

Poor Law administration in the Chester Local Act incorporation, 1834-71¹

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From 1762 to 1869, Chester's poor relief was administered by the Local Act incorporation of the city's nine parishes: St John the Baptist, St Mary on the Hill, St Oswald, Holy Trinity, St Bridget, St Michael, St Peter, St Martin and St Olave. Despite the Whig government's Poor Law Amendment Act of 1834, the elected incorporation guardians refused to surrender their powers and would not apply the Act's New Poor Law provisions. This was not a party political decision – Chester was a Whig city throughout this period – but an assertion of local independence against the powers of central government's Poor Law commission. The guardians believed that their existing arrangements were satisfactory and that the new law would be more expensive. It was not until 1869 that the guardians finally surrendered and accepted a Chester New Poor Law Union. Increased poor law financial legislation, the city's growing population, the rising cost of poor relief and the emergence of 'reform' guardians finally changed the incorporation's stance. The surrender owed more to the inefficient application of the 1761 Local Act than to the failure of Chester's economy.

Chester's varied economy remained relatively buoyant, as new industries replaced old, and did not experience deep sustained troughs of unemployment that elsewhere provoked hunger riots. Chester had not been greatly affected by the Industrial Revolution and did not suffer the intense social problems experienced by the new industrial towns, for example, Birmingham and Manchester. The population of the incorporation's nine parishes had been

¹ M. D. Handley, 'Local administration of the Poor Law in the Great Boughton and Wirral Unions and the Chester Local Act incorporation, 1834-71' (unpublished MA thesis, University of Wales, 1969).

static from 1750 to 1807 at 15,000 and then had grown steadily by 66% from 1831 to 1871, from 21,213 to 35,257. Chester was declining as a port but it remained an important trade centre, which benefited from railway transport after 1840, holding cheese fairs and a large cattle market and serving as a market gardening centre. Retail and other services prospered and between 1840 and 1878 the number of businesses rose by 46%. Chester's overseas trade was greatly reduced by the silting of the River Dee and competition from Liverpool; for example, Cheshire's salt exports were now sent via the Weaver Navigation canal to Liverpool.² It had a range of small scale industries, including flour milling, engineering and foundry work and, of lesser importance, brewing, the manufacture of leather, shoes, lead, paint, paper and rope making. A flourishing industrial zone developed at Saltney after 1846.³ Railway construction provided short-term employment in the late 1830s and the 1840s and the railway support services offered long-term work; for example, in 1871 the Birmingham Wagon Company employed 100 men on the north side of the city. The fortunes of the city's agricultural industry, flour milling and leather tanning fluctuated with those of the neighbouring countryside and similarly the iron and lead foundries were dependent upon supplies from the North Wales mines. Stoppages in the mines in 1843, 1847 and 1848 caused distress in Chester, but insufficient to provoke angry working-class Chartist protests of the sort experienced in textile towns of north-east Cheshire, such as Stockport, Stalybridge and Hyde. The Hyde Chartists' plot of 1839 to release their leader, J. R. Stephens, from Chester Castle gaol was unsupported by the Chester working class. There was no popular protest against the Chester workhouse and the guardians regarded their Local Act as an essential part of the city's local government.

The Whigs dominated the city's local government from 1815 to the last quarter of the nineteenth century. The town council was under the control of the Whig Grosvenor family;

² G. Haynes-Thomas, 'The port of Chester, 1700-1850', *Journal of the Lancashire and Cheshire Antiquarian Society*, 59 (1947), p. 40.

³ John Herson, 'Victorian Chester: a city of change and ambiguity', in Roger Swift, ed., *Victorian Chester* (Liverpool, 1996), pp. 24-26.

from 1807 to 1829 anybody elected to fill up the corporate body belonged to the 'Grosvenor Party' and council officers were appointed on purely political grounds.⁴ In 1833, this practice prompted a protest petition of 2,400 citizens to the House of Commons. The marquess of Westminster, head of the Grosvenor family, responded by reducing his personal intervention upon the town council, possibly to concentrate his attention upon national matters. However, the merchants and the shopkeepers of the city were mainly Whigs and the town council remained under Whig control from 1835 to 1871; a Conservative council was not elected until 1892. Before the Municipal Corporations Act of 1835, the poor law guardians and the improvement commissioners, both set up by the Local Act of 1761, and the unreformed town council, together shared the local government of the city. There were personnel links between the three bodies; for example, the mayor, the recorder and the aldermen were all *ex-officio* members of the board of guardians and ten of the 30 town councillors elected in December 1835 had served as guardians in the previous year. After the Municipal Corporations Act, the reformed town council took over the powers of the commissioners, but the guardians retained their Local Act powers.

The Chester Local Act of 1761,⁵ like those of Shrewsbury (1784), Oswestry (1791), Whitchurch (1791) and Montgomery (1792), established a corporation of guardians with control over the workhouse, which was leased from the town council. The corporation had the sole power of raising the poor rate in accordance with the number of parish paupers within the workhouse. The guardians had the power to search for paupers, who were to be relieved entirely within the workhouse. They could be employed within it or hired out and pauper children could be apprenticed. The mothers of bastard children could be whipped and humiliated by wearing a badge. Unusually, Chester's Local Act allowed the guardians to contract for the maintenance of paupers of neighbouring parishes within the workhouse. The guardians had the right to appoint, fix the salaries of and remove

⁴ Royal commission on municipal corporations, Parliamentary Papers, 1835, XXVI, p. 2,630.

⁵ Private acts, 2 George III, 1761.

officers and an auditor was to be elected from among the guardians to examine the accounts. The Local Act contained adequate powers, if used correctly, to deter pauperism.

The Royal Commission of 1834 revealed that the Local Act was not applied efficiently.⁶ Outdoor relief was given, especially when the workhouse was full; for example, on 21 January 1830 there were 317 workhouse paupers, the average number was 250, but the assistant Poor Law commissioner thought that 200 was a suitable maximum. Like the Speenhamland system, which operated in the south of England before 1834, the amount of outdoor relief was related to the size of the family, but as little as possible was given to the able-bodied. The poor rate was incorrectly calculated on the cost of poor relief instead of on the pauper numbers, as set down in the Local Act, and was not collected promptly. After the Napoleonic Wars, in St Martin's parish, the expense of the poor rate, per head of the population, had risen by over 20% from 6s 8d in 1813 to a peak of 8s 2d in 1831.⁷ The incorporation's accounting system was unsatisfactory, with the treasurer paying all the money to the master, who also performed the duties of clerk.⁸ The auditor was not making extensive enquiries and merely prepared a balance sheet. The males and females had separate wards within the workhouse, but there was no regular indoor labour task and before 1833 there was no education for the children. The Chester incorporation had also used its Local Act powers to contract for the maintenance within the workhouse of the paupers of 60 external parishes from Cheshire, Flintshire and Denbighshire. Many of the Cheshire parishes were later included within the neighbouring Great Boughton Union. The management of poor relief by the incorporation conflicted with the aims of the Poor Law Amendment Act.

The New Poor Law was intended to reduce the cost of the poor rate by encouraging the able-bodied to find work and independently support their families. This principle of 'less

⁶ Royal commission on the administration of the Poor Laws, Parliamentary Papers, 1834, XXVIII, Appendix a, part 1, p. 265a.

⁷ *Ibid.*, Parliamentary Papers, XXXV, appendix b, part 1.

⁸ 9th annual report of the Poor Law commission, Parliamentary Papers, 1843, XXL, p. 306.

eligibility', the brainchild of Edwin Chadwick, secretary to the Poor Law commission, aimed to discourage the able-bodied paupers from applying for relief. They and their families would only receive relief within the workhouse, where their living conditions would be worse than those of the lowest paid independent labourer. New Poor Law Unions were formed by the amalgamation of neighbouring parishes to support the cost of building suitable workhouses for each sex and each category of pauper. Families receiving indoor relief would be separated on entry. The locally elected guardians were subject to centralised government by the Poor Law commission at Somerset House and to regular inspections by its assistant Poor Law commissioners. The Chester guardians were not opposed to the intentions of the Act but doubted the likelihood of it cutting the poor rate and did not wish to lose their independence.

In 1834, the Poor Law commission did not have the power to dissolve Local Act incorporations and reasoned persuasion was unsuccessful with the Chester guardians, who were wary of the cost of building a new workhouse and proud of their independence. Despite the arguments of the powerful local Whig landlord, the marquess of Westminster, Chester guardians clung to their Local Act. This was not a Tory plot on their part. The citizens had petitioned parliament in favour of the Whigs' 1832 Reform Act to extend the vote and re-organise representation more evenly. The Whigs controlled the parliamentary representation as well as the town council, the city's two MPs from 1832 to 1859 all belonging to the Whig party. A member of the Grosvenor family was returned in every parliamentary election from 1832 until 1874. The marquess was an ex-officio member of the board of guardians and in January 1837 moved a motion for the abolition of the Local Act.⁹ Although he had the support of all the ex-officio members, who as leading town councillors resented the guardians' independence, he could not achieve the necessary two-thirds majority at two consecutive meetings. The local businessmen of the board of guardians resisted the powerful influence of the marquess, the leading town councillors and the assistant Poor Law commissioner, Digby Neave.

⁹ *Chester Gazette*, 12 Jan. 1837.

Until May 1837, the Poor Law commission continually tried reasoned persuasion, administrative pressure and threats to overturn the guardians' decision. The commission had been unaware of their legal impotence, but the 1837 legal case, *Regina v Poor Law commissioners*, concerning the Local Act parish of St Pancras, confirmed that Local Acts could not be abolished without the guardians' consent.¹⁰ By 1842, there were still 32 Local Act incorporations and parishes scattered throughout the country, containing a population of 1,282,652.¹¹ The powers of the Chester guardians were clearly defined, whereas some Local Acts were very simple; for example, that of the parish of Leeds only stipulated that the number of overseers should not exceed four. The Poor Law commission exerted administrative pressure by refusing to allow the Chester guardians to be responsible for the civil registration of births, deaths and marriages from 1837. As a direct blow to their pride and independence, the city was placed within the Great Boughton registration district.

Neave, the assistant Poor Law commissioner, first visited Chester in April 1836 and used reasoned arguments to persuade the guardians that it would be to their financial advantage to be in the centre of a large Chester New Poor Law Union of 91 parishes, including 82 rural agricultural parishes from the Broxton, Wirral and Eddisbury hundreds, covering a population of 40,000, of which Chester comprised 22,000.¹² Neave argued that the Union would be able to finance the building of a workhouse that would conform to the commission's standards. The assistant Poor Law commissioners threatened the guardians with the loss of their contract to maintain the poor of neighbouring parishes within their workhouse, knowing that they greatly valued the rent, food costs and incidentals paid by the parishes. The Chester guardians wanted to retain their Local Act powers within the new Union and did not want the expense of a new workhouse, preferring their 99 year workhouse lease from the town council, at a fixed £90 annual rent.

¹⁰ S. J. Webb and B. Webb, *English local government: English poor law history* (2 parts, 3 vols, new edition, London 1963), part 2, vol. 1.

¹¹ 8th annual report of the Poor Law commission, Parliamentary Papers, 1842, XIX, p. 18.

¹² *Chester Courant*, 19 Apr. 1836.

The guardians summarised their opposition in a letter of July 1836, saying that the New Poor Law would subject them to arbitrary fines if they did not actively support every measure and order of the Poor Law commission and their assistants.¹³ They also objected to the expense of the proposed new administrative arrangements and wanted to continue using churchwardens and parish overseers as officers. William Day, another assistant Poor Law commissioner, met similar opposition when he tried to persuade the Tory incorporations of Shrewsbury, Whitchurch and Oswestry to surrender their Local Acts.¹⁴ The Oswestry guardians threatened to leave the boardroom if he insisted on his right to be present. By May 1837, Digby Neave accepted initial failure at Chester and formed the annular Great Boughton New Poor Law Union of 101 townships surrounding the city of Chester, including the extramural townships of the city parishes of St Oswald, St Mary on the Hill and Holy Trinity.

Middle class businessmen, who were suspicious of the costs, mainly conducted Chester's opposition to the Poor Law Amendment Act. They were concerned with their own business interests and did not wish to give time and thought to the board meetings. The quorum of 19 allowed each parish's guardians to take it in turns to attend the short weekly meetings to minimise their loss of business time. This lack of continuity made it difficult to make informed, well-considered decisions. Merchants, shopkeepers and craftsmen represented 75-80% of the 77 elected guardians throughout this period and were much more important as members of the Chester board than of the neighbouring Great Boughton and Wirral Unions.¹⁵ Under the Local Act, the modest property qualification for guardianship was a rateable value of £10 per annum, compared with £70 in the Shrewsbury incorporation. Consequently, the number of retail shopkeepers and innkeepers far exceeded the wholesale wine, corn, coal and flour merchants. The Chester board's predominant commercial guardians were suspicious of interference by professional men such as the clergy.

¹³ National Archives, MH 12/900, 23 July 1836.

¹⁴ R. A. Lewis, 'William Day and the Poor Law commissioners', *Birmingham University Historical Journal*, 9 no. 2 (1964), pp. 171-83.

¹⁵ *Chester Chronicle*, 10 Apr. 1834, 10 Apr. 1846, 31 Mar. 1855, 19 Apr. 1862.

The clergy did not provide a counterbalance to the business interests. This contrasted with the Great Boughton Union, in which the Rev. Ellwood was prominent, and the Wirral Union, in which the Rev. Joshua King made his presence felt. The Rev. George Salt of St Bridget's in the 1860s was the first clergyman to become a leading guardian of the Chester incorporation. Nonconformists such as George Williams distrusted the interference of the clergy and in April 1868 he insisted that the chairman of the guardians should be a man of business rather than a clergyman.¹⁶ He thought that the clergy were holding too many important civil positions because of their presumed intelligence and education. He said that this caused some jealousy, especially because of the parlous state of the Church of England. The businessmen of the board ignored advice from the clergy and continually made short-sighted improvident decisions, unbecoming to their occupations, for example in opposing expenditure upon the workhouse.

The Poor Law commission considered the workhouse to be unfit for the purposes of both the Local Act and the New Poor Law because it was, like that of the neighbouring Wirral Union, a general mixed workhouse, without clear separation of the different pauper categories: the children, the able-bodied men, the able-bodied women and the aged and infirm. They intended that each Union should have separate workhouses for each category, to deter adult poor relief applicants and to prevent the children from copying the adults' idle dissolute habits. However, the chairman of the Chester guardians, Samuel Witter, a soap boiler, was proud of its workhouse which, in October 1834, he described as 'commodious' and in a 'healthy situation'.¹⁷ He ignored the disadvantages of its small Crane Street site, with the gas works and a timbermerchants yard to the sides, the River Dee to the front and the proposed railway to North Wales at the back. During the economic distress of 1839 to 1842, William Day, the assistant Poor Law commissioner, expressed a contrasting opinion; he commented in 1841 that the workhouse was as badly regulated as any in the country and added in 1842 that it was inadequate to

¹⁶ *Ibid.*, 25 Apr. 1868.

¹⁷ National Archives, MH 12/900, 10 Oct. 1834.

meet the provisions of the Local Act.¹⁸ Its contract to house paupers of the Great Boughton Union added pressure on the accommodation until 1846, when the district auditor disallowed the expenditure by Great Boughton. The average number of inmates for 1841 had been 327, rising to a maximum of 359, far above the 200 maximum required for effective separation of the pauper categories. During the smallpox epidemic, there had been a high infant mortality rate because of inadequate sanitary arrangements and the impossibility of isolating victims. The guardians were not under pressure from local working class Chartist protests and did not address these issues; in May 1849, Andrew Doyle, Day's successor, commented on their continued existence and the liability of inmates to contract fever.¹⁹

The Chester workhouse deteriorated from inadequate to calamitous as the incorporation's population rose by 66% from 1831 to 1871, accompanied by increased pauperism. No extra accommodation had been built since 1834, but the Poor Law commission had enforced the allocation of vagrancy wards and the conversion of the asylum to a workhouse hospital. The assistant commissioners knew that the only solution was to build a new workhouse, but the guardians delayed this by extending the workhouse lease for ten years to 1871 at the same rental. They would not build the workhouse without an enlargement of the incorporation's boundaries to achieve financial assistance from the surrounding agricultural parishes within the Great Boughton Union. The Poor Law commission tactically disallowed the boundary changes without the surrender of the Local Act.

Pauperism increased at a greater rate than the population growth, with a 200% rise in the annual expenditure on the poor from 1838 to 1870. The workhouse could not house all the poor, but indoor relief rose by 300% from £902 18s in 1849 to £3,001 in 1870, constituting 26% of the total expenditure, whereas outdoor relief was 47.5% and the remaining 26.6% covered loans, litigation, salaries, county asylum charges and incidental expenses. The aged and the infirm formed the largest class of indoor paupers, comprising 66% of the total inmates in January 1859,

¹⁸ National Archives, MH 12/900, 1 Dec. 1841.

¹⁹ National Archives, MH 12/901, 29 May 1849.

56% in January 1863 and 47% in both January 1867 and January 1870.²⁰ There was a steady increase in male able-bodied inmates from 1857 to 1870, as the increase of unskilled workers in the suburban parishes outgrew employment opportunities, but even at the peak in January 1870, they only represented 11% of the inmates, having risen from 2.5% in January 1857 and 7.9% in January 1867. The buoyancy of Chester's mid-century economy more successfully restricted the number of male able-bodied inmates than an indoor labour test deterrent.

The guardians consistently failed to apply an effective indoor labour test to discourage applicants and occupy the able-bodied. Occasionally, able-bodied females were required to pick oakum and the able-bodied males to break stones, although the latter did not become a regular task until 1870. Before July 1850, some worked on the Saltney farm allotments, but the only regular task throughout was the scavenging of the streets, for which the guardians received £60 per annum from the town council, 50% of the proceeds from the sale of the street sweepings. The Poor Law board strongly disapproved, arguing that this prevented the paupers from earning an independent wage for the work from the town council.²¹ It was not an effective indoor labour test and was normally done by those who were almost able-bodied. The unprofitable business management of the Saltney farm was heavily criticised by the assistant commissioners, who also felt that the hoeing and digging up of crops did not constitute an effective labour test.²² The guardians did not renew the farm lease after July 1850. Chester's experience was part of a national failure to enforce a worthwhile labour test within a 'mixed' workhouse, which led to the Poplar Union, in 1871, setting up a separate 'test workhouse' for able-bodied men.²³

Before 1852, Chester's adult paupers' workhouse diet was more generous than the 'less eligibility diet' prescribed by the Poor

²⁰ Annual reports of the Poor Law commission, Parliamentary Papers, 1843-47 and of the Poor Law board, Parliamentary Papers, 1848-70.

²¹ National Archives, MH 12/904, 1 Apr. 1856.

²² National Archives, MH 12/900, 20 May 1836.

²³ Webb and Webb, *English local government: English poor law history*, part 2, vol. 1, p. 379.

Law commission and thus did not deter paupers.²⁴ It gave a hot dinner, five times a week, of six ounces of boiled beef and mashed potatoes or the equivalent as Irish stew and on the other two days, oatmeal sturrow (cake) with treacle or buttermilk. Breakfast and supper consisted of unlimited milk gruel with seven ounces of bread and additionally with supper, unlimited broth. There was a daily ration of half a pint of beer or gin and a weekly allowance for those over 50 of half an ounce of tobacco or snuff for men, and half an ounce of tea with a quarter pound of sugar for women. The diet was as nutritious as that of the worst fed adult town worker.²⁵ It did not discriminate between different pauper categories, for the children had the same until 1856 and so did the sick unless the surgeon specifically ordered otherwise. The diet was not changed until Roberts, the district auditor, objected in November 1851 to its extravagance. By contrast, the amended diet from 1852 was frugal, with too much liquid that induced diarrhoea.²⁶ The male able-bodied now received only one meat dinner per week, as opposed to four in the Great Boughton and Wirral Unions, and on the other days two pints of soup and four ounces of bread or one pint of buttermilk and two and a half pounds of sturrow. At breakfast and supper, milk gruel and bread was rationed at three quarters of a pint and four ounces. Tea was only provided once a week and there was no alcohol. This was far worse than that of the worst fed English town worker: the adult male now had a quarter of the worker's meat and three pints less of milk. The diet also lacked vegetables and butter. The guardians had probably allowed the workhouse master free control before the district auditor insisted on large economies.

The guardians had also given little thought, before 1846, to the education of the workhouse children, who represented a substantial proportion of the inmates. Between 1851 and 1860 there were on average 65.2 children²⁷ and this rose to 80.4 from 1861 to 1870, comprising 25% of the inmates. The guardians had not considered that it was necessary to teach literacy, numeracy

²⁴ National Archives, MH 12/902, 18 Feb. 1850.

²⁵ J. Burnett, *Plenty and want: a social history of diet in England from 1815 to the present day* (London 1966), p. 151.

²⁶ National Archives, MH 12/902, 2 Sept. 1852.

²⁷ Annual reports of the Poor Law board, Parliamentary Papers, 1851-70.

and industrial skills to equip them for an independent living. They had not provided qualified teachers, a suitable curriculum and satisfactory accommodation. They gave no attention to education until 1846, when the government's committee of the Council of Education provided grants for qualified teachers and set up an inspectorate for workhouse schools. Previously, the teachers were paupers, namely John Roberts who was deaf and short-sighted and Jemeniah Williams who had two illegitimate children. A certificated schoolmistress, Elizabeth Haswell, was appointed in 1847 to teach both sexes,²⁸ before Thomas Evans, the first certificated schoolmaster, arrived in 1852. The teachers' qualifications varied, with the masters better qualified than the mistresses; the best were J. Lyncham (1854-58) and Alfred Hoyle (1864-69), both of whom had second class in the highest grade certificate of efficiency. In 1847, the guardians agreed a basic curriculum of four hours daily instruction of reading, writing and arithmetic, some industrial training and regard for morals and discipline.

The inadequate schoolroom accommodation and lack of adjacent land made it difficult to implement that curriculum, but the guardians were unwilling to incur expenditure and surrender their independence to improve it. They immediately rejected the suggestion of Doyle, the assistant Poor Law commissioner, in 1860 to form an 'education district' with the Wirral Union, based at Clatterbridge workhouse, which had suitable schoolrooms and land.²⁹ A similar proposal in November 1869 by two guardians, Rev. Salt and R. Frost, to share the Birkenhead workhouse school, was also turned down.³⁰ Yet the guardians knew that there was overcrowding and in December 1866 hired a Bridge Street house as the girls' school.³¹ In November 1869, the 'itch' and measles spread amongst the boys, with seven fatalities.³² Notwithstanding these difficulties, Thomas Browne, the district school inspector, reported favourably on the class work in 1861 and 1867, but noted that the boys were more advanced than the girls. The

²⁸ National Archives, MH 12/901, 6 July 1847.

²⁹ *Chester Courant*, 16 Oct. 1860.

³⁰ *Chester Chronicle*, 20 Nov. 1869.

³¹ National Archives, MH 12/906, 3 Jan. 1867.

³² *Chester Chronicle*, 13 Nov. 1869.

guardians consistently failed to provide industrial and domestic training and there was no education of outdoor pauper children.

Chester, like the Wirral, realised that its trade centre location made it a target for vagrants from Ireland via Liverpool and Birkenhead, from North Wales, Lancashire and rural Cheshire. Chester therefore paid more attention to vagrancy than most New Poor Law Unions, using its Local Act police powers to discourage criminal vagrants from entering the city and to interview the deserving vagrants. Additionally, in 1843 the Chester guardians, like the Wirral guardians, created a vagrancy ward; in contrast, most New Poor Law Unions failed to do this until, in 1864, the Poor Law board insisted that the metropolitan Unions had such wards. Vagrancy was a persistent problem, evident from the eighteenth century and immediately after the Napoleonic Wars in years of economic distress, such as 1818, 1820 and 1821.³³ It peaked during the agricultural distress of 1831 and 1832, the Irish famine years of 1847 and 1848 and during the after-effects of the 'cotton famine' in 1868-69. In 1834, the guardians differentiated three classes of vagrant:³⁴ Scots and Irish trampers, convicted criminals and those genuinely seeking work. They were prepared to relieve neither the trampers, because charities subsidised their stay in one of the city's 200 lodging houses, nor the criminals, whom the magistrates dealt with.³⁵ Under the terms of the Local Act, the police interviewed the genuinely deserving poor and gave them tickets for supper, bed and breakfast at the workhouse. Doyle, an assistant Poor Law commissioner, admitted in 1849 that Chester's vagrancy policy was more successful than many New Poor Law Unions because the Local Act gave them greater police powers.³⁶

However, the Chester workhouse dealt with an increasing number of vagrants in the second half of the period. Chester's deserving vagrants, like the male able-bodied inmates, did not consistently face the deterrent of performing a labour test as required by the Poor Law commission's order of 1842; this

³³ National Archives, MH 12/900, 9 Nov. 1835.

³⁴ Royal commission on the administration of the Poor Laws, Parliamentary Papers, 1834, XXXIX, appendix E.

³⁵ National Archives MH 12/900, 9 Nov. 1835.

³⁶ 2nd report of the Poor Law board, Parliamentary Papers, 1849, XXV, p. 101.

contrasted with the Great Boughton and Wirral Unions, which enforced oakum picking and stone breaking. By 1865, it was generally agreed that the two vagrancy wards were overcrowded – they only accommodated 22 – and unsanitary and lacked suitable bedding. The ‘reform’ guardians successfully campaigned to correct the latter two problems, but the increase in vagrancy in the 1860s aggravated the overcrowding at peak times, after harvests and in the winter. This was a widespread problem, nationally from 1858 to 1862; 2,000 vagrants were relieved nightly and this rose to 5-6,000 from 1862 to 1870.³⁷ The aftermath of the Lancashire cotton famine and agricultural unemployment led to Chester relieving a nightly average, for the years ending 25 March 1868 and 1869, of 28 and 35.78 respectively,³⁸ which overcrowded the vagrancy wards, especially at the peak periods after harvest time and in the winter.

Because of the city’s vulnerability to migrants, the guardians and parish officials also gave close attention to settlement and removal. Before 1846, the Act allowed parish overseers to remove paupers born elsewhere to their birth parish as soon as they applied for poor relief, but the legality of the removal had to be approved by a court of law. From 1832 to 1834, Chester incurred average annual settlement and removal costs, including litigation, of £160.³⁹ The guardians’ petition to the Poor Law commission, in October 1835, expressed a fear of destitute Irish paupers applying for relief,⁴⁰ but these were usually treated as undeserving vagrants. Even during the Irish famine, only six Irish paupers were removed to Dublin from 8 August 1845 to 5 June 1847. To avoid the cost of litigation between Chester parishes and copying some of the London parishes, the guardians in 1843 united the parishes for settlement purposes.⁴¹

Knowing that migrant workers tended to settle outside the city in Great Boughton, the incorporation willingly accepted

³⁷ Webb and Webb, *English local government: English poor law history*, part 2, vol. 1, p. 409.

³⁸ *Chester Chronicle*, 19 June 1869.

³⁹ Royal commission on the administration of the Poor Laws, Parliamentary Papers, 1834, XXVIII, p. 265a.

⁴⁰ National Archives, MH 12/900, 15 Oct. 1835.

⁴¹ National Archives, MH 12/901, 7 Mar. 1843.

the Irremovability of Paupers Act of 1846 that gave paupers settlement after five years' residence in a parish, on condition that Chester's neighbouring Unions reciprocated this.⁴² The guardians objected in 1851 and 1852 to the Great Boughton Union, which did not have a workhouse until 1857, illegally removing paupers into the city. However, the cost of relieving irremovable paupers was small, averaging 2.2% of the total cost of relief for 1855, 1856, 1858, 1859 and 1861.⁴³ For the same years, the Great Boughton Union's costs ranged from 14.7% to 20.9% and the Wirral Union's from 38.2% to 49%. The Chester guardians had taken a liberal view of settlement and removal, both within the incorporation and in relation to neighbouring Unions, but the agricultural parishes of Wirral and Great Boughton, who were afraid of the cost of supporting Chester's paupers, did not share this.

Similarly, despite the Local Act clause prohibiting outdoor relief, the guardians took a liberal view and from 1800 had granted outdoor relief. They preferred that to the cost of building a new workhouse to the Poor Law commission's standards, but this was a poor business decision, which led to escalating costs. The parish overseers gave relief in kind, to prevent expenditure on alcohol, mainly to the aged and infirm. The relief was varied with the size of the family and the rent, but not with the price of bread. It continued to be given after 1834, even though the Poor Law Amendment Act was intended to prevent it. The guardians ignored the Poor Law commission's 1844 prohibitory order outlawing outdoor relief to the able-bodied and did not appoint a relieving officer to enforce it. They claimed that the able-bodied only received it during winter unemployment to prevent workhouse overcrowding and denied the district auditor's allegation that the parish overseers' accounts were inefficient. From March 1850, the incorporation and parish accounts became liable to examination and disallowance and surcharge by the district auditor and this compelled them to accept the prohibitory order in 1851. Henceforth, an outdoor relieving officer was elected annually and all future able-bodied

⁴² National Archives, MH 12/901, 29 Oct. 1846.

⁴³ Annual reports of the Poor Law board, Parliamentary Papers, 1855-61.

relief cases were submitted for the approval of the Poor Law board, the successor to the Poor Law commission, although an outdoor labour test was not applied in Chester until 1870. Outdoor relief could still be given to the main recipients, the aged and infirm, at the discretion of the guardians.

The guardians' policy led to outdoor relief forming the main part of the total expenditure on the poor: 66.2% in 1849, 64% in 1854, 70.7% in 1860, 49% in 1865 and 47.5% in 1870.⁴⁴ The cost of outdoor relief increased steadily by 23% from 1849 to 1870, despite the eventual application of the prohibitory order, because it was mainly used to relieve the aged and infirm and single mothers rather than able-bodied males. Chester never experienced deep sustained periods of unemployment, and even during the commercial crisis of 1847-48 only 5% of the population received outdoor relief during the worst week ending 18 February 1847. Stoppages in the North Wales mines had led to unemployment in the iron and lead foundries and the building of railway lines to Bangor, Mold and Warrington was halted. Chester's agricultural industries, flour milling and leather tanning suffered from poor harvest, for example in 1860, and from the cattle plague of 1865-66. The seasonal unemployment led to post-harvest claims from agricultural labourers entering the city, from fishermen when the Dee froze and from building labourers during winter stoppages.

Percentage receiving outdoor relief.⁴⁵

date	aged and infirm	male able- bodied	female able- bodied	children
1 Jan. 1859	41.1	2.8	13.4	42.7
1 Jan. 1863	38.4	2.0	13.2	46.4
1 Jan. 1867	34.5	0.5	17.0	48.0
1 Jan. 1870	33.5	3.1	17.5	45.9

The guardians' decision to give outdoor relief rather than build a new workhouse was short-sightedly inefficient. The

⁴⁴ *Ibid.*, 1848-70.

⁴⁵ Figures based on the annual poor relief returns, 1859-70.

neighbouring Great Boughton Union did the same, failing to apply the prohibitory order before their workhouse was built in 1857, and in the Wirral Union the rapidly expanding population of the Birkenhead commercial district from 1847 to 1856 prevented its consistent application before the Union's reduction in size in 1861. Chester was by no means alone in not following the Poor Law board's instructions. By 1870, only 307 of the 600 Unions applied the order and only 217 enforced an outdoor labour test.⁴⁶

The board did not have a clearly thought-out long-term policy for sick paupers and lunatics, but simply responded to the pressure of circumstances. They did not provide adequate staff and accommodation. From 1800, the guardians had sent fever patients to the nearby Chester infirmary, a charity institution with prominent citizens as trustees, which contributed part of the treatment's cost. The infirmary charged one shilling per day for fever and smallpox patients and also dealt with the incorporation's outdoor sick throughout the period. The guardians paid £32 12s in 1840 and, with the increase of smallpox, £87 1s in 1841 and £155 14s in 1842.⁴⁷ There was no workhouse hospital until the workhouse smallpox epidemic of 1841 encouraged them to convert the workhouse asylum into a hospital in 1842, and also to apply the 1840 Vaccination Extension Act, contracting with ten medical practitioners to offer free voluntary smallpox vaccination.

The newly converted workhouse hospital admitted infectious paupers, but did not have any separate receiving wards for isolation prior to medical inspection. The quiet feeble-minded paupers now mixed freely with other inmates, but the violent troublesome lunatics were sent to the Cheshire county asylum. After the 1845 Lunacy Act, the workhouse was subject to inspection by the lunacy commissioners who regularly commented on the lack of medical supervision, the unsuitable accommodation, the lack of hygiene and the poor bedding. At the end of the period, the hospital still lacked hot water and the female ward was poorly ventilated. Andrew Doyle, assistant Poor Law commissioner, said in 1869 that the Chester workhouse sick

⁴⁶ Webb and Webb, *English local government: English poor law history*, part 2, vol. 1, pp. 203-04.

⁴⁷ National Archives, MH 12/900, 10 Dec. 1842.

were treated worse than thieves and murderers in county gaols.⁴⁸ Thomas Brittain, despite inadequate qualifications, served as workhouse surgeon from 1840 to 1871, on a salary of £60 per annum, and also attended any outdoor sick not admitted to the infirmary in their homes, treating 170 between July 1849 and June 1851, receiving 2s 6d per case.⁴⁹ Sheltering behind the Local Act, the guardians refused to appoint a separate outdoor medical relief officer, as the Poor Law board instructed, until after their adoption of the New Poor Law in 1869. Clearly, one medical officer could not serve all the sick paupers, even with the referrals to the Chester infirmary.

The board of guardians did not accept Edwin Chadwick's idea that increased expenditure on public health would reduce pauperism and spasmodically acquitted their duties under the Nuisance Removal Acts of 1846, 1848 and 1853, when their fears of cholera and smallpox were realised; in 1848 there were five deaths from cholera but 91 in 1849.⁵⁰ To enforce the 1848 Act, they used the assistant parish overseers to inspect property and order nuisance removals and in 1853 additionally appointed four paid inspectors. By December 1848, Chester had a relatively high mortality rate of 29.4 per 1,000 of the population per annum,⁵¹ slightly lower than Manchester at 30.3 and Liverpool at 35.7. Despite this, the guardians did not consider petitioning for the adoption of the Public Health Act of 1848 because of the expense and instead formed a joint sanitary committee with the town council. However, they did not readily accept its recommendations for the improvement of street cleaning and nuisance removal; Bayliss, the borough surveyor, in February 1850 criticised the employment of non-able-bodied for the infrequent street cleaning.⁵²

The guardians were more interested in reducing the cost of supporting the dependants of cholera and smallpox victims by persuading the town council to adopt the Common Lodgings

⁴⁸ National Archives, MH 12/906, 21 Sept. 1869.

⁴⁹ National Archives, MH 12/902, 3 July 1851.

⁵⁰ Jacqueline Perry, 'Cholera and public health reform in early Victorian Chester', in Swift, *Victorian Chester*, pp. 119-20.

⁵¹ *Chester Courant*, 20 Dec. 1848.

⁵² *Ibid.*, 13 Feb. 1850.

House Act of 1851, licensing the houses after a satisfactory inspection. They remained vigilant about the proper enforcement of the Act. Nevertheless, in October 1854, Williams, the relieving officer, listed 29 widows with 130 children receiving 6s per week, a total of £450 per year.⁵³ Neither the town council nor the guardians were happy to fund the joint sanitary committee's work. In August 1866, Davies, the incorporation chairman, said that the guardians only wanted to apply the Nuisance Removal Act and that the sewers were the town council's responsibility.⁵⁴ With cholera imminent, in October 1866 they established a separate workhouse fever hospital in New Park (Grosvenor Park), but by December, twelve weeks after the cholera outbreak, 21 workhouse patients and 18 outdoor sick had died from the disease.⁵⁵ The divided public health responsibility between the town council and the guardians produced difficulties and the joint sanitary committee was inefficient. There were persistent complaints about the filthy state of the city centre.

The guardians also showed a lack of enthusiasm for the radical procedural changes proposed in June 1858 by Dr Bedford of St Michael's,⁵⁶ rejecting them without discussion. He was the first 'reform' guardian and an opponent of the Local Act. Bedford thought that the guardians gave too little time and attention to the business and wanted to encourage better attendance at meetings and the creation of specialist sub-committees to deal with the detailed aspects of workhouse health and school matters. He unwisely suggested that the chairman was packing the weekly meetings with his own supporters by summoning a parish's guardians in rotation. He asked that all be summoned, that the Local Act fines for non-attendance be enforced and that the press be invited to report each meeting. To achieve greater efficiency, he wanted the posts of clerk and workhouse master to be separated. Bedford sought to promote pauper rehabilitation, suggesting that apprenticeships for older boys were preferable to four or five years in the workhouse and that basic adult

⁵³ *Chester Chronicle*, 1 Apr. 1854.

⁵⁴ *Ibid.*, 25 Aug. 1866.

⁵⁵ *Ibid.*, 1 Dec. 1866.

⁵⁶ National Archives, MH 12/904, 10 June 1858.

workhouse education would further independent employment. He rightly pointed out the workhouse's unhealthy location by the gasworks. The doctor only found support among fellow St Michael's guardians and was derided by the chairman, John Trevor, and the majority of the board, who excluded him from meetings, alleging undue interference in workhouse matters, until a county court judge overruled the expulsion.⁵⁷ His suggestions had much merit, but he was tactically naïve to present simultaneously a wide range of motions.

John Trevor, Bedford's main opponent, the chairman from 1849 to 1865 and a guardian for St Mary's from 1838, held 'conservative' views and his death in 1866 removed a major obstacle to reform. As the editor of the influential liberal *Chester Chronicle*, he was able to present a partial, biased view of Dr Bedford that did not report his arguments but only his alleged interference. Trevor also served as a town councillor for 25 years and as mayor from 1860 to 1862. He was a supporter of the Whig party and of the Grosvenor family, initially sharing the marquess's interests in adopting the New Poor Law and opposing the Corn Laws. However, when chairman of the incorporation, he preferred to retain the Local Act, using his position as a power base. He became chairman of the joint sanitary committee in 1853 and hypocritically attacked the short-sighted economies of his fellow town councillors. He had been treasurer of both the county courts and the incorporated parishes. Trevor was a manipulative municipal politician who thought Bedford to be a dangerously articulate critic and therefore ignored any merit in his proposals.

The district auditor, appointed by the Auditing Act of 1844 and answerable to the Poor Law commission, was a much greater reforming influence upon the incorporation than any guardian. As treasurer to the incorporated guardians, Trevor had expressed concern in August 1845 about the appointment of a district auditor,⁵⁸ expecting him to disallow and surcharge the previous year's £4,770 spent on outdoor relief. Chester refused to allow the accounts to leave the workhouse and asked for an indefinite suspension of the audit, declaring their preference for

⁵⁷ National Archives, MH 12/904, 24 Mar. 1859.

⁵⁸ National Archives, MH 12/901, 7 Aug. 1845.

the Local Act's parish auditors, although the chairman in 1841 had admitted their inefficiency. The guardians were dismayed that an appeal against a disallowance would be heard by either the Poor Law board or the high court of justice and awaited the outcome of the Bristol incorporation's disallowance appeal to the court of queen's bench. Bristol lost and finally in March 1850 Chester submitted their accounts to the district auditor, after six years' opposition.⁵⁹ Consequently, they were unable to give further able-bodied outdoor relief without the Poor Law board's consent and their accounts had to be presented in an acceptable form.

This was the first major step towards the full acceptance of the Poor Law Amendment Act in 1869, when the guardians finally admitted to the Local Act's inefficiency. They appreciated the necessity of accepting the Union Assessment Committee Act of 1862, which only affected New Poor Law Unions, and the Union Chargeability Act of 1865. The former replaced irregular by annual property valuations; this was important during Chester's population and property expansion of the 1860s. The latter introduced a common relief fund for Poor Law Unions, replacing parish chargeability for its own poor. Thus, a parish of small rateable value containing many paupers would have the burden shared by those with greater rateability and fewer paupers. The majority of the board had expressed a preference for Union chargeability as early as 1852. They also wanted to extend the area under their authority to finance the building of a new workhouse. Their independence had already been eroded by the 1868 Act,⁶⁰ which empowered the Poor Law board to alter the area of Local Act incorporations and prescribe the electoral procedure of guardians. Consequently, other Local Acts were surrendered: Salisbury, Great Preston and Carlton Local Act incorporations in 1868⁶¹ and Shrewsbury and Montgomery in 1869.⁶²

⁵⁹ National Archives, MH 12/902, 5 Mar. 1850.

⁶⁰ P. F. Aschrott, *The English Poor Law system* (revised edition, London, 1902), p. 79.

⁶¹ 21st annual report of the Poor Law board, Parliamentary Papers, 1868, XXXIII, p. 23.

⁶² 22nd annual report of the Poor Law board, Parliamentary Papers, 1869, XXVIII, p. lxxv.

Confronted with these legal changes, the guardians divided into two broad groups, the majority of constitutional 'reformers' in favour of the Poor Law Amendment Act and the minority of 'conservatives', led by Marsh Junior of St Peter's, who preferred the Local Act. It is not possible directly to link all the guardians of a parish with one of the groups, but some 'conservatives' from the parishes of St Peter's, St Martin's and St Michael's benefited from and wished to retain the Local Act rating practices and were against the expense of building a new workhouse, even though they accepted its desirability. The 'conservatives' talked emotionally about their independent government, exaggerated the power of the Poor Law board and misrepresented the provisions of the Poor Law Amendment Act. They had displayed this spirit in their January 1847 petition to the House of Commons against a rumoured national poor rate and had demanded the abolition of the Poor Law commission.⁶³ Other 'conservatives' wanted to retain their parish's disproportionate guardian representation; for example, in 1861 St Peter's had 10.3% of the elected guardians for 2.6% of the incorporation's population and St Mary's 15.5% for 2.1% of the population.

John Caldecott, a hatter, one of the leading 'reformers', convinced other guardians that, after the surrender of the Local Act, the Chester Union would be expanded to include neighbouring agricultural parishes to share the cost of a new workhouse and that the city guardians would have a majority on the new board. It seems likely that this idea was unofficially communicated by Andrew Doyle, the assistant Poor Law commissioner, and was the most important influence upon the guardians. Caldecott pointed out that for the half year ending 25 March 1868, Chester had both the highest percentage of pauperism, at 5.1%, and the highest poor rate, at 2s 3d in the pound, of all the Cheshire poor law authorities.⁶⁴ In the neighbouring Great Boughton Union, the respective figures were 3.9% and 11d and in the Wirral Union 3% and 9d. He declared

⁶³ National Archives, MH 12/901, 25 Jan. 1847.

⁶⁴ *Chester Chronicle*, 28 May 1868.

that, without the constant help of the Poor Law board, the affairs of the incorporation would have 'crumbled to pieces'.

The guardians hoped that the enlarged Union would contain all the parishes of the Great Boughton and Hawarden Unions, giving them control of two additional workhouses and allowing a better system of pauper classification. The children could have been housed in the Great Boughton workhouse, the aged at Hawarden and the able-bodied at Chester. Better classification and a strict application of the labour test should have cut the cost of relief to the minimum. However, the Poor Law board wanted to keep Unions within one county and excluded Hawarden,⁶⁵ but agreed to Chester gaining, from 25 March 1871, 43 additional Great Boughton Cheshire townships, containing 7,219 people and 36,422 acres, with a rateable value of £18,130.⁶⁶ The Tarvin Union was established from the remainder of the Great Boughton Union. Chester's enlargement partly fulfilled the 1837 plans of assistant Poor Law commissioner, Digby Neave, which the guardians had resisted. It provided more resources, direct responsibility to central government and the opportunity of more efficient management.

The Poor Law commission and its successor, the Poor Law board, had been consistently dissatisfied with the incorporation's poor relief arrangements. The district auditor's powers of disallowance and surcharge had gradually extracted reforms from the guardians, for example, the acceptance of the prohibitory order of 1844, the appointment of a relieving medical officer, the adjustment of the workhouse diets, the abandonment of the annual re-election of incorporation officers and the separation of the roles of workhouse master and incorporation clerk. The independence of the Local Act had not produced enlightenment but a narrow-minded conservatism. The guardians had not provided employment for the able-bodied within the workhouse, had rejected an application to join an 'education district', had failed to educate the outdoor poor, had failed to build a new workhouse and had dismissed all Dr Bedford's suggestions for the improvement of the system. The 'reform'

⁶⁵ *Ibid.*, 23 Apr. 1870.

⁶⁶ *Ibid.*, 26 Nov. 1870.

guardians of the 1860s saw the necessity of the Union Chargeability and Assessment Committee Acts, the desirability of building a new workhouse and of extending their authority over a wider area and they recognised the power given to the Poor Law board by the 1868 Act. The Local Act management was inefficient and the guardians' eventual acceptance of this led to the adoption of the New Poor Law in 1869.