>

He argued that such interference undermined the authority of the Guardians, offered a premium to imposture, and stirred up ill-will among the poor towards the Guardians. 'So long as there is a court of discontent at the Guildhall', Spencer proclaimed, 'so long will there be no peace in Bath amongst the poor.' <sup>6</sup>

In reply, Augustus George Barretté, a local lawyer, denounced Spencer's pamphlet as 'obviously designed to promote the return of the same members of the Board at the next election; a thing most earnestly to be deprecated by everyone in whom a kindly feeling towards the deserving poor....has not altogether ceased to exist.' <sup>7</sup> The new act, he argued, had been brought into disrepute by the extreme measures taken by some Boards of Guardians, but 'in the Bath Union this tendency has been so excessive as to render the very name of Guardians an object of dislike.' 'Severity on the one hand', he continued, 'and disregard of the most sacred and most treasured feeling of the human mind on the other, have marked the entire course of their administration of the most trust confided to them.' Barretté defended the interference of the two

**Administration of the Poor Laws.**

THE liberality of the Public is solicited on behalf of MARY PRICE, whose parish-allowance has been discontinued under the following circumstances:

Her Husband having become chargeable to Walcot Parish during his last illness, she, after his death, continued to receive a weekly allowance of four or five shillings, on which, assisted by her own exertions, she maintained her young family, and also provided for an elderly woman, Ann Perry, of unexceptionable character, who having come to reside with the Prices about twelve years since, was afterwards sheltered by them when entirely past work, and a mere burden on her companions in poverty.—Soon after the election of the present Board of Guardians, the pay of Mary Price was reduced to one shilling and two loaves of bread. The distress thus produced having attracted the attention of one of the Parochial Clergy, he recommended an application on behalf of Ann Perry to the Board, who refused to grant out-door relief; and insisted on the removal of this decrepit and almost dying woman from the care and protection of her only friend; and her consignment, at the age of eighty, to the strict discipline and constant confinement of a parish workhouse.—The case having been reported to the City Magistrates, and appearing to be a fair sample of many others calling for their interference, an order for out-door relief was made, and served on the Board of Guardians; who, after making it notwithstanding the remonstrances of a minority of their own body) by a denial of the jurisdiction of the Magistrates, by temporary expedients and passive resistance, coupled with intelligible admonitions addressed to Mary Price by persons connected with the Board, respecting the possible withdrawal of her own pay, at length reluctantly obeyed—on the very eve of an intended application to the Court of King's Bench for a Mandamus to enforce compliance.—Ann Perry is since dead, having lived just long enough to be the instrument in procuring a result which has been followed, apparently as a consequence, by the allowance of out-door relief to several aged persons not previously so favoured. Mary Price, however, has been less fortunate, the Board of Guardians having, within the last week, *withdrawn her weekly allowance.*

Whether this event is to be considered as the execution of a threat, or merely as the fulfilment of a prediction, it must be considered as constituting a claim on those who sympathise with the aged poor in the struggle now carrying on in their behalf. It is therefore proposed to raise a moderate sum, by donations of not more than 2s. 6d. each, to be applied for her benefit, at the discretion of the MAYOR of Bath, Mr. BARROW, and Mr. SUTCLIFFE, who have undertaken to see the same properly applied.—*Subscriptions already received:*

The Mayor	2 6	W. A., Jun.	2 6
S. Barrow, esq.	2 6	Mrs. W. A.	2 6
W. Sutcliffe, esq.	2 6	J. R.	2 6
Willson Brown, esq.	2 6	M. D.	2 6
P. George, esq.	2 6	M. V.	2 6
Col. Bailey	2 6	E. D.	2 6
J. Shenstone, esq.	2 6	A. B.	2 6
John English, esq.	2 6	Mrs. Boulbee	2 6
Geo. A. Jones, esq.	2 6	John Lousada, esq.	2 6
John Stone, esq.	2 6	Mrs. John Lousada	2 6
Arthur West	2 6	Mrs. Brandon	2 6
G. H. Tugwell, esq.	2 6	Miss Barrow	2 6
B. Peach, esq.	2 6	J. Barrow, esq.	2 6
A. O. B.	2 6	J. R.	2 6
W. A.	2 6		

fig 2: Administration of the Poor Laws, Bath, 1837

Bath in Time - Bath Central Library Collection

city magistrates and argued that the law allowed appeals to be lodged 'in the controlling authority of the Magistrates.'<sup>8</sup>

Particular instances of inhumanity were cited as evidence of the cruel conduct of the Guardians. In July 1836, the use of the pall to cover a pauper's coffin was forbidden and when thrice dragged off the coffin by the Porter of the Workhouse.' The subsequent popular clamour obliged the Board to give way. Spencer's description of the Workhouse as 'comfortable lodging under a warm roof' was contrasted with the sick ward on November 8<sup>th</sup> and 'a Pauper in the worst condition of disease, is lodged in a wretched outer room and stone floor for an indefinite length of time.'<sup>9</sup> Here we have echoes of the current political row over NHS patients waiting on trolleys for a bed.

However, the case that prompted Spencer's pamphlet and fully featured in Barrett's reply was that of Ann Perry. It proved to be a test case for the control of the New Poor Law in Bath. [fig. 2],<sup>10</sup> Barrett obtained the original documents from the Mayor and city magistrates to reveal the full story and to cause maximum embarrassment to the Guardians. In other respects, the case was symbolic of the poverty issue in Bath. Ann Perry lived in Avon Street [fig. 3] whose notoriety shaped public attitudes to the treatment of the poor in Bath.<sup>11</sup>

Barrett gave a sympathetic description of Ann Perry's circumstances before condemning the action taken by the Board of Guardians:



AVON STREET BATH.

fig 3: Avon Street, Bath c.1872

*Bath in Time - Bath Central Library Collection*

The poor woman, who is upwards of eighty years of age, and infirm in the very greatest degree, has always borne an unexceptionable character. For these ten years past, she has been lodged and fed out of mere compassion by a widow named Mary Price, who, during her husband's lifetime, was able to do so without detriment to her family, but since his death about four years since, has become reduced in circumstances. Ann Perry was afraid of applying to the parish, lest by doing so, she would be forced into the Workhouse, and Mary Price also.....At length, however, Mary Price did, on her behalf, make application some time in October last, and her appeal was met on the part of the Relieving Officers by an assurance that if she made any further enquiries about Ann Perry, her own pay, should be taken off, and she and her family should go into the Workhouse. <sup>12</sup>

Friends of the pauper intervened and the case was brought to the Board, and again considered on November 2<sup>nd</sup> 1836. The only relief offered was in the Workhouse. Upon this application was made to the magistrates. Two of them, Mr. Barrow and Mr. Suttcliffe, having examined the case, served an order on the Board on November 9<sup>th</sup>. Spencer, as the Chairman of the Board wrote to the Poor Law Commissioners for directions. The reply came that the order must be obeyed. On November 14<sup>th</sup>, two of the Guardians persuaded Mary Price to withdraw her application on behalf of Ann Perry, and this was duly reported to the Board at the weekly meeting on November 16<sup>th</sup>.

On hearing this, Mr. Barrow, one of the interested magistrates, made enquiries and he and the Mayor, W.T. Blair, interviewed Mary Price two days later. Mary Price confirmed that she had been intimidated by the Guardians to withdraw her application for relief for Ann Perry under threat of her own relief being stopped.

She had put her mark to the withdrawal letter which had not been read to her. Ann Perry was then given a shilling by one of the Guardians with the farewell comment: "God bless you, I hope you will get more without applying to the parish." According to the *Bath Herald* of February 11<sup>th</sup>, Mary Price had her parish pay of 2s 6d. taken away despite assurances to the contrary although she had three children to support.

That same evening, the Mayor wrote to the Poor Law Commissioners in London charging the Board of Guardians with illegal interference and intimidation and enclosing Mary Price's testimony. On November 24<sup>th</sup>, in a meeting between a deputation from the Board of Guardians and the City Magistrates, it was agreed that the Board had no power to resist an order by the magistrates under clause 27 of the Poor Law Amendment Act. The next day, a letter was received from the Poor Law Commissioners that Assistant Commissioner, Mr. Weale, would come to Bath to investigate the case. This resulted in a letter from Edwin Chadwick, written on December 6<sup>th</sup> 1836, which took the Guardians' side in the dispute. The letter claimed that Ann Perry had resided and worked as a laundress with Mary Price for many years, and although now unfit for work, was still capable of minding the house and business during the absence of Mary Price 'as any other person who must have been employed for that purpose'. The application for relief had been withdrawn voluntarily and 'no intimidation was used to exact such withdrawal'.<sup>13</sup> The case was closed. Barretté concluded, bitterly: 'Thus was all hope of obtaining anything deserving the name of fair and impartial inquiry from that quarter put an end to.'<sup>14</sup>

However, a further initiative was taken by Mr. Suttcliffe, the other magistrate who had signed the order. He pursued the matter in law with an application to the Court of King's Bench for a rule to show cause why a mandamus should not be issued to enforce obedience to the order on Ann Perry issued to the Guardians on November 9<sup>th</sup>. The case awaited its time in court. On January 4<sup>th</sup> 1837, one of Mr. George's clerks wrote asking the Relieving Officer to investigate the particulars of the case. He reported on January 13<sup>th</sup> when the poor woman was visited and relieved. 'Thus', wrote Barretté, after three months of anxiety, and after the Magistrates had been put to considerable expense and much trouble, a simple act of justice was done in the individual case, and a great principle established for the protection of the helpless in future.'<sup>15</sup>

The benefit to Ann Perry was short-lived. While the Magistrates and Guardians and Commissioners argued over matters of high principle, while the rhetoric on justice and humanity poured forth unabated, Ann Perry, the victim, died on Sunday, January 31<sup>st</sup>. Barretté, after recording her death, moved swiftly to mark its significance:

'But the real evil in all this lay much deeper; whatever the Guardians in conference may say and whatever by certain late acts they may seem to imply, the real, though secret, object of all this is first to set aside the authority of the Magistrates, and then to compel every poor person thenceforward, asking relief, to come into the Workhouse.... But I warn the Rate-payers against being imposed upon any longer. I entreat all those in whom regard to the deserving poor, and reverence towards the appointment of God's law bear away (and who shall say these considerations do not influence HIM.'<sup>16</sup>

This is as frank a confession of motivation as one is likely to find. The case of Ann Perry highlighted the power struggle between the Magistrates and Guardians. The paupers themselves were merely the unfortunate victims in a propaganda struggle over the issue of the New Poor Law in Bath.

This process continued when Spencer returned to the attack in a pamphlet in 1838 that denounced the failure of the Bath Board of Guardians during its second year of office.<sup>17</sup> Following the Ann Perry scandal, he had seen the tough policies of the first year reversed. As Chairman, he had supervised a reduction in the poor rates from 19,928 to 11,520. The only

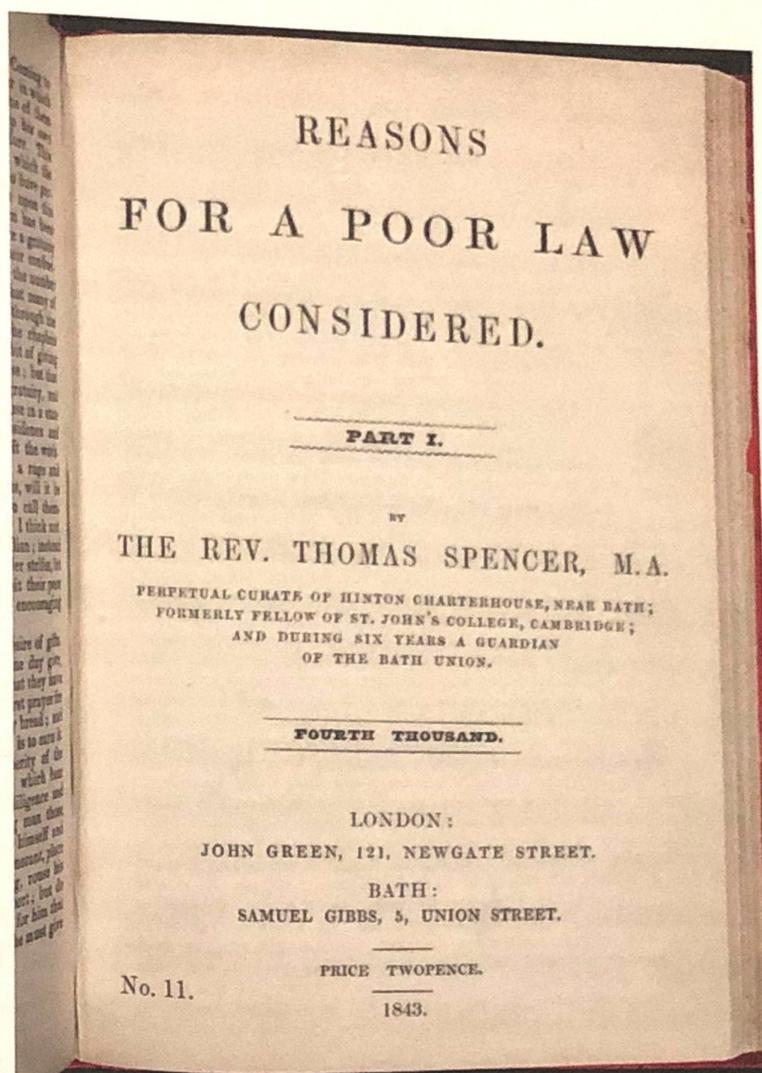


fig 4: Reasons for a Poor Law Considered. Title Page, 1843

*Bath in Time - Bath Central Library Collection*

difficulty, he claimed, had arisen from persons who lost fees, power or salaries. Some of the city magistrates, 'losing the power of hearing appeals and granting public pensions out of other people's money, and stirred up by clerks and paid overseers, were the most formidable.' In fact, according to Spencer, the interested parties brought back much of the previous pauperism within three years, as expenditure once more increased from 11,520 to 14,180. [fig. 4]<sup>18</sup> He berated the Board for reversing his policy:

'they have taken the smooth, the downhill course of complying with the desires of all that were formerly discontented .....In their desire to be thought compassionate, they overlook the thousands of burthened ratepayers, respectable widows with small incomes, tradesmen with large families, young men setting up in business, all of whom, by a little increase to their taxation, would be ruined.'<sup>19</sup>

In the competition for political influence, each side posed as champions of the poor. Barretté and the magistrates offered protection to the 'deserving' poor; Spencer and his Guardian supporters pointed to the plight of the poor ratepayers. The increased numbers of paupers receiving relief in 1837 were put down to a misguided policy. The number of inmates in the workhouse increased from 330 to 520 from Christmas 1836 to midsummer 1837, with a further 2,000 paupers in receipt of out-door relief, costing an additional 200.<sup>20</sup> Far from the workhouse being a place of dread, Spencer argued, people were queuing to gain admission. 'Such is human nature, that it is found that persons will prefer to live even on 2s. 6d. a week, received for doing nothing, than on four times that amount, as wages for labour.' The payment of out-door relief also provided the opportunity to obtain additional income deceitfully from charitable sources:

'In this idleness it becomes a great source of amusement to devise schemes of extracting money from private benevolence. Ladies of leisure, with no knowledge of the habits of the poor, and with more kindness than discretion, visit such persons: they conceal from them all favourable facts, and detail only such as are likely to obtain pity and a donation; they receive good clothing, which, if they wear, would prevent the next visitor from helping them – therefore, they pawn it and turn it into gin. They are then ready for fresh presents of clothing and money; they will always put on the appearance of rags, want, and wretchedness, by day, for these are the wares they deal in – this is their horrible trade; and in the evening, when their benefactors have gone home, they commence their mirth and festivity.'<sup>21</sup>

In using such terms, Spencer identified the essential political divide between factions on the Town Council – the leisured and professional classes residing in the upper part of the city, predominantly Conservative, versus the businessmen and tradesmen, predominantly Liberal, occupying the central business district and the lower part of the city. Posing as the true champion of the poor, Spencer believed that indiscriminate poor relief and charity not

only allowed a dangerous extended influence for the benevolent classes, but undermined the spirit of independence among working people:

'The more intelligent of the working classes, however, have begun to discern this. They see that men who are so ready to bestow charity are most ready to deny justice; and that even their charity is not at their own cost, but at the expense of the ratepayers. They see that charity from the poor rates is but a mean substitute for prosperous industry; and that public injustice robs them of ten times as much as it gives them in charity.....'<sup>22</sup>

Even when the New Poor Law had been established for some years, the controversy surrounding it continued.<sup>23</sup> Its critics argued most powerfully on the basis of anecdotal evidence. Spencer listed examples of alleged destitution, cases of infanticide and the starvation of children ascribed to the harshness of the New Poor Law.<sup>24</sup> The fiercest attacks were directed against the Union Workhouses, the hated 'Bastilles for the Poor'. Wild stories circulated in the anti-Poor Law pamphlets of the 1830s and 1840s about the evil practices that existed inside the new Workhouses. It was rumoured that the Workhouse bread was poisoned, that every third infant born inside the Workhouse was to be murdered, and young girls 'verging on womanhood have at times had their persons exposed to the most brutal and indecent manner by the Master, for the purpose of inflicting on them cruel floggings.'<sup>25</sup> The popular literature of the day, ranging from Charles Dickens's *Oliver Twist* to George Sims's ballad, *Christmas Day in the Workhouse* imprinted the 'cruel' spectre of the Workhouses on the public imagination.<sup>26</sup> The notably grim architecture of the early Union Workhouses reinforced the terrifying images created in propaganda pamphlets and contemporary literature.<sup>27</sup>

Spencer in defending the New Poor Law argued that the evils of pauperism had to be attacked and conditions inside the Workhouse were much better than people realized. He claimed the public were misguided and sentimental with regard to certain classes of pauper such as aged paupers:

'There is great scope for the exercise of discretion and compassion; at the same time the public feeling is far from correct on this head. In fact, on no class does the public mind require enlightening as much as on that of pauperized old age. Leaving out as exceptions, the afflicted and bedridden, the characteristics of the aged pauper are dirty and intemperate habits; begging and stealing to add to his parish pay; a discontented spirit, the result of an ill-spent life. Wherever he goes, he affords a living demonstration that youth may be profligate and manhood improvident, and yet old age be equally well provided for at the public cost.'<sup>28</sup>

Religious convictions easily slipped into moral condemnation supported by Divine truth: 'It is the will of God', Spencer proclaimed, 'that men should acquire habits of forethought and self-denial; and that if they prefer present ease to future good, they should suffer the consequences.'<sup>29</sup> When he surveyed the paupers inside the Workhouse he found them not only morally deficient but of six hundred inmates not one had any religion.<sup>30</sup> The advantage of the

Workhouse was that it provided discipline and religious instruction: "the regulations favour a recovery from bad habits: where wholesome food, unaccompanied by intoxicating liquor, regular washing, decent apparel, daily prayers, and sermons on Sundays, should draw his attention to the serious realities of his situation."<sup>31</sup>

exclusively engaged in teaching some of the boys to make clothes; a shoemaker also to teach other boys to make shoes; and all the clothing and shoes required by the 650 inmates were made by 48 boys, under the direction of the tailor and shoemaker. The time was thus equally divided between school and work, and some of the boys were not only able to read and write well, but were really skilful in their trades as tailors or shoemakers, and, according to the testimony of their masters, some of them were capable of earning 5s. a-week if a situation could be got for them. In addition to this, a piece of ground was taken for the boys to learn agriculture, and a man was engaged with a good salary to superintend this department. The girls in like manner were taught to sew, to knit stockings, to plait straw, and to make stays. For the smaller children a room was fitted up as an infant school, and a competent mistress provided for them. For the purposes of health and recreation swings were set up in the play grounds; and the boys were permitted to take long walks into the country with the master, and the girls with the mistress. Whether at work, or in the school, the children were treated with the greatest kindness, and every thing was done for them that seemed calculated to increase their bodily health, to strengthen their mental powers, and to provide them with the means of future self-support. And what was the consequence of all this? The numbers increased rapidly, and consequently the expense to the rate-payers; there being in March, 1837, 160 boys and girls; in March, 1840, 260; and in 1842, 288. Those parents who had children there did not wish to remove them from a place which was better than most boarding schools, because it gave board and lodging, clothing, instruction, and the learning of a trade. Other parents, whose children had not this advantage, contrived to get them admitted, either by absconding for a time, and leaving their children chargeable to the parish; or by causing the children to make application as orphans, leaving it for the guardians, after a few years, to discover that their parents were living in the neighbourhood. But all these evils might

**fig 5: Extract from Reasons for a Poor Law Considered. Part II p.9, 1843**

*Bath in Time - Bath Central Library Collection*

A disciplined regime, however, did not mean unmitigated austerity. Spencer claimed that conditions inside the Workhouse were superior to those available outside to the industrious poor. Children inside the Workhouse were instructed by schoolteachers in useful knowledge, had access to a library of 'useful and entertaining books', and received religious instruction from the Workhouse Chaplain. A tailor and shoemaker were engaged to teach boys their crafts and all the clothing and shoes required for 650 inmates were made by the 48 boys, the most skilful earning 5s. a week. The girls were taught to sew, knit stockings, plait straw and to make stays. For the younger children, an infant school with a competent mistress, was provided, and there were swings in the playground. The boys and girls were allowed to take long walks with their teachers in the countryside. Spencer claimed that 'whether at work, or in the school, the children were treated with the

greatest kindness', and everything was done for their benefit. [fig. 5]<sup>32</sup>

Moreover, the Guardians were concerned about the contaminating influence of long term stay upon Workhouse children, in mixing with the depraved and insane. Printed notices were circulated in shop windows listing the children ready for situations. Yet respectable families, conscious of the Workhouse stigma, did not want to take them.<sup>33</sup> The numbers of children inside the Workhouse increased rapidly from 160 in 1837 to 288 in 1842.<sup>34</sup>

Spencer argued that in food, clothing and medical care, inmates of the Workhouse enjoyed better treatment than the poor at large in the community:

'In the Bath Union Workhouse the aged and infirm, besides the usual visiting days, are allowed occasionally to go out for one, two, or three days, to see their friends. They enter the Workhouse at their own accord, and at any time, by giving three hours' notice, they can depart. When our applications were increasing faster than our accommodation, we offered to the aged inmates the full amount of out-door relief, but almost all of them refused the offer; and many of them said, "Where can we get the good food and clothing and fires and beds which we have here?"'

In refuting the charge of starvation of inmates, Spencer referred to the arithmetic of Workhouse expenditure:

'Without including rent, or the attendance of officers, the food, clothing, and fuel alone, bought at the wholesale price, amount each week, to 3s 1d six children, and his earnings are nine shillings a week. After paying one shilling a-week for rent, there remain eight shillings to provide food, clothing, and fuel for eight persons; or a shilling a-week for each. If that labourer could even buy his goods at the wholesale price as the Guardians do, it would require 1 4s 8d a week to enable himself and children to live as well as the inmates of the Workhouse.'<sup>35</sup>

These glowing descriptions of life in the Workhouse were of course meant to counter the exaggerated charges of starvation and cruelty mounted against the Guardians. Both sides employed dubious anecdotal evidence quite shamelessly in support of their arguments, a trick not lost on modern politicians in attempting to manipulate public opinion.<sup>36</sup>

As a result of the conflict over the introduction of the New Poor Law, serious misunderstandings developed in the public mind that served to harden hostility to the poor. In the absence of a contemporary understanding of the causes and extent of poverty, despite a deep concern felt in the 1840s over the 'Condition of England' question, popular impressions remained unqualified without the systematic statistical evidence provided in the surveys of poverty by Booth and Rowntree later in the century.<sup>37</sup>

The bitterest criticisms among those who attacked the New Poor Law were reserved for the state of the Union Workhouses. The spectre of half-starved inmates at the mercy of a cruel Workhouse master became established. At Andover Workhouse in 1845, the stereotype became reality in the person of the odious M'Dougal. This was an extreme case of cruelty where the starved inmates grovelled in the dirt to obtain gristle from the bones thrown to them.<sup>38</sup> The attendant publicity on the Andover Scandal reinforced the bad, public reputation of all Workhouses. Defenders of the New Poor Law attacked the 'evils of pauperism' and the moral deficiency of the poor. Recipients of poor relief were labelled as lazy, filthy, drunken and dissolute persons who conducted their lives without forethought or sense of responsibility. Only the tough discipline of the Workhouse, it was argued, could wean such people away from the debilitating effects of pauperism and an unmanly dependence on the sentimental among the wealthy classes who dispersed charity without discrimination.

An alarming picture developed of a teeming mass of paupers who threatened the well-being of society unless they were either appeased or disciplined. In the 1840s, the existing social hierarchy and system of property rights looked to be under threat.

Yet two important qualifications should be made to the mental picture of the Poor Law produced by the two conflicting camps. First, the Workhouses only housed a small minority of paupers. The great majority receiving poor relief received it in their own homes.<sup>39</sup> As practical men, the Guardians, who mostly carried over into the new system, soon found it more economical to provide out-relief in most cases than to insist on paupers entering the Workhouse. Also, able-bodied paupers for whom the Workhouse Test was devised, formed only a small



mentally fit for work. Fifteen males were classed as insane and many of those in the age group 11-15 years were listed as scholars.

An examination of specified occupations shows that the Workhouse did not merely claim the least skilled or most depraved among the labour force. Indeed, it is perhaps a surprising finding that craftsmen and tradesmen formed the largest occupational group with 43.4 per cent of the total. A further third (32.5 per cent) described themselves as labourers, and another tenth (10.8 per cent) were listed as servants or gardeners. A mere 2.4 per cent were styled as hawkers or costermongers, with the remaining 10.8 per cent classed as miscellaneous. Clearly, many skilled and intelligent workers, some of whom had been journeymen craftsmen or master craftsmen employing other men, had through sickness, old age or some misfortune of business, become pauper inmates of the Workhouse. This evidence does not support Spencer's strictures against aged paupers that he employed to attack the 'misplaced sentimentality' among the public. In fact, the occupational evidence presents a curiously respectable picture. Also, the itinerant poor were thinly represented among the inmates. It was the resident poor of Bath who predominated.

The higher proportion of male paupers compared with female paupers, despite a preponderantly female population in Bath, suggests that males were more adversely affected by economic recession. About a quarter of females, (24.5 per cent), were aged ten years or less and just over a quarter, (25.9 per cent), were aged over 60 years. Among those nominally in the working age groups, more than three-quarters, (77.2 per cent), were classed as domestic servants, laundresses or washerwomen. The only other group that formed above a tenth of the total was that of dressmakers or needlewomen (14.8 per cent). Bath was increasingly a service economy by 1851, suffering from the loss of trade and employment arising from fewer seasonal visitors to the city. Pauper inmates, male and female, were the victims of a surplus labour market at a time of recession in the city.

What contributed to the surplus labour market in Bath was the pattern of in-migration into the city. Inside the Workhouse, the proportion of Bath-born males was remarkably low, and there was a correspondingly large immigration from outside the city. More than a third of inmates, mostly children, had their birthplace recorded as 'not known'. These were most likely born outside the city and formed part of the substantial migration into the city in times of former prosperity. The evidence of pauper examinations suggests that migrants came from considerable distances, especially from south-western counties, in a long-standing pattern associated with the city's expansion since the late eighteenth century. [fig. 7]<sup>42</sup> A similar pattern existed for female paupers. Substantial in-migration occurred in search of employment opportunities in domestic service and other forms of service industry.

And what of the allegedly depraved inmates so vividly described by Spencer in his attacks on pauperism? What may be deduced from census data is limited but not without value. The unmarried mothers in the Workhouse were probably the target for Spencer's outburst about prostitutes using it as a lying-in hospital.<sup>43</sup> Yet the number was relatively small; eighteen mothers in total with twenty-three children between them out of 352 females resident in the Workhouse. Significantly, thirteen of the mothers were recorded as domestic servants. More than one authority has recognized that middle-class males commonly had their first sexual experience with female domestics employed in the home.<sup>44</sup> Servants were commonly regarded as fair game and if they became pregnant, they were unceremoniously thrown out of

City of Bath

The Examination of Charles Wellstone at present residing in the poor house of the parish of St James in the City of Bath situate in the parish of Wyke and Widscombe in the County of Somerset taken on oath this 19<sup>th</sup> day of August 1829 before us 2 of His Majesty's Justices of the peace of and for the said City touching his last lawful Settlement

Who on his oath saith that he is now 59 years old that he was born as he has heard and believes in the parish of Colerne in the County of Wilts. That about 20 years ago & a minute rented a house in Old Orchard near

fig 7: Pauper Examinations, St. James's Parish, Bath, 1823-66, Walcot Parish, Bath, 1853-65  
Bath Record Office - Bath & North East Somerset Council

employment. Without a reference, further domestic employment in a surplus labour market, was a remote prospect. Five of the women had more than one child, but the numbers involved offer less than convincing evidence of extensive immorality among female paupers. The low numbers of bastardy orders issued within the Bath Union support that conclusion. Between 1844 and 1885, for which period the records survive, a total of only 209 orders were issued for a population of 70,000, or an average of five a year.<sup>45</sup> The putative fathers were not all confined to the working classes. In addition to craftsmen, labourers and servants, army officers, tradesmen, and members of the professional classes were recorded.

The presence of inmates of Bath Union Workhouse can largely be explained in economic terms. The young and the old, the incapacitated and insane, without means of financial support, were added to those with occupations in which a surplus labour market operated against them. The insidious re-emergence of the language of 'the deserving' and 'the undeserving' poor, identified by Rowan Williams, the Archbishop of Canterbury in the rhetoric of modern political debate, suggests that the spirit of Thomas Spencer and the New Poor Law is alive and well in the twenty-first century.

## Notes

1. Rev. Thomas Spencer, Fellow of St. John's College Cambridge, became perpetual curate of Hinton Charterhouse, near Bath (a living worth 90 a year) in 1826. Under his direction, parochial expenditure in Hinton Charterhouse was reduced from 950 in 1830 to 200 in 1836. Under the New Poor Law, he became Guardian for his parish and the first Chairman of the Bath Board of Guardians. A prolific pamphleteer on the Poor Law, he was also an advocate of education, thrift, temperance, and church reform. After a brief spell in the United States, he became Secretary to the National Temperance Society. He died in 1853, aged 56.
2. Rev. Thos. Spencer, 'The Working of the New Poor Law in the Bath Union or A Peep into the Board Room at Walcot', 1836, Bath Tracts.
3. Aug. Geo. Barretté, 'Few Plain Facts', 1837, Bath Tracts.
4. Spencer, 'The Working of the New Poor Law in the Bath Union', p.12.
5. Ibid, p. 14.
6. Ibid, p. 15
7. Barretté, 'A Few Plain Facts', p.3. Barretté was a lawyer who lived at 5 Claremont, Bath.
8. Ibid, pp. 3-4.
9. Ibid, pp. 9-13. This was not describing Bath Union Workhouse which was not built until June 1838, but one of the old parish poor houses. The Union Workhouse was built at Odd Down on the southern outskirts of the city.
10. See reports in the *Bath and Cheltenham Gazette*, January 24<sup>th</sup>, January 31<sup>st</sup>, and February 14<sup>th</sup> and 21<sup>st</sup> 1837.
11. See, Graham Davis, *Bath as Spa and Bath as Slum: The Social History of a Victorian City*, The Edwin Mellen Press, (Lewiston, Queenston, Lampeter, 2009).
12. Barretté, 'A Few Plain Facts', pp. 14-15.
13. Ibid, p. 18.
14. Ibid, p. 19.
15. Ibid, pp. 19-20.
16. Ibid, p. 25.
17. Rev. Thos. Spencer, 'The Failure of the New Poor Law: A Review of the Proceedings of the Board of Guardians during the second year.' 1838.
18. Rev. Thos. Spencer, 'Reasons for a Poor Law Considered', 1841, p. 5.
19. Op cit, Spencer, 'The Failure of the New Poor Law', pp. 4-6.
20. Ibid, pp. 8-9.
21. Ibid, pp. 11-12. For more examples of the initiatives and conditions of the poor, see Tim Hitchcock, Peter King, Pamela Sharpe, eds, *Chronicling Poverty: the voices and strategies of the English poor, 1640-1840*, (Macmillan Press, London), 1977.
22. Op cit, Spencer, 'Reasons for a Poor Law Considered', part III, 1843, p. 11.
23. See Rev. Thos. Spencer, 'The New Poor Law, its Evils, and their Remedies', 1843; 'The Outcry against the New Poor Law, or Who is the Poor Man's Friend' 1843; 'Reasons for the New Poor Law Considered', parts 1-4; 'Objections to the New Poor Law Answered'. Parts 1-4, 'The Want of Fidelity in Ministers of Religion respecting the New Poor Law'. Abuses listed by Spencer included the Clerk to the Union, Mr. Harrington, absconded

- with £800 of parish rates; spirits carried into the Workhouse; drunken porters; paupers allowed out of the house unbeknown to the Governor and a former Governor enjoying splendid parties at the public expense. See 'The Failure of the New Poor Law', pp. 21-6.
24. Spencer, 'Reasons for a Poor Law Considered', p. 14.
  25. G.R.W. Baxter, 'The Book of the Bastiles, or the History of the Working of the New Poor Law', 1841 from Michael Rose, *The Relief of Poverty, 1834-1914*, (Macmillan, 1972), pp. 109-20.
  26. *Oliver Twist; or the parish boy's progress*, by 'Boz' first appeared in 24 monthly instalments in Bentley's *Miscellany*, Feb. 1837-April 1839; John Bowen, *A Refutation of some of the Charges preferred against the Poor, 1837*, James Withers Reynolds, *Written from Newmarket Union, 1846*; George R. Sims, *The Dagonet Ballads, 1881*.
  27. John Bowen, *The Union Workhouse and Board of Guardians System, 1842*.
  28. Letter by Spencer to Poor Law Commissioners, Aug. 1<sup>st</sup> 1836, 2<sup>nd</sup> Annual Report, p. 9.
  29. Spencer, 'Reasons for a Poor Law Considered', Part III, p. 3.
  30. *Ibid*, p. 7.
  31. *Ibid*, p. 10.
  32. Spencer, 'Reasons for a Poor Law Considered', Part II, p. 8.
  33. *Ibid*, p. 9.
  35. Spencer, 'The Outcry against the New Poor Law', pp. 10-11.
  36. See Norman Longmate, *The Workhouse*, pp. 296-314 for further examples of anecdotal evidence.
  37. In Charles Booth's survey of London, begun in 1886, he arrived at a figure of 30.7 per cent of the population living in poverty. B.S. Rowntree's study of York conducted in 1899, and based on different methods produced a comparable figure of 27.84 per cent living in poverty. Charles Booth, *Life and Labour of the People of London* (1 volume 1889; 2 volumes 1891; 9 volumes 1892-7; 17 volumes 1902-3); B.S. Rowntree, *Poverty: A Study of Town Life, 1901*.
  38. See Longmate, chapter 10, *Scandal at Andover*, pp. 119-35.
  39.

	No. of Paupers on in-relief	No. of Paupers on out-relief
1838	682	1704
1839	691	1687
1840	754	1765
1841	749	1518
1842	970	1648
1843	1,383	1,794
1844	1,119	1,816

Adapted from Stephen Williams, 'Bath and the New Poor Law', in J. Wroughton, (ed), *Bath in the Age of Reform, (1972)*, p. 37, and John Bush, 'Bath Union Notes', 1865.

40. This was recognized as a national pattern by the Webbs:  
 'For instance, if any such classified statistics of pauperism had been made it might have revealed to the Commissioners, what Chadwick discovered a few years later, namely, that the bulk of the paupers were not, as the Commissioners seems to have imagined, either able-bodied men, or even wives and children of such men, but persons actually

incapacitated by old age or laid low by sickness, with the helpless dependents of those impotent poor.' S. and B. Webb, *English Poor Law History*, vol. 2, *The last Hundred Years*, 1929, p. 88.

41. Bath Census, Workhouse Schedule, HO 1942 1- 363. The census Enumerator made some arithmetical errors which had to be identified before an analysis could be undertaken.
42. Pauper Examinations, St. James's Parish, Bath, 1823-1866, Walcot Parish, Bath, 1853-65.
43. Spencer, 'Failure of the New Poor Law', p. 20.
44. Steven Marcus, *The Other Victorians: A Study of sexuality and pornography in mid-nineteenth century England*, (Weidenfeld and Nicolson, 1966), p. 133; Frank Dawes, *Not in Front of the Servants: Domestic Service in England 1850-1939*, (Wayland, 1973), chapter 3, A Fate Worse than Death, pp. 35-45.
45. Bath Poor Law Union, Register of Orders in Bastardy, 1844-85.