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ARTICLE

Social Discipline and the Refusal of Poor Relief under the English Old Poor Law, c. 1650–1730

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Abstract

There has been debate about the extent to which the English old poor law could operate as a system of social discipline. This article looks closely at an almost completely neglected set of sources, petitions by local communities asking to stop (or cut) a pauper's relief, to assess how far poor relief was used as a disciplinary tool. Taking 182 appeals by Lancashire townships from the Civil War to the appearance of workhouses in the county, it suggests that poor relief operated robustly as a system of labour discipline, but only weakly as a wider tool of behavioural control. There is some evidence that townships wanted to end doles to those engaged in 'bad' behaviour, such as excessive drinking, gambling, or insubordination, but such cases were infrequent. Far more important were attempts to stop relief where paupers could work or could support themselves through their own productive assets. In turn, townships' focus on the ability to work suggests that 'deserving' poverty was understood in terms of bodily impotence, whilst the need to restrict poor relief to those who were 'necessitous' required officers to engage in close surveillance of the poor and their bodies.

The English 'old poor law' was a remarkably successful system of social welfare.[1] By the middle of the eighteenth century, around £700,000 was being spent on the poor each year through formal relief, mostly funded through local rates.[2] The system involved the creation of an impressively uniform and effective administrative apparatus, with each parish (and, in the north, each township) appointing officers who kept accounts and reported to vestries and the magistracy. The associated law of settlement led to the gathering of

[1] Paul Slack, *Poverty and policy in Tudor and Stuart England* (London, 1988); Paul Slack, *The English poor law, 1531–1782* (Basingstoke, 1990); Steve Hindle, *On the parish? The micro-politics of poor relief in rural England, c. 1550–1750* (Oxford, 2004); Paul Fideler, *Social welfare in pre-industrial England: the old poor law tradition* (Basingstoke, 2005). For a longer view, see Marjorie K. McIntosh, *Poor relief in England, 1350–1600* (Cambridge, 2012).

[2] Slack, *English poor law*, p. 22.

information about poor migrants, and has even been linked to the rise of the paper form.[3] All told, it was an astonishing achievement of the English state: a reflection of effective centralization, 'buy in' by the middling sorts, and – ultimately – the simple fact that enough wealth existed in England to be taxed and redistributed.[4] Although many contemporaries looked askance at high expenditures, modern historians have often been more positive.[5] Thus, the old poor law has been credited with contributing to England's industrial take-off and to the ending of famine.[6] It is one reason that has been suggested for a marked reduction in social stress in the later seventeenth century.[7] It has been characterized as a 'benevolent and sympathetic' system of relief for the inevitable hardships of the lifecycle.[8]

Nonetheless, alongside these positive assessments, which highlight the ability of the system to *relieve* the needy, there has been another tradition of scholarship which has emphasized the potential for the poor law to operate as a system of *discipline*. Its ability to punish and exclude the migrant and 'vagrant' poor has become notorious.[9] According to one historian, the 'paradox of the old poor law was its remarkable sensitivity to local need and its harsh attitude to outsiders'.[10] As Steve Hindle puts it, '[t]he politics of the poor rate implied the exclusion of poor strangers in the interests of relieving the ancient settled poor'.[11] But even amongst the non-migrant, settled poor there was the crucial distinction between the 'deserving' and the 'undeserving', and it is here that questions about discipline are perhaps most interesting. In particular, it has long been suspected that there was potential for those in control of the system to make relief conditional on the adoption of certain 'respectable' forms of behaviour. This is not to say that 'benevolence' and 'discipline' are necessarily opposite interpretative poles. Keith Wrightson highlighted how the poor law's

[3] Naomi Tadmor, 'The settlement of the poor and the rise of the form in England, c. 1662–1780', *Past & Present*, 236 (2017), pp. 43–97.

[4] Slack, *Poverty and policy*, pp. 12–14.

[5] Ibid., pp. 192–5.

[6] Peter Solar, 'Poor relief and English economic development before the industrial revolution', *Economic History Review*, 2nd ser., 48 (1995), pp. 1–22; Richard Smith, 'Social security as a developmental institution? The relative efficiency of poor relief provisions under the English old poor law', in Christopher Bayly, Vijayendra Rao, Simon Szreter, and Michael Woolcock, eds., *History, historians and development policy: a necessary dialogue* (Manchester, 2011), pp. 75–102.

[7] Steve Hindle, 'The growth of social stability in Restoration England', *The European Legacy*, 5 (2000), pp. 663–76.

[8] Tim Wales, 'Poverty, poor relief and the life-cycle: some evidence from seventeenth-century Norfolk', in Richard Smith, ed., *Land, kinship and life-cycle* (Cambridge, 1986), pp. 351–404; W. Newman-Brown, 'The receipt of poor relief and family situation: Aldenham, Hertfordshire, 1630–1690', in Smith, ed., *Land, kinship and life-cycle*, pp. 405–22; Richard M. Smith, 'Ageing and well-being in early-modern England: pension trends and gender preferences under the English old poor law, c. 1650–1800', in Paul Johnson and Pat Thane, eds., *Old age from antiquity to post-modernity* (London, 1998), pp. 64–95.

[9] Slack, *Poverty and policy*, pp. 91–112.

[10] Peter Rushton, 'The poor law, the parish and the community in north-east England, 1600–1800', *Northern History*, 25 (1989), p. 152.

[11] Steve Hindle, 'Power, poor relief and social relations in Holland Fen, c. 1600–1800', *Historical Journal*, 41 (1998), p. 67.

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'balance of communal identification and social differentiation' rendered it a 'powerful reinforcement of habits of deference and subordination'.[12] Indeed, benevolence could have been motivated by a desire to placate potentially disaffected victims of England's increasingly polarized society. Generous poor relief can be seen, as Peter Matthias put it, as 'the ransom paid by the rich to keep their windows, as well as their consciences, intact'.[13] One recent interpretation, for example, sees the poor law as a necessary salve to the injuries of emerging agrarian capitalism.[14]

There is, though, more to it than just the bribing of potential dissidents with generous doles. It is also suggested that, by the targeted refusal of poor relief to those who repudiated particular behavioural codes, the system could be used to exercise social and moral control. Christopher Hill, for example, suggested that puritans in power in the mid-seventeenth century deployed the 'penal withholding of relief' as a tool in their attempts to reform manners.[15] Thinking comparatively about Europe in the long sixteenth century, Catharina Lis and Hubert Soly suggested that 'everywhere [in Europe] an un-Christian way of life was a sufficient reason to be stricken from the poor list'.[16] More recently, Pieter Spierenburg has alleged that during the early modern period '[p]oor relief functioned as a control mechanism to the extent that people applying for assistance had to adjust their behaviour to the norms and rules of those distributing relief'.[17] Such views chime nicely with the idea that England in this period was 'a society subject to an increasing concern with formal social control'.[18] They also find support in contemporary descriptions of the purpose of the poor laws. The well-known census of the poor in Ipswich (1597) shows clear evidence of concern for 'discipline', while a manual for overseers of the poor published in 1601 emphasized that officers were supposed to 'control' and 'be governors of the poor'.[19] A few years later,

[12] Keith Wrightson, *English society, 1580–1680* (London, 1982), p. 182.

[13] Peter Matthias, 'Adam's burden: diagnoses of poverty in post-medieval Europe and the Third World now', *Tijdschrift voor Geschiedenis*, 89 (1976), p. 154.

[14] Larry Patriquin, *Agrarian capitalism and poor relief in England, 1500–1860: rethinking the origins of the welfare state* (Basingstoke, 2007).

[15] Christopher Hill, *Society and puritanism in pre-revolutionary England* (Harmondsworth, 1964), pp. 292–3.

[16] Catharina Lis and Hubert Soly, 'Policing the early modern proletariat, 1450–1850', in D. Levine, ed., *Proletarianization and family history* (Orlando, FL, 1984), p. 172; cf. Marjorie K. McIntosh, 'Poverty, charity, and coercion in Elizabethan England', *Journal of Interdisciplinary History*, 35 (2005), p. 465.

[17] Pieter Spierenburg, 'Social control and history: an introduction', in Herman Roodenburg and Pieter Spierenburg, eds., *Social control in Europe, 1500–1800* (2 vols., Columbus, OH, 2004), I, p. 12.

[18] Keith Wrightson, 'The puritan reformation of manners, with special reference to the counties of Lancashire and Essex' (Ph.D. thesis, Cambridge, 1974), p. 2. For a strident use of the 'social control' hypothesis, see Catharina Lis and Hubert Soly, *Poverty and capitalism in pre-industrial Europe* (Brighton, 1979).

[19] John Webb, ed., *Poor relief in Elizabethan Ipswich* (Ipswich, 1966); Anon., *An ease for overseers of the poore* (Cambridge, 1601), pp. 7, 9, 14; Steve Hindle, 'Exhortation and entitlement: negotiating inequality in English rural communities, 1550–1650', in Michael Braddick and John Walter, eds., *Negotiating power in early modern society: order, hierarchy and subordination in Britain and Ireland* (Cambridge, 2001), p. 108.

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Michael Dalton's manual for justices of the peace argued for harsh measures not just against the wasteful and the lazy poor, but also the 'dissolute person, as the strumpet, pilferer &c'.[20] Then, revising his text in the 1630s, as Hindle puts it, he 'actively recommended the denial of relief to drunkards, whores, pilferers, and idlers'.[21]

The most sophisticated discussion of these issues is by Hindle, in his brilliant and hugely influential 2004 book *On the parish?*[22] Hindle identifies two 'emphases' in poor law scholarship: those who focus on entitlement by highlighting the life-cyclical nature of poor relief, and those who emphasize 'subordination'. Explicitly rejecting what he terms the 'moribund tradition of Marxist historiography in which the faces of the poor were ground on the whetstone of social discipline', he acknowledges that it is 'quite untenable to characterize seventeenth century poor relief primarily in terms of discipline, discrimination, and exclusion'.[23] Nonetheless, he emphasizes what he sees as a crucial element of discretion involved in determining who should receive relief. Of officers, Hindle notes, the critical question is '[t]o whom might they legitimately deny relief?' The answer is that they used a 'discretionary calculus of eligibility', which meant that doles could be 'withheld, suspended, or even cancelled altogether' if the poor failed to conform to certain 'canons of social respectability'. These, Hindle suggests, encompassed 'church attendance, industriousness, sobriety, deference, and the duties of parenthood'. In addition, Hindle makes the important point that, in applying for relief, paupers were often expected to rehearse notions of deference even if he remains agnostic as to how far these were 'internalized'. Ultimately, in Hindle's eyes, the poor merely had a right to *apply* for relief. Any sense of entitlement was only nascent in the seventeenth century. [24]

Hindle's arguments have themselves been critiqued by the legal historian Lorie Charlesworth, who has suggested forcefully that the poor law came to bestow a *right* to relief for the destitute, thus leaving very little room for any 'discretionary calculus'.[25] To Charlesworth, a much greater emphasis needs to be put by historians on the basic point that 'poor law was law'.[26] More specifically, the fact that everyone had a place of settlement – something with origins in the common law and earlier statutes, but especially solidified under the 1662 'Act for the Better Relief of the Poor' (usually referred to as the 'Settlement Act') – meant that they had a doctrinal right to relief when 'destitute'. The 'right to relief', argues Charlesworth, is not a 'liberal ideal' but a 'doctrinal black letter right'.[27] Essentially, one had a right to a settlement, thus one had a right to relief when destitute, because the place of settlement had a legal obligation to relieve those who fell destitute. At a technical

[20] Quoted in Hindle, *On the parish?*, p. 379.
[21] Ibid., p. 379.
[22] Ibid., pp. 361–405.
[23] Ibid., p. 365.
[24] Ibid., pp. 379–402.
[25] Lorie Charlesworth, *Welfare's forgotten past: a socio-legal history of the poor law* (London, 2010).
[26] Ibid., p. 6.
[27] Ibid., p. 35.

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level, she argues, historians have misunderstood the legal position that backed potential exclusion. Specifically, it was not that the poor were subjectively excluded if they 'refused to work', it was that the inability to work, or the absence of available work, were fundamental aspects of the proof of 'destitution'. Rogues were subject to a different set of laws, the criminal law of vagrancy.

Charlesworth's arguments are important, and demand attention. Social historians of this period have been able to argue that, in a litigious society, there was a profound popular 'law-mindedness' which penetrated well down the social scale, although the degree of legal sophistication on display remains somewhat unclear.[28] It is evident that settlement law had a major impact locally, and clearly brought people into close and regular contact with the poor law *as law*. But did this translate to a belief in, as Charlesworth supposes, a right to relief when destitute?

Certainly there have been historians prepared to suggest that poor relief did at least become a right as it became more deeply embedded. Paul Slack, for example, suggested that as implementation gradually increased, 'experience' of the law 'taught the poor their right'.[29] Work by Tim Hitchcock and Keith Snell has portrayed the poor law as a form of social insurance – a framework adopted in a powerful, if contested, argument by Peter Solar which sees poor relief as a way of mitigating the hazards of risky economic decisions by workers, and thus underpinning industrialization.[30]

I

Such questions have the potential to cut right to the heart of our interpretations of the old poor law: to what extent should we characterize it as a system of control and exclusion, or should it be – as Charlesworth implores – seen as one conferring a legal right to relief? If the poor did have 'entitlement' to support, was this something that developed over time, or was it inherent in the law itself? Perhaps trickiest of all: if it was indeed inherent in the law, at what point if at all did this become established and accepted in actual local practice? It is worth emphasizing also that the seventeenth century was not without its conflicts over the nature and role of the common law and the relationship between prerogative law and statute, all of which had some bearing on poor relief. If a right to relief was a doctrinal black letter right, was it accepted as such by local officers before the 1662 Act? Or later? There is much research to do.

[28] E.g. John Walter, '"Law-mindedness": crowds, courts and popular knowledge of the law in early modern England', in Michael Lobban, Joanna Begiato, and Adrian Green, eds., *Law, lawyers and litigants in early modern England: essays in memory of Christopher W. Brooks* (Cambridge, 2019), pp. 164–84.

[29] Slack, *Poverty and policy*, p. 192.

[30] Tim Hitchcock, Peter King, and Pamela Sharpe, 'Introduction', in Tim Hitchcock, Peter King, and Pamela Sharpe, eds., *Chronicling poverty: the voices and strategies of the English poor, 1640–1840* (London, 1997), pp. 1–18; Keith Snell, 'Pauper settlement and the right to poor relief in England and Wales', *Continuity and Change*, 6 (1991), pp. 375–414; Solar, 'Poor relief'.

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A crucial problem for historians thinking about such issues is lack of sources explicitly about the refusal of relief. The poor law archive, extensive as it is, is focused on those who *got* relief and the reasons they did so. Overseers' accounts, for example, have been linked to vital registration data to recover some of the demographic characteristics of those relieved.[31] Similarly, censuses, usually urban, have been mined for information about family circumstance, age, infirmities, and work.[32] Petitions and letters written by the poor, meanwhile, have been studied for the insights they provide on the reasons the poor thought they deserved relief, and for their unique capacity to provide those in poverty with their own archival 'voice'.[33] But none of these sources are especially useful for recovering the opposite side of the coin: why people *did not* get relief: to whom, to paraphrase Hindle, might relief legitimately be refused.

Stray references in overseers' accounts and vestry books give us some evidence here: Hindle highlights, for example, cases in which relief was conditional on church attendance – even satisfactory knowledge of the Creed – as in St Bartholomew-by-the-Exchange (London) in the 1590s or Salisbury (Wiltshire) in the 1620s.[34] He notes cases in parish papers of doles distributed after divine service, and at least one example (Great Easton, Essex, 1603) where parish officers ordered that paupers were to lose their dole for a week if they were abusive to ratepayers.[35] These can be reinforced with discussions in contemporary pamphlets and manuals. Perhaps most useful, though, are the records of the magistracy. Meetings of Quarter Sessions, the more local administrative institution of Petty Sessions, as well as justices of the peace dispensing 'parlour justice' out of sessions all played a crucial role in the management of the early poor law.[36] In theory, all decisions made locally by overseers of the poor, churchwardens, and vestries were subject to appeal to the magistracy. Indeed, justices might deal with, inter alia, rating disputes, settlement cases, disputed rates-in-aid between parishes, as well as cases in which the relief of a particular poor person was in question. Thus, as Hindle shows, the papers of the magistracy, where they survive, sometimes report specific instances of the refusal, reduction, or cancellation of poor relief. In 1693, for example, Mary Franklin of Great Horwood (Buckinghamshire) had her pension halved to encourage her to leave off her habit of giving 'very insolent language and threatening speeches towards the parish officers'.[37]

[31] Wales, 'Poverty, poor relief and the life-cycle'; Newman-Brown, 'The receipt of poor relief'; Samantha Williams, *Poverty, gender and life-cycle under the English poor law* (Woodbridge, 2011).

[32] Slack, *Poverty and policy*, pp. 73–80; Margaret Pelling, *The common lot: sickness, medical occupations and the urban poor in early modern England* (London, 1998); Jonathan Healey, 'Poverty in an industrializing town: deserving hardship in Bolton, 1674–1699', *Social History*, 35 (2010), pp. 125–47.

[33] Hitchcock, King, and Sharpe, eds., *Chronicling poverty*; Thomas Sokoll, ed., *Essex pauper letters, 1731–1837* (Oxford, 2006); Jonathan Healey, *The first century of welfare: poverty and poor relief in Lancashire, c. 1620–1730* (Woodbridge, 2014); Steven King, *Writing the lives of the English poor, 1750s–1830s* (London, 2019).

[34] Hindle, *On the parish?*, p. 381.

[35] Ibid., p. 387.

[36] Anthony Fletcher, *Reform in the provinces: the government of Stuart England* (London, 1986), pp. 183–228.

[37] Hindle, *On the parish?*, p. 389.

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Only relatively few orders such as these survive. It would appear that, in much of England, Quarter Sessions was only rarely handling disputed relief cases by the later seventeenth century. Presumably much of this business was being dealt with by Petty Sessions and summarily by individual justices, and records of these only rarely survive until later.[38] Moreover, orders are often fairly laconic, and do not usually give much detail about the reasons for refusal, reduction, or stoppage of doles. Happily, though, Hindle highlights another source which has considerably more potential. In order to illuminate the political agency of the poor themselves, he studied 465 pauper petitions for the county of Cumberland.[39] In addition to these, he found at least twenty-nine petitions *against* relief, in which an aggrieved parish or township asked for the mitigation of a dole.[40] These documents have considerable potential for the historian, since they allowed officers to give explicit reasons they considered a pauper to be undeserving of formal support. Again, only a small number survive, but they are nonetheless illuminating. Of the twenty-nine Cumberland petitions, Hindle found the grounds offered for reduction or withdrawal of relief were 'various':

> that the pensioners or their children always had been, or were now sufficiently recovered from illness to be, able to work; that they had reliable networks of kin support; that, if widowed, they had remarried; that they were idle, drunk, or dissolute; that assets had in fact been bequeathed to them by will or trust.[41]

A much larger archive of poor law petitions survives for the county of Lancashire. Although there is clear evidence that Petty Sessions was playing an active role in the management of poor relief here from at least the middle of the seventeenth century, much was still going to Quarter Sessions as late as the first decade of the eighteenth century, and so a lot more has survived (and crucially, been exceptionally well catalogued). Quarter Sessions had four separate sittings in the county: Lancaster, Preston, an alternating sitting between Wigan and Ormskirk, and Manchester, so it seems likely that it provided relatively accessible dispute resolution. Petitions relating to poor relief survive from the 1620s, with the greatest bulk being heard between 1646 and around 1710.[42] From the 1620s to the second decade of the eighteenth century, there are over 5,000 petitions by the poor themselves, of which somewhat over 3,000 were 'first' appeals (i.e. those which had not been heard by sessions before). Evidently, the ability of Lancashire's poor to appeal to the magistracy represented an important weapon in their political armoury.

[38] Peter King, 'The summary courts and social relations in eighteenth-century England', *Past & Present*, 183 (2004), pp. 125–72.

[39] Hindle, *On the parish?*, pp. 408–11.

[40] Ibid., pp. 397–8.

[41] Ibid., p. 397.

[42] The Lancashire Archives (hereafter LA), QSB/1/11-QSB/1/297, QSP/1 onwards.

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Against these, the Lancashire archive contains a much smaller number of petitions *against* relief. These counter-petitions are difficult to identify without very careful work. The papers of the Lancashire Quarter Sessions are rather like a dense forest in which petitions against relief are a particular species of tree that, from any distance, looks almost identical to all the others. Indeed, there is no satisfactory way of using the extant catalogue for identifying petitions against relief: the only way is to consult each of the over 5,000 poor law petitions individually. Nonetheless, a thorough search of this kind is worth the effort, for it has identified 174 surviving counter-petitions referring to 182 separate cases. Although this is a notably small number in comparison to the several thousands of petitions asking *for* relief, it is still thus far the largest corpus of documents providing direct evidence of what local officers considered the legitimate denial of relief.

This article analyses these petitions in some detail, in order to answer that very question: what were considered legitimate reasons for the denial of relief. It begins by describing the corpus of counter-petitions. It then looks at the reasons given in the petitions for refusal. Some of the petitions contain clear evidence for refusal on what we might call straightforward moral and behavioural grounds; however, the number of such cases where this is stated explicitly is small. By far the most important reason for denial was what was often called 'necessity': in particular the ability of the poor person to support themselves through labour, but also their possession of income-generating wealth. This, it is argued, supports the idea that the poor law operated as a form of labour discipline far more so than one of moral discipline or ideological control, though it is also noted that the ideological climate of the time made the willingness to labour itself an issue of morality. A final section explores some of the implications of these conclusions. Firstly, it is suggested that the focus on ability to work meant that its corollary, 'impotence', was effectively the most obvious identifier of 'deserving poverty'. To a point, then, poverty as understood by the poor law was a state of body. Secondly, indeed following on from this, the process by which local officers worked out who was and who was not deserving of relief depended on careful surveillance of the poor. The poor were monitored and discussed in parish and township meetings. The price of gaining relief was that their circumstances, character, and their very bodies became subject to public scrutiny.

II

There is a growing body of research on petitioning in early modern England.[43] The fruits of much of this are yet to be published, but it is becoming increasingly clear that the act of setting down a grievance in writing and presenting it to an 'authority' was a crucial way in which people engaged with, and used, the

[43] E.g. R. A. Houston, *Peasant petitions: social relations and economic life on landed estates, 1600–1850* (Basingstoke, 2016); Imogen Peck, 'The great unknown: the negotiation and narration of death by English war widows, 1647–1660', *Northern History*, 53 (2016), pp. 220–35; Faramerz Dabhoiwala, 'Writing petitions in early modern England', in Michael Braddick and Joanna Innes, eds., *Suffering and happiness in England, 1550–1850: narratives and representations* (Oxford, 2017), pp. 127–48.

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state. Petitioning was a crucial part of the politics of poor relief. It appears to have been a common tactic across the country: Quarter Sessions papers frequently contain orders relating to poor relief which must have originated in a petition, though the actual petition rarely survives. In addition, an untold number of cases were evidently heard at Petty Sessions, and some especially tricky disputes might even reach the Assizes, when leading common law judges were visiting the county on circuit. Not all petitions were specifically about an individual person's access to relief: many dealt with settlement, i.e. which parish (or township) had the obligation to support a pauper. Others were about disputed rates. But a subset of petitions presented to England's institutions of local administration were about the critical issue (for us) of *whether* a particular person had a justifiable claim to poor relief.

The precise practice of petitioning probably varied somewhat from place to place, but where we have detailed evidence it appears that prospective paupers were expected to present themselves in person. In 1700, one Lancashire petitioner even brought his four children to sessions 'to shew them to your worshipps'.[44] Petitions normally describe the main reasons the petitioner had come to need relief, most emphasizing old age, widowhood, or sickness. They might also describe attempts to 'make shift' that had, for whatever reason, come to naught: cows that had been sold, goods in pawn, supportive neighbours or kin who had become tired of the burden or who had died.[45] Occasionally, petitions deployed rhetoric that implied a notion of distributional justice. More often, they simply rehearsed deference to their social superiors: asking for 'pity', 'clemency', or 'mercy'. In most cases, so far as we can see, appeals resulted in an order from the justices for a pension: petitioners were able to play upon a self-image of benevolence amongst the gentlemen who made up the magistracy. It was thus generally in townships' interests to avoid a hearing at sessions. Indeed, one Lancashire township even claimed to have accepted a payment of 6*d* a week to a pauper they considered undeserving 'not because of her indigence, but to prevent cost, trouble, & long journeys', though whether the inconvenience was greater for townships than it was for people suffering poverty is surely debatable.[46]

Sometimes, petitions were actually supported by parish and township officers. Perhaps the case was an especially tricky one and there had been some local opposition, or perhaps – in the earlier days of the poor law – they had a blanket policy of requiring a magistrate to sign off on all applications for relief. Sometimes – perhaps *most* times – the officers did not support the application, but learned to live with it, so the petitioner went on to receive regular relief. On other occasions, though, officers attempted opposition. This could start even as the petition was being heard: it is clear that officers and their attorneys were getting used to attending sessions to put the case against any unwanted pauper petitioners. For example, the overseers' accounts of Atherton contain reference in 1714/15 to money 'Spent at Wiggen sessions

[44] LA, QSP/847/25 (1700).
[45] Healey, *First century*, pp. 127–68.
[46] LA, QSP/914/15 (1704).

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to prevent the poor for getting orders'.[47] If that failed, they might try quietly stopping or reducing the pension, though this might lead the pauper to launch a second petition to enforce the first. Sometimes, this actually involved getting a hold of the physical copy of an earlier order, such as when – it was alleged – an overseer of Eccles came to Edward Hampson's house when he was out, asked his wife 'to shew him the order which this same overseer did receive from her & tooke it away with him' and then refused him relief.[48] The surest course for aggrieved officers, though, was to launch a counter-petition, appealing to JPs – often the same ones who had granted relief in the first place – to ask them to overturn the original dole.

A surprisingly small number of these counter-petitions survive. In fact, surviving poor law accounts suggest that pensions were very hard to reduce. In general, over time, petitions to individuals usually grew. Partly, this reflects the tendency of the poor to fall deeper into dependency as they got older, but it seems also to reflect the political difficulties that officers had trying to reduce relief.[49] Nonetheless, although they are small in number, these counter-petitions provide a crucial piece of evidence for historians of the poor law. They provide statements of why it was considered that some people could legitimately be denied relief.

III

The petitions used in this article come from a period in which formal poor relief, supported by rates, had become well established in Lancashire, as elsewhere. The county shows no evidence, in contrast to parts of the south and east studied by Marjorie McIntosh, for the existence of rates before 1598.[50] But after that date, references to overseers, formal pensions, and rates increase in frequency, especially in the 1620s and 1630s. The partial breakdown of formal poor relief in the county during the Civil War was followed by its reintroduction during the harvest crisis of 1647–50, so that rates were apparently fairly well established by the 1650s. By the later seventeenth century, costs were growing, and one particular regional peculiarity was being ironed out: this was the fact that, in much of the north, parishes were too large to work as practical units for poor law management, so that administration became devolved on the township.[51]

In total, 182 appeals against relief have been found for the period 1646–1730. The period was chosen because it has a continuous survival of a large number of petitions in Lancashire. The start point – the Civil War – is fairly self-explanatory; the sample was ended in 1730 because it was around this year that workhouses started to appear in the county in some numbers, a

[47] Wigan Archive Services, TR/Ath/C/2/3, Atherton Overseers' Accounts, 1712–16.

[48] LA, QSP/595/14 (1685).

[49] Wales, 'Poverty, poor relief and the life-cycle', pp. 362–4.

[50] McIntosh, *Poor relief*; Jonathan Healey, 'The development of poor relief in Lancashire, c. 1598–1680', *Historical Journal*, 53 (2010), pp. 551–72.

[51] Healey, 'Development of poor relief'.

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consequence of Knatchbull's Act of 1723.[52] The number seems fairly small, though there are surviving orders that do not link to extant petitions, suggesting that there were other appeals lost to us. Of the 182 appeals, 62 per cent related to female paupers: this is higher than the proportion of female first-time petitioners for the same period, which was 51 per cent. Our counter-petitions are disproportionately likely to survive in the papers of Lancaster sessions, representing Lonsdale Hundred in the north of the county: whereas 14 per cent of first pauper petitions were heard at Lancaster, 31 per cent of counter-petitions were. This is hard to interpret, but it may reflect the lower tax base in this poorer part of the county, meaning townships were more protective over whom they relieved. Figure 1 shows the distribution of counter-petitions over time.

Counter-petitions were usually in the name of the township officers (65, or 36 per cent), the inhabitants or principal inhabitants (67, or 37 per cent), or both (36, or 20 per cent). One petition, dated to 1674, was promoted by the two overseers, 'and the head men & other the inhabitants of the said townshipp'.[53] Sixty-five counter-petitions were endorsed by lists of signatures (not counting officers). This was particularly common in the earlier part of the period: before 1670 over half of counter-petitions were endorsed with signatures, from 1670 only a third were. Where it is possible to be sure, these signatures were largely made by people able to sign their name (rather than sign with a mark), and there are only a tiny number of female names. Overall, the impression is that counter-petitions represented, as we would expect, the male middling sort: the 'head men' of the townships.

It seems likely that extant counter-petitions tended to represent the more controversial cases. Of the 182, at least 134 (74 per cent) had already been to Quarter Sessions, 11 had been to Petty Sessions, 8 had been heard by justices apparently acting out of sessions. Another 12 cases refer to an order from the magistracy where this order cannot be identified – these were probably Petty Sessions and out-of-sessions cases. There are some further cases where we cannot be certain, leaving just 11 out of the 182 where there is no evidence of an ongoing case before the magistrates. This presumably reflects the fact that overturning a JP's order technically required gaining a new order, and this in turn implies that these tended to be the most difficult cases. And, given that most doles were undoubtedly provided by townships *without* bothering the magistracy, our counter-petitions must represent a very tiny minority of relief cases. There may also have been a slight bias towards the more expensive pensioners: where we have information, the average pension mentioned in the counter-petitions was around 11½*d* per week, which would be about normal for the south of England but probably on the high side for Lancashire. Data are rather sparse, but the average recorded pension size in Prestwich (1646–83) was 8*d* a week, in Bolton (1686 and 1699) it was 7½*d* and 8*d* respectively, in Atherton (1710–23) it was 7*d*, and in Hawkshead (1690–1710) it was 10½*d*.[54]

[52] Healey, *First century*, pp. 80–1.

[53] LA, QSP 415/18 (1674).

[54] Manchester Archives and Local Studies, L160/2/1, Prestwich Parish Overseers' Accounts, 1646–83; Healey, 'Poverty in an industrializing town', p. 134; Healey, *First century*, p. 252;

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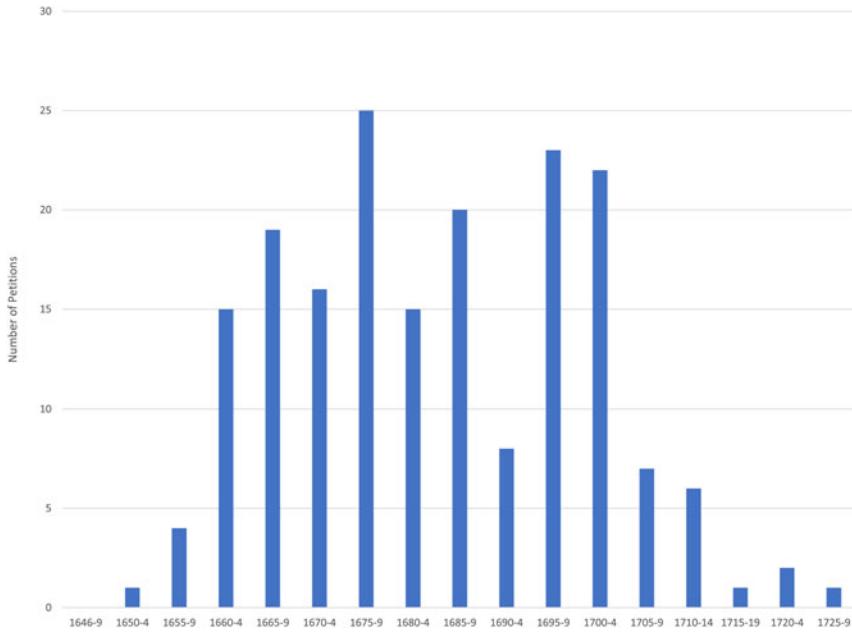

Figure 1. Extant counter-petitions in Lancashire Quarter Sessions, 1646–1720.

Outcomes varied. We can trace the decision on 148 petitions, of which the township was successful in getting an annulment, reduction, or similar in 108 (73 per cent). They were unsuccessful in 24 (16 per cent), including one case where the magistrates actually decided to *increase* the pauper's dole. The remaining 16 were referred to Petty Sessions or to local gentlemen. Of the cases where the magistrates ruled in the township's favour, there were 22 instances where we know the pauper brought another petition, but as a general rule these counter-petitions were not widely challenged, at least at Quarter Sessions, though paupers may have been able to persuade overseers and local magistrates to change their minds.

IV

Let us separate out, for now, 'moral' reasons for refusal from 'pecuniary'. This is artificial to an extent, and contemporaries would not necessarily have accepted the distinction: idleness was a moral as well as a pecuniary offence. Indeed, as Paul Slack noted, 'moral status was as important as economic status and often confused with it'.[55] Nonetheless, there were clear financial reasons for parishes to prevent those who refused to work or to deploy their own

Cumbria Record Office (Kendal Branch), WPR/83/7/3–8, Hawkshead and Monk Coniston with Skelwith Overseers' Accounts, 1690–1808.

[55] Slack, *Poverty and policy*, p. 4.

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assets for their own support. Refusal on 'moral' grounds, such as the failure to attend church, or general insubordination, was different. In these cases, there were no direct financial consequences to the pauper's 'bad' actions.

All told, some 32 cases involved 'immoral' behaviour, even fairly widely defined: 15 women, 16 men (although in a couple of cases it was the man's wife who was said to be troublesome), and one with no given name. Outcomes were similar to those of the total sample. The offences alleged, and the language used, are instructive. Alice Hey of New Accrington, for example, was said to be 'a very troublesome woman', a 'very injurious & a deboyst carriage woman', and a 'very bad example to all the rest of the poore within our townshippe who are very ready to follow her deboyst courses'. She had engaged in 'uncivill carriage severall times before your presence in this Worshipfull Court', and her husband Ralph had grown aged and infirm 'much thorrow her base usage of him'.[56] Henry Heskin of Lathom, meanwhile, not only had sufficient property to maintain himself but also his wife was 'a great gosseper'.[57] Dorothy Wayman of Caton was not only idle but was a 'popish recusant'.[58] Samuel Whitehead of Orrell was described by the rector and curate of the town as 'villanous'.[59] Widow Nichols of Great Eccleston was 'an idle disorderly woman...not fit to be relieved', while Richard Lomax of Bold was a person of 'ill reputacion and of lascivious debauched carriage & behaviour'.[60]

Some were accused of wasting money in immoral pursuits. Around 1677, an order for the relief of Leonard Clement of Ireby had been made void on account of his 'profane carriage', he 'being a person wholly addicted to drinkinge & gaminge upon the Lords day', as he did one Sunday in 1679 when he lost 'three pence at Noggs & Bowells which hee constantly keepeth att his house to seduce honest mens children & servants'.[61] Isabel Clarkson of Nateby was said to be 'an extravagant wastefull poore person consumeing her allowance in feasting and entertaineing tatleing & lyeing persons'.[62] Riotous drinking was an obvious black mark. The wife of John Thomson of Tunstall had 'grone to be a very drunken realinge woman'.[63] Agnes Braithwaite of Hawkshead was variously described as 'an idle abusive drunken woman', 'a very contentious ill woman', 'a very drunken ill woman and one that might very well subsist without any allowance at all', and 'a drunken, troublesome and vexatious woman putting the parish to extraordinary great trouble, expence and charges'.[64] William Wilkinson of Tyldesley-cum-Shakerley, meanwhile, was a 'wastefull wicked person' who kept a common

[56] LA, QSP/326/15 (1668).
[57] LA, QSP/327/26 (1668).
[58] LA, QSP/858/6 (1701).
[59] LA, QSP/554/4 (1682).
[60] LA, QSP/537/5 (1681); QSP/702/4 (1691).
[61] LA, QSP/496/9 (1679).
[62] LA, QSP/1255/3 (1726).
[63] LA, QSP/173/1 (1659).
[64] LA, QSP/866/4 (1701); QSP/886/21 (1703); QSP/914/15 (1704). I have written about her fascinating case more extensively in Jonathan Healey, 'Poverty, deservingness and popular politics: the

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alehouse and whose wife 'spent out of her owne house xiid at a shott & alsoe gave to a musitioner six pence boastinge that they had noe neede of there weekely allowance from the towne'. She was, indeed, 'a most deboist swearer slanderer & drunken person, whoe for her false slanders hath latelie received punishment and is not thereby reformed'. Not only this, but William had used his dole to pay for an extension to his house.[65]

In some cases, townships emphasized insubordination. Of Samuel Whitehead of Orrell, it was said that he 'domineers and abuseth the whole neighbourhood'.[66] Jennet Kew had 'denyed the good will of the Inhabitants and become a great trouble to them wherby they cannot rewle her', for she 'wanders up and downe the townshipps neare abouts like a vagrant person to the great annoyance of his majesties loyal subjects'.[67] Others were annoyingly litigious. Adam Scholcroft of Horwich was 'a very litigious person & beggars himselfe by unjust suites and deserves no reliefe neither stands in need of any'.[68] Susan Ashton of Chadderton was 'clamorous and troblesome' and was bombarding the bench with 'needles[s] petitions'.[69] Mary Harrison of Balderstone was 'of soe wicked and badd life and conversation, and soe mallcious and vexatious amongst her neighbours and soe extremely troublesome in lawe suites and stirringe upp quarrells and strifes'. She had wasted her money in 'suites and troubles', and 'now shee stands indicted of perjury for forswearinge her self against a townesman in a suite presented by one Mary Birtwisle her daughter a wicked woman and one of as evill or worse life than shee'.[70] Isabel Clarke was 'a prophane & malitiouse person by false accusacions and defamacions against severall of us', testimony – no doubt – to her 'contemptible ill nature'.[71] Sarah Hatton of the nailmaking community of Chowbent, meanwhile, was said to be 'under noe neccessitous circumstances at all' but was 'a litigious & troublesome woman amongst her poor neighbours and can readily find moneys to fetch warrants & bind them over for every frivolous word or insignificant thing'.[72] In one case, pauper insubordination was manifested in their refusal to wear the badge (in the wake of the 1697 Act of Parliament that allowed parishes to force them to do so). When the poor of Warton were called together and badges given 'to those that own'd themselves such, that it might be knowne thereby who was poore who not', one Bridget Winder 'wold not owne herselfe such, but scorn'd the badge'.[73]

contested relief of Agnes Braithwaite, 1701–1706', *Transactions of the Historic Society of Lancashire and Cheshire*, 156 (2007), pp. 131–56.

[65] LA, QSP/296/1 (1666).

[66] LA, QSP/554/4 (1682).

[67] LA, QSP/353/5 (1670).

[68] LA, QSP/613/18 (1686).

[69] LA, QSP/437/1 (1675).

[70] LA, QSP/423/7 (1674).

[71] LA, QSP/1255/3 (1726).

[72] LA, QSP/996/3 (1709).

[73] LA, QSP/815/16 (1698); Steve Hindle, 'Dependency, shame and belonging: badging the deserving poor, c. 1550–1750', *Cultural and Social History*, 1 (2004), pp. 6–35.

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It is worth pausing to emphasize two things. Firstly, petitions which make such statements are in a clear minority: 32 from 182. Secondly, moral failings were always compounded – indeed surely intrinsically linked to – laziness and an ability to support oneself. A pauper was never just a drunk or a gossip: they were almost always also able to support themselves. Indeed, even those statements which do highlight unacceptable behaviour must be interpreted in the context of the politics of poor relief. Where someone spent too much on drink, they could cut their expenditure; where they were vexatious and troublesome, the trustworthiness of their own appeal for relief was suspect. These petitions, we must remember, were adversarial documents.

V

It was far more common for petitions to highlight immediate pecuniary factors. Crucially, they pointed to an ability to earn through work, or a possession of income-generating assets, as evidence that pensioners were not really 'necessitous'. Of the 182 counter-petitions, 109 noted the pauper or their immediate family were fit to work, 72 said they had access to productive assets or relatives who could support. Only 38 stated neither, and of these 22 stated explicitly that the appeal related to necessity. This leaves just 15 petitions where no reason is stated against the pauper, and of these only 3 mentioned misbehaviour.

The critical point was most often that they were fit for work. A large proportion of those in receipt of poor relief were working anyway, so the purpose of petitions was to ensure that each pauper was contributing as much as possible to their own maintenance.[74] '[H]ee is in noe necessity at all', wrote the overseer of Worsley about Jeremy Cooke, 'for all his family are able to get their liveinge as all the towne can witnes if they will worke.'[75] John Pateson and his wife were said to both be very able and young, and both had 'wrought at Bradkirke this last harvest, severall dayes'.[76] John Winder and his wife of Warton were said to have a house of their own, are able to worke & earne a comfortable livelyhood as others of their ranke doe', so there was 'noe necessity for any weekly allowance to them'.[77] Mary Adonson, the 'inhabitants' of Parr alleged, had recently 'kept tobacew and sope and some other things to sell and may doe soe still for ought wee knowe'. Moreover, since getting 12*d* a week from the township, she had taken her fourteen-year-old son 'from his worke and sent him to the scoole'. This latter fact proved, to the township, that they were paying her too much.[78] Dorothy Wayman of Caton had gained an order of 12*d* a week despite 'not being realy necessitus'.[79] As the 'inhabitants' of Hawkshead put it in a petition in 1701: '[W]ee pay above pay above

[74] A. L. Beier, 'Poverty and progress in early modern England', in A. L. Beier, David Cannadine, and James Rosenheim, eds., *The first modern society* (Cambridge, 1989), p. 228.
[75] LA, QSP/591/44 (1684).
[76] LA, QSP/439/6 (1675).
[77] LA, QSP/815/16 (1698).
[78] LA, QSP/683/4 (1690).
[79] LA, QSP/858/6 (1701).

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£50 a year to the nessessitus poore[,] soe wee desire not to bee charged where there is neither nessessity nor charity.'[80]

Petitions often emphasized physical fitness. Mary Ashton of Hest Bank was 'a woman of an able body & able & fitt to worke for her owne maintenance & her child haveinge noe children but one boy who is able to worke for himselfe'.[81] Margaret Livesey was 'of ability of body to doe & performe a dayes work as well as any or most of the women in the towne'.[82] William Hoole of Worston was 'a man of as able and strong a body as any in our parish (his age considered) and by his hand labor able to gett his liveing and to maintaine himselfe and his wife by his dayly labor'.[83] Jane Kenyon was an 'able yonge woman no waye decrept or lame but able to doe sumthing towards a livelyhood'.[84] Ellen Winterbottom of Halton was said to be an 'able lusty younge woman able to work', while her husband was 'a strong lusty servant liveing near Kendall'.[85] Ann Towers of Broughton-in-Furness was 'a fresh strong woman about the age of 46 years able to serve her selfe'.[86] Sometimes, this meant acknowledging that a pauper had been sick, but arguing that they had now recovered. The overseers of Aspull claimed that though Singleton Goodlowe's wife had indeed been sick, she was now 'verie well and able to gett her owne liveing'.[87] George Cooper of Claughton had been given a dole of 12*d* after an accident, but he was now – his neighbours petitioned – 'perfectly sounde of the said hurt'.[88] Sometimes, townships even pointed to paupers' ability to travel around as evidence of their physical fitness. Margaret Rimmer of Whiston was noted 'goeinge 4 or 5 miles dayly att the least (which she doth) is a very apparent signe of her abilitie more then she alleadgeth'.[89] '[Y]ue see she can travell to do mishcheef and put the towne to trouble and coste', wrote the overseer of Hawkshead about Agnes Braithwaite in 1705.[90] Of Alice Hey of New Accrington, it was alleged that:

> shee was seen 14 miles from Preston att the last sessions houlden there but one, att eight a'clock in the morninge, and was seene in the town betwixt one & two in the afternoon, therfore wee judge shee may bee well able to travell twenty miles a day or upwards.[91]

As with temporary sickness that had passed, townships sometimes pointed to previous hardships now lifted. Ardwick had been ordered to allow John

[80] LA, QSP/866/4 (1701).
[81] LA, QSP/233/21 (1663).
[82] LA, QSP/239/26 (1663).
[83] LA, QSP/254/12 (1664).
[84] LA, QSP/670/2 (1689).
[85] LA, QSP/781/3 (1696).
[86] LA, QSP/890/2 (1703).
[87] LA, QSP/295/18 (1666).
[88] LA, QSP/709/3 (1692).
[89] LA, QSP/363/16 (1671).
[90] LA, QSP/926/9 (1705).
[91] LA, QSP/326/15 (1668).

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Browne's family 18*d* a week, he having 'over went them', but he had now returned and, they thought, he 'may work & doe some thing towards there manteynance', so they asked for his allowance to be halved.[92] The overseers of Pleasington asked for mitigation of the 12*d* a week they were giving to Ellen Livesay for the maintenance of Alice her lame daughter 'who is now dead'.[93] In 1677, the overseers and inhabitants of Rainford requested that relief paid to Edmund Lowe (whom they believed might earn 8*d* a day if he worked) be set aside because 'the rates of all sorts of provisions are become more moderate and to bee had at reasonable values'.[94] Lowe had been given his dole in late 1673, just as bread prices were starting to rise in response to a bad harvest.[95] Similarly, it was said in 1700 that Alice Sanderson of Warton-in-Amounderness had been given 14*d* a week 'when corn was dear', but that 'now victuals being more reasonable' this should be 'withdrawn to a lesser summe'.[96]

Aside from the ability to work, the most common reason given for refusal was that paupers had sufficient assets to live independently, though these could vary quite considerably. In essence, townships were trying to force paupers to 'make shift'.[97] Mary Jenkinson of Skerton was alleged to have £30 at least 'in visible reall estate'.[98] Margaret Garnet of Gressingham had 'a good house and garth whereby she lives very well'.[99] Leonard Houseman of Coatgreen in Dalton had a water mill worth £7 a year.[100] Margaret Cortes of Whittingham kept an alehouse and had 'a considerable quantity of goods' of her own.[101] Widow Ann Parkinson of Mawdsley was not only able of body but had a cow and 'divers other goods or her owne possession'.[102] She was one of six paupers whose possession of a cow was considered a reason not to pay them relief.

Sometimes, townships highlighted the existence of relatives who could take on at least some of the burden of care. Elizabeth Brook of Reddish was said to have 'some estate in goods and hath helpe from some kinfolke and friends and is alsoe able to doe some worke towards her owne releefe'.[103] Ellen Eccleston, noted the overseers of Hulton, had a daughter who 'is a schoole mistres who getts much money by teaching the schoole, who doth assiste her mother in releefe'.[104] The overseers of Bury pointed out that Jane Jenkinson and her

[92] LA, QSP/433/25 (1675).
[93] LA, QSP/831/22 (1699).
[94] LA, QSP/472/10 (1677).
[95] LA, QSP/408/11 (1673). On the harvest crisis of the 1670s: Jonathan Healey, '"The tymes being soe hard with poore people": poverty and the economic crisis of 1672–1676 in Lancashire', *Transactions of the Historic Society of Lancashire and Cheshire*, 162 (2013), pp. 49–69.
[96] LA, QSP/847/18 (1700).
[97] On the 'economy of makeshifts', see Hindle, *On the parish?*, pp. 15–95; Steve King and Alannah Tomkins, eds., *The poor in England, 1700–1850: an economy of makeshifts* (Manchester, 2003).
[98] LA, QSP/257/4 (1664).
[99] LA, QSP/297/7 (1667).
[100] LA, QSP/352/9 (1670).
[101] LA, QSP/525/1 (1680).
[102] LA, QSP/412/16 (1674).
[103] LA, QSP/396/15 (1673).
[104] LA, QSP/444/2 (1676).

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children had 'two Grandmothers who are able to relive them', though 'the one Grandmother is willing the other denyeing or otherwise does reliffe nothing at all'. They asked that both contribute 'so as the Statute bynds them in that case', a reference to clause VII of the 1601 poor law, which ordered that parents, grandparents, and children could be compelled to support poor children, grandchildren, and parents respectively.[105]

Critically, townships often stressed the point that paupers were in fact wealthier than their neighbours – sometimes including those who were paying to relieve them. Henry Topping of Bickerstaffe 'hath a tenement of sixe acares during the terme of three lives now in beeing & likewise that hee hath twoe kine and one heffer stirke and one swine and also getteth his fier within his one ground which is more then any of us his neighbours'.[106] Elizabeth Gees of Kenyon was said to have 'better maintenance then many one that payes unto her'.[107] In Ribchester in 1702, it was even alleged that the generous allowance to John Seed was encouraging ratepayers, who considered themselves poorer than he was, to threaten that they would stop paying rates and throw themselves and their children onto the town.[108]

Townships were at pains to highlight the 'idleness' and 'waste' of those who were able to work or support themselves but instead claimed poor relief. David Hitchcock has pointed out that 'idleness' was one of the key assumed characteristics of the 'vagrant' poor, and it emerges from these petitions as critical, too, to undeservingness amongst the settled.[109] John Clarkson of Broughton, indeed, was alleged to be refusing to work specifically 'by reason of' his allowance of 50s. '[N]oe neighbours or other inhabitants', it was said, 'can procure or gett the said Clarkson or any of his family to worke, though they offer very good wages.'[110] Ellen Wilson of Yelland was not dissimilar: she, it was alleged, was 'younge & able to worke to get her liveinge yet refuseth to work', this even though 'she hath bene requested to worke for meat drinke & wages both by the Lady Midleton and severall others of the inhabitants', saying 'shee can get more with begging then workeinge'.[111]

Moreover, for the idle poor to gain relief required deception. Ann Seeds of Arkholme was said to have 'gotten a habit of laysiness by wanderinge upp & downe with her late husband & not takeinge any paines though able to worke for her livelihood (by pretendinge herself lame & wrappinge a parcell of old raggs about her leggs)', as well as being coheiress to a freehold estate of £30.[112] Another most intriguing example is that of Gilbert Hesketh of Barton, who in 1658 was said 'by some meanes' to have gained an order for 40s a year. His neighbours petitioned to certify that he 'hath noe such need',

[105] LA, QSP/461/9 (1677).
[106] LA, QSP/215/19 (1661).
[107] LA, QSP/682/3 (1690).
[108] LA, QSP/875/38 (1702).
[109] David Hitchcock, *Vagrancy in English culture and society, 1650–1750* (London, 2016), pp. 21–54.
[110] LA, QSP/415/18 (1674).
[111] LA, QSP/482/8 (1678).
[112] LA, QSP/756/4 (1695).

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'but in a deluding waie makes those that knowe him not to thinke hee is in a worse condicion then hee is'. His own son even reported that

> as he was goeing in Scarisbricke hee did see coming a company of gentlemen & woemen & hee laye him downe in a loch of watter & told them hee was lame & made great lamentacon they pittinge his case gathered him 4s & when they were gone hee said to his sonne lett mee see thee doe such a tricke as this and he has daily relief of his neighbours.[113]

His case appears to have been locally infamous, for a few years later the gentleman William Blundell reported in his notebook of knowing of 'an old wandering beggar, by name Hesketh' who would practise just such a trick, specifically saying, indeed, that he passed it on to his son.[114]

In particular, gaining spurious relief required convincing magistrates to order it without giving the township the opportunity to oppose. Dorothy Bury of Tottington got an order 'without the privity or knowledge of the churchwardens & overseers of the poore'.[115] Margaret Crook had complained to Quarter Sessions without giving notice to the overseers, 'after a surreptitious manner; takeing an oportunity when she well knew the overseers weare absent'.[116] Relief was said to have been obtained 'upon false allegacions' or 'by some counterfeat certificate' or 'out of some false informations' or even by 'surprize and misinformation'.[117] Mary Ashton of Hest Bank had gained an order at Lancaster sessions with 'none of the parishioners beinge then present'.[118] Roger Blackley of Pilkington got relief by 'wrong information not any of our towne being att the Court to contrary him'.[119]

VI

The evidence here suggests that the poor law operated only weakly as a system of 'moral' control insofar as it aimed to reform the behaviour of the poor outside the workplace and the management of the household economy. On the other hand, it was quite clearly a system of labour discipline. If you could work, you were expected to, and withholding poor relief was a tool for enforcing this. It was, indeed, something stated explicitly in 1710 when the inhabitants of Bedford township (in Leigh) petitioned to reduce the dole given to Edward Stirrup to 'a shorter allowance which may be a meanes to keep him to his labour'.[120] Once someone was earning enough, then their dole could be stopped: hence the cases in which paupers are specifically said to have been working in addition to collecting their dole: Elizabeth Heys, for example,

[113] LA, QSP/155/22 (1658).
[114] William Blundell, *A cavalier's notebook*, ed. T. E. Gibson (London, 1880), pp. 283–4.
[115] LA, QSP/654/19 (1688).
[116] LA, QSP/722/2 (1692).
[117] LA, QSP/255/7 (1664); QSP/886/21 (1703); QSP/341/6 (1669), QSP/535/7 (1681).
[118] LA, QSP/233/21 (1663).
[119] LA, QSP/312/27 (1667).
[120] LA, QSP/1004/7 (1710).

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was getting 2*s* 6*d* from her own labour in addition to her dole in 1722, so her township asked to stop the dole.[121]

The evidence here also hints at two other points about the way the poor law operated. The first relates to definitions of poverty. The concept of 'necessity' is important. There was an overwhelming belief that the able-bodied should not rely on poor relief; with the additional caveat that those who were not able-bodied ('impotent') but who had sufficient productive assets also had no claim on relief. Every other signifier was subservient to impotence, even old age. As *An ease for overseers* put it,

> [t]here be many aged can worke, and there be some works require more use than labour, and may easily be done by the olde: and therefore by old is not meant such as be onely in yeares, but by reason of the imbicillitie of their age they cannot work, or live of their worke.[122]

Those expected to work included people with one eye or one leg: '[t]here be other that want a legge, and yet he may doe many works having the use of his hands'. It was a principle applied at least once in Lancashire: in 1712 the overseer of Tildsley-cum-Shakerley pointed out of Elizabeth Partington: ''Tis true she hath had an iron or wooden leg for severall yeares past but it does not nor ever did hinder her from her work in spinning.'[123]

This in turn implies that understandings of poverty were *embodied*. The most obviously poor were the 'impotent', and this was a term that denoted a particular state of body. This is, indeed, something which comes across in appeals *for* poor relief. Pauper petitioners in Lancashire, for example, said they were 'very decrepit, weake and infirme', 'very feeble & ould', of 'infirme and decrepitt ould age', 'decrepitt full of sores ulsers and imperfections', 'growne soe infirme & weake of body, that your petitioner is not able to worke for her liveinge, & many times your petitioners said weaknes is soe extreame that had she meat your petitioner were not able to feed hir selfe'. Others were 'soe infirme that shee is not able to put on her cloathes much lesse to seeke for reliefe', 'soe extreame impotent that she is scarce able to crawle or goe about', or had 'receyved such a cruell fall that his body was soe bruysed therby, that sythence hee was never able to sit at his woorke'.[124]

This links to the second point. If poverty was understood as something that largely arose from an 'impotent' body, then township officers needed to *know* the bodies of their paupers. They also, because of the importance of productive assets, needed to know about their household economies. Thus, for the poor law to operate as a system of labour discipline, it also needed to be one of surveillance. Identifying those paupers who were fit to work meant inspecting their bodies, and catching those who had unused assets meant monitoring

[121] LA, QSP 1200/11 (1722).

[122] Anon., *An ease for overseers*, p. 23.

[123] LA, QSP/1032/3 (1712).

[124] LA, QSP/25/11 (1650); QSP/33/11 (1650); QSP/9/2 (1649); QSP/199/13 (1660); QSP/223/20 (1662); QSP/21/12 (1649); QSP/742/2 (1694); QSB/1/118/51 (1633).

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their finances. In Chadderton in 1669, the township said it 'viewed' its poor 'not onely by monethly but oftner when need requireth'. This they said was so they could relieve them as 'according as need requireth', but on this occasion it allowed them to discover that one Margaret Taylor did not need her dole.[125] In 1703, the officers and 'some of the inhabitans' of Westhoughton assured justices that they 'having this day veiwed the poor of our towne', all the poor were properly relieved and one William Gregory had nothing to complain about.[126] Surveillance could also be carried out by neighbours: John Hulme of Didsbury was able to work, 'as is witnessed by divers neighbours'.[127] The officers of Eccles reported that they were 'credibly informed by severall of theire neighbours & wee of our owne knowledge can averr the same' that Humphrey and Mary Barlow 'are able by theire owne industry to mentaine themselves & theire familie'.[128] For ratepayers, such surveillance brought risks: as a 1601 tract put it, 'to inquire after poor is the next way to procure poor'. But this did not stop them: the development of the poor laws brought relief for the poor, but this in turn brought – and was indeed predicated on – the gaze of the neighbourhood. In sixteenth-century Norwich, for example, overseers were expected to search the homes of the poor 'several times in each week' so as to identify and reform disorders.[129] Overseers' accounts often recorded specific physical characteristics of the relieved poor, and in some cases censuses of the poor were compiled, each one going into minute detail about the lives and bodies of the poor. In Lancashire, a series of censuses for Bolton (1674, 1686, 1699) collated information about family members, wages, ages, and infirmities. By accepting poor relief, your body became – in a sense – open to public gaze in a way that is notable even before the modern distinction between 'public' and 'private' had fully developed.

VII

This article began by posing a question: did poor relief under the English old poor law act as a system of discipline? To answer this, it focused on the question – presented by Hindle – of whom relief could legitimately be denied to, or withdrawn from. The evidence taken from petitions aimed at stopping or reducing doles gives a fairly clear picture: the main reason stated for stopping or reducing a dole was a lack of necessity. In particular, this lack of necessity was held to arise from an ability to work. If a person could work, they were expected to do so, and not to depend on the poor law. Thus de facto, by denying relief to those who refused to work, poor relief under the poor law operated as a system of labour discipline. This in turn necessitated local officers operating a system of surveillance. At the same time, because the inability to work was judged in relation to the level of bodily 'impotence', this

[125] LA, QSP/344/14 (1669).
[126] LA, QSP/897/32 (1703).
[127] LA, QSP/264/10 (1664).
[128] LA, QSP/563/7 (1683).
[129] Slack, *Poverty and policy*, pp. 149–50.

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surveillance was necessarily partly focused on the physical condition of the poor. Accepting relief meant paupers opening their bodies up to public view.

Nonetheless, the evidence that the withdrawal of poor relief was used to enact wider control over *mores* is weaker. Indeed, if anything, it supports a rather different proposition, particularly in the light of Charlesworth's suggestion that the poor laws as *law* conferred a right to relief amongst the destitute. Her work has been sharply criticized by Steven King, who states that the poor only had 'a right to apply for relief in a given place, *not* a right to receive it'.[130] But the counter-petitions here can be taken to give some support to Charlesworth's argument about poor relief being a legal right. Their almost sole focus on necessity implies that this was almost always taken as sufficient reason for relief. Accepting, of course, that 'necessity' was to some degree subjective, it is nonetheless not a huge leap to suggest that if someone was considered necessitous enough, they had a *right* to relief. Take the township of Penwortham, who alleged that Elizabeth Bank was able of body and had an estate worth £3 a year, but who were also at pains to point out they were 'willinge to make provision for the poore iff necessitie require'.[131] *Require* here is the crucial word.

Let us add some caveats. Most of the petitions date from after 1660, when the fall of the republic had, to a point, given attempts to reform manners something of a bad name. The petitions also mostly date from after the 1662 'Settlement' Act, which Charlesworth sees as important (though not completely decisive) in the establishment of a legal right to relief. It is thus possible that the earlier seventeenth century saw greater moral discipline within the 'calculus of eligibility'. Our period was also a time where ideas of 'improvement' were coming to the fore, with the poor increasingly seen as an untapped labour resource, hence perhaps sharpening the emphasis on work.[132] Focusing on Quarter Sessions records, meanwhile, gives us perhaps the most 'regularized' view of the poor law: here there were checks and balances. The work of John Broad, for example, has shown us the levels of discipline that were possible where individual gentry families were able to exercise more total political control of their parishes.[133] Similarly, it is possible that in Lancashire, where poor relief was a genuine last resort, there was little scope for the withdrawal of doles because it might – ultimately – force the pauper to take the road, or worse. Where relief was more 'generous', it could more easily be taken away as punishment.

But, in the last analysis, the evidence here is that the distribution of poor relief was a pecuniary rather than a moral decision. If impotence outweighed assets then you were deserving. If you were idle then you were not really necessitous. The able-bodied poor were expected to work, and the withdrawal

[130] Steven King, 'Review of Lorie Charlesworth, *Welfare's forgotten past: a socio-legal history of the poor law* (2010)', *Rural History*, 22 (2011), p. 272.

[131] LA, QSP/163/8 (1658).

[132] Joyce Oldham Appleby, *Economic thought and ideology in seventeenth century England* (Guildford, 1978), pp. 129–57.

[133] John Broad, 'Parish economies of welfare, 1650–1834', *Historical Journal*, 42 (1999), pp. 985–1006.

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of poor relief was one way they could be forced into doing so. If you were simply a bad egg, the system of poor relief did not provide your neighbours much scope for doing anything about it.

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