

The Poor Law Commission and publicly-owned housing in the English countryside, 1834–47

by Roger Wells

Abstract

This paper addresses aspects of the Poor Law Commission's policy of encouraging parishes to dispose of their often considerable stock of social housing, in some cases built up over many years, and a topic previously analysed in this *Review* by John Broad. Policy was in part conditioned by the cost of new workhouses required in many of the unions created under the 1834 New Poor Law. This fell on individual parishes' ratepayers; sales of their real estate would lighten, and sometimes remove, the financial pain. It also arose out of the Commission's commitment to engineering able-bodied workers' independence through the abolition of all non-medical aid funded from the poor rate, which had traditionally included the provision of domestic accommodation at no or nominal rents by overseers of the poor. But, while putting the Commission in charge of sales by parishes, parliamentarians insisted that the owners and occupiers of property in each parish, had to vote to sell or retain, some or all, of their housing stock. The stipulation of compulsory disposals, which Broad erroneously assumed, remained a political impossibility.

In a paper published some years ago in this *Review*, John Broad showed how on the eve of the New Poor Law, some parishes in southern England had accumulated considerable stocks of 'social' housing in which they housed their poor, rent-free or at notional rents.¹ In Bedfordshire 56 per cent of parishes had some housing of this sort at their disposal, in Buckinghamshire 50 per cent. A little over a fifth of all parishes in these two counties were found to own five or more houses. This housing stock, Broad suggested, was largely sold off in the early years of the New Poor Law. 'Once outdoor relief became an anathema, pauper housing was redundant. Logically the only thing to do with such housing was to sell it off.'² Parishes were compelled to do this under the 1834 Poor Law Amendment Act and a further clarifying statute of 1835.³ Hence the extent of publicly-owned housing has been largely overlooked as very little of it remained in the hands of parishes by mid-century. However, Broad was able to measure the extent of this housing from the documentation parishes supplied to the Poor Law Commission (PLC) and which remains in the Commission's correspondence files in MH 12 at the National Archives.⁴

¹ J. Broad, 'Housing the rural poor in southern England, 1650–1850', *AgHR* 48 (2000), pp. 151–70.

² *Ibid.*, p. 170.

³ *Ibid.*, p. 167.

⁴ Unless otherwise noticed, all archival references are to the records of the Poor Law Commission (PLC) held at the National Archives.

The surprise Broad's paper occasioned, both when read as a conference paper and on publication, derives directly from the very weak historiography on the subject of housing accommodation for the rural poor, with the partial exception of an interest in those landlords who rebuilt villages, or used funds available under various land improvement statutes to include labourers' cottages when rebuilding farms; both largely occurred after 1850.⁵ While a few Old Poor Law historians have made passing reference to interventions in housing by rural parishes, apart from workhouses and poor-houses, most have not and Broad is to be congratulated on opening up this important but historiographically-neglected subject.⁶ One of his principal sources, the massive MH 12 series in the National Archives, which contains the correspondence between the Poor Law Commission at Somerset House and its successors and each New Poor Law Union, has previously been drawn on by a number of scholars concerned with the implementation and subsequent history of the notorious Poor Law Amendment Act of 1834.⁷

Parochial poor law authorities had means other than outright ownership to provide housing for the poor. As Broad showed, some were able to draw on parochial charities which owned houses. Parish vestries and their overseers commonly assisted tenants paying rents to private proprietors, and increasingly directly rented housing accommodation from them – often at no or nominal cost to the occupiers.⁸ The authors of the 1834 Poor Law Report condemned this

⁵ A. D. M. Phillips, 'Landlord investment in farm buildings in the English Midlands in the mid-nineteenth century', in B. A. Holderness and M. Turner (eds), *Land, labour and agriculture, 1700–1921* (1991), esp. pp. 193, 196–9.

⁶ Among the local historians who have picked up on parochial purchases and erection of housing property is J. Saynor, 'The parish administration of Shoreham', *Archaeologia Cantiana* 87 (1972), p. 197, and E. Melling (ed.), *Kentish Sources*, IV, *The Poor* (1964), pp. 11–2, 17, 33–4, 116, 119, 143–4, 162–5. Cf. C. Muldrew and S. King, 'Cash, wages and the economy of makeshifts in England, 1650–1800', in C. Scholliers and L. Schwarz (eds), *Experiencing Wages. Social and cultural aspects of wage forms in Europe since 1500* (2003), p. 170. W. A. Armstrong, *Farmworkers. A social and economic history, 1770–1980* (1988), makes a number of brief points about their domestic accommodation before 1850, most notably about pressures leading to subdivisions of cottages, pp. 56–7; elsewhere, he devotes five pages to plebeian housing in a discussion of workers' 'Food, shelter and self help', in G. E. Mingay (ed.), *Agrarian History of England and Wales*, V, 1750–1850 (1989), pp. 743–8, but here provision by public authorities is absent. The omission is not rectified in J. P. Huzel, 'The labourer and the poor law, 1750–1850', *Ibid.*, pp. 755–809. Cf. M. W. Barley, 'Rural housing in England', in J. Thirsk (ed.), *Agrarian History of England and Wales*, IV, 1500–1640 (1967), pp. 696–766, which deals with all categories of dwelling, but only the last seven pages address labourers' accommodation, reflecting evidential scarcity.

⁷ Examples of historians who have drawn on MH 12 include N. C. Edsall, *The anti-Poor Law movement, 1834–44* (1971); D. Fraser (ed.), *The New Poor Law in the nineteenth century* (1976); A. Digby, *Pauper Palaces* (1978); A. Brundage, *The making of the New Poor Law. The politics of inquiry, enactment and implementation* (1978); M. Crowther, *The Workhouse System. The history of an English social institution* (1981) and F. Driver, *Power and Pauperism. The workhouse system, 1834–1884* (1993).

In 1990 these and other records were consulted by the present writer in a relatively brief examination of the accretion and use of property by village vestries between c.1700 and 1834, which focused on south-east England, namely the historic counties of Kent, Surrey and Sussex. For the early results of that work, R. Wells, 'Social protest, class, conflict and consciousness in the English Countryside, 1700–1880', and M. Reed and R. Wells, 'An agenda for modern English rural history', both in Reed and Wells (eds), *Class, conflict and protest in the English Countryside, 1700–1880* (1990), esp. pp. 139–41, 149–52, and 220–1 where a plea for further engagement with this history was jointly made by the editors. I have more recently explored the accretion and disposal of parish property in my 'Andover antecedents: New Poor Law scandals in Hampshire, 1834–42', *Southern Hist.*, 24 (2002), esp. pp. 127–8, 172–9.

⁸ Broad, 'Housing the rural poor', pp. 164–5. Cf. Melling, *Kentish Sources*, IV, pp. 108–9, 143; F. G. Emmison, *Relief of the poor at Eaton Socon, Bedfordshire, 1706–1834* (Bedfordshire Historical Record Soc. 15 1933), pp. 19–20; S. A. Ottoway, 'Providing for the elderly in

practice as a source of significant rent inflation during the enduring post-war agricultural depression. The Report also quoted an official investigator's cogent claim that 'when one pauper has been accustomed to receive' such aid, 'another thinks he is ill-used if it be not allowed to him.' Perhaps surprisingly, *public ownership* and their commonly rent-free tenancies were virtually ignored by the Report, only mentioned – and then in passing – in a substantial quotation from the Rector of Haselbury Bryan in Dorset.⁹ If the Report argued that rents would decline if assistance was terminated, one of the main objectives of the new PLC – the eradication of all non-medical outdoor relief to the able-bodied – would be severely compromised if these forms of housing benefit were not stopped in the cause of transforming them into 'independent labourers'.

The Commissioners' lengthy instructions to their original small core of assistants when they commenced operations in their districts during the late autumn of 1834, required them to assess existing workhouse provision, with a view to identifying buildings which could be used – if necessary together, and at least temporarily – to create expeditiously the 'Workhouse System' once the constituent parishes were identified in each new Union. These functionaries were also to comment on public assistance towards meeting the rents charged by private proprietors.¹⁰ Given these parts of their brief, the assistant commissioners reported their surprise at the scale of parochially-owned cottages and tenement buildings, often former village workhouses, with many tenants paying low or token rents, and a considerable proportion, none. Originally, the PLC hoped to minimise the numbers of Unions requiring new and expensive central workhouses, but once this proved optimistic, it speedily perceived that considerable funding could be realised if parish-owned property – as opposed to accommodation, notably almshouses, administered by charitable trustees – was sold. Disposals would also expedite the process of making the able-bodied independent. Monies accruing from parochial sales of real estate might significantly reduce the otherwise politically-sensitive and substantial loans which would be needed to finance new institutions. However, Broad's assumption that the disposal of parochial real estate was compulsory under the 1834 and 1835 acts is erroneous. He wrongly asserts, first that it 'laid down that all parish housing should be sold off to pay for the building of the new

Note 8 continued

eighteenth-century England', *Continuity and Change* 13 (1998), p. 410; Muldrew and King, 'Cash, wages ... and makeshifts'; D. R. Mills, 'The poor laws and the distribution of population, c.1600–1860, with special reference to Lincolnshire', *Trans. Institute of British Geographers* 26 (1959), p. 186 and J. V. Moseley, 'Poor Law administration in England and Wales, 1834 to 1850, with special reference to the problem of able-bodied pauperism' (Unpublished Ph.D. thesis, University of London, 1975), p. 15. Very curiously, K. D. M. Snell, *Annals of the Labouring Poor. Social change and agrarian England, 1660–1900* (1985), p. 105, mentions rents paid by overseers but once and that in a considerable list of benefits illustrative of his surprise over 'the generous and widely encompassing nature of relief' under the Old Poor Law; the range of encompassing is indeed accurate, though observing policy consistently is another matter.

⁹ S. G. and E. O. A. Checkland (eds), *The Poor Law Report of 1834* (1974 edn), pp. 82–8, 106, 367–9. Elsewhere, I am examining Old Poor Law practices of direct hirings of accommodation from private landlords, and underwriting rents paid to them by poor tenants.

¹⁰ The Commissioners anticipated that each of several workhouses in a new Union could be 'made to constitute the wards of one common Workhouse', at least initially. PLC instructional circular to the assistant commissioners, and 'Preliminary Considerations – a Memorandum of Essentials', PLC minutes, 4 Nov. [1834]; assistant commissioners Hawley, and A'Court, to PLC, 24 Dec. 1834 and 25 Mar. 1835; MH 1/1, pp. 54–77; MH 12/10669; MH 32/38. British Parliamentary Papers, (hereafter BPP), 1836, XXIX (i), 'PLC Second Annual Report', pp. 16–17, and appendix B.2, assistant commissioner Kay's report on Suffolk and Norfolk.

workhouses,' secondly that 'parish housing became redundant, since outdoor relief was prohibited',¹¹ and thirdly that 'parishes were required to inform the central authority of property they owned'.¹² In fact, property owners and ratepayers had to vote for *or against* proposals to sell all or some of their cottage and other domestic accommodation, at the *parochial level*, a topic to which we return. Hence the voluminous papers relating to disposals in MH 12 are not portfolios of parish properties preceding compulsory and entire disposals, but the list of whatever real estate parish electorates had decided to sell. Some are full lists of community-owned accommodation, compiled after decisions to dispose of it all, but other electorates opted for partial sales and some determined against any sales. In some communities the issue – if raised at all – never reached their formal agendas.¹³

This paper therefore seeks to make a further contribution to the later history of parish housing in southern England. Part I traces the tangled statutory background to the sales, showing how the PLC never sought the power to compel sales (a political impossibility) and the way in which the power of sale remained vested in the owners and occupiers of each parish. The second part queries Broad's view that parishes which entered into Gilbert Unions had little housing property. Part III examines the practical problems which vestries had to overcome in selling property and offers reasons why parishes should often have wished to retain some or all of their housing stock. A short conclusion completes the paper.

I

The Poor Law Amendment Act gave the Commissioners powers effectively to commandeer suitable workhouses 'or any building capable of being converted into one' belonging to individual parishes once they had been allocated to the new Unions. That Act also re-affirmed the powers bestowed by the 1819 Select Vestry Act for parishes to sell 'insufficient' buildings, previously done on the authority 'of the inhabitants in Vestry assembled' expressed through the plural voting system introduced in 1818, and the consent of two magistrates subsequently secured: but the 1834 statute stipulated that sale transactions were to be 'under the control, and subject to the rules, orders, and regulations' which the PLC had the power ostensibly to introduce and enforce. The interpretation section of the statute also firmly stated that whenever the word 'workhouse' appeared in the preceding 108 sections it should be construed as 'any house or

¹¹ In fact, outdoor relief remained the norm for the elderly able to look after themselves, and was never wholly prohibited to able-bodied males and their families, who remained eligible for publicly-funded medical assistance, even in Unions under able-bodied outdoor relief prohibitory orders; their specific exemption of medical aid endured, and – perhaps ironically in the context of our topic – constituted the first statutorily-underwritten expression of a national health service available to those unable to afford private health care.

¹² Broad, 'Housing the rural poor', p. 167.

¹³ These volumes of bound papers of all descriptions,

vary in thickness between four and twelve inches, which partially reflects the varying volume of correspondence between individual Unions and Somerset House. Many items are annotated by individual Commissioners, their assistants and other Somerset House staff, respecting the answer, *including important statements of policy*, among them elements which are *not* included in the PLC's annual published reports. Hardly any volumes are foliated, though the papers are mostly in chronological order, which means that providing references in easily accessible form necessitates a brief description of documents cited.

building purchased, erected, hired, or used at the expence of the poor rate' by local authorities 'for the reception, employment, classification, or relief of any poor person'.¹⁴

In common with many statutes passed at this time, the New Poor Law was poorly-drafted, requiring initial amendment in the short and partly clarificatory Parish Property Act of 1835.¹⁵ Further defects in both acts subsequently emerged though the weakness of Melbourne's parliamentary position meant that certain additional statutory changes, including extra powers for the Commission, were politically unrealisable before Peel's accession to the premiership in August 1841: some were embraced in acts of 1842 and 1844.

The closely inter-related issues of the provision of adequate workhouses and the disposal of other parochial real estate rapidly became problematic from early 1835. The New Poor Law's section which permitted Unions to requisition suitable parish buildings unsurprisingly provoked enquiries during the preliminary discussions between the assistant commissioners and various local representatives about the rents to be paid: the Act was silent on the issue. By mid-January 1835 the Commissioners were in receipt of 'repeated representations of the unequal operation of this section of the Act', not least because a vestry whose workhouse was adequate for its former needs 'might be partially deprived of it', with ratepayers liable to meet the costs of alterations. However, the Commissioners persuaded themselves, after an examination of the two relevant sections of the Act, that they could authorize the payment of rents by the Unions for requisitioned real-estate, adding – in an instructional letter to their assistants on 27 January – that if that interpretation was not fully born out, the PLC would seek statutory amendment. As yet the Commissioners continued cavalierly to encourage and sanction the sale of non-requisitioned properties. For example, on the Rector's report of Great Missenden's unanimous vestry vote for the sale of parish houses in January 1835, he was informed of 'no difficulty' in proceeding, and that the issue of valuations remained the ratepayers' prerogative. Over the winter of 1834–5, assistant commissioner Colonel A'Court unilaterally received permission from Commissioner Lefevre to orchestrate the disposal of all parochial real estate in the new seven-unit Lymington Union (Dorset), which was soon extended to the eleven parishes comprised in its Droxford counterpart, before either jurisdiction had even reached the stage of electing their new Guardians; assistant commissioner Hawley received similar instructions. This produced unregulated and unsupervised sales by some communities. Indeed, when an illegal sale was driven through in February 1835 by the parish officers of Castle Donington (Leics.) against the advice of local grandees who then informed Somerset House, the Commissioners declared that they were too busy to intervene.¹⁶

In addition, some parishes pre-emptively disposed of buildings they feared might be appropriated.¹⁷ In late February, in undisclosed circumstances, the Commissioners discovered that

¹⁴ 4 & 5 William IV, c. 76, esp. sections 21–3, 25–6 and 109.

¹⁵ 5 & 6 William IV, c. 69, cited Broad, 'Housing the rural poor', p. 167.

¹⁶ PLC minutes, 27 Jan. and 9 Mar. [1835]: letters to PLC from Rev. Capper, Great Missenden, 23 Jan., and draft reply; J. Bakewell, Castle Donington, and draft reply, 9 Feb.; several Amersham Guardians, and draft reply, n.d., but 5 June; Clerk, Amersham, 7 June and 24 Sept.;

W. A. Lewis, Basingstoke, and Commissioner Lefevre's annotations, 11 and 16 Apr.: A'Court, 31 Jan., 22 and 28 May, and 17 Sept. 1835; Hawley to Lefevre, 24 Dec. 1834, and to Commissioner Nicholls, 9 and 19 Mar.; Lefevre to A'Court, 5 Feb. (and undated reply), and 8 Sept.: A'Court to Lefevre, 5 Feb., 22 May and 30 Aug. 1835: MH 1/2, pp. 39–40, 115–8: 12/380; 2060; 10669: 32/2; 38.

¹⁷ Assistant overseer, Southwick, to PLC, 15 May 1835, and Lefevre's annotations, MH 12/10767.

they had neither the power to sanction Union rental payments, nor to authorize the sale of buildings *not* required by Unions. On 9 March this intelligence was circulated to their assistants in yet another 'Letter of Instructions', together with confirmation that amending powers were to be sought. In the critical interest of not retarding the accelerating process of declarations of new Unions and the launch of their administrations, the assistants were advised to reveal the Commissioners' desire for remedial legislation, though they were not to 'pledge' that the law would be changed. The PLC concluded – with uncustomary resignation – that it would 'interfere eventually to ensure substantial justice to all parties, even though [political] circumstances should prevent or postpone an alteration of the [1834] Act'. The assistants were also ordered not to raise the question of property disposals unless 'it was forced upon them'. Predictably, it was: A'Court was gravely embarrassed, while Hawley reported 'incessant' questions on the issue and 'much difficulty' in delivering plausible answers. Applications to sell from some individual parishes, among them one sent by the Rector of Framfield (Sussex), were officially sanctioned as late as July 1835. The assistants were also to ensure that at the inaugural meetings of Union Boards, Guardians should pool their local intelligence to enable a collective decision over which buildings they would need, and identify those surplus to their requirements. This was a tall order, especially for Guardians representing parishes with many properties, including rows of cottages under one roof, and it is likely that discussions focused on substantial buildings, namely poor- and workhouses. This was certainly the case at Eton (Berks.), whose Board appointed a sub-committee to view all larger buildings, and make recommendations to their assembled colleagues on those to be retained and used as at least temporary workhouses, intelligence which would also help determine a decision over constructing a central institution.¹⁸

In the meantime the Commissioners commenced urgent and secretive representations to the government for a statutory amendment, with retrospective components, to escape their predicament, while in the meantime duly registering sales authorised to date and also sanctioning the payment of rents by Unions for the use of individual parish workhouses.¹⁹ Once the government had agreed to seek legislation, further sales applicants were simply informed that there would be a delay.²⁰ The Parish Property Act was quietly passed at the end of the parliamentary session in early September 1835. It attracted little press coverage at the time,²¹ and has been virtually

¹⁸ BPP, 1835, XXV, 'PLC First Annual Report', p. 18. PLC minutes, 27 Jan., 9 Mar., 6 and 20 July: assistant commissioner Gulson to PLC, 1 Apr. and 7 June; PLC reply to Amersham Guardians, c.10 June; A'Court to PLC, 18 Jan., and to Lefevre, 5 Feb.; copy, Framfield vestry minutes, enclosed Rev. Smith to PLC, 9 and 14 July; Nicholls to Hawley, and reply 16 and 19 July 1835, MH 1/2, pp. 39–40, 115–8, and unpaginated: 12/380; 10751; 13157: 32/2.

¹⁹ Hawley to PLC, 2 Mar. 1835, MH 12/13046. Basingstoke Union minutes, 27 May and 5 June 1835, Hampshire RO (hereafter HRO), PL III/5/1. Wells, 'Andover antecedents ...', pp. 125–7.

²⁰ Lewis, Basingstoke, to PLC, and reply, 11 and 25 July 1835, MH 12/10669.

²¹ Introduced in the Commons on 14 August, it passed

the Lords on 7 September. One of the few mentions in the press, on the second reading in the Lords, reveals that the government's spokesman, Lord Lansdowne, ignored the real issue in favour of a brief triumphant account of implementation of the New Poor Law to date, and the considerable reductions of expenditure in the 122 functioning new Unions, while Lord Chancellor Brougham delivered a short eulogy on the Commissioners' new migration scheme whereby rural workers from the South and East Anglia were supported in moving to secure jobs in the industrial North. Brougham also admitted – pompously – that he had had but ten minutes 'to run his eye' over the Bill. *The Times*, 8 Sept. 1835; *Commons J.* 90 (1835), pp. 552, 574, 585, 604–5, 625, 650, 657 and *Hansard*, Lords, third ser. 90 (1835), cols. 746, 1190.

ignored by even specialist historians. The embarrassment persisted. In his later poor law history, former Commissioner Nicholls briefly explained that additional 'powers were much needed' principally 'to obtain convenient sites' for substantial new institutions, or to otherwise 'provide the necessary workhouse accommodation' in the new Unions. These assertions constitute a partial misrepresentation of the Act's purpose.²²

The Act retrospectively legalised completed property sales and Union rent payments for hired parish workhouses; it also gave Unions the option of renting or purchasing parish workhouses 'on fair and equitable terms', responsibilities delegated by the Commissioners to the assistant commissioners. Formal appropriation orders for Union requisitions were subsequently issued by the Commission. The Act also acknowledged that parish real estate was legally vested in the parish officers on behalf of the occupiers and owners of private property in the parish. It re-affirmed voting arrangements and the requirement to secure the Commissioners' sanction, but added that conveyances of parish property were to be authenticated by their seal. The Commissioners were also compelled to keep a register of all property sales (which apparently has not survived). In a circular, the Commissioners significantly stressed that their assistants must 'follow' the majority view expressed by parish voters, suggesting that Somerset House had been privately and rightly accused of orchestrating pressure in favour of disposals. Officials also made clear that no general order – which would have necessitated forty days' advance notice from the Commission to parliament – for property disposals was to be expected. After the Bill's passage, the Commission 'for the sake of uniformity ... decided on all applications for sale being made by a majority of Parish Officers, and some of the [ratepaying and owning] Inhabitants' on a provided form to apply through the relevant Board of Guardians. Their clerks were to notify Somerset House, whereupon a series of printed forms would be sent requiring completion at the parish level: 'addit[ional] marginal instructions' went on an amended version of the forms from mid-1836, requiring the estimation of the values and/or the present rents of properties listed for sale. A further amendment introduced from 1837 listed five main categories of legitimate use of the funds realised, and an extended list of specific questions about the properties, including the identities of interested manorial lords, but the basic *procedure* remained. Due advance public notice – at least three clear days – of the initial vestry or other parish meeting to decide on sales, was to be recorded, as was the intended use of proceeds. The latter had to comply with the 1835 Act's requirement of consistency with the criterion 'for the permanent improvement of the parish'. The incumbent and the parish officers had to confirm that the required vote had been obtained, and that the details had been entered into vestry minute books. Parish paperwork then went first to the Board of Guardians who were required to confirm (by the signatures of a majority of Guardians) that the property was not needed for Union purposes, whereupon the documentation was to be forwarded to the Commission for its sanction. The Commissioners – rather than the Act – stipulated that the funds realised were to be initially paid to Union Treasurers, usually bankers holding the Union account, with an obligation placed on them to ensure that the proceeds were used in conformity with stated intentions, which speaks volumes about Somerset House's perception of parish officers' integrity. Surpluses were to be retained by the Union, or in the case

²² G. Nicholls, *A history of the English Poor Laws* (3 vols., new edition ed. H. G. Willink, 1898), III, p. 308. Cf. 'PLC First Annual Report', p. 18.

of parishes without debts, to be invested in government stocks or other loans to statutory bodies, including the new Unions; the interest was to subsidise individual *parishes'* poor rates.²³

Ironically the 1835 Act also proved deficient. Although passed during the last few days of an parliamentary session unusually extended into early September, long after most members of both houses had returned to the country, it beggars belief that even depleted houses stuffed with lords of manors did not specifically include authorisation of the sale of copyhold property: the oversight went unnoticed until March 1836, when the realisation negated numerous sales actually in progress.²⁴ Nor was 'permanent improvement' defined, until after much confusion and the matter's belated referral to the Attorney General in May 1837.²⁵ A government bill addressing the copyhold issue was postponed in 1836 to the next Session in obscure circumstances. It became the first of the two short amending Acts passed in 1837 and 1838; the second, delayed by a year owing to the death of William IV, permitted funds realised from sales to pay-off illegally-incurred parish debts, which were often substantial, and – after Nicholls' early suggestion that they be liquidated through voluntary rates paid by the affluent proved hopelessly optimistic²⁶ – a source of 'great uneasiness' to the Commission. It was clearly relieved once the government committed itself in earnest to the new short Bill, and publicly exuded confidence in its enactment as early as 3 March, which proved realistic, with the statute's relatively expeditious passage to become law from 11 June. In the case of funds from property sales being used to pay off illegal debts, a *further* vote by the ratepayers and owners was required, and in contrast to the printed form used for agreements to sell, this

²³ For the context of the central register's disappearance, see below, p. 197. 5 & 6 William IV, c. 69. PLC circular to assistant commissioners, accompanying copies of the Act; appropriation order, Aylsham and Erpingham Union, PLC minutes, 28 Sept. 1835 and 19 May 1836; PLC to Gloucestershire justice Hayward, 14 May; Clerk, Uckfield, to PLC, 28 Sept. 1835; PLC to Chairman, Midhurst Union, and Clerk, Basingstoke, to Chadwick, 14 Mar. and 12 Sept.; lithographed letter, Chadwick to Aston Clinton overseers, dated 15 Aug.; draft, Chadwick to Iping parish officers, and annotation on Trotton parish officers to PLC, 14 Mar. and 20 Apr.; Chadwick to Clerk, Aylesbury, 12 July; Silchester sale application, and draft reply, 1 Nov. 1836, and 6 May 1837; copy, PLC to Helmsley Clerk, 23 Nov. 1839, MH 1/4, unpaginated; 6, p. 286: 12/405; 4073; 10670; 13028; 14483. BPP, 1837, XXI, 'PLC Third Annual Report', App. A1, instructional letter to Boards of Guardians on their formation. Chairman, Midhurst Union, to Lefevre, 29 Mar. 1838, House of Lords RO (hereafter HLRO), SLF 1/6.

²⁴ North Walsham sale application, 30 Nov. 1835, and sale sanction annotation, 17 Jan.; PLC to Union Clerks of Banbury, Winslow and Basingstoke, 4 and 6 Apr., and 9 May, and to North Walsham parish officers, 18 Aug.; Clerks, Droxford, and Fareham, to PLC, and replies, 10 and 19 Apr., and 15 and 28 Apr. 1836; Tufnell to Nicholls, 10 Mar. 1837, MH 12/512; 9577; 10669; 10670; 10751; 10767;

13157; 32/69.

²⁵ He decided that monies so realised could be used for the erection of vestry rooms, provision of parish pumps, school-houses, fire-stations and lock-ups; any repair costs for churches, graveyard extensions and new walls, had to be met from the increasingly contentious church rate. PLC minutes, 6 and 19 May 1837, MH 1/11, pp. 62–3, 189.

²⁶ Nicholls, draft reply to Midhurst auditor, Mason, February: PLC minutes, 10 Mar. 1836, MH 1/5, p. 399: 12/13028. At Hellingly, the vestry – probably under pressure from the Earl of Chichester, one of the grandest East Sussex landowners with a considerable interest in the parish – agreed that its colossal debt, much of it incurred in obtaining the substantial portfolio of cottage accommodation, should be paid off by an annual £100 raised through a 'Voluntary Assessment'. The first, eight months later, raised but £55 whereupon £45 was handed over – illegally – by the waywardens from the highway rate. The voluntary scheme was abandoned after the next levy raised a paltry £25, by which time the trustees of the biggest lender, 'the late Elizabeth Neaves', had threatened to sue for the recovery of £500, which dictated moves to sell much of the remaining parish property. Vestry minutes, 28 Dec. 1837, 2 Aug. 1838, 13 June 1839, 8 and 24 Jan. 1842, East Sussex RO (hereafter ESRO), Par. 375/12/6.

document stipulated that the voters be identified by name and their votes cast for and against. These details were also to be minuted by vestries.²⁷

However, subsequent experiences with property disposals and illegal debt liquidations, including parish officers who misled Union Treasurers, revealed further statutory inadequacies. When challenged in 1839, the Commissioners' assumptions that the 1838 Act enabled them to sanction the repayment of technically illegal debts, and deemed 'to constitute fair and just claims against' a parish, were rejected by the Crown's law officers. Their grounds were that the 1838 'enactment is limited by the preamble', which in fact ostensibly stipulated that only debts incurred in financing the purchases of land and buildings for *post-1834* '[work] houses for the reception of the poor', were commensurate with the 'permanent improvement of the parish' criteria. Somerset House lawyers responded by noting the New Poor Law's legitimisation of funding emigration, and the 1835 Act's use of the phrase 'liquidisation of any debt contracted ... for the permanent advantage of the parish', and on referral to the Crown's law officers that point was conceded, namely that pre-1834 debts incurred for emigration purposes, could be repaid from the proceeds of property sales.²⁸ But other issues remained unresolved, including those over sales of workhouses owned by dissolved Gilbert Unions (and other incorporations), and the discharge of bonded debts incurred by individual parishes – up to sixty years previously under Gilbert's Act – when making their contributions towards the costs of then new workhouse erection. The 1782 statute's stipulation that loans – raised on £50 bonds issued to individual lenders – was refined by an amending Act of 1803, which required these to be paid off over twenty years.²⁹ If many in the newer Gilbert Unions were still covered by that timescale, hundreds of parishes had paid only the interest; if others had liquidated some bonds, most were faced by the advancing prospect of the repayment of a considerable capital sum under the twenty-year rule. Conversely, in the older Unions, many bonds remained unpaid, and were commonly held by the heirs of the original lenders; more had changed hands at some point in the past. If the Commission eventually conceded that these remained legally-enforceable liabilities, the legality of interest payments on them remained ambiguous – it had been challenged by some New Poor Law auditors – with the result that unpaid interest inflated the original debt.³⁰

²⁷ 1 Vic. c. 50. 1 & 2 Vic. c. 25. BPP, 1837–8, XXVIII, 'PLC Fourth Annual Report', p. 35. Nicholls to Mason as cited in previous note; draft reply, PLC to the overseer of the poor, Buckland, Buckinghamshire, 23 Aug. 1836; Framfield, renewed application for sale of copyhold property, and reply re. Lord of Manor, enclosing copy of relevant manorial roll entries, 12 July and 12 Sept. 1837: Tufnell to PLC, 4 July; Chadwick to Aylesbury Clerk, 3 Mar. 1838; application forms for repayment of illegal debts, Uckfield parish, 23 Feb. and 25 Sept. 1839, MH 12/405, 406; 13158; 13159: 32/70. For an example of vote to repay illegal debts, see Framfield vestry minutes, 22 Nov. 1838, ESRO, Par. 343/12/2.

²⁸ PLC minutes, 6 May 1839, MH 1/17, pp. 350–1. The attorney general additionally confirmed that the financing of new schools from the proceeds of sales – the wish of some parishes with funds surplus to debt liquidations,

and another item on this referral – was a legitimate 'permanent improvement'. 1 & 2 Vic. c. 25, sect. 1. The case and responses are detailed in PLC, *Official Circular*, 1, 8 Jan. 1840, pp. 13–5.

²⁹ 43 Geo. III, c. 110.

³⁰ Interim initiatives under the PLC's presumed prerogatives which succeeded only in spawning confusion, included an 1838 stipulation that 'new loans' guaranteed by the Union, not the parish, could be obtained to clear previously illegal debts, newly designated as 'fair' but 'not strictly legal', yet not extending to outstanding interest owed. Clerk, Midhurst, to PLC, and draft reply, 25 and 29 June: Clerk, Sevenoaks, to PLC, and draft reply, 14 and 19 Sept. 1838, MH 12/5316; 13029. BPP, 1840, XVII, 'Report of the Poor Law Commissioners ... on the continuance of the Poor Law Commission and on some further amendments of the laws relating to the relief of the poor', p. 59.

An Act of 1842 'to explain and amend the Acts regulating the Sale of Parish Property', again retrospectively applied to property sold under the Commission's auspices – including legitimating dissolved Gilbert Union workhouses purchased by new Unions or otherwise disposed of – and also extended the provisions respecting the repayment of illegal debts by all parishes, irrespective of their previous status. These were broadened to include 'recognised *bonâ fide* Debts' incurred by parish officers at least one year before the passage of the New Poor Law, and specifically added those derived from unpaid interest past *and* future. These could be liquidated by the sale of parish real estate, *or* through calculating the total debt and repaying it from the poor rates over the following ten years. Alternatively, and quite critically, the Act also enabled parish officers to liquidate current debts by borrowing the necessary funds; new loans for these purposes were to be paid off over the same timescale. These were *optional* provisions, and the initiative lay with the ratepayers and owners voting which alternative to adopt, or none at all. The mode of addressing the problem of debt eradication – through the rates or by a new loan and the time span – required the Commissioners' sanction.³¹

Other matters were resolved – usually protractedly – by the courts. Two examples will suffice. The Windsor Union (Berks.) quickly identified the best site for a new workhouse as being four acres of land owned by Old Windsor parish; on it were several buildings, part of the largest being a sometime modest workhouse, now converted into tenements, each with a little land as gardens, with the rest used as allotments since 1798, of which there were 33 in 1835. The buildings' trajectory unambiguously conformed to the interpretation clause of the 1834 Act – that the use of the word workhouse therein meant any building previously used to accommodate paupers – and thus the Union could take it over. However, a narrow majority of ratepayers – none too clandestinely mobilised by the Incumbent – objected to the prospect of hosting a Union workhouse, and the loss of the allotments, on which labouring tenants grew significant volumes of vegetables, even more important for wretchedly-paid agricultural labourers with large families, once Unions with or without formal PLC prohibitive orders against (non-medical) outdoor relief to the able-bodied, replaced customary allowances in-aid-of wages by workhouse orders. It subsequently emerged – allegedly – that part of the land had charitable status, whereupon the Commissioners unilaterally decided to seek a ruling from the slow-moving Court of Common Pleas, which delayed the decision in favour of the parish until early 1838.³² That year also

³¹ 5 & 6 Vic. c.18. The evidential basis for this Act, was provided through a PLC circular to all parishes in England and Wales requiring their officers to state outstanding debts. The replies do not appear to have survived, though parish-by-parish totals were published. BPP, 1842, XIX (i), 'PLC Eighth Annual Report', pp. 21–2; cf. BPP, 1843, XXI (i), 'PLC Ninth Annual Report', p. 19. But this Act's provisions, generated conflict between auditors and others, with one experienced Union Clerk complaining as late as 1846 that finalising the issue proved 'by far the most troublesome business I have had to contend with as Clerk'. Copy, printed PLC circular, 1 Aug. 1842, re. application of this Act, and Clerk, Shardlow, to PLC, esp. 10 Jan., 7 Feb. and 13 Mar. 1846; Chilwell, voters' consent to pay illegal debts under the 1842 Act, 7 Mar.: PLC draft

minutes, 3 June 1846, MH 2/21: 12/2062. The key circular went unpublished in the PLC's *Official Circular*, until no. 22 (Jan. 1843), pp. 20–2, 25.

³² The PLC did not even inform the Union Board, and then initially insisted that the cost of the lost action – £430 – be paid by the Union rather than from the PLC's contingency fund. The case can be followed in PLC minutes, 20 Jan., 8, 11, 18 and 27 Feb., 2 and 28 Mar. 1836, 9 Feb. and 24 Oct. 1837, 3 Feb. and 18 May 1838, and in its correspondence with the Union: Old Windsor parish officers to Union Chairman Ward, 23 Nov., and their undated memorial to PLC; Ward to PLC, 3, 4 and 23 Nov.; Ward, and parish officers, to Gilbert, 23 and 30 Nov. 1835; PLC to Clerk, 22 Jan.; legal opinion, J Meadows White, 27 Feb., and White to Ward, 2 Nov. 1836;

witnessed another action in a 'matter of doubt' over whether the Parish Property Act 'vested the title of parish houses' in Union Boards, or retained the customary title of the current parish officers: Queen's Bench ruled – relatively expeditiously – in 1839 in the latter's favour.³³

It is worthwhile outlining further reasons why none of Broad's three statements quoted before is correct. Although the leaderships of both the Whigs and Tories supported the 1834 Amendment Bill, both parties divided over the issue, notably the Tories, and in both Houses. If those fundamentally opposed MPs, usually on ideological grounds, and with some Radicals among them, were in minorities, others were hostile to specific components and brought forward a significant number of amendments at the committee stage in both Houses. In the Lords the dangerous original proposal to illegalise the payment of all non-medical outdoor relief to the able-bodied from 1 July 1835 was dropped, while only Edwin Chadwick's behind-the-scenes vehemence persuaded Althorp, the ministry's pilot in the Commons, not to exclude London.³⁴ Securing the latter propelled him to assert that the Commission would not intrude into well-run big urban poor-law administrations, many of them under local acts, including several in the metropolis, more in ancient cities (among them Oxford and Norwich), their more recent counterparts (notably Birmingham) and fast-developing new towns (exemplified by Brighton). Under the recent Reform Act, the latter two had become two-seat parliamentary boroughs, together with others such as the new Middlesex constituencies of Finsbury and Marylebone; their electorates expected their new MPs to protect the autonomy created by the expensive process of obtaining local acts which in some senses were embryonic expressions of municipal pride, not least because they often extended – sometimes extensively – beyond poor-law administration.³⁵ That was also the case in older cities with their ancient borough constituency status, again represented by Oxford and Norwich, to which we could add Exeter, and many more with local acts respecting their poor. Althorp's statement was repeatedly recalled by hostile MPs once the Commission sought to extend its remit over these authorities.³⁶

Both Althorp's statement and alterations to the Bill reflect the fact that the measure was a compromise. The administrative revolution represented by the Commissioners themselves, was – to degrees – balanced by the preservation of some local autonomy. That was reflected in the capacity of the new Boards of Guardians to requisition parish properties, balanced by

Note 32 continued

assistant commissioner Hall to Nicholls, 7 Feb.; Clerk to PLC, 17 May and reply, 17 June; copies, Windsor minutes, 22 June 1838, and 17 Aug. 1797 agreement re. use of the land: churchwardens' sworn statement re. subsequent use of land and buildings, 15 Feb. 1836; MH 1/4, pp. 113–5, 223–4, 241–2, 277, 333–4, 356, 523; 9, pp. 390–1; 13, p. 142; 14, pp. 123, 463–4; 12/335, 336.

³³ Clerk, Louth, to PLC, 17 Apr., and reply, 18 May; PLC to Clerk, Helmsley, 23 Nov. 1839, MH 12/6738; 14483.

³⁴ The best account of the Act's parliamentary passage is Brundage, *Making of the New Poor Law*, ch. 3; cf. S. E. Finer, *The life and times of Sir Edwin Chadwick* (1972 edn), Book 2, ch. IV. Subsequently, Lansdowne also acknowledged politicians' 'strong prejudices and

apprehensions' during the period of the Bill's protracted parliamentary progress. *The Times*, 8 Sept. 1835.

³⁵ The PLC partly conceded the point about municipal pride, but complained that its survey of Local Acts revealed 'almost every form of municipal constitution that can be conceived', exemplified by places where the authorities' personnel was controlled by annual 'popular elections' of candidates irrespective of their socio-economic status, whereas others were nepotistically appointed for life by 'self-containing Boards'; both constituted horrific circumstances, especially in Whig perceptions. 'PLC Fourth Annual ...', pp. 14–6.

³⁶ Althorp's 1834 speech was still being quoted in 1844, ironically by Tory MPs attacking Peel. *Hansard*, Commons, third ser., 76 (1844), cols. 353–7.

parish-by-parish ratepayers' and owners' (not invariably one and the same) right to vote to dispose of – or not – *their* un-requisitioned public property, not the Union's or the state's. The same parochial procedure was also adopted over decisions to fund emigration – or not.³⁷

Peel's secure majority from 1841 proved inadequate to legislate for the compulsory dissolution of obdurate Gilbert Unions, whose sterling – if as yet historiographically obscure – campaign, involving Whig, Tory and Radical MPs, resonated traditional English localism. No late Georgian or early Victorian government was going to compel the sale of parish property by statute, least of all a Tory one, as revealed by the 1842 Act's *increasing* occupying ratepayers' powers over those of non-resident owners in decisions to sell or retain properties. Political realities deterred the PLC from *ever* putting compulsion on its shopping list of additional powers. The nearest the Commissioners came to that was the inclusion in their Annual Report for 1840 of a letter from the Clerk of the Langport Union, who accurately claimed that the 'retention of parish houses' was a 'great abuse' of outdoor relief prohibitory orders to the able-bodied, and unpragmatically argued that the PLC should have the power to force Boards of Guardians to compel sales, 'even if in opposition to the parish authorities'. The Commissioners repeatedly emphasised in correspondence with local authorities that they had no powers to compel disposal. Among the assistant commissioners who were disconcerted on receipt of this news in 1835, Tufnell complained that ratepayers would use their 'detestable powers' to demand excessive rents for workhouses taken over by Unions, or force them to buy the properties at extortionate prices by refusing to alter the buildings to meet Somerset House regulations, because the New Poor Law itself limited the Commissioners' authority to compel alterations to those costing under £50. Hawley simply – but accurately – observed that the Parish Property Act gave 'vexatious' ratepayers a 'dangerous advantage' over Boards of Guardians, which he calculated could have been persuaded – by members of his corps – to sell parish properties if Boards had been given the power. These functionaries exuded frustration, but not surprise, at yet another politically diplomatic compromise.³⁸ Their irritation was shared by others, including some grandees, represented by the Midhurst Union's chairman's view that the disposal of these 'generally unproductive' assets would have 'a very beneficial effect' generally, if compulsory. This also reflects the fact that Boards of Guardians' powers were themselves limited. For example, when the Helmsley Board (Yorkshire) summoned the obdurate overseers of three townships over their refusal to collect rents for retained parish properties before it, Somerset House was obliged to rule that they did not have this power *unless* the properties in question were required for the Union's purposes; nor could the Guardians compel parochial officials to use their powers under the 1819 Select Vestries Act to legally evict their tenants, except in the same circumstances.³⁹

II

In his paper, Broad also argues that parishes comprised in Gilbert Unions appear to have had little, if any, publicly-owned housing accommodation, which he attributed to the permissory

³⁷ For example, the application form completed by Quanton parish, Beds., for PLC sanction for a £100 loan for emigration, 3 May 1836, MH 12/405.

³⁸ Hawley to Lefevre, 25 Oct. 1835; Tufnell to PLC, 11

Feb. 1836, MH 32/38; 69.

³⁹ Letters to PLC from Hasler Hollest, 27 Aug. 1836, and Clerk, Helmsley, and reply, 9 and 23 Nov. 1839, MH 12/13028; 14483.

1782 statute's section enabling the disposal of parochial housing to help fund workhouse provision. In fact, two other sections of the statute *prohibited* the institutionalisation of adult people able to earn a living, and directed that parish Guardians find work for the unemployed near to their homes, and, in the event of receiving wages insufficient for families' maintenance, pay a subsidy. This provision was greatly castigated by utilitarians as the first statutory legitimisation of allowances in-aid-of wages, but the disposal of parish housing tenanted by the able-bodied might well compromise this requirement. Moreover, the situation was further complicated as some Gilbert Unions were dissolved – wholly or partly – after disagreements, and there is no comprehensive record of pre-1834 dissolutions. More complications derived from the New Poor Law itself, under which Gilbert Unions were only to be dissolved after a two-thirds majority of votes in *their* Boards of Guardians. Although most did dissolve, others did not, among them East Preston and Sutton in West Sussex, and Alstonefield which straddled the Derbyshire/Staf-fordshire border – respectively dominated by anti-Poor Law Amendment Act grandees the Earl of Egremont and Sir Henry Fitzherbert Bt; there were also concentrations of obdurate Gilbert Unions in other regions, notably the West Riding. If a mixture of court decisions and statutory amendments over a decade extended the PLC's remit over them, these survivors retained their hostility and degrees of *de facto* independence until their statutory abolition in 1869.⁴⁰

A closer examination of some Gilbert parishes reveals a different picture from Broad's. Certain downland parishes were in the hands of a single gentleman farmer or squire with miniscule populations. Stopham in West Sussex, with a population of just 129 in 1831, typically had 'neither workhouse, poorhouse or [parish] cottage', and even if some of these places hired small houses to accommodate handfuls of 'Infirm Persons', they were thus representative of other such parishes which were in Gilbert Unions. In the principally downland Westhampnett Union for example, ten of the eleven parishes had no property, though Barham on the coastal plain had no less than eleven cottages housing 65 people in the mid-1830s. In the six-parish Thakeham Union, two had no property, and though the largest, Washington, with a population of 793 had but one cottage, more lightly-peopled Ashington and Sullington (respectively 285 and 320) had five cottages apiece, the former's accommodating 27 and the latter 33 'of all Classes and Ages crowded together' in 1835. Of the ten parishes in the Easebourne Union, six – not all downland – had no property, though the rest had a total of ten cottages between them accommodating at least fifty people. Moreover, Woolbeding had borrowed £139 to build two cottages in 1823–4, on

⁴⁰ Broad, 'Housing the rural poor', pp. 167–8. 22 Geo. III, c. 83, sect. 22, 29 and 43. There is no authoritative study of Gilbert Unions. They are mentioned in passing by J. R. Poynter, *Society and pauperism. English ideas on poor relief, 1795–1834* (1969), esp. pp. 77–8, while Edsall, *Anti-Poor Law movement*, pp. 133–6, has a cursory glance at the refusal of a minority to vote themselves out of existence. Driver, *Power and pauperism*, pp. 42–7, maps some of the resultant geographical impacts. See also S. and B. Webb, *English Poor Law History*, I, *The Old Poor Law* (1927), esp. pp. 170–2, 272–6, and II, *The last hundred years* (1963 edn), I, pp. 115–6, and 119, n. 1; id., *Statutory*

authorities for special purposes (1922), ch. 2. For a typical utilitarian critique, see 'PLC Ninth Annual Report', App. A2, assistant commissioner Twisleton's report on the history of Old Poor Law incorporations. BPP, 1844, X (i), 'Report from the Select Committee on Poor Relief (Gilbert Unions)'; BPP, 1845, XIII (i), 'Select Committee on Poor Relief (Gilbert Unions)'. This, and the following four paragraphs are also influenced by my current work into Gilbert Unions 1782–1834, and the semi-successful – indeed dogged – post-1835 campaign by obdurate non-dissolutionist authorities.

bonds guaranteed by the Union's Visitor and Guardians, which probably reflected the vestry's parlous financial state or legal uncertainty, and possibly both.⁴¹

Component parishes and townships in Midland and northern Gilbert Unions also possessed property. The township of Shardlow (Derb.), a developing inland port where the Trent and Mersey Canal joined the former river and the cargoes of sea-going vessels were switched to longboats and *vice-versa*, was the centre of a five-unit Gilbert Union from 1811–2, equipped with a new House of Industry. Frustrated by Gilbert's stipulation that no component township was to be more than ten miles from it, a Local Act was obtained in 1816 naming over thirty townships to be embraced in Derbyshire, Nottinghamshire and Leicestershire. Thereafter, the Shardlow vestry anticipated that it could reduce the numbers of cottages directly rented from its lord of the manor. This not only failed to materialise, but when the lord decided to divest himself of this estate in 1823, the township determined to 'endeavour to purchase' the cottages and secured the first 'refusal in preference to any purchaser'.⁴² In the Union centred on Great Glen in Leicestershire, which had a 'tolerably good Workhouse' used by twelve parishes, Great Glen itself also owned 'six cottages with the [framework-knitter's] shop, gardens and appurtenances thereto' at the 'Top End', and a further eight similar establishments elsewhere; other member parishes known to have had properties included Smeeton Westerby with at least eleven cottages, Kibworth Beauchamp with seven, and Wilbarton which owned twelve – typically divided into no less than thirty tenements. Another 'small' incorporation at Stretton, also in Leicestershire, had 'a small ordinary poor house' – perhaps surprisingly as the originator here was a former county MP – and 'other parish tenements'.⁴³ In the West Riding, Lofthouse-cum-Carlton became the centre of a Gilbert Union in 1822, and by 1841 embraced 41 townships; many of them had properties, though various trustees were mostly dead, 'diligent searches' failed to locate deeds, with conveyances unrecorded at the Wakefield Land Registry, and manorial documentation was useless as few were built on wastes. The lawyer trying to sort out this mess claimed that many tenants 'regularly' paid rents and properties were kept in repair from the poor rate, though some were nevertheless in need of attention, including re-roofing.⁴⁴ Parishes in the great East Anglian Incorporations of Hundreds also both owned and directly rented tenement accommodation, one of the reasons in an assistant commissioner's analysis why Blything's enormous workhouse, capable of holding a thousand inmates, was but a quarter full in 1835.⁴⁵

Nor did the erection of new Gilbert workhouses ironically dictate the sale of member

⁴¹ Clerk, Eastbourne Union, to PLC, 4 July; Pilkington reports on 'intended' Midhurst, Thakeham, and Steyning Unions, 28 Mar., nd., but 30 Apr., and 15 July 1835; Woolbeding sale application, Oct.; bondholder, widow Knight, Midhurst, and B. Pentress, Iping, to PLC, 28 June and 4 Aug. 1837, MH 12/12854; 13028; 13029; 13099; 13128.

⁴² Local Act, 56 Geo. III, c. 66, which retained the obligation on allowances in-aid-of wages for the able-bodied, but inadequately paid. 'Shardlow Journal' (i.e. vestry minutes), esp. 30 Sept. 1812 and 8 May 1823, Derbyshire RO (hereafter DRO), D1326A/PM, 1.

⁴³ Hall to PLC, 10 Mar. 1836: property sale applications,

Sapcote, Smeeton Westerby, Kibworth Beauchamp, and Wilbarton, Feb. 1836, and Great Glen, 26 June 1837, MH 12/6413; 6581.

⁴⁴ Letters to PLC from Clerk, Carlton Gilbert Union Board, 6 Mar., and attorney Brown of Wakefield, 15 June, 10 Aug., 14 Oct., 15 Nov. and 13 Dec., and Otley parish officers, 12 Oct.; Lofthouse-cum-Carlton sale application, Nov. 1843, MH 12/15286.

⁴⁵ 'PLC First Annual Report', App. B2, assistant commissioner Mott's report, 26 Feb. 1835. Suffolk sale applications, Carlton, 25 Nov. 1837, and Holton, 13 July 1838, MH 12/11732; 11733.

parishes' workhouses. East Lavington in the Easebourne Union converted its establishment to a poor-house, capable of accommodating 30, and was 80 per cent full in 1835. Felpham in the three-parish Yapton Union also downgraded its workhouse to a poor-house, which contained a dozen at the same date, when its partner Walberton's four cottages were filled by 25.⁴⁶ On joining Great Glen, the modest Leicestershire town of Market Harborough separated part of its workhouse – situated in the main street – for a 'Detention House' for vagrants, divided the remainder into tenements, and kept the nine cottages erected in the grounds to the rear. Carlton's old workhouse was divided into five tenements.⁴⁷ Finally, some Gilbert adoptions in the last years of the Napoleonic war, and the early years of the peace, were instigated by utilitarian reformers, among them the pamphleteering Revd. Becher of Southwell and others in the well-known Nottinghamshire movement. Their real motives were to use the loan facility to provide new workhouses, which were to be illegally deployed by these luminaries to incarcerate unemployed workers and their families, a fact apparently unknown to the historian of that county's reformers, though he mentions their adoption of Gilbert in passing. As one of them – Becher's rival Thomas Nixon – candidly admitted, all be it privately, 'it [was] only by acting in *direct opposition* to ... its most important enactments ... that the great benefits derived from it' had materialised, namely deterrence and with it reduced poor rates.⁴⁸ Ampthill (Beds.) became a single-parish Gilbert adoptee in 1816; by the 1820s it had a utilitarian-driven administration under Visitor Charles May – a Quaker chemist and representative of a small urban elite – anxious to reduce exploitation by underpaying farming employers, who by 1835 had succeeded in making his parish an 'oasis in the desert of pauperism in this district' of largely agrarian and straw-plaiting villages. The Duke of Richmond – an architect of the New Poor Law – had also been illegally pushing the able-bodied unemployed into the Westhampnett workhouse for years, and this may be another explanation for the apparent absence of parish houses in all but one component of that Gilbert Union. The pro-New Poor Law May became vice-chairman of the Ampthill Union, while Richmond chaired his local Union, Westhampnett from its inaugural meeting, also in the spring of 1835. Both became model New Poor Law administrations, while Carlton cussedly soldiered onwards until compulsorily dissolved in 1869.⁴⁹

III

If Broad's analysis of Gilbert parishes requires revision, so too do the ramifications of his assumption of compulsory powers. If this is not the place for either a full account of the disposal

⁴⁶ Pilkington to PLC, 8 Feb. and n.d., but 30 Apr. 1835; Northbourne parish officers' return to PLC circular, 30 Sept. 1834, MH 12/4989; 13028; 13198.

⁴⁷ Hall, and Brown, to PLC, 7 Nov. 1835 and 15 June 1843; Market Harborough, Lighting and Watching Inspectors' report, 17 Jan. 1839, MH 12/6581; 6582; 15286.

⁴⁸ Nixon to PLC, 15 Oct. 1834, MH 12/9228, though cf. BPP, 1837–8, XVIII (iii), 'Select Committee on the Poor Law Amendment Act, 47th Report', QQ. 16111, 16114. J. D. Marshall, 'The Nottinghamshire reformers and their contribution to the New Poor Law', *EcHR* 13 (1961),

pp. 382–96. Poynter, *Society and pauperism*, pp. 311–6.

⁴⁹ Ampthill vestry minutes, 1816–21, Bedfordshire RO (hereafter BRO), P.30/8/3. Copy, Ampthill Board inaugural meeting minutes, and assistant commissioner Adey to Chadwick, 16 Apr. and 22 May 1835; Pilkington to PLC, 4 Dec. 1834, 8 and 11 Feb. 1835, MH 12/1; 13198. 'PLC First Annual Report', pp. 172–3; BPP, House of Commons, select committee report, 'Poor Law Amendment Act', (1837–8), XVIII, QQ. 16316–32, evidence of the former farmer of Westhampnett Gilbert Workhouse; Q. 16563, evidence of substantial farmer Woods, Binderton.

process, or the reasons for retentions of housing property, it is worth outlining some of the difficulties faced by vestries. First, much of their property was dilapidated, and if some purchasers came from the ranks of at least moderate estate owners whose principal motive was to demolish adjacent eyesores – ‘getting rid of a Nuisance’ in the Earl of Liverpool’s steward’s parlance – the sales to them, or speculative buyers, realised little.⁵⁰ Secondly, the scale of disposals in some localities effectively flooded the market, depressing prices further *and* producing unsold lots.⁵¹ Thirdly, traditional speculators in countryside housing for plebeians – notably craftsmen, shopkeepers and others in the rural service industries – were discouraged from further investment by the PLC’s campaign against previous rent subsidies paid from the poor rate.⁵² Fourthly, the costs of post-1834 poor relief ultimately fell on each parish’s ratepayers, including, in the cases of settled claimants, their shelter. The PLC insisted that *de facto* pensions to those unable to maintain themselves, mainly the old and infirm, but also to non-able-bodied adults, should include a consideration for their rent; putting such folk in Union workhouses was *relatively* costly compared to pensions *and* a politically and socially sensitive issue.⁵³ Incarcerating unemployed able-bodied labouring fathers with large families was *prohibitively* expensive. If this reality ensured that such men were usually given priority by local employers, farmers’ concern to maintain local workforces adequate to meet seasonal demand peaks also had implications for local housing markets. Fifthly, the PLC ruled that overseers must collect rents for retained properties adequate to the costs of necessary maintenance, a principle enforced by Union auditors. Rent considerations paid to pensioners were withheld from those tenantry retained properties, and sub-market rent levels could be maintained for others, notably fathers of large families.⁵⁴ Auditors had nothing to police when vestries made tenants responsible for repairs, and an alternative ploy with some retained properties was to all intents and purposes abandonment by parish officers, leaving the tenants in possession and to their own devices respecting essential

⁵⁰ Squire Wilmot of Chaddesden, Derbyshire, offered £53 for an unstated number of cottages on the waste, ‘not worth repairing’: copy, Framfield vestry minutes, 9 July 1835; letters to PLC from Market Harborough parish lawyers, 26 Aug. 1837, H. Bull, Aston Clifton, Wilmot, and Rev. De Passon, Hever, respectively 9 Apr., 27 Oct., and n.d. but 4 Nov. 1838, and steward Hall, 7 July 1839, MH 12/406; 2060; 5316; 13157. W. L. Sclater [Chairman of the Basingstoke Union], *Letter to the PLC ... on the working of the New System* (Basingstoke, 1836), pp. 10–1.

⁵¹ No buyers attended the Melbourne (Derb.) auction of ten cottages – in ‘partial dilapidation and occupied by Paupers’ – with gardens in late 1839; sale application, 12 July 1839, and auditor, Shardlow, to PLC, 8 May 1840, MH 12/2060. Among other examples, the ‘greater part ... still remained unsold’ with only a ‘small estate’ purchased at an auction at Ketton (Rutl.); Stamford Union minutes, 2 Aug. 1836, Lincolnshire RO (hereafter LRO), PL 15/102/1.

⁵² The PLC repeatedly claimed that the end of rent subsidies from parochial funds forced landlords to reduce rents significantly, though this was not invariably

the case. The PLC was aware that in high-wage rural districts, notably Kent and East Sussex, rents remained stubbornly high, and this was reflected in its differential approach to sanctioning breeches of outdoor relief prohibition orders, though it withheld the latter from its published accounts. ‘PLC Fourth Annual Report’, pp. 15–6.

⁵³ PLC minutes, 10 Nov. 1835, 2 Feb. 1838 and 20 Mar. 1839, PLC to Clerk, Dunmow, 26 Sept. 1835; letters to PLC from overseer of Strubby, Linc., 9 and 16 July, auditor, Louth Union, 22 July 1844, and W. Martin, Fulstow, 23 Sept. 1845; MH 1/3, unpaginated; 14, pp. 118–9; 17, pp. 83–5; 12/3456; 6739. Howden Union minutes, 14 Oct. 1837, 24 Nov. 1838, 10 Apr. 1841, 10 May and 22 Nov. 1845, East Riding RO (hereafter ERRO), PUH 1/2/1; 2; 4.

⁵⁴ Letter of Strubby overseer as in previous note. PLC minutes, 29 Sept. 1840, MH 1/25, pp. 288–91. Cf. R. Wells, ‘Historical trajectories: English social welfare systems, rural riots, popular politics, agrarian trade unions, and allotment provision, 1793–1896’, *Southern Hist.*, 25 (2003), pp. 112–6, and sources cited there.

repairs. An agricultural labourer, Charles Lewis, a widower with eight children, domiciled in a ruinous 'one up one down' terraced cottage in the Andover Union, told parliamentary investigators in 1846 that the parish officers 'used to claim the houses, but they had given them all up ... but who they belong ... to I cannot tell', not least because rents went uncollected.⁵⁵

Property sales remained subject to the stipulations in the 1835 Act into the second half of the twentieth century. In 1878 the then responsible department, the Local Government Board, prior to the sale of cottages at West Clandon in Surrey, categorically reiterated that

no sale of parish property shall take place except under the authority of an order of the Board [of Guardians] after the consent of a majority of the owners of property and ratepayers ... has been given at a [parish] meeting duly convened

by advance notice fixed to church doors, extended at some interim point to seven days, but still commensurate with the ancient mode of announcing general vestry meetings.⁵⁶ Although central registration of conveyances ceased from 1882, sales of properties under the 1894 Local Government Act required Parish Councils to obtain the consent of a 'parish meeting', while terminating the plural voting originating in 1818.⁵⁷ The monitoring responsibility eventually devolved to the Ministry of Housing and Local Government; however, the basic rules for disposals remained essentially unchanged. To give but one example, in 1962 Beverley District Council decided to build 'a block of old people's bungalows with a communal centre and warden' at Leven, with the concurrence of its parish council; the latter was motivated, first by an anticipated increase in the number of elderly residents, and secondly by the four aged tenants 'at present living in delapidated [sic] Parish Cottages', on a 730 square-yard site in the village centre. That site was not required for the proposed development (belatedly completed in 1965), and the parish council – unsurprisingly 'unable to trace any deeds or [relevant] documents' – sought legal advice over disposal. That led to protracted engagement with the Ministry, which required details of the property, including a map and valuation, and in the absence of deeds, reverted to the practice introduced in such circumstances in 1836–7, requiring a signed statement from an older resident of the parochial authorities' long usage. This was supplied by a retired schoolmaster who was also one of the current tenants. Subsequently, the Ministry required the 'completion of the necessary formalities' for disposal, including confirmation that the 'parish meeting' of 2 March 1964 'consented to the sale and that seven clear days [public] notice of the meeting was given'. Continued delay to the 'welfare bungalows' scheme, saw – be it after a 'lengthy discussion' – the

⁵⁵ PLC reply to queries re. parish officers' responsibility for repairing parish properties, from J. Wilson, Bodicote, 23 Sept. 1835: completed parochial 'Declaration of Application of Rates' forms from parishes comprised in the Louth and Hinckley Unions, Oct.–Dec. 1839, MH 12/6444; 9577. BPP, 1846, V, 'Select committee on the administration of the poor law in Andover Union', QQ. 9390–9436, 9699–9704, 9717–24, evidence of Penton Grafton, labourer, Lewis.

⁵⁶ Smallpiece and Soles, Guildford Solicitors acting for Lord Onslow, to the Local Government Board (hereafter LGB), and reply, 20 and 22 Aug. 1878; West

Clandon sale application, 12 Sept. 1878. For an identical response in 1872, see LGB order to convene a 'Parochial meeting' at Searle (Surrey), sale application, enclosed by Guardian Trotter, 26 and 31 July, to LGB; LGB sanction, 26 Aug.; Nicholl and Newman, Strand, purchaser's lawyers, to the Poor Law Board [sic], 14 Nov. 1872, MH 12/12345; 12779.

⁵⁷ 45 & 46 Vict. c. 58, 'An Act to amend the Divided Parishes and Poor Law Amendment Act, 1876', section 14 (3): 56 & 57 Vict. c. 73, Local Government Act, section 8 (2) and 'Second Schedule (acts repealed)'.

parish council decide that 'no sale should take place until the tenants had been rehoused', a condition with many precedents. The property fetched £1250 at auction in September 1965, after which there was further consultation between Leven's lawyer and the Ministry, which eventually sanctioned the devotion of £500 from it to 'fittings for the Common Room' in the new development, in conformity with the 'permanent advantage' statutory requirement.⁵⁸

The foregoing details reveal the duration of the relationship between local and central authorities created under the relevant statutes (1834–44) and the PLC's rules respecting the sale of the former's publicly-owned housing accommodation. The procedures enforced in Surrey in 1878 and Leven in the mid-1960s are eloquent proof that compulsion never went on the state's agenda, except in the very different circumstances addressed by compulsory purchase orders. As a result, Dr Broad's 'distinctive yellow and blue forms to give property descriptions' were not inventories of all 'property ... owned' by every parish in each Union. They are not invariably blue or yellow, and more importantly list only those properties identified for sale at meetings of ratepayers and owners of property, and comprise answers to the principally *procedural* questions printed on each form, including evidence of parochial ownership, and in the absence of documentary proof, oaths of elderly parishioners confirming title through decades of use and payments for repairs.⁵⁹

Ironically, in mid-1835 the PLC did introduce a requirement for the compilation of terriers of all real estate owned by parishes, and charitable provisions which effectively supported the poor rate, to be made on Form 5A. Among the details to be entered were the name of the estate and tenant(s), rent received, the use of profits, and the names of present trustees where applicable. These were to be revised annually. Many overseers refused to compile them, not least because they were for auditing purposes in general, and, with regard to parish-owned as opposed to charity property with active trustees, were used – as we have seen – to ensure that the maintenance costs of retained properties were entirely covered by rents received. Enforcement was Union auditors' responsibility. Indeed, and again ironically, when one Union Clerk – after a prolonged struggle with component parishes' officials – sent copies of completed terriers in 1838 to Somerset House, the reply diplomatically conveyed thanks for the

pains you have taken ... but the Com[missione]rs wish to explain to you that in order to save you unnecessary trouble in future that they do not require these documents, to be transmitted ... although it is nevertheless essential that they should be made out in accordance with Orders for Keeping and Auditing the Accounts.

⁵⁸ File of letters, esp. Neville Hodson and Son to Clerk of Leven Parish Council, 2 and 22 Aug. 1963, 4 and 23 Apr., 7 May and 25 Sept. 1964, 25 Sept. 1965, 3 and 10 Jan. 1966; copy of replies, 23 July and 21 Oct. 1964, and 19 Oct. 1965, ERRO, PC.20/22. Cf. a similar case from Tetney (Lincs.). In the late 1890s the Parish Council inherited two houses 'Know[n] as "the Workhouse"', plus three two-roomed cottages erected in the grounds, another cottage, and two thatched cottages in the village centre, together with a 'Bungalow' – erected at an unknown date by the Parish Council financed from 'the Herbage of

Land Fund' (namely, letting pasturage rights on roadside verges, which clearly survived well into the twentieth century). One of the eight old dwellings was demolished by 1929, and another in 1938: four of the remainder were demolished on their elderly tenants' deaths between 1945 and 1967. The fate of the last two went unrecorded, but the bungalow was sold to the district council with 'Vacant possession' on the parish tenant's death in 1977. Memorandum notebooks, 1897–1977, LRO, TetneyPar Co. 1; 2; 3.

⁵⁹ Broad, 'Housing the rural poor', p. 167.

The documents were returned.⁶⁰ If the Commissioners had required copies of completed terriers, the evidential base for an accurate assessment of the scale of parochially-owned housing accommodation would have been created. Somerset House remained under no illusions as to the social divisiveness of its disposal programme, and equally sensitive to the potential political backlash against the degree of intrusiveness represented by the submission of annually-revised terriers. The foregoing response by the PLC is among the most suggestive expressions of its recognition of these realities yet encountered in the documentation. Where convenient, various aspects of PLC practice – and even policies – went unpublished in its statutory stipulation for annual reports, and these can be established only through close analysis of administrative details emanating from the daily bureaucratic grind.⁶¹

As early as February 1836 one auditor – responsible for four West Sussex Unions – accurately opined that there would ‘not be a Union in the Kingdom that will not borrow Money’: others realistically anticipated an intensification of financial pressures on ratepayers – especially the very numerous smaller contributors – notably in parishes where existing significant debts would be inflated, together with the PLC’s rigorous enforcement of promptly meeting interest commitments and capital repayment stipulations.⁶² There can be no doubt that financing major extensions to existing, and the erection of new workhouses, operated as a major stimulant to property disposals across the country, though the prospect was somewhat mitigated by the speedy and pragmatic extension of state loan repayment periods from ten to twenty years,⁶³ and in turn perhaps aggravated again – once the law was belatedly clarified – by the stipulation of arrangements for the repayment of illegal debts incurred before 1834. The latter were to take precedence over all other parochial commitments, including capital repayments for proportional contributions to Union loans. Some communities – be it a minority – met their entire share of the latter from property sales and escaped further interest liabilities.⁶⁴

⁶⁰ Ironically, assistant commissioner Senior subsequently wrote to the PLC demanding the terrier for Hinckley parish itself, only to be told that it had been returned, and the Clerk informed that they were not required by Somerset House. Letters to PLC, from Clerk Law, Hinckley Union, 9 and 21 Nov. 1836, and Senior 27 Feb. 1839 (and annotations); draft reply to Law, 29 Nov. 1838, MH 12/6443.

⁶¹ The terriers’ requirement comprised part of the substantial details on the Commissioners’ accounting procedures published in 1835, but – significantly – went unmentioned in their long circular of 1 Mar. 1836 respecting parish officers’ accountancy responsibilities, though their obligatory collection of rents from tenants living in retained parish properties was emphasised. ‘PLC First Annual Report’, App. A11, and ‘PLC Second Annual Report’, App. A5.

⁶² Letters to PLC from Chairman Hollest, and auditor Mason, Midhurst Union, 10 and 20 Feb.; and Aylesbury Clerk, 3 Mar.; Haddenham parish officers, 25 June, and auditor, Ashby-de-la-Zouch Union, 15 Oct. 1836, MH 12/405; 6387; 13028.

⁶³ Identical arguments were advanced by assistant commissioners when addressing public meetings prior to Union formation, *Lincolnshire Chronicle*, 16 Oct. 1835. The ‘sweetener’ element of disposals was promiscuously evinced across the country and over time; for examples see: Driffeld Union minutes, 1 Dec. 1836; and Clerk to assistant commissioner Revans, 22 Dec. 1836 and 23 Mar. 1837, Clerk’s out-letter book, ERRO, PUD 1/1, 8/1. Basingstoke Union minutes, 27 May, 5 and 12 June 1835, HRO, PL.III/5/1. Rector of Pewsey, and T. Oakley, Sandridge, Hertf., to Lefevre, 3 Oct. 1836 and 25 Nov. 1837, HLRO, SLF.1/2; 7. Clerks, Basingstoke, and Amersham Unions, to PLC, 8 June 1835 and 18 Jan. 1838, MH 12/382; 10669.

⁶⁴ PLC minutes, 10 Oct. 1838: letters to PLC from Union Clerks, Hinckley, and reply, 27 Feb. and 18 Mar., Uckfield and reply, 16 Feb. and 16 Mar. 1839, Epsom, 9 Dec. 1841 and annotations; PLC to Hinckley, 23 Apr. 1846, MH 1/15 (unpaginated part): 12/6443; 6445; 12237; 13159. Petition to both Houses of Parliament copied into Shardlow parish journal, 30 Mar. 1840, DRO, D1326A/PM, 1. Easton-on-the-Hill which received £422 net from its sales, paid £251 into the new workhouse fund, which

The PLC's own statistics, published in its annual report for 1841, reveal that the numbers of disposals reached a peak in 1838–9, which is different from Broad's impression that 'most sales' took place between 1834 and 1842; his 'checks up to 1854 on a random selection of unions show rare occasions where sales were delayed beyond 1850'.⁶⁵ Perhaps these Unions are either too few, or unrepresentative, because checks across the 1842 to 1854 period should have revealed details of the sell-offs. These include both *calculated* partial, and *staggered* disposals, agreed in some communities in the latter category through the submission of later applications.⁶⁶ Moreover, disposals were contested, and if current occupants' resistance was to be anticipated, they found supporters from most elements within rural communities. When faced with pre-sale evictions, many tenants who paid no rent claimed ownership on the grounds of 'key-holding', by which previous incoming 'tenants' had handed cash to outgoing tenants for the key, and with it possession, without reference to parish officers; some of these disputes ended in the courts, which on occasion ruled in keyholders' favour.⁶⁷ These cases, and other evidence, also reveals that properties with sitting tenants fetched lower prices, and again on occasion sales were conditional on buyers giving security of tenure to sitting tenants for life, at sub-market rents.⁶⁸ There is little evidence about parochial meetings which rejected motions to sell, not least because there was no requirement to report negative outcomes and Somerset House was under too much pressure to follow-up sanctioned applications to call meetings in parishes which did not proceed further, but the odd notification was made, including a vote at Grendon Underwood (Bucks.).⁶⁹ At Brasted (Kent), the Revd. Burton emerged as the principal advocate of sale, only to typically 'experience ... much annoyance and difficulty in carrying the object'. Although most believed that vacant properties fetched better prices, a minority held that sitting tenants were attractive

Note 64 continued

reduced its annual loan contribution to a mere annual £24; it invested the remainder into government consuls. Stamford Union minutes, 2 and 23 Aug. 1836, and 5 June 1836, LRO, PL.15/102/1; 2. Cf. parochial sales totals in PLC, *Official Circular*, 1, 8 Jan. 1840, p. 16.

⁶⁵ Broad, 'Housing the rural poor', p. 167, and esp. n. 72. BPP, 1841, XI, 'PLC Seventh Annual Report', pp. 18–19.

⁶⁶ Chiddingly vestry minutes, 4 Apr. 1836, 7 Feb. 1839, 10 Sept. and 5 Nov. 1840, 22 Nov. 1844, 18 Feb. 1852 and 26 Sept. 1854; some premises, including the former workhouse, were still being let in the 1850s, ESRO, Par.292/12/2. Cf. Foxton (Leics.) sales application, 10 Nov. 1839, MH 12/6583.

⁶⁷ PLC minutes, 16 Sept. 1840: Hall, re proposed Market Harborough Union, to PLC, 7 Nov. 1835, has a lengthy section on keyholders and perceptions of 'their indefeasible Right'; cf. letters to PLC, Clerks, Midhurst, 15 Sept. 1838, and Melton Mowbray, 23 Apr., and 25 June (enclosing correspondence from Nether Broughton parish's lawyer) 1846, MH 1/25, pp. 182–4: 12/6581; 6611; 13028. *Hampshire Independent*, 27 July 1840.

⁶⁸ Such sales were sanctioned nevertheless. PLC draft

minutes, 2 Sept. 1846: Clerk, Melton Mowbray, to PLC, 19 Aug. 1846, and annotation, MH 2/22; 12/6611.

⁶⁹ Copy, Grendon Underwood vestry minutes, 14 Dec. 1837, forwarded Clerk, Amersham Union, to PLC, 12 Jan. 1838, where seven men, with twelve votes between them, voted two to five against, though the plural voting result was close, namely seven to five; perhaps curiously, when notification of another parochial rejection of sales motion went to the PLC with a demand that it intervened, which it could not, the Commissioners riposted – be it evasively – that it was 'so very improper to charge the present Rate Payers with the liquidisation of the outstanding [1812 vintage Gilbert] Bonds, that they are not disposed to issue any Order in the case'; PLC to Shardlow Clerk, re. Stapleford parish, 11 Apr. 1846: Strubby overseer to PLC, 21 July 1845, MH 12/405; 2062; 6739. Cf. Wells, 'Andover antecedents ...', pp. 173–4. Further evidence of rejected proposals to sell could be found in vestry minutes, though I suspect that vestry clerks might not have bothered to record a negative, not least because ratepayers resisted requests for salary increases commensurate with the additional work in communicating with Somerset House. Chiddingly vestry minutes, esp. 10 Sept. 1834 and 1 Apr. 1840, ESRO, Par.292/12/2.

for certain buyers, possibly because such residents were accustomed to severe dilapidation.⁷⁰ Pre-sale evictions were of course, especially emotive issues, often accomplished with threat of, and actual resort to force: possessions were commonly removed to the street, while ‘the thatch was ... strip[ped] off’. Emotions were aggravated further when the victims faced incarceration in workhouses, among them the two elderly couples forcibly evicted at Castle Donington who departed with ‘tears and lamentations’. When this incident was reported to the PLC, it merely concluded that the overseers had not acted illegally. However, the perceptive auditor of the Hinckley Union – also in Leicestershire – and host to the third largest hosiery centre in the county, whose framework knitters had a long tradition of militancy, argued that ‘every legal and technical objection will be raised by the occupiers’ once faced by eviction, supported by their ‘friends’ ... funds’, while the overseers would ‘not sign notices or concur in the proceedings’: he concluded ominously that

Great excitement will no doubt prevail at so many families being turned out at once of their homes (and being so numerous and the proceedings against them being all simultaneous they will act in concert in their resistance) and if one should be ... defeated on a principle that can be applied to all the occupiers (so as to defeat us entirely) ... the consequences will be highly injurious.

The responsible assistant commissioner advised against both evictions and sales, though he called on the overseers to enforce rent payments. One Wealden parish’s overseers genuinely feared arson attacks if they – as the responsible party – resorted to legal measures to secure possession; not only did they refuse, they put another family into a vacated house supposedly for sale. If resort to defensive militancy was unlikely to reach the intensity of mobilisations customarily reported to the Home Office, a riot against sales at Eaton Bray in the Luton Union was formally discussed by the Commissioners in 1841.⁷¹

A not inconsiderable number of parish houses and *de facto* tenement blocks were either never put on the market, or had failed to sell for a variety of reasons ranging from hopeless dilapidation to being ‘mixed up with some charitable bequest’. In a significant review of the disposal policy in May 1841, the PLC formally reported that about 3900 conveyances had been registered, many of which related to multi-tenanted buildings, or rows of cottages, and so this headline figure cannot be converted into even the rudest estimate of people adversely affected. The Commissioners added – significantly – that many properties remained under parish officers’ control, including former workhouses, with tenants who paid no rent, a complaint reiterated in 1843 together with a suggestion that sales had decelerated markedly owing to obstructive overseers. This was hardly surprising as tenancy of a parish cottage often proved a critical factor

⁷⁰ Chairman, Hartismere Union, annotation on letting agreement, 18 Jan. and to Chadwick, 10 Feb. 1837: Burton to PLC, 23 Aug. 1838, MH 12/5316; 11814.

⁷¹ PLC minutes, 3 Mar. 1841: Hall to Lefevre, 15 Feb. 1837; letters to PLC from J. Bakewell, Castle Donington,

and draft reply, Revd. Wilde, Fletching, Clerk, Banbury, auditor Jarvis, Hinckley, to PLC, 26 Mar. and 23 Nov. 1835, 8 Apr. 1837 and 31 May 1838, MH 1/28, pp. 65–6: 12/2020; 6443; 9578; 13157. Uckfield Union minutes, 22 Sept. 1839, ESRO, G11/1a/2. Sclater, *Letter*, pp. 9–10.

for keeping especially men with large families out of workhouses in the first place, and for those institutionalised, a mechanism for inmates' discharge when one became vacant.⁷²

These retentions often reveal the sheer indifference of parish officers to their obligations under the PLC's rules. Even when these were honoured, retained properties listed on Forms 5A – available in specific ledgers facilitating annual revisions – are revealed to have been tenanted rent free, and without acknowledged expenditure on repairs. This is exemplified by a two-tenement cottage at Welwick (East Riding) between 1843 and 1858, when 'The cottage having fallen', the materials were sold for customary recycling, certified by the incumbent and three others for the district auditor's consumption.⁷³ If there are numerous examples of occupied, but effectively abandoned parish properties, collapsing, repairs were commonly effected by residents, sometimes with materials from other buildings which had totally or partly fallen down.⁷⁴ Conversely, where the tenants of retained properties paid rents to cover maintenance expenditure to the satisfaction of district auditors, the central authority was not involved. Evidence respecting such accommodation in MH 12 derives from disputes between auditors and parochial officials, exemplified in 1864 when the overseers of Cowfold (Sussex) found their repair expenses had exceeded their rental receipts, and saw the excess disallowed. In Cowfold, and other parishes in the Cuckfield Union, the Poor Law Board then followed up such cases, and asked why some property sales sanctioned in the late 1840s had not proceeded. Told that the market showed no interest at that time, suggestions to reconsider disposals were rejected at Lindfield, on the grounds that the Brook Street Tenements were all rented out to 'Farm Labourers', and that parishioners were 'not desirous of selling ... considering that it is to the advantage of the ratepayers not to do so'. Unfortunately, the advantages were not enlarged upon, but at this period tenants *and* their employers were beneficiaries of low rentals charged, and the latter were probably also concerned over rural depopulation, or at least in this district, farmworkers migrating to towns.⁷⁵

IV

What conclusions can be drawn from this discussion? First, the deficiencies of the documentation in MH 12 means that the actual scale of ownership by any parish (in say 1835) is incalculable,

⁷² For an early example of 'too jealous' overseers' hostility over disposals on the grounds that finding non-workhouse accommodation for the current tenants would prove problematic, see letters to PLC from Chairman, Midhurst Union, 8 and 27 Aug. 1836, B. Pentress, Iping, 26 July 1837, Farleigh Wallop parish officers, 18 Nov. and 9 Dec. 1839, and Louth auditor, 22 Sept. 1844; South Ambersham sale application, 19 July 1836, MH 12/6739; 10672; 13028; 13029. 'PLC Seventh Annual Report', pp. 25–6; 'PLC Eighth Annual Report', pp. 18–9; cf. 'PLC Ninth Annual Report', pp. 18–19, 'PLC Tenth Annual Report', pp. 16–7. PLC, *Official Circular*, 31, 31 Jan. 1844, p. 187. Basingstoke Union minutes, 13 and 20 Dec. 1839, and 15 Apr. 1842, HRO, PL.III/5/4, 5.

⁷³ Welwick 'Terrier of Lands' Ledger, 1843–58, printed by Shaw and Son, London, ERRO, PE.43/29.

⁷⁴ 'PLC Tenth Annual Report', p. 16. BPP, 1845, XXVII, 'PLC Eleventh Annual Report', App. A12, Honiton Guardians' report on the state of cottages inhabited by paupers. Tufnell to PLC and reply, 6 and 27 Oct. 1842, MH 32/71.

⁷⁵ Letters to PLB from the former overseers of Cowfold parish, 19 May, and reply 20 June; District Auditor responsible for Cuckfield Union, 8 July, and replies 20 July and 19 Dec.; assistant overseer Bray, Cuckfield parish, 3 Aug., 10 Sept. and 22 Oct., and replies, 5 Aug. and 27 Sept. 1864, MH 12/12839.

unless applications for sale sanction specifically volunteer that the listed properties comprise entire parish portfolios. There was no question on any sale application forms – including later modified variants – to establish this, or if other properties were scheduled for retention. Admittedly, in some locations, local records can be checked against MH 12 documentation. For example, Framfield's terriers have a list of thirteen properties in 1836, all of which were on a sale application in 1839, bar one which had burnt down, and the former workhouse, which was rented to the Uckfield Union as an isolation hospital until 1846.⁷⁶ But terriers are rarely extant, though the General Order of 1847 respecting accounting procedures stipulated that both the PLC *and* district auditors could order their completion by parish officers.⁷⁷ Secondly, there are examples of parishes deciding to demolish dilapidated cottages without reference to the PLC, and devoting the land to other purposes, exemplified by the site of two cottages at Shardlow being added to the new school playground.⁷⁸ Thirdly, there is the problem of technically retained, but effectively abandoned properties, which in some locations may have been quite numerous, or substantial – including former work- or poor-houses – whose existence was never recorded in *any* extant documentation. Fourthly, there was no procedure respecting the problem of unsold properties, other than a time limit on sanctions to sales which dictated a repetition of the entire process, including parish meetings.⁷⁹ Fifthly, the Parish Property Act stipulated the same rules for letting and sales; although the PLC sanctioned such applications as received for the former, it clearly believed that continuous policing of cottage rent payments was too intrusive, and merely intervened in ensuring that the rents paid to parishes for workhouses requisitioned

⁷⁶ Framfield terrier ledger 1836–9 recorded these details of cottages, together with the names of eighteen tenants in 1836, of whom only two paid rents, and that one remained unsold in 1839; Framfield vestry minutes, 7 Jan. and 11 Mar. 1836, 13 Nov. 1837, 18 Dec. 1845 and 22 Jan. 1846; Uckfield Union minutes, 9 Feb. and 23 Mar. 1839, ESRO, Par. 343/3/1; 12/2. G.11/1a/1; 2. Copy, Framfield vestry minutes, 9 July 1835, sent to PLC and ironically not entered in the minute book itself; Clerk, Uckfield, to PLC, 30 May 1838, MH 12/13157; 13158.

⁷⁷ BPP, 1847, XXVIII, PLC, 'Thirteenth Annual Report' (1847), XXVIII, App. A1, 'General Order respecting the keeping and auditing of the Union and Parish Accounts', 17 Mar. 1847. Blank forms 5A (for real estate) and 5B (inventory of funds, securities and money) and the recording of income, were circulated to all eighteen parishes at an unknown date in the enthusiastic Ampthill Union, with instructions that they were to be 'filled up and returned immediately', but only seven parishes did so; four admitted owning property, and two of these also had bequeathed investments, as did two without real estate. BRO, PUAV 48/1–7. Heathfield terrier ledger, 1849–96, records mostly copyhold properties, including five cottages, three of them with between four and twelve acres, whose tenants were clearly smallholders. The new Parish Council secured a vote to sell in 1896–7, but the sale was delayed by a prolonged row over whether parish

councillors should be permitted to bid, but barring a field retained for village sportsmen, the property was sold in 1899–1900. Parish Council minutes, 1896 and various other documentation, ESRO, Par. 372/1/1; 2/1; 5/1.

⁷⁸ 5 & 6 Vict. c. 38 empowered land owned by parishes to be given – with PLC sanction – for the sites of new schools. Shardlow township donated land, the site of demolished cottages, for a school playground, but without sanction. Shardlow Journal, 19 Mar. and 29 June 1847, DRO, D1326A/PM, 1. Plots with identical provenance were also sold privately under the PLC's sanction, but the number of cottages was immaterial and therefore not recorded in these sources. Waddesden sale application, 20 Nov. 1837, MH 12/406. 'PLC Eighth Annual Report', pp. 20–1.

⁷⁹ Each sale order originally had an expiry date, and if not met, the entire process had to be repeated; this was enforced, but at some time after 1847, the requirement for a new parochial vote was dropped, with the PLB, for example, stating that property unsold due to market conditions in 1848, could be remarketed in 1864. PLC minutes, 21 Jan. 1837, and draft minutes 17 Mar. and 7 Sept. 1846; auditor, Shardlow Union, to PLC, 8 May 1840, and annotations; PLB to A. Bray, Cowfold, 5 Aug. 1864, MH 1/9, pp. 202–3; 2/21; 22: 12/2060; 12839.

by Unions were equitable. When the Chairman of the Hartismere Board related how three houses retained by Westhorpe had been let to a speculator on condition that he kept the property in repair, and argued that the strategy should be encouraged universally, he received an unenthusiastic reply drafted by the Senior Commissioner, Frankland Lewis.⁸⁰ Sixthly, the scale of intervention in local housing markets by Old Poor Law authorities often went beyond parish-owned stock, including substantial intervention with assistance towards tenants' rents and the provision of properties directly hired from private proprietors, commonly occupied free by poorer plebeian folk. These practices, which cannot be quantified, were condemned in the 1834 Poor Law Report and systematically undermined, if not eradicated, by the PLC and its main agents in this struggle, namely Union and subsequently more specialist district auditors. Finally, while Broad's engagement with the issue of the housing market and the rural poor is to be welcomed, we would agree that much more work is needed on the acquisition of these parochial portfolios.

Political compromises, enhanced by characteristic sloppily-drafted legislation, dovetailed with assistant commissioner Hawley's 'vexatious' ratepayers' residual prerogatives, as a context defined – ironically in a pro-New Poor Law petition to William IV, 'the supreme Guardian' – by the PLC's exercise of 'vast power ... watched with the constitutional jealousy so natural to Englishmen'.⁸¹ The disposal programme itself warrants specific study – after all it comprised a Thatcherite antecedent – and the same must also be said of the PLC and its successor central bodies' campaigns to ensure that the costs of retained properties neither fell on the ratepayers, nor constituted continued outdoor relief to the able-bodied poor. If all of the above has a relevance to the semi-moribund debate over the 'revolution in governance' question, these were contemporaneously controversial and emotive issues, and generated – at least in places – widely contested episodes which await their historians.⁸²

⁸⁰ Copy, agreement between Westhorpe parish officers and S. Wood, 18 Jan.; Chairman, Hartismere, to Chadwick, and draft reply, 10 Feb. and 20 June 1837, MH 12/11814.

⁸¹ Blything Union Board petition, 6 Jan. 1837, MH 12/11731.

⁸² In a study nearing completion, I argue that most rural communities, including 'open' parishes, reveal demand for housing outstripping supply, which becomes more evidentially visible from the 1740s. In especially cornland, and some pastoral communities, the process of bigger landlords creating 'close' parishes, which often involved the demolition of some plebeian housing, comprised a process superbly analysed by John Broad,

Transforming English Rural Society. The Verneys and the Claydons, 1600–1820 (2004), esp. chs. 1, 6, 7 and 9. However, there were even permutations on this theme, revealed for example by Lord Howe who wholly owned Ratcliffe-on-Soar, but used poor-law funds – paid by his tenants – to build several cottages, with their labouring and aged occupants charged a token annual rent of 2s. 'as an acknowledgement that they were built on behalf of the Parish'; overseers to PLC, 26 Oct. 1837, MH 12/2060. At least localised shortages in rural communities are found during the war years (1793–1815), followed by a manifest housing crisis after Waterloo, caused by accelerated demographic growth itself fuelled by the unprecedented scale of speedy demobilisation.