

POOR LAW DOCUMENTS OF CHIPPING CAMPDEN

by J. James

In 1662, the Act of Settlement was passed by the Restoration Parliament. This Act gave the Overseers of the Poor the right to remove by Justice's Warrant, any "person or persons coming so to settle themselves as aforesaid in any tenement under a yearly value of Ten Pounds", if they judged that the intruders were "likely to become chargeable to the Parish."

The effect of this clause was to make it difficult for a poor person to seek work outside his own parish, that is to say, outside the parish in which he was legally settled.

In a rural parish, such as Chipping Campden, a newcomer would not escape the notice of the Overseers, and since the yearly value of labourers' cottages was around £3 on average, the £10 rule meant that virtually every intruder was eligible for removal. Moreover, the law stated that removal orders based on the £10 qualification had to be issued within forty days. This gave the intruder little time to prove himself capable of earning a living wage.

The first question that arises from a consideration of the 500 or so documents relating to the migration of the Poor at Chipping Campden in the years between 1693 and 1834, concerns the amount of movement that actually took place. When the law made it so hard for poor people to seek work beyond their parish of settlement, how is it that so much evidence of movement survives?

The documents as a whole indicate a situation much less restrictive than the rigorous application of the law would have produced. Of the total number, about a fifth are settlement certificates. For many years, before the Act of 1662, it had become a common practice to issue passes to people seeking work outside their parish of settlement. Thus, a man could go and help with the harvest in an adjoining parish when he was short of work in his own. Such an arrangement might save his own parish the cost of supporting him, and, provided the adjoining parish had an assurance that his own parish would accept responsibility for any charge on the rates he might incur, no objection would be raised to his coming. These unofficial passes were the forerunners of the settlement certificates authorised by an Act of 1693. The 101 settlement certificates in the Chipping Campden collection are the guarantees which enabled people to move around with a degree of freedom. Not that they moved very far. A survey of parishes mentioned in all the documents showed that all but half a dozen were within 20 miles of Chipping Campden.

If the overseers considered that someone not legally settled in the parish was about to become a charge on the parish rates, or if such a person actually applied for relief, he could be removed to his parish of legal settlement; but the law required that before this happened an examination had to take place in the presence of the overseers and two local justices. In the Campden collection examinations have survived, and individually are more interesting than either removal orders or the settlement certificates because they contain some account of the poor

folk of the period, people whose lives would otherwise have no record at all. To one examination there is attached a letter written by a soldier stationed in Gibraltar whose wife and children have become a burden to the rates at Campden (1). It is worth quoting in full as an unusual example of an uneducated man's style of composition:

"Sir,

Respecting of my wife and family which is in Campden at present, I have to inform you. When I enlisted at Abinton in Berkshire, I was born in the parish of Nethrop near Banbury, County of Oxford. But I Samuel Tracey by birth I was christened in that Banbury Church. I never bound prentice to any trade or yet a servant so as to claim any parish. But my father's Samuel Tracey. My father's brother which is living in the world's, William Tracey. I was married to Catherine Cowley that was my wife's name. I was married in Athlone in the County of Ros Common in Irland and have 2 children namely Susannah 3 years of age, Marey about 7 months. I have nothing more to say at present, I remain your fried

Samuel Tracey."

The letter in the hand of Samuel Tracey, was signed and dated 8th February 1831, it establishes that Samuel Tracey's wife and children had no legal settlement in Campden. No removal order survives to say what became of them. Samuel Tracey himself had no settlement of his own ("I never bound prentise to any trade or yet a servant so as to claim any parish."). Nor is the settlement of his father given, the implication being that he was dead. The reference to "my father's brother" may have been a suggestion that William Tracey could provide further information about the settlement in the absence of the father. The corresponding removal order may have been lost; otherwise, its absence would prove that the overseers could not decide where to send the family of Samuel Tracey and finally accepted the responsibility for them. Other examinations in the collection were taken down by a clerk and their grammar and syntax are consequently more accurate: the hand of the examinee only appears at the end, usually as a cross, though in about a quarter, a signature appears. The possible explanation for this fairly high proportion of written signatures, among people who might be expected to be illiterate is that for one reason or another they had learned to write their own names. It certainly does not mean that a quarter of the examinees were literate.

Most of the documents appear on printed forms: particulars of each case are written in ink within the spaces provided. This made it easy to extract the essential information for the purpose of the study. The details include, firstly, some account of the subject or subjects of the documents: Christian names and surname, sometimes the occupation; wife's name and the names and ages of dependent children. The children's ages are most often given as approximations, showing that it did not matter greatly to the overseers, whose main concern was the number of mouths that might have to be filled. The form also states the subjects' parish of legal settlement, the date and the signatures of the presiding justices. Occasionally interesting information is written on the back of the form. On January 29th, 1781 a certain

Richard Ballinger was "apprehended in the parish of Saint Giles-in-the-fields, Middlesex, as a rogue and a vagabond, viz. there wandering and lodging in the open air." In an examination on the same day, he claimed a settlement at Chipping Campden and was duly removed thence. On the back of the removal order that accompanied him is a list of the districts through which he passed, showing how the local constables were charged with the job of conveying him from stage to stage in the journey. Ballinger was classed as a vagrant: the six separate messages he collected on his warrant all follow a stereotyped form:

"To the Constable of _____ in the said County.
Convey the within named vagrant to _____ in the County of _____.
Given under my hand this _____ Day, February 1781."

The route he took closely followed the course of the River Thames: Colnbrook, Maidenhead, Henley, Abingdon, Shippon (Berks), Lechlade and Campden. Each appended message was dated, so we know that the journey of about 100 miles took about a fortnight. Incidentally Richard Ballinger's family is well represented in the documents. In May 1781. Richard was again examined. His father, William Ballinger, whose settlement certificate, issued in 1746, shows that he, William, was settled at Charlton Kings. We know from documents relating to his daughter Mary, whose case will be mentioned later that he never gained a settlement in Campden. Richard's parish of settlement was established as Mickleton, one of the parishes bordering Campden; and on May 24th, 1781 a removal order was issued in his name. Just why Richard was sent to Campden rather than Mickleton is not clear. But the case shows how the law aided the Overseers in their efforts to serve the financial interest of the parish. Later amendments to the Poor Law recognised that the insecurity suffered by people like the Ballingers could not be tolerated by society and in the latter part of the eighteenth century a more humane approach to the problem of the poor begins to show itself. An Act of 1782 reduced the discretionary powers of the overseers and in 1795, it became illegal to remove poor people merely on the grounds that they "were likely to become chargeable". From then on, the emphasis of law shows a gradual change for the better.

In addition to the listing of the particulars in removal orders and settlement certificates, the details of the examinations were noted. Although most of the examinations are in manuscript rather than on printed forms, they follow a standard pattern. The interest of the parish in the examinee was limited to a certain range of facts: the name of the examinee is given, and details of wife and family if any; again children are carefully listed in descending order of age. The examinee states his or her parish of legal settlement and also the condition through which settlement was gained. The text of a typical case runs thus:-

"The examination of Jane Gould now residing in Chipping Campden in the Co. of Gloucestershire taken upon oath before we two of his Majesty's Justice of the Peace in and for the said County. 15th April 1803.

"Who saith that she was born at South Littleton in the County of Worcestershire, the place of her father's

settlement. That about two years ago last Michaelmas, she was hired at Evesham Mop by Henry Biddle of Broome in the parish of Bideford, in the County of Warwickshire, farmer, from Michaelmas to Michaelmas at the wages of four guineas; that she received her full wages and that she has not since done anything to gain a settlement elsewhere - and the examinant saith that she is now big with child.

The Mark of J. Gould
X.

Settlement in a parish could be gained in a number of ways. Before some interpretation of the Chipping Campden documents is attempted, a word about this is relevant. Children inherited their fathers' settlement until they reached the age of seven when they could gain a settlement of their own. Women gained a settlement by marriage. A widow retained the settlement of her husband until she qualified for a settlement of her own or else married again. The Act of 1693 defined other means of gaining a settlement: the serving of an apprenticeship; being hired as a servant for one year; subscribing for a year to the parish rates; holding a parish office. Hence the significance of Samuel Tracey's testimony "I never bound prentice to any trade or yet a servant so as to claim any parish." The remaining important qualification for settlement has already been mentioned in the negative terminology adopted by the 1662 Act. The clause which stated that anyone could be removed if he could not rent a £10 tenement, implied that renting of property of £10 upwards was a qualification for settlement. A certain Isaac Snow in an examination dated 19th July, 1782 said that he rented a farm at Bourton-on-the-Hill for four years at an annual rent of £170 per annum. On these grounds his settlement was deemed to be at Bourton and a removal order was issued. One would like to know more about the circumstances that brought a farmer of substance into Campden as a pauper.

Turning to the interpretation of the material contained in the documents: the first point to make, and most important, is that the collection is not complete. The documents that survive do not tell the whole story of the overseers' efforts to get rid of undesirables - for that is how most overseers seem to have regarded most paupers. 170 removal orders and 175 examinations were counted but only 60 removal orders could be "matched" with the examinations from which they arose. Assuming that most if not all, examinations resulted in removal orders, 110 removal orders lack corresponding examinations and 80 examinations lack their corresponding removal orders: a total shortage of over 190 documents. In this matter the Campden collection does not differ from many others that survive up and down the country. But the absence of so much material seriously limits the scope for analysis. It would be of little use therefore to compare the numbers of removal orders from one year to the next with the view to assess, for example, fluctuations in the local economic climate. Even so, there remain several lines of enquiry. The composition of families as they are listed on removal orders referring both to removals from Campden and those from other parishes into Campden were analysed with the following results:-

Families that include children	...	...	96
Single Men	...	...	46
Single women or widows	...	...	60
Widows with children	...	...	7

The group containing adults and children are clearly the commonest subject of removal orders. Parish authorities would naturally be reluctant to accept the whole families, particularly those with young children for whereas a single man with the will to work stood a good chance of being self supporting, a man with several dependants would find it harder. Further, the parish would be less indulgent to the large family, knowing that if circumstances turned out badly, the burden on the rates would be greater. Evidence of the inhumanity of the Poor Laws emerges from a consideration of the cases involving single women, several of whom were stated to be pregnant. Parishes were particularly anxious to remove prospective unmarried mothers, since in law, up to the time of the Poor Law Amendment Act of 1834 (4 & 5 Will 4 c76), a bastard child was the responsibility of the parish in which it was born. So the overseers would have scant sympathy for the condition of any "single woman, big with child" whose settlement was not within their own parish. Instead every effort would be made to hustle her off. The way in which the law favoured the rate payers rather than the poor themselves meant that the plight of the mother-to-be could be desperate. In 1810, a removal order was issued at Campden for "Hannah Abbots, single woman being pregant". Her parish of settlement was stated as Birmingham; the order is one of only six that refer to parishes more than ten miles away from Chipping Campden. The journey to Birmingham was an arduous, not to say expensive one at the beginning of last century. The woman would have been accompanied by an overseer or his representative for part of the way. Depending on her condition at the time, she might have needed some conveyance other than a horse. Altogether a costly undertaking. If she had possessed a settlement certificate, all the removal costs could have been reclaimed from Birmingham, but the settlement certificates are missing from 1797 onwards, so we cannot know on whom the cost of this removal finally fell. However, other evidence shows that parishes accepted considerable removal costs rather than permit the birth of an illegitimate child within their boundaries.

Some idea of the actual cost of conveying a woman to her own parish is given in Dorothy Marshall's book The English Poor in the Eighteenth Century. This account is taken from the earlier part of the period being discussed but, bearing in mind that the journey was about the same distance as Hannah Abbots', and that during the first half of the eighteenth century parishes commonly maintained a poor person on a weekly allowance of between two and three shillings it does illustrate the point.

"An account which was spent abt. Clarah Bramph^t. settlement in Whitehavⁿ. (2).

2 Horses to Graithw ^t	1. 6.
" " " Whitehaven	7. 6.
To Ad. Walker for her entertainment	1. 6.
To Jane Godfrey	0. 6.
Spent in our journey to Whitehaven	8. 9.
An horse 3 times to Graithw ^t	1. 6.

cont..

Expenses and repairing saddles	1. 5.
Expenses to Carlise	11. 10.
For conveying her to Whitehaven	9. 10.
Entertainment for man and horse	1. 15. 10.
	<hr/>
	£3. 19. 8."
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Sometimes, the parish to which a pauper was removed would appeal against the order. An order issued at Campden in November 1830 for the removal of William Merryman his wife and six children has attached to it the record of the decision given at the Gloucester Quarter Sessions of January 1831 (3). The inhabitants of Cofton Hackett in Worcestershire, no doubt alarmed at the prospect of eight extra mouths to feed, had appealed against the order. The record of the appeal reads:

"It is ordered by this Court that the inhabitants of the said Parish of Cofton do pay the Inhabitants of the said Parish of Chipping Campden the Sum of forty shillings for the costs which they have been put into in appearing here now at this Session to support the said order of Removal.

By the Court, Edw^d Bloxsome"

Two of the justices at the hearing were Doctors of Divinity. One wonders about their attitudes to the fate of William Merryman and his family, delivered by their decision to the care of a parish unwilling to accept responsibility for them. Such appeals consumed much of the time at Quarter Sessions, and not a little of the parish rate too. Add to the cost of litigation, sundry expenses of the overseers, particularly the money spent on "refreshments" whenever they met to conduct their business and it becomes obvious that the proportion of the total rate available for the relief of the poor was less than it ought to have been. Even so, Chipping Campden cared for its poor as well as most parishes. In the first half of the eighteenth century a yearly sum of about £200 was actually spent on relief. This rose to £800 after 1750 and to £900 in the seventies. By 1800 it was £1000 a year. A single levy of the rate brought in £80 throughout the period, so the number of levies per year rose from three to fourteen during the century (4). Reckoning about £7 as the annual cost of maintaining one poor person in food and clothing for a year, a single levy of the rate would maintain the equivalent of a dozen people for that period. And this amount was raised in a community numbering about 1500 people (5).

The hardening of attitudes towards poverty reflected in the poor laws of the later 17th century and early 18th century contrasts strongly with the paternalistic spirit of the Elizabethan Poor Law. By the eighteenth century it was the commonly held view that poverty was the result of wilful improvidence and so the poor laws gradually changed their emphasis. Where once they had aimed to serve the poor, now they came to serve the financial interests of the parish, and the narrow outlook of a parish based administration. Thus, the rise that took place over the period in the number of appeals against removal orders supports the impression even more than the inhumanity contained in the references to unmarried expectant mothers that the main object of the parish overseers was to keep out as many poor people as possible.

The Campden documents show that the support that parishes gave to the legal profession did stop at appeals against unfavourable decisions in the courts. Among the removal orders there is evidence to show the Campden overseers took professional advice over a questionable claim to settlement:

"Corrielius Smith is possessed of a small cottage (which was lately given to him in and by the last Will and Testament of Anne Smith, deceased, for the remainder of a term of 2000 years. Subject to a charge of 3/4d per annum. Situate in the parish of Chipping Camden in the County of Gloucestershire wherein the said Smith, his wife and family now dwell. The said Cornelius Smith for many years before he was possessed of the said cottage had and now hath a certifacte from the parish of Ilmington, though has often been relieved by the parish of Chipping Camden. But the money was always repaid by the officers of Ilmington."

NB. The Cottage above mentioned is not computed to be reasonably worth more than about £25 to be sold.

Query: Does Smith, being possessed of the above cottage gain him a settlement in Campden or can the Officers of Chipping Campden remove him by Virtue of the Above Certificate or how would you advise the parish of Campden to Act under the circumstances?

Answer: If Cornelius Smith has resided 40 days in the above mentioned cottage which was devised to him by his Aunt for the rem'r of a long term not yet expired, I am most clearly of the opinion that he has gained a settlement in Campden notwithstanding he carries a certificate from Ilmington. It is true that he is not within the words of Stat:9 and 10 W.3 c.11, but the residence on a man's own Estate has been considered by the Court of King's Bench as a stronger case than the casual acquired by renting £10 p.a. The settlement in this arises by Construction on Stat. 13 and 14 Car.2 c.12 not from the words of that Act but on the principle that a person residing on his own Estate cannot be removed. The value of the cottage is totally immaterial, the case of a Devise not being within Stat.9 Geo.1 which extends only to purchase for a pecuniary consideration. The consequence of this opinion is that the parish of Campden cannot remove the paupers to Ilmington by virtue of the Certificate but are bound to maintain them.

Wm. Selwyn 23rd April
1768
Boswell Court, Carey
Street

The fluency of the language is in striking contrast to the stilted clichés which fill most of the examination records. But no doubt the inhabitants of Camden paid the price for it. Turning now to the dating of the Campden removal orders, one notices immediately that it is very irregular. There seem to have been long periods when few orders were issued; and then suddenly several orders are issued on a single date or within a few weeks of one another. For the 32 years between 1708 and 1740 only nine orders survive. There are eight orders for 1741 alone. For one month in 1781, ten orders survive, while there is a complete gap between 1790 and 1796 even though this last period was particularly hard for the poor. If the price of corn is taken as a rough index of the cost of living, a rise in corn prices of 34 shillings, (from 58s to 92s per quarter) could be

expected to lead to a rise in the number of people forced to apply for parish relief. Such a rise would lead to a rise in issues of removal orders which would be further increased by the overseers' efforts to reduce for the sake of economy, the number of paupers already in receipt of relief. Also an Act of 1795 (35 Geo.III c.101) ordered that "no person shall be removed until he has actually become chargeable to the parish he inhabits." Anticipating this restriction, the overseers could be expected to remove all whom they considered likely to become chargeable before the new Act put an end to their wide discretionary powers. All this strongly suggests that orders were issued during the 1790's and are lost.

But further reference to the price of corn may explain the jump in the number of removal orders issued in 1741 and 1781. Figures published in the Gloucester Journals of the time show that in 1740 and 1780 the price of corn took a sudden leap:-

Price of corn per bushel at Gloucester Market (6)

1738	3-9	to	4-4	1779	4-6	to	5-0
1739	3-10 $\frac{1}{2}$	to	4-6	1780	4-8 $\frac{1}{2}$	to	5-2 $\frac{1}{2}$
1740	6-3	to	7-3	1781	6-3 $\frac{1}{2}$	to	6-8
1741	7-3 $\frac{1}{2}$	to	8-3	1782	7-3	to	8-1 $\frac{1}{2}$

Figures for the country as a whole show that local prices reflected the general trend. Between 1735 and 1740, the price of corn rose 80% and in 1781 it was 30% higher than in 1780, and continuing to rise steeply over the whole year until the 1782 price was 82% above the 1780 level. If we assume that the high prices originate in shortages on the supply side attributable to bad harvests, they may help to explain the further fact that in October 1781, no less than ten removal orders were issued at Chipping Campden. Over the period 1708-1834 the average for a whole year was less than two. Farm labour was commonly recruited at the Mop Fairs held around Michaelmas. Labourers were hired for the year so that in October, in a rural parish like Campden, many men would complete their contracts. If times were good and the economy buoyant, demand for labour would be enough to take up all the available supply, but in times of bad harvests, farmers would have to economise and a pool of unemployed would result. Then the overseers, anticipating a rise in applications for parish relief, would be anxious to remove anyone who was unemployed and lacking a local settlement.

Evidence of this kind, together with that of the harshness of the law, indicates how precarious was the existence of the poor in the eighteenth and early nineteenth centuries. A series of bad harvests could reduce them not only to abject poverty but could lead to expulsion from the surroundings in which they had lived all their lives. The Ballinger family has already been mentioned in another context. We cannot tell whether they were particularly improvident or just victims of more than their share of misfortune. William Ballinger had a daughter Mary who in her examination of July 4th 1775 stated that her father was legally settled in Charlton Kings. He had come to Campden 30 years before; since then, he had done nothing to gain a settlement in Campden. The settlement certificates show that William Ballinger was admitted to Campden in 1746. It is significant that he lived

in the parish so long without gaining a settlement. Mary Ballinger was born in Campden but since she in turn had done nothing to gain a settlement of her own, she inherited that of her father. In July 1775 she was sent away to Charlton Kings.

To conclude, this collection of documents is a relic of an age in which government was far less centralised than it is today. The collection illustrates the real meaning of the word "parochial" as applied to men's attitudes, and it provides evidence of a distortion of values encouraged by the parochial system - and in providing such evidence it helps to demonstrate why it was that the parish system of poor relief had eventually to be swept away before the Welfare State as we know it could be born.

Sources

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| Glos. R.O., P.81 | OV3/1 | Settlement Certificates |
| Glos. R.O., P.81 | OV3/2 | Removal Orders (from Campden to other parishes) |
| Glos. R.O., P.81 | OV3/3 | Removal Orders (from other parishes to Campden) |
| Glos. R.O., P.81 | OV3/4 | Examinations |

References

1. Glos. R.O., P.81 OV3/4
2. Dorothy Marshall "The English Poor in the Eighteenth Century" (1969) P.171
3. Glos. R.O., P.81 OV3/2
4. C. Whitfield "A History of Chipping Campden" (1958) P.155
5. Sir R. Atkyns "The Ancient and Present State of Gloucestershire" (1712) P.321
6. All figures from "Gloucester Journals" were kindly supplied by Mr. J. Wyatt.