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K. D. M. SNELL*

After earlier discussion by the Webbs, Dorothy Marshall, Hampson and other Poor Law historians, the administration of parish settlement has been rather neglected in recent years. And so one welcomes the recent local study in this journal by Landau, 'The laws of settlement and the surveillance of immigration in eighteenth-century Kent', as promoting further exploration of a complex subject which was of some importance to contemporaries.1 However, the characterization of pauper settlement in her article seems ill-judged, and the emphasis in her outline of the nature and purpose of settlement is misleading. To assess her arguments requires discussion of some legalistic, logical and technical problems in her article (and these may not engage all readers); but I shall also take her account as a cue for pointing the way to a more balanced analysis of settlement, which may be of wider interest.

Landau covers eighteenth-century petty sessional records in Kent. Her argument is not always clear, and sometimes seems contradictory; it is often based on surmise rather than direct evidence. The essence of it is stated to be: 'that parishes applied the settlement laws as Parliament had intended – that is, to monitor and regulate immigration – and that rural parishes did so vigorously until 1795, when change in the law made such activity impossible. Therefore, this article questions Snell's assumption in Annals of the labouring poor, that almost all settlement examinations were generated as part of an application for poor relief.'2

I shall outline other aspects of her argument shortly. Let me first note that in this and other such statements she does not summarize my views

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accurately. Indeed, I made much mention of the contemporary 'likely to be chargeable' category of the poor, of which more below. I also argued that those examined (whether 'chargeable' or not) were generally unemployed – this is not the same as saying they were almost always applying for relief. Further, in calculating rural seasonal distributions of unemployment (one of many uses for settlement examinations), certain categories were excluded, because for various reasons it was possible that their examinations were not directly due to rural 'unemployment' of the sort that interested me.\(^3\) Landau appears to have overlooked the qualifications I made covering those cases for which examination may not provide the date of chargeability,\(^4\) and the fact that when dealing with seasonality I was concerned with rural parishes and workers – not urban ones and market towns. No such distinctions exist in her article. Her figures are both urban and rural, and make no effort to distinguish occupations. They are therefore not comparable to the parts of my book which covered rural seasonality by using settlement records; nor does her discussion have any bearing on all my other uses of settlement records. For such reasons, it seems to me that her argument is largely irrelevant to my own use of settlement data.

Landau depicts *Annals of the labouring poor* as a book with a thesis on the settlement laws. In no way was it such. My detailed arguments on that have yet to be published, and my book never set up what Landau calls 'prevailing views on the administration of the laws of settlement'.\(^5\) Hence she proceeds in the unusual fashion of trying to deduce that I hold certain 'assumptions' or 'premises'. It is these 'assumptions' that she refers to: in her words, that 'a settlement examination was merely the equivalent of an application for poor relief':\(^6\) or the 'assumption that supervision of migrants had little to do with the laws' application';\(^7\) or 'that the settlement laws were applied only to the indigent'\(^8\) – despite the fact that they were never made in such a crude and unqualified form by me, nor by any other settlement historian. In fact, *Annals of the labouring poor* used selected biographical details in certain settlement records – and I did not use certificates – to discuss features of rural life and poverty, like wages, farm service, women's work, rural unemployment, the family, apprenticeship and so on. These were its subjects – not administration of the settlement laws. Had I intended an outline of the latter, it would have been a totally different book, using all types of settlement document.
Unlike that book however, Landau makes strong generalizations about the nature and purpose of pauper settlement, which we should consider. She repeatedly asserts that the settlement laws were to regulate or ‘monitor’ migration: that that was their Parliamentarily ordained purpose, and that was in practice how and why they operated. She writes that ‘The laws of settlement, enacted between 1662 and 1697, created a legal framework which allowed parish officials to supervise and regulate migration’; and ‘the settlement laws were designed to allow parishes to exercise control over immigration’. To her, this above all is the meaning of the settlement laws; indeed, she claims that ‘such surveillance is what Parliament both intended and assumed when it enacted the settlement laws’. Such regulation and supervision of mobility was, she argues, ‘vigorou s’ and very effective, done with ‘assiduity’ from 1662 till 1795, enforced by JPs with this intention. Given this supposed purpose of settlement law, she hints that any use of its records (like examinations or removal orders) to study aspects of pauperism may be misplaced. She feels that the timing of these documents was just a matter of administrative convenience, unrelated to the seasonality of pauperism in different agrarian regions. Settlement records should, apparently, point the way not to an understanding of poverty, unemployment and ‘chargeability’, but rather to what she claims they were designed for: how ‘immigration’ was vigorously ‘monitored’.

This is an unusual approach to the subject. Furthermore, the argument would clearly pose problems for views of eighteenth-century English society as very mobile, individualistic, with an active labour market. Settlement is clearly important for such issues. One can understand that Landau, a historian of the upper reaches of judicial administration and politics in eighteenth-century Kent, might magnify the role of JPs and express such views. It seems to me that such strong emphasis is unfounded. Let me start by stressing the most axiomatic point about pauper settlement, which Landau has completely by-passed. All contemporary definitions of the settlement laws – in statute, in the manuals of overseers, JPs or guardians, in legal cases, in contemporary pamphlets, in Select Committees on settlement and irremovability, as well as the definitions by Poor Law and settlement historians – emphasize the following crucial point. Pauper ‘settlement’ related above all to the rights of the poor to poor relief in certain parishes. It was the almost inevitable corollary of a parochial system of poor relief and rating, as codified in the Elizabethan statutes, as practised long before 1662, and long after the eighteenth century. (The legal system of settlement stretched far before
and after the limited period Landau discusses. It ought to be understood in relation to its proper time span, and the seventy or more statutes comprising it, rather than the few she mentions.) When one looks into the reasons for the law's growth, and for its decline, it is clear that it was intimately connected with poor-relief administration, and the scale of that administration. Settlement law became increasingly redundant as and because England and Wales moved gradually towards a national welfare system. This occurred particularly from the second half of the nineteenth century (with union chargeability), although pauper settlement lasted even until the mid-twentieth century, when a national system was finally established. As Steer's parish law defined it:

'Settlement, Definition of. A Settlement is the right acquired in any one of the modes pointed out by the poor laws, to become a recipient of the benefit of those laws, in that parish or place which provides for its own poor, where the right has been last acquired'.

Among many others, here was James Shaw's definition: 'Settlement is that right which a parishioner becoming impotent or poor has of claiming relief from the funds raised by means of the poor's rate, by virtue of the social relationship or connection which subsists between him and the other members of the parish. This right is always acquired in that parish or place in which parishioners have acquired their last legal settlement.'

A settlement, wrote Sir Edmund Head, 'was considered necessary to confer a right to relief... the settlement... represents an ultimate obligation on the part of a particular parish to defray the cost of whatever relief the pauper who is settled in it may require'.

In accordance with this, a settlement place was defined, for example by M. Nolan, as follows: 'A place of settlement may be defined [as] a district maintaining its poor, to which persons become removable for the purposes of obtaining the relief given by 43 Eliz. c.2.'

This accepted definition of pauper settlement, from at least 1662 until the later nineteenth century, is contrary to the one Landau presents. It has always been given by historians, and there has hitherto never been any debate about this. The parliamentary debates, statutes and other sources place no emphasis on settlement being primarily the right of officials to 'monitor' or 'supervise' migration or 'immigration'. Nor is there much support for her stress that 'such surveillance is what Parliament both intended and assumed when it enacted the settlement laws'. Landau completely ignores the huge numbers stated to be actually chargeable. She is mistaken to criticize strong connections made between settlement and poor relief, as she does, or premises 'linking examination to indigence'. Her failure to acknowledge the crux of settlement renders her thesis dubious and unbalanced.
Landau's constantly emphasized term 'monitoring migration' or 'immigration' appears simplistic, especially in the motives it imputes. She hardly touches on the real complexities of the subject: its relation to the relief of poverty, its implications for the working of local government over time, its local and regional dimensions, its urban–rural contrasts and points of conflict, its political implications in different periods, its connection with poor law and rating reform, its relation to vagrancy and alien law, and so on. Of course, nobody would suggest that the settlement laws did not have considerable significance for the mobility and habitation of the population. Nor have I or other settlement historians 'completely dismiss[ed] the problem of the relation of [settlement] sources to the supervision of migration'. Far from it. It is well known that these laws could influence the situation of people, and were sometimes so used, as those of us who study so-called 'open' and 'close' parishes are aware. Any reading of the huge government reports on settlement makes this abundantly clear. One needs to ask why some people wished to influence settlement. Settlement was crucial because with it came eligibility to poor relief: the right of the poor to poor relief when they needed it, where they were eligible for it. That axiomatic definition is the 'assumption' underlying my understanding of settlement in *Annals of the labouring poor*, and my careful use of certain settlement records. Of course those records bear crucially on poverty, pauperism, chargeability (the term they constantly repeat throughout the period) and poor relief. They were inextricably coupled to them, as all contemporaries knew, and with those human situations relating to them, particularly 'unemployment'. Settlement law was referred to in statute as 'The Laws relating to the Settlement, Employment, and Relief of the Poor', indicating the intimate association of these three matters. The 1662 Act, which laid the basis for much settlement law, was in fact entitled 'An act for the better relief of the poor of this kingdom'. Settlement law was commonly called 'The law for the relief of the poor'.

So much for Landau's main argument, which presented an alternative view of the overall nature of settlement law and its operation. Let me now discuss some further misapprehensions, which may stem from her initial emphasis.

Many historians are increasingly concerned with language and its historical signification. Like literary critics, they are becoming more aware of how illuminating such historical language is of practice, and how inattention to historical usage can lead one astray. It is appropriate to
comment upon Landau’s continual use of the words ‘immigration’, ‘immigrant’, and ‘immigrate’, as used prominently in her title (alongside the accompanying word ‘surveillance’. All their barrier and ‘monitoring’ connotations are integral to her notion of settlement.

Landau persistently calls people ‘immigrants’, even though many of these were long resident in the parish of their residence, more so than many who were legally settled there. This vocabulary is largely anachronistic for most of her period. The common English usage came later. The Etymological dictionary of the English language says that ‘The verb [to immigrate] is quite modern’, suggesting nineteenth-century usage. It was still not in common use in the eighteenth century. I do not find it in contemporary discussion of settlement until the nineteenth-century Irish influx. ‘Immigration’ came into general use later than the verb, and, like the term ‘immigrant’, that use was probably American in origin. The Oxford English dictionary speaks of ‘immigrant’, in an early reference dated 1809, as ‘perhaps the only new word, of which the circumstances of the United States has in any degree demanded the addition to the English language’. Dictionary references to Landau’s key words are overwhelmingly nineteenth and twentieth-century, very often American, and they relate to national immigration. (From the nineteenth century ‘immigrant’ slowly (but never fully) eclipses the earlier word ‘alien’.) Landau’s use of a language mismatched to historical circumstances, with inappropriate connotations, seems to me anachronistically to misrepresent issues of parish settlement from the start. A number of terms were used in connection with English parochial settlement, and the most common was that of ‘sojourner’, which has different (and more temporary) implications – ones contrary to Landau’s argument, implying even an expectancy of movement.

III

Let us turn to the evidence itself. Because Landau uses Kent petty-session records, some observations are needed on sources and their use. She states that ‘parish records’ of settlement are ‘perverse’, indeed ‘bedevilled’, and that they have ‘provoked some rather impatient responses’. It is not clear what she means by that, and my own research has in many counties used both ‘parish’ and ‘petty-session’ settlement records, including her own Kentish material. Such ‘parish’ records would be problematic in this context only if she can show (with regard to specific usages, like seasonality) that they are unrepresentative of the total settlement cases conducted, which she cannot. Indeed, we will see that such ‘parish records’ are often ‘petty-session’ records – the ones Landau uses.
‘Petty sessions’ were by no means always a monthly meeting (justices frequently met more often), and were less formalized outside Kent than Landau suggests. For a long period they very often amounted to ‘causal pairs of justices meeting when and where they chose’, as the Webbs put it.28 Their records are frequently irregular, and often do not survive because they had little facility for keeping them. It is well known that Kent is unusual in its petty-session records, raising questions of representativeness over them and over research on administration based on them.29 Nor has it been established that petty sessions throughout the country dealt with ‘a very large proportion of settlement business’, especially examining.30 Landau calculates the ratio of appealed removal orders to all removal orders, on the assumption that petty-session records encompass all (or virtually all) removals. However, this ratio cannot be accurately ascertained in the way she hopes.31 In fact, it is not at all clear how far changes in her graphs32 are due to shifting use and definition of ‘petty sessions’. Furthermore, just as Quarter Session cases for many reasons represent an atypical sample of total cases, it could be argued that for the more questionable and potentially costly cases, where appeal might arise, parishes would be more likely to have the examination conducted at petty sessions.33 Hence her statement that ‘the majority of removal orders appealed to Quarter Sessions were signed at petty sessions’ could be true34 — but her subsequent deductions from that about the encompassing administrative role of petty sessions by no means necessarily follow, even in Kent.

Landau also tries to compare ‘parish records’ with those of ‘petty sessions’, to argue that ‘the majority of removal orders were signed at petty sessions’.35 If this was so for almost all cases, some of her deductions might be more credible. However, this is not a procedure one can adopt. For in most record collections, one has no way of telling how, and from where, records came to be in the ‘parish’ collections. In some cases multiple copies originated in ‘petty sessions’ — but these were removed by overseers (if conducted outside the parish), for they might otherwise have been lost. They were needed by parish officers and might often not be stored elsewhere. Such documents would very early on have been placed with so-called ‘parish records’ (upon which Landau casts aspersions, not noticing that she thereby casts aspersions on her own class of record).36 They would since have been catalogued accordingly. In many cases this undoubtedly took place. Where a removal occurred (which may have involved a predisposition to petty sessions for examination) the documents would commonly be split between the two parishes involved — ending up in different parish collections and so enhancing survival chances. And entries in a petty-session minute book would survive in their entirety if the
book itself survived. However, ‘parish’ records originating outside ‘petty sessions’ would be more subject to progressive loss over time. Such records would be a subset of total ‘parish’ records, the other ‘parish’ records really being ‘petty-session’ records in origin.

There are certainly reasons therefore to suspect that original ‘petty-session’ records might have greater survival chances than genuine ‘parish’ records of a similar type. Further, more copies would sometimes be made, an additional copy for justices, and the latter document would often find its way into ‘parish’ records, given the history of archiving. The relative odds are stacked against original ‘parish’ records (those taken outside anything loosely called ‘petty sessions’) surviving – they progressively became a smaller percentage of total documented cases (including petty-session minute-book entries) over time. Hence Landau’s calculations based upon comparison of arbitrarily divided ‘parish’ and ‘petty-session’ records are open to question. Methods like this have not previously been used on regions with good ‘petty-session’ survival for the reasons I give.37

IV.

Landau’s opening account of the basis for settlement and removal is incomplete, mentioning only one denotation of renting for £10 per annum, and possession of freehold estate.38 As a way of gaining settlement and avoiding removal, these were entirely outnumbered (especially in the rural context) by those cases where settlement was gained by yearly service, apprenticeship, parentage, marriage for a woman (in practice the four major ways of becoming settled), serving certain offices, paying parish taxes, and birth. The widespread yearly hiring and apprenticeship into parishes, which Landau omits, involved contracts which, like marriage, would be difficult for parish officers to break. These most important of the ‘heads’ of settlement, perhaps referring to the most mobile of the population,39 render very suspect such a strong argument for frequent supervisory control over ‘immigration’.

In fact Landau’s own sources and data closely considered do not show that removal happened ‘frequently’ at all. Nor do they show that parish overseers were bent on ‘vigorous’ ‘surveillance’, examining the ‘immigrant’ poor ‘en masse’ at petty sessions, and so on, even when they did not intend removing them.40 Landau is not prepared in her article to allow that settlement business of any magnitude took place outside Kent petty sessions.41 For her petty-session divisions (each comprising ‘about one dozen to three dozen parishes’),42 I calculate an average of just under 13 removal orders per annum for the years for which she provided data. In
other years the figures may be even less. These figures then average down to between only 0.3 to 1.2 removal per parish for each year! This parish average has also been raised considerably by the small towns she includes. Needless to say, this is extremely low, far lower than immigration figures. The examinations also make it clear that many of those examined had been long resident in the parish concerned, and had only just become chargeable, or ‘likely to become chargeable’ (i.e., they were not recent ‘immigrants’). These points are completely contrary to Landau’s claims for ‘quite unsuspected’ and ‘vigorous’ ‘monitoring’ of ‘immigration’ at petty sessions. Together with the definition of settlement, they make me very dubious about the main parts of her argument.

Let me assess the contemporary term ‘likely to be chargeable’, and issues relating to this. This bears on an aspect of the settlement laws in the pre-1795 period, when people could be removed for this reason as well as for actual chargeability. It is helpful to appraise how this term was used, and whether people so designated were generally unemployed.

My analysis of rural records over many counties shows that the regional seasonalities of those ‘likely to be chargeable’ are virtually identical to those of the many people actually chargeable. Seasonality varies by region of course, between, for example, arable, pastoral, or certain cottage-industrial areas. The documentary distinction can easily be made, and suggests that parish officers were commonly interpreting the two terms in a similar way. Many hand-written removal orders, as well as examinations, bear this out, suggesting what was in practice meant by the phrase in question. They virtually never mention a £10 renting threshold by way of justifying removal. Instead, people ‘likely to be chargeable’ were very frequently described in words like ‘was this day taken wandering in the said parish of Donnington where he was likely to become chargeable’, or ‘was found wandering in the said parish being reduced to great distress’, or ‘lately intruded himself into the said parish, in great distress and there likely to become chargeable’. ‘Likely to become chargeable’ was very often followed by ‘if not timely prevented’. A common printed form was to give the name, adding ‘being reduced to great poverty’ – the details of whether ‘likely to be’ or actually ‘chargeable’ to be added for each case. It is unlikely that removal of these paupers arose from a desire to ‘monitor’ their migration. Would this really have led the same JPs to send them in alternate numbers back and forth across parish boundaries, as if a motiveless game of draughts was being played, the human pieces usually staying on the same local board? Rather, one should emphasize that the
main concern had to do with providing poor relief in each person’s parish of settlement.

In some cases unsavoury characters were ejected. The vagrancy laws usually dealt with these. (It was often preferable to class someone as a vagrant). Sometimes people were removed (or removal threatened) and they returned with a settlement certificate, which often meant the accompaniment of non-resident relief. Such non-resident relief was certainly being given from the late seventeenth century, as parish correspondence shows, and it existed earlier still. It was given to men more often than women. The certificate also meant that people would not be subject to punitive measures under the vagrancy laws for returning to the place from which they had been removed. Hence there is no logic in Landau’s inference that men returning with certificates shows that they were not indigent when the order against them was issued.

Generally speaking, those ‘likely to be chargeable’ were in poverty, in imminent need of relief, often reluctant to apply for it in a parish where they were not settled, and this is how they were commonly perceived. In judicial usage ‘likely to become chargeable’ did not mean persons with a ‘possibility’ of becoming chargeable, or who ‘may’ become chargeable, but rather those ‘likely’ or with a ‘probability’ of being chargeable. ‘There is as much difference in this case between may and likely, as between a possibility and a probability’, wrote R. Burn. Hence the inextricably related poor and settlement laws came into effect. These were usually vulnerable people, without secure livelihood, looking for work, finding themselves this way at the same economically inactive time of the year as those actually chargeable, for much the same reasons.

One would expect to find abundant cases of people in employment if Landau was correct about examinations being a form of ‘monitoring’ or ‘surveillance’—and examinations contain many details about past employment, including short-term work. For obvious reasons, mention of current employment would be a major element in ‘surveillance’, if that was the intention. And yet I have found only a minute proportion of examinations where a person seems to be in employment. The circumstances of these were usually atypical—for example a broken leg, or smallpox, affecting a covenant farm servant—and even these may already have been dismissed by their employers. Servants could not be removed from masters. Even in bastardy or impending bastardy cases, overseers could not act against an unmarried servant unless she had first been discharged by her master/mistress (i.e., been made ‘unemployed’). Overseers could not remove someone out of service even on account of bastardy.

The 1662 Act had expressly provided for people ‘to go into any county,
parish, or place, to work in time of harvest, or at any time to work at any other work’. This was in the spirit of the post-1662 settlement laws, and was well established in common law for all who were not rogues and vagabonds. It was also in the interests of local employers, who would not usually act against people while they had work for them. Of course, with some haphazard enforcement, people were sometimes unnecessarily deemed ‘likely to be chargeable’, and removed despite having some local prospects. These can usually be eliminated from rural seasonality calculations if appropriate. One does not find many rural documentary examples, however. Throughout the country they were far outnumbered by chargeable people and cases of genuine hardship, referred to as ‘likely to be chargeable’ in the sense defined above. Threatening an examination itself would often incline people to move on, if they were not indigent. Further, those actually chargeable were an enormous group before 1795. Many printed removal order forms assumed them to be the subject of proceedings, in the printed wording used. Reading very large numbers of examinations and accompanying documentation, and testing between different types and divisions of document to see whether their seasonal patterns and other features are mutually supportive, one is repeatedly struck by examinations’ and removal orders’ connection with chargeability, poverty and relief eligibility.

Furthermore, once deemed ‘likely to be chargeable’, people became immediately chargeable. Their probably unemployed situation in the rural parishes had generally been very little different from that of those who were actually chargeable; and from the moment of examination both groups were in the same position of chargeability. ‘Likely to be chargeable’ should be assessed in relation to the narrow definition of ‘actually chargeable’ – a definition that brought variously enforced penalties on paupers, like badging, liability to have their children bound to sea service, and so on. Asking for relief did not amount to chargeability. Seeking alms locally did not either, nor did receiving money from parish charities or the many seasonal doleings. ‘Chargeable’ meant ‘an actual charge and burthen to the parish’, as Nolan put it, that is, a charge specifically to parish poor rates. In effect, ‘likely to be chargeable’ was an immediately self-fulfilling statement, starting with the charges on the parish of having it written, and then the costs (however temporary) of maintenance, and of removal. The removal order for paupers who were ‘likely to be chargeable’ – just as for ‘chargeable’ paupers – ordered the receiving parish’s churchwardens and overseers to provide for them according to the laws for the relief of the poor. Such officers would be indicted at Quarter Sessions and fined if they did not receive and provide for the removed pauper(s). The removing parish’s officers were to deliver the pauper(s)
'to the Churchwardens and Overseers of the Poor' in the receiving parish, who 'are hereby required to receive [names of paupers] and to provide for them according to the Law [the Poor Law] in that case made and provided', as the standard form put it. This was one way in which chargeability occurred in the period under discussion, as well as resident or non-resident relief being solicited and obtained from the parish of residence and/or settlement. It may seem a paternalistic origin for chargeability, but the taking of incipient paupers in hand was not done unnecessarily, and was a costly alternative. Such cases were undeniably an element in the contemporary meaning and experience of pauperism, chargeability and 'unemployment'. Many such cases were of people in a strange parish, who, lacking a settlement there, and faced with the deterrent of possible examination and removal, were naturally reluctant to apply for the relief they needed.\footnote{54}

One can also note that cases where someone was examined, and very often removed at much cost, because 'likely to be chargeable', indicate the dating of when that person became chargeable, as much so as the other cases where the pauper was actually chargeable. Nolan wrote: 'An order of removal [of whatever sort] is in effect likewise an order of maintenance; for it not only directs the party to be removed to his place of settlement, but also that he shall be received and provided for there'.\footnote{55} As well as the costs to the removing parish of examining and removing the pauper family and their possessions, which it assuredly did not welcome and which were a very strong disincentive to act (these costs could often far exceed relief payments), it was the case that 'heavy expences might, and usually were incurred by the parish to which the removal was made, in maintaining the paupers'.\footnote{56}

VI

Let me assess a related issue. Landau argues that the 1795 Settlement Act caused a marked change in the composition of those removed: it made women a 'markedly larger proportion of those subjected to removal'. She writes this on the basis of data for a few very atypical high-price war years (1796–1799), in just one petty-session division. From such data, she again surmises that many people who had hitherto been removed cannot have been destitute – so she infers that they must have been 'monitored'. Her point is badly documented and incorrect nationally.\footnote{57} Using my much larger aggregate figures from almost all counties, there is not much change in the sexual composition of those examined and/or removed, 1700–1865; and changes are only discernible by using smoothed data. A small upward shift in the proportion female is found in the first half of the inflationary Napoleonic Wars: testimony to the precarious circumstances
of women and families whose husbands were in the forces.\textsuperscript{68} The examinations of many such women make this very clear. And yet this slight rise in the proportion female merely returns to levels found in the first half of the eighteenth century. (There had been a gradual and slight decline in the proportion female between c. 1740 and c. 1770.) A small rise in the proportion female was also a function of the comparatively secure employment for men during the Napoleonic Wars, and the poverty-inducing effects on widowed or separated women of the rising fertility of the time. It was also related to the rise of illegitimacy, itself much aggravated by wartime conditions. The proportion examined and/or removed who were women then falls again to typical eighteenth-century levels after 1815. There is another small peak c. 1832 – but again, the proportions are no higher than those of the early to mid-eighteenth century.\textsuperscript{59} I have outlined elsewhere the increasingly insecure situation of women relative to men over this period, as a feature of a growing sexual division of labour. This has some unknown influence on data of this sort.\textsuperscript{60} Figures on the sexual incidence of removal cannot possibly make Landau’s point, even when they are reliably calculated, and even if they showed (which they do not) the abrupt change after 1795 she hopes of them.

Some people were undoubtedly examined in their parishes of settlement, and no one doubts this. However, Landau repeats this, and from it infers that such practice ‘indicates that parish officers took action under the settlement laws even when immigrants were not destitute’.\textsuperscript{61} Some of the cases I exclude, like bastard bearers, may indeed not have been destitute. But examples of examination in one’s settlement place cannot support Landau’s point. Parish officers were usually checking on eligibility for relief in that parish of claimants or of those in a hard way. Much poor relief was of a very occasional nature, even given to casual poor and others not settled. People found to be settled elsewhere might be removed, they might move voluntarily, they might be allowed to stay if employment looked likely in the immediate future, they might often obtain non-resident relief from their own parishes, and so on. There were many options in dealing with those settled elsewhere. And those found to be examined in their settlement could not be removed. Examination in one’s settlement when chargeable or likely to become so itself of course suggests the absence of prior ‘monitoring’. Furthermore, Landau sets up as a target ‘proponents of the hypothesis that examination usually meant removal’ – although in fact no one has felt the need to assess such an issue in any detail.\textsuperscript{62} And I can see no justification at all for her inference that the particular phenomenon she discusses here ‘is indicative of subjection of immigrants who were not indigent to the laws of settlement’.\textsuperscript{63}
Landau also argues that a lower proportion of examined Kentish male 'immigrants' were removed than was the case for women and children. Therefore, she surmises, 'a very large proportion of the immigrant males brought to petty sessions were not destitute'. One must question her logic, for policies on actual removal varied by sex regardless of destitution. Some men would be given non-resident relief, or settlement certificates, allowing them to stay - this was rarer for women. Men might very temporarily be chargeable with some local prospects - as such they might be allowed to stay. There would be some, temporarily in hardship, who could be marriageable and hence beneficial to the parish if settled elsewhere - they could marry locally settled women, who would then take their husbands' settlements. A parish might wish to retain such men. Males suffering hardship could be more economically useful in the near future than chargeable women. Other men examined would leave without a removal, and would try to find for themselves elsewhere, and so on. Considerations like these were less practicable when dealing with women, who might be more likely to be removed after examination. Parish actions were variously influenced, and at different times, by the sex of a pauper; and paupers themselves would have different options open, depending partly on their sex. One simply cannot infer any conclusions about whether people were destitute or not from sex-specific proportions of this kind.

Without discussing the quality of the accounts, Landau writes that there is no 'correspondence' between paupers examined and those entered in six overseers' accounts. Hence, she claims, they were not 'destitute'. This is despite the fact that very many paupers were stated to be actually chargeable when examined or removed, including from her parishes. Her Kent parishes on average have only about one examination per annum, and this alone would explain problems in finding entries. In my experience of checking those examined against poor-law accounts, it is clear that some parishes certainly entered them in accounts, and that other parishes seem to have done so less systematically. It cannot be stressed too strongly that parish relief was a variable, often changing, practice, with many different policies operating across parishes and time.

Accounts vary in quality and take different forms. This is certainly true of the ones Landau used, some of which are of poor documentary quality. Many accounts are inadequate for this purpose. It is not surprising if even some very detailed accounts contain no such entries. Some paupers temporarily 'chargeable', pending possible removal, were paid 'casual' or occasional relief, with cryptic entries and names not mentioned; or they were paid a small sum from parish charities, rather than the rates. Paupers were sometimes given something by churchwardens, separately accounted.
Paupers were often temporarily lodged in a parish ‘workhouse’, or with parishioners, the costs subsumed in accounting, or paid to a host family. Others were given relief in kind, often not entered in accounts. Many parishes removed immediately upon chargeability without giving notice — this was much complained about, and later reformed. There are parishes which declared in correspondence that it was their invariable policy. In certain pre-1795 circumstances, and under some forms of extra-legal agreements between local parishes (beyond certification), the parish of settlement paid removal costs – these (plus maintenance of the pauper) were totalled, and sent to that parish, sometimes with the pauper. They were paid back upon ‘receipt’ of the pauper, or at a local fair or market, as convenient. Overseers’ entries were often made later, copying from slips of paper, and they often just entered sub-totals under concealed headings or names. There would frequently have been no need to enter anything in the accounts. Landau ignores such points. And it is hard to reconcile her views with the enormous numbers across the country of examined or removed paupers who undeniably were stated as actually chargeable.

Nobody would claim that all rural workers were examined and removed immediately they became chargeable, or became perceived as a likely parish burden, or that they became chargeable immediately after they became ‘unemployed’. To claim this would be tantamount to saying that all eligible persons today register unemployed the moment they are thrown out of work. People have short-term hopes, pride, savings, relatives to help them, and they did in the past too. Moreover, there was often a short lag for information to be sent to a receiving parish, after an examination was taken, before a removal order was sent. Of course, one or more persons would sometimes have been examined together. This was a rural economy where groups of people became ‘unemployed’ or surplus to employers’ needs at around the same seasonal times, after the harvest, haymaking, or periods of piecework; and people would often migrate together in search of work. Landau argues that examination of more than one family sometimes occurred on the same day. But one should not interpret this as part of a general ‘monitoring’ of ‘immigrants’. I have also long been aware of some of the Kentish instances (e.g., Shoreham in March 1708) on which Landau presumably bases her argument for ‘monitoring’ of groups of people. These examples are worth discussing, but I do not regard them as typical.

In general, I am not struck by rural parishes conducting multiple examinations, ‘en masse’ as she puts it, a categorization incompatible with her small per-annum parish figures. And the precise dating of the documentation does not bear this out: examinations for agricultural parishes are rarely clustered on the same day, and their distribution (when
figures are large enough) is usually quite spread.\textsuperscript{71} In some urban parishes, examining many more people, of more varied occupation, one can certainly find cases of multiple examination; one would expect this because of their rather different administrations, which sometimes had to be more wary of the greater problem of high (and more often one-way) mobility to towns.

However, seasonalities from such urban parishes or small towns did not concern me in \textit{Annals of the labouring poor}, a book on agrarian England.\textsuperscript{72} Those chargeable and those 'likely' to become so had the same seasonal distributions (varying regionally). Removal orders showing this had very similar distributions as examinations, by sex and region. There is no doubt about all those stated to be actually chargeable before 1795. (The administrative means were certainly in place to deal promptly with these.) In addition, a three-month moving average is appropriate to present these rural seasonality data, making queries about 'multiple examination' trivial. Any slight forward shift in the data from this is easily tolerated, although it never shows up in the predictable harvest-time and winter distributions. These reflect precisely the seasonality that Arthur Young and many other agricultural writers described.\textsuperscript{73} Nor does it manifest itself in a change before and after 1795, contrary to what Landau's argument would predict.\textsuperscript{74}

Furthermore, one cannot accept a view that winter-time distributions of rural 'unemployment' or pauperism, shown by rural settlement examinations and removal orders, were due to nothing more than overseers having a (most unlikely) preference for doing examinations and removals in the winter. Landau suggests that these rural seasonal patterns have an administrative cause, rather than an economic one indicative of an agrarian seasonality of work, poverty and pauperism, as I believe. As argued above, her view of settlement as separate from poor relief and pauperism is untenable; nor does it explain the sexual differences in regional seasonal patterns which are evident long before 1795.\textsuperscript{75}

The seasonality of rural pauperism is documented by many contemporaries and historians studying the endemic nature of rural poverty. The regionally varied male seasonal distributions of 'unemployment' derived from settlement examinations, showing (especially in heavily arable areas) peaks in pauperism during the winter, low points during the harvest, a rise after the calving season, and so on,\textsuperscript{76} closely and predictably fit (by region) with everything that is known about past English and Welsh agrarian economies. Regional settlement seasonalities closely match the regional seasonal distributions of poor-relief payments (another reciprocal way of measuring 'unemployment'), and the winter-time rise in other poor relief. They are comprehensively supported by the widespread complaints of
winter unemployment by contemporaries (notably in arable areas), by their inverse relation to the marked seasonality of wage payments by sex (and to total days worked as calculated from labour accounts), by the descriptions in Parliamentary Reports of women’s employment during the year, by seasonal labour protests at work shortages, by the seasonality of child school attendances (affected by employment seasonality), by the seasonality of itinerant workers, or by the seasonality of poverty-induced game-law offences. They match more modern labour-demand and seasonal unemployment patterns in the same agricultural regions. Their seasonalities vary predictably in the different arable or pastoral districts. They vary over time and region by sex in a very intelligible way (before and after 1795), cross-checked against a variety of different sources. They change with suddenness upon enclosure, particularly in the cereal-growing east, regardless of whether one is analysing a period before, or after, 1795. The same source also produces varying seasonalities for different rural (and urban) artisan trades, which also tally well with what other sources and historians describe about such trades. Nothing in subsequent research on the varying occupational seasonalities of the rural Midlands and north has led me to reappraise this matter. Landau’s conjecture that administration explains rural settlement seasonality seems rather out of touch with regional social and economic realities.

Winter weather with its accompanying roads was hardly the time when overseers relished locating one or more JPs (if that was locally necessary) to bring paupers before. Nor did officials eagerly escort people to their settlements in winter. If Landau was correct in her view of winter examining until 1795, the Act of that year would manifest itself in a subsequent flattening out of male seasonal patterns for arable areas. This is because those ‘likely to become chargeable’ (hitherto administratively reserved for the winter, she thinks) were (with minor exceptions) no longer subject to examination after 1795. However, if anything the opposite is true. Settlement data suggest an intensification of seasonal patterns after enclosure, and (more generally) some slight accentuation of the seasonality of male distributions of rural unemployment into the early nineteenth century, particularly in the south-east. The essential continuity in the male seasonal patterns is inescapable however, especially when grouping all rural parishes together, so that recently enclosed parishes become a minority of the total. Because of this, it is hard to imagine that the 1795 law has much effect on such calculations. And Landau’s view, if correct, would work in favour of my arguments in Annals of the labouring poor. For her point would predispose seasonal data to flatten out after 1795 — yet despite that, the data change to rather more acute seasonal patterns in the early nineteenth century. Thus, my pessimistic argument on seasonal
Landau overstates the importance of the 1795 Act at the end of her period. Not only does it seem to have had no effect on rural seasonalities; it also had no effect on measurement of the family poverty cycle. Her argument would strongly imply an effect on that. Nor did the Act reduce the numbers of removals, as she would have to presume. I shall show elsewhere that national numbers of examinations and removals per annum, having fallen from a peak in the early to mid-1780s, then rose to unprecedented heights, especially after the comparatively full employment of the Napoleonic Wars. Further, if Landau is correct, examinations for ‘monitoring’ should have gone on after 1795, indeed throughout most of the nineteenth century. Given her argument, there was no reason for them to stop in 1795 as she presumes: the 1795 Act affected actual removal. However, there is little sign that this happened. Just as before 1795, one sees very close connection between examination and ‘unemployment’.

It would be perverse that the 1795 Act was passed when it was if settlement was really for the ‘monitoring’ of ‘immigrants’. Had JPs and their associates seen settlement in this way, they would surely not have abandoned such a mechanism in the middle of a decade of labour unrest, when ruling elites saw Jacobins in every haystack, and tried to control the burgeoning Republican, trade and corresponding societies, and the spread of revolutionary ideas, when French armies so alarmed them, and when events in Ireland might have made them especially concerned to ‘supervise’ the thousands of mobile Irish in England and Wales. There do not appear to have been any political protests against the 1795 Act on these grounds, which could support Landau’s case. Like the earlier Acts, that of 1795 clearly linked settlement with poor relief; and the English settlement/poor-relief system remained, as always, a more effective precaution against unrest than any amount of ‘monitoring’ could ever have been.

Nineteenth-century commentators did not view the 1795 Act as especially notable. While they generally saw it as a step in a desirable direction, reformers usually saw it as an opportunity lost, as Piggott put it. They did not share Landau’s view that the system was ‘fundamentally altered in 1795’, and nor do I. Editions of the pre-1795 legal manuals, like Burn’s, continued without fundamental change. The 1795 Act has significance, but it should not be exaggerated. Contemporaries were more struck by continuity of the earlier laws into their own time. They went back to those laws to discuss the system, without paying particular heed
to 1795. Piggott commented on the 1795 Act almost as if it was irrelevant. His view on continuity prevailed. It is further borne out by continuity of the late seventeenth-century ‘heads’ of settlement. These were re-enacted surprisingly intact even in the 1927 or 1930 Poor Law Acts. Continuity is also stressed by settlement historians. A more appropriate debate – which historians, like contemporaries, have been more concerned to conduct – is the significance for settlement of the New Poor Law.

To stress even further the extent to which settlement was connected with pauperism, further findings can be summarized. Before and after 1795, using aggregate national data, there are very significant positive correlations between yearly totals of removals and examinations on the one hand, and prices and poor-relief expenditure. The connection between yearly fluctuations in examinations and/or removals and indicators of poverty can very securely be shown. Major price rises, accompanied by rising poor relief – 1709–1710, 1725, 1727–1728, 1740, 1751, 1755–1756, 1766–1767, 1771–1774, 1782–1783, 1789, 1795, 1800–1801, 1809–1812, 1816 – were all associated with aggregate rises in the numbers of people examined/removed. This is especially striking in 1740, 1755–1756, 1773, 1795, 1800–1801, 1809–1812 and 1816. Falling prices, and hence rising living standards in the early to mid-eighteenth century (when service and its accompanying high mobility seem to have peaked), were associated with low settlement activity. (Such low prices probably explain much more of a decline in appealed cases c. 1715–1745, in some counties, than Landau’s emphasis on high-political activity). The well-known periods of ‘unemployment’ and/or ‘pauperism’ in both the eighteenth and nineteenth centuries were associated with marked upturns in examinations and removals. This is dramatically true of c. 1740, the mid-1760s into the early 1770s, 1783–1786, 1800–1801 and 1814–1821. Periods of more secure employment, especially in those wartime years which were not subject to extreme price rises (i.e., leaving aside 1740, 1795, 1800–1801, c. 1810–1811), witnessed lulls in examination/removal activity.

The national sums expended on removals remained almost constant as a percentage of total sums assessed and levied for the relief of the poor before and after 1795: at between 2.0–4.3 per cent. There is perhaps a very slight tendency for the percentage to rise from the 1776 figure. (If Landau was correct, it should fall after 1795. There is no sign of this.) It is also the case that per-annum sums expended nationally on removals are highly correlated with the separate sums expended for the relief of the poor ($r = 0.980$, using the 1776–1815 data). This is also true of parochial expenditure, where it can be judged. I will discuss these matters elsewhere. One notes again that there is no evidence to support any
argument that examinations and removals were unrelated to pauperism and unemployment. It is clear that there was an extremely strong association between them.

VIII

Let me discuss an issue which may bring evidence of pauper settlement to bear on political historiography. Landau uses some partial figures to argue that Quarter Session settlement appeals in Kent declined over time as a percentage of total settlement cases. She claims, incorrectly, that 'the number of appeals also fell decisively and fell during the same period in all the other counties whose appeals have been enumerated'. Accordingly, she argues, 'the expectations which impelled parish officers in many counties to appeal against removal orders changed markedly during the reign of George I. A national alteration of expectations would have been entirely logical.' Her explanation encompasses the Whigs' 'hegemony' in the commission of the peace, high-political intrigue, the political balance of the benches, and the King.

However, the 'logical' explanation for such a change is different and less ambitious. As more people came under the settlement laws because of rising rural poverty from the late eighteenth century, as the legal and other costs of appeal rose considerably, and as parish poor-law expenditure escalated, parishes were often forced to economize on their appeals. Appeals therefore fell as a percentage of (rising) total settlement cases. Landau does not advance this explanation, possibly because her high political interests forestall awareness of more mundane parish poor-law matters, and because an emphasis on 'surveillance' administered by JPs leads her to distance pauper settlement from poor relief. A similar misconception is apparent in her view that 'removal was employed so frequently that it is likely that some parishes did not restrict its application to the destitute'. One needs to point out that if (or when) it happened 'frequently' (her own data show it to be surprisingly infrequent) it was because there was a great deal of poverty, and so matters of poor relief came to the fore, bringing settlement issues with them. The period c. 1760–1820, showing a very large rise in settlement business over the whole country, allied with considerable poor-relief increases (and yearly figures for both are highly correlated), is an example.

IX

Another part of Landau's argument involves deductions about marriage. She first states that marriage was 'the event which would most frequently prompt migration'; and then that I am of the opinion that 'the majority of the newly married who were examined would be examined very shortly
after their marriage'. She then tries to test this thesis, because it apparently bears on 'Snell's clearly stated assumptions about the relation between parishes' surveillance of immigration and examination'.93 I never expressed such 'assumptions'. Her analysis is unconvincing, particularly for males examined. First, many other events (like service or apprenticeship) would be more likely than marriage to lead to male migration. Second, with many men marrying shortly after their last service94 (which had commonly gained them a settlement), and with a custom of wives moving to join their husbands if they lived in different parishes (not vice versa), Landau's argument is again immaterial to my work. Third, it is again self-contradictory. This is because if she was right on settlement generally, newly arrived non-settled married men ('immigrants') would be the ones most likely to be 'vigorously' 'monitored' by parish authorities upon arrival, especially if they really were the ones who moved, as she claims. If Landau is correct on that, and on marriage being the prime cause of male migration, she needs to find evidence of an enormous proportion of 'monitored' examinations and 'regulated' removals very shortly after marriage.

Her table shows nothing of the sort.95 The table (on those examined in relation to marriage date) is unsurprising. It covers just one area for eight years. The differences in the figures are not even statistically significant. Further, many would involve cases of migration or death, which predispose her results. Why should one expect an enormous number of examinations of those just married? They would usually have married in relatively buoyant economic circumstances. The table does not controvert my view of settlement.96 Indeed, one normally finds a rise in the number of families examined after a few years of marriage, due to the family poverty cycle, as outlined in my book.97 This seems apparent in Landau's data. However, her figures are irrelevant to the point she wants to make.

Who did the settlement laws cover? Landau argues that certain families were 'subjected' to the settlement laws, while others were not. This dichotomy then forms the basis for some tentative calculations on the extent of so-called 'surveillance'. However, one should stress that all families (including ratepayers) were 'subjected' to the settlement laws, just as they were subjected to other laws.98 Landau's discussion of those 'not subjected to surveillance' misleadingly presents the issue. It follows from her view that the laws were intended to 'monitor'. If family members were settled in one parish, however wealthy they were, they could still find themselves embroiled in the law if they moved elsewhere and suffered hard
times. As Burn said, 'no one can say who may not be chargeable'. 99 John Scott was right to stress the unfortunate circumstances that could turn anyone into a beggar. 100 James Shaw wrote that ‘The richest man in England may, by misfortune, become a beggar, may, according to the ... poor law system, “come on his parish”’. 101 The reality of universal vulnerability, stressed in sermons, explains much about local social relationships and welfare (and why these changed). There are abundant biographies in examinations reminding one of the hazards of ill health or fire, of the rapidity with which fortunes could alter in the largely pre-insurance age. In practice, many of the ‘better sort’ would never sink onto poor relief and thus perhaps the settlement laws – but a few would, and so all were ‘subject’ to the law in case of any eventuality. Further, Landau’s notional figure of the proportion of families supposedly ‘subjected to surveillance’ each year, based only on Sittingbourne, 1789–1792, 102 bears no necessary relation to per-annum in-migration figures like those calculated for Clayworth or Cardington. (Just because two percentages are similar, does not mean that they refer to the same phenomenon.) To judge from fully entered parish examination books, the numbers of people examined each year (even including those long resident, but recently chargeable) were much lower than numbers of incomers or sojourners. 103 Landau’s own sources show this.

Landau infers that there was heavy ‘surveillance’ of ‘immigrants’ because they might pay rates and so gain a settlement. However, there was no need for officers to rate someone if they did not want to confer settlement. 104 They would hardly diminish parish funds by not rating him, seeing that removal as an option would have the same effect. 105 If the newcomer employed an apprentice or servant, it was likely that he was of sufficient standing to make him welcome in any case. His children might become servants in that parish; but then (even more noticeably) so might children from other parishes. There was a high probability that his children would leave the parish for service or apprenticeship elsewhere. In the eighteenth century it was not common to end up with one’s father’s settlement. 106

Next, in over fifty record offices, I found many hundreds of widows and deserted wives in examinations. But few of these ‘were afflicted with temporary amnesia’ 107 when questioned about their husband’s settlement, which they took. Certainly there is nothing like the 35 per cent Landau reports from Kent petty sessions. That figure (28 out of 81) shows atypicality in her source, rather than supporting her argument that examinations were ‘monitoring’ devices designed to avoid later ‘amnesia’. Most such women claimed to know their late husband’s settlement. They may or may not have been right, but on this crucial matter they rarely
professed ignorance. And the husband's putative settlement would generally be known in the community.

Also puzzling is Landau's claim: 'Like the certificate, the examination greatly diminished the possibility that a parish might become responsible for a poor immigrant and his family.' There is no warrant for this. The legal status of an examination with regard to future gaining of settlement was completely different to a settlement certificate. And of course an examination was certainly not 'proof' of a settlement. Nor would it be compelling legal evidence: the purpose of Quarter-Session cases was to judge information in examinations - not to accept outdated ones as proof. And contrary to Landau's argument, the 1795 Act in fact did not 'abolish certificates', nor did they thereafter become 'obsolete'.

Examination of a family upon arrival would itself do nothing to prevent settlement. The parish would view them as settled elsewhere. Unless they were unemployed or in poverty, it would usually not yet take the matter further. It might try to stop the family head gaining a settlement, and as one partial step towards that it might ask for a certificate. Some parishes would threaten removal if the pauper (the term used throughout Burn's account of certification) did not supply a certificate, and this could involve the cost and trouble of examining. But generally speaking a proper examination would be taken when chargeability was impending or became actual. Unless a removal was threatened or announced to another parish - which could accept responsibility, or challenge removal at Quarter Sessions - parish officers would have few ways of legally verifying an examination taken upon arrival, any more than they could be sure about what they learnt informally. Families would rather move in good weather than in winter (like overseers); yet the seasonality of rural examination does not support Landau either. On the contrary; if she was right, examinations would peak in summer or autumn, rather than peaking in the middle of the winter for agricultural workers, as I would expect. Here, as elsewhere, Landau's argument on the function of examination needs reconsideration.

Landau recognizes that a parish might indeed try 'to protect itself from the dangers represented by poor immigrants', those who might immediately consume its 'jobs, housing, common, waste, gleaning, etc.', as she adds. This is correct as far as it goes, but requires the replacement of the 'etc' with 'poor relief' (which could include housing and jobs). This was the only legal right conferred by settlement, and was therefore the resource to be most concerned about when someone seemed likely to
become settled. Landau contradicts herself again by finally admitting that these ‘poor’ people would indeed be looking for parish jobs, and the other means of subsistence in an agrarian economy, having criticized me earlier for emphasizing precisely this. After all, James Shaw expressed the significance of the 1662 Act as enabling the removal to place of settlement of chargeable persons and those ‘who were likely to become chargeable in parishes into which they have migrated, for the purpose of finding work or employment’.

Reading Shaw on this matter led me to realize the potential of rural settlement seasonality.

Of course, employers (as ratepayers) could prevent certain people gaining settlements by withholding yearly hirings or apprenticeships. They could control housing and avoid renting them property. They could do much else which would ensure that they would not gain settlements, if they wished. However, in many times and places, they would want people to gain settlements, for a whole range of reasons mainly to do with labour supply, ratepayer numbers and rateable value, provision of skills locally, and so on. So-called ‘immigrants’ might often be welcomed, especially in times of low poor rates and little pauperism. Hence in many periods there was considerable ease of out-service or apprenticeship. The parish would also need new ratepayers, looking to its future. It was only in certain circumstances, especially from the 1780s, that attitudes hardened because of rising relief expenditure, and more measures were taken to prevent settlements. To stress poor relief further, one can note that most other parish or manorial resources could be guarded by a whole gamut of formal or informal controls, like stinting, gleaning restrictions, by-laws regulating commonage, rules governing commons encroachment or parish charities, male intimidatory action against suitors and others, and so on. The right to poor relief however, once gained by settlement, could not legally be withheld, unless of course the person became settled elsewhere.

An amended picture of pauper settlement has been emerging, albeit in a piecemeal way, removing and replacing peripheral pieces of the jigsaw which had been wrongly inserted into central positions. I reinstated its definition earlier. Let me conclude by delineating settlement more plainly.

Mobility took place on a very extensive scale, as we know from many valuable studies. For demographic reasons alone, this was often indispensable. Rural mobility – parish through parish, often within the bounds of regional cultures or pays – and rural outmigration, were among the more remarkable features of the English and Welsh social structures, and were integral elements in British economic and urban growth long
before factory industrialization. As interpreted in the picaresque novel, this was an individualistic and capitalist society, and the evidence of some regional xenophobia cannot obscure this. The picaresque details provided in countless examinations convey this strongly, and their often lengthy accounts of unrestricted mobility speak for themselves. One could rewrite this argument just on the internal evidence of these documents. Generally speaking (and there are parish exceptions), labour mobility appears not to have been hindered or consciously ‘monitored’ at all effectively by the settlement laws. Parish population turnover was extremely high, especially among the many with little or no property. Surname analysis has underlined the volatility of change, and demonstrated how open British village populations could be. In 1800 the physician and author John Aikin returned ‘with beating heart’ to Kibworth, the populous parish of his youth, which ‘had long been the subject of my waking and sleeping thoughts’—and to his dismay found he knew nobody. It is hard to imagine greater turnover than is implied here. Like Henry Fielding or Howlett before him, Sir Frederick Eden regarded the effects of the settlement laws on mobility as trifling. It was clear to him that Adam Smith and others had exaggerated.

Why was this? The reasons why a parish tried in some periods to protect itself lay at the heart of the settlement laws—namely, their intimate connection with relief and the Poor Law, with specific entitlements, paid for by parochial ratepayers, which had to be guarded against excessive entitlement which would diminish their value, and even possibly break the back of those legally responsible for paying them. (Some of the East Anglian rates in the early nineteenth century, or the hostile debate over the Irish poor-law legislation during the famine come to mind.) In-migration per se was not necessarily a threat to the rates and to those who depended upon them. Even in a place like Manchester, huge in-migration could be absorbed, partly because of the extensive non-resident relief paid to those migrants from their settlements elsewhere. In nearly all parishes (extreme ‘close’ parishes aside) there were constant cases of ‘harmless’ in-migration, often simply becoming through-migration. The widespread extent of sojourning was self-evident to parish authorities. It was what happened afterwards, in connection with settlement, that mattered. Hence the restrictions and fines sometimes imposed via leases on farmers creating settlements, the occasional parish covenants with lessors of premises to indemnify the parish if they allowed settlements to be made, controls on office holding, and similar measures; and hence, in part, the use of certificates in some places. Particularly in rural communities controlled by propertied ratepayers, with strong informal sanctions possible, it was after
1691 usually quite easy to stop a poor person gaining a settlement (given
the heads of settlement), if this was felt necessary. The 1847 Select
Committee’s Report even sometimes claimed that it was so difficult to gain
a settlement that farmers did not try to prevent it. In such communities,
there was little need for ‘vigorous’ ‘surveillance’ and ‘monitoring’ of all
sojourners.

Settlement as seen by the poor in the eighteenth century, as a certain
eligible status, was in many ways tantamount to their own perceived right
to parochial ‘citizenship’. (I will use some deliberately anachronistic terms
for a moment, just in order to facilitate understanding.) However, to a
greater extent than is true of modern immigration law, the issue was
articulated as being a matter of entitlement to poor-law benefits conferred
by settlement. Entry in itself is a very different matter from actual
‘citizenship’ and its rights, especially in adjoining parish societies, as
indeed it is for a modern international businessman, tourist or academic
researcher, temporarily visiting a country. Parochial residence itself did
not confer the parish equivalent of citizenship rights – poor-relief benefit
– just as it does not today. Despite Landau’s view, it was not usually much
of a threat, although it may have come close to being one under the 1662
Act before the forty-day dangers were realized and soon averted. ‘Citizenship’ today contains a wider catchment of rights than was ever
legally conferred by its historical parish equivalent, settlement, which is
one reason why modern bureaucracies connected with it are so relatively
sophisticated. The one right unambiguously conferred by settlement was
the right to poor relief, earned in a variety of usually avoidable ways.
Hence the invariable identification of the two – poor relief and settlement
– in legislation and in all definitions of ‘settlement’.

The right to live somewhere was not largely dictated by settlement.
Indeed at any given time, especially after 1691, there were large numbers,
often a majority, of inhabitants not living in their settlements. (This was
not a basis for vigorous ‘monitoring’.) Many others – so-called ‘out-
settlers’, ‘outtownsmen’, ‘outlayers’, ‘outshifts’ and so on – held some
property in the parish in question, were often rated, but lived outside. In
such respects, settlement practice differed markedly from its counterparts
today. Under the 1981 British Nationality Act, for example, the right to
enter and live in the United Kingdom without restriction is tied to a clear-
cut definition of ‘citizenship’. However, entering and living in a parish was
not generally, or in law, tied to settlement. The contrasts are such that one
must guard against uncritical use of the analogy and language of largely
modern concepts – ‘immigration’, ‘immigrants’ (‘monitoring’?, ‘sur-
veill ance’?) – to define the function and practice of something as complex
as pauper settlement. This is ahistorical. By all means contemplate the
settlement laws to promote historical understanding of modern citizenship, nationality and immigration law. I shall try this elsewhere. But a largely ahistorical language of ‘immigrants’ and ‘immigration’ – with strong obstructive denotations – incorrectly provides an historical interpretation from current national experience, from present-centredness. It promotes an exaggerated and too simple parallelism of modern nation-state immigration practice and the poor-law practices of eighteenth-century parish societies.

There is no doubt whatever that many of the poor suffered hardship because of the settlement laws. Yet one should ask: what evidence is there that they felt themselves oppressed or ‘monitored’ by the laws in general? This is tentative, but there seems to be almost no recorded protest by them or the early working class against settlement as a system, despite the voluminous private and public protests they made about so much else, and despite the fact that the future of settlement was a debated political issue. The answer is that in essence they saw it as their ‘right’: to poor relief, to a place, their safeguard, the essence of ‘belonging’. As Thomas Smith put it: ‘The poor value their settlements very much ... They think they have obtained a sort of right to relief or to work when work is scarce ... It is a great point with a poor man to know to where he belongs. I believe a greater portion of the poor are non-resident than many persons are aware’. Many of their letters support this assessment. ‘It is a rule’, wrote Shaw in 1753, ‘that all Settlements are expounded favourably, liberally, and most beneficially for poor People’. Settlement was also a ‘return ticket’ of last resort, a safeguard against vagrant wretchedness, in case mobility in search of work should fail – and at times it was openly used as such by some groups, like the Irish, or many who moved to cities like London or Manchester. In this sense, it might well be arguable (contrary to some contemporary critics) that settlement – plus its corollary of non-resident relief – conduced to greater mobility than might otherwise have occurred, and thus was well suited to the distinctive patterns of British mobility and economic and urban growth.

Just as with poor relief, settlement was the poor’s ‘property’, as Cobbett and others would have expressed it. As the Shropshire Sessions put it in a case in 1699: ‘by reason of several erroneous proceedings’ an earlier removal order had not had ‘its due effect, [and] the said Roger Phillips hath been deprived of any settlement which is contrary to the law of the land and freedom of an English subject’. Settlement here meant privilege and a kind of ‘freedom’ – not monitored restriction. Much else followed from this. As Pashley wrote much later, in 1852: ‘There was a time when judges used to ... consider [a settlement] not in its real light of a great restriction on natural liberty, but as a peculiar privilege of the
Like Steer and many other contemporaries, he had little doubt about the prior meaning and connotations of ‘settlement’. On the other hand, certain of the ‘reforming’ political economists mainly of the nineteenth century (they have their predecessors) tried to give another slant to settlement, allied to their own particular and often harsh view of poor-law reform – just as they tried to alter a host of other connected ‘moral economy’ and poor-law traditions, like the ‘right’ to relief. Their reasons and effects cannot engage us here, and much of that has been admirably discussed by others. Settlement, a focus for some key economic debates of the nineteenth century, meant different things to different people, depending on the vantage from which it was viewed; and there are cultural and ideological reasons for supposing that those various perspectives might be perpetuated in the historiography. One notes that it is a rather proximate step from the view that settlement primarily ‘monitored’ and ‘regulated’ mobility, to some political economists’ selective and rather rhetorical criticism that settlement was a ‘great restriction on natural liberty’. However, the latter view was not a prevailing eighteenth-century perception of the Poor Law among those most accustomed to settlement, and I doubt indeed that it was an appropriate criticism. Such critics are highly visible to the historian, but on this issue they voiced minority views – which is one reason why settlement outlasted them by a century or more.

A more appropriate outline of pauper settlement is in place, alongside caveats as to how records may be used. The interpretation of settlement involved the sometimes contradictory views of many thousands of judges, poor-law lawyers and writers over more than three centuries. One cannot hope to go far in one article; but I hope that the main principles are clearer now.

ACKNOWLEDGEMENTS

I am grateful to the settlement historians David Ashforth, Michael Rose and Steve Taylor for their helpful advice, and to Joanna Innes, Adrian Wilson and Tony Wrigley.

ENDNOTES


3 People stated as falling into the following groups were not included in rural seasonal calculations: unmarried mothers and impending bastard bearers, the ill, debilitated or insane, the very elderly, orphans and the very young, men in or just demobilized from
the forces or who were currently or had recently been in the militia (and their wives; there were special circumstances affecting examination of men in the forces and militias), those imprisoned (or the dependents of men imprisoned, ill, insane, or waiting for transportation), young people just married, those who had very recently been widowed or deserted by a husband, some who were examined and asked to obtain certificates (depending on other details), those examined on behalf of others, or any vaguely stated to have first been chargeable in the previous months. (Some cases were back-dated if it was stated that they had become chargeable at a certain date prior to examination.) There are others which are too minor and miscellaneous to list, see, e.g., notes 71, 96 below).

Many of these would be included in modern 'unemployment' figures, and it has been suggested to me by some modern social-policy scholars that I should have included them; but I wanted data which was as sensitive as I could make them to agrarian economic fluctuations and their effects on livelihood. Urban parishes of course were also excluded for this reason. Because of the enormous range, number, content and geographical spread of documents, and the variety of thousands of biographical circumstances (not easily categorized), I specified the major exclusions (e.g., p. 19 for seasonality), but did not laboriously list all-embracing particulars for every type of calculation made from my very detailed research forms. Some individuals or families omitted from one calculation (e.g., seasonality) had details of their past or present circumstances included in a different type of calculation (e.g., wages, hiring arrangements, family structure, literacy, age of leaving home, family break-up, mobility, apprenticeship, etc.). For all purposes no simple blanket exclusions can be made. Many were excluded from other measures too. I did not want lengthy preambles before every calculation explaining the very fine details; for some issues (e.g., wages) this would have required small methodological essays. Most of my calculations were done manually, partly for this reason: to escape simplistic categorizations and inadequate computer coding of such complex data. In view of the obvious and recognizable agricultural regional seasonalties shown, the checks on them I made (e.g., against removal orders for the same regions), and historiographical views on settlement and poor relief which had never previously been questioned, I regarded debate of the source in connection with agrarian seasonality as unlikely. I also assumed that readers would appreciate complex biographical variety, and would accept my careful and commonsense judgement on which cases to exclude or include.

4 Annals of the labouring poor, 17–19. There are other misrepresentations. I comment very briefly that high fees I have encountered of 3s. to 7s. charged by a parish clerk for examining would be one 'disincentive' to examine anybody unnecessarily. Landau summarizes this as: 'Snell... argues that the cost of examination was so high that it inhibited examination of all except those who were chargeable or about to become chargeable' ('Laws', 416–17). Further, I did not argue that 'there were marked similarities between the seasonal patterns for examination of males and females from 1751 to 1792' as Landau wrongly claims to support her thesis (Ibid., 418, n. 37). It was my argument that in that period (long before the 1795 Act) their seasonalties had already begun noticeably to diverge: that there was 'a marked change' between the sexual patterns. Annals of the labouring poor, 21, and see 155–8.

5 Landau, 'Laws', 394.
6 Ibid., 405.
7 Ibid., 391.
8 Ibid., 403.
9 Ibid., 391.
10 Ibid., 407.
11 Ibid., 409.
12 Ibid., e.g., 400–1, 412, 414.
13 This point is central, and stressed throughout the literature. See, e.g., M. Nolan, _A treatise of the laws for the relief and settlement of the poor_ (1825 edn), vol. 1, 274–80, who sees the origin of parish settlement as lying in the fact that poor rates and poor relief were based upon the parish. As William Lumley put it in his outline of the history of settlement laws, after the Statute of Elizabeth it became necessary ‘to define who were to be the subjects of relief in any parish’, _S.C. on settlement and poor removal_ (1847, I.U.P. ed.), 115 (not to ‘monitor’ them). For the same point, see, e.g., _Report of the Poor Law Commissioners... on the continuance of the Poor Law Commission and on some further amendments of the laws relating to the relief of the poor_ (1840), 298–300, on the identity of the units for poor rating, relief and settlement; Lieut. Gen. Crauford, _Observations on the state of the country since the peace: with a supplementary section on the Poor Laws_ (1817), 49–50. Hence the origination of the ‘settlement laws’ as commonly understood; although, if one was so inclined, ultimate ‘origins’ could be pushed back to 12 Richard 2, c. 3 & 7, which originated settlement by birth, or even before. This was developed and altered by further Acts in 1391, 1402, 1444, 1496, 1530, 1536, 1547, 1551, 1557, 1563, 1572, 1598, 1601, 1604, 1627 and 1641. The 1642 Act listed various types of settlement already practised. My remarks in this article are made primarily with regard to emphases in the post-1662 legislation and its operation.
14 This point is often made. See, e.g., M. E. Rose, ‘Settlement, removal and the new Poor Law’, in D. Fraser, ed., _The new Poor Law in the nineteenth century_ (1976), 42: ‘The practice of settlement and removal reflected the intensely local nature of the English poor relief system. The desire to preserve this constituted one of the greatest barriers to any drastic reform of the law of settlement’; A. Redford, _Labour migration in England, 1800–1850_ (1926, Manchester, 1976 edn), 86, 93; or _Report from His Majesty’s Commissioners for inquiring into the administration and practical operation of the Poor Laws_ (1834), 165: settlement was the natural result of the parochial poor-law system. Those nineteenth-century reformers whose views were eventually realized, like J. M. White, spoke of the need for ‘a general rating for the support of the poor... if it could be attained, a national settlement’, _S.C. on settlement and poor removal_ (1847, I.U.P. edn), 114. It is unsound to describe settlement by just using eighteenth-century evidence, and to exaggerate the significance of the 1795 Act (at the end of Landau’s period) so much.
15 Steer’s _parish law: being a digest of the law relating to the civil and ecclesiastical government of parishes; friendly societies, etc., and the relief, settlement, and removal of the poor_ (3rd edn, by H. J. Hodgson, 1857), 627.
16 J. Shaw, _The parochial lawyer; or, churchwarden and overseer’s guide and assistant_ (4th edn, 1833), 178. For the same definition, see H. Davey, _Poor Law settlement (local chargeability) and removal_ (3rd edn, 1925), 1.
17 Anon. [Sir Edmund Head], ‘The law of settlement’, in discussion of the _Seventh and eighth reports from the Select Committee on settlement, and poor removal: together with the minutes of evidence, appendix, and index_, in _Edinburgh Review_ (April 1848), 453; or see J. Shaw, _Parish law_ (1753), 218: ‘By Stat. 43 Eliz. c. 2. every Parish shall keep their Poor, and on this Statute Removals of Poor are made; for unless the Poor are removed to their own Parishes, every Parish cannot maintain its own Poor’; ibid., 235: a settlement is the entitlement to ‘a Maintenance in Case of Poverty and Impotency’.
18 See his _A treatise of the laws for the relief and settlement of the poor_ (4th edn, 1825), vol.
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1,284. ‘A person thus settled became part of the local poor, and entitled to relief’. Ibid., 275.


20 Landau, ‘Laws’, 409. See also my note 127 below. Part of the 1662 Act, which was by no means the first ‘settlement act’, comes nearest to Landau’s view with its mention of poor people settling themselves in parishes where there is the best stock, commons and the like. Before that however, and very clearly in its title, it announces its priority of ‘preventing the perishing of any of the poor, whether young or old’. George Coode, the Webbs and other historians have been quite right to suggest that the 1662 mention of the poor moving to certain commons was a matter mentioned there but subsequently eclipsed as an issue. It may well have been a matter temporarily bearing on London, Middlesex, and Surrey, which the 1662 Act was especially concerned about. See the Webbs’ discussion in English local government: English Poor Law history: part I. The Old Poor Law (1927), 323–6, on the conditions of 1661–1662, including the recent demobilization of 50,000 men from the army, and the relation of the 1662 Act to these special circumstances. They regarded this part of the 1662 preamble as ‘a classic example of legislative mendacity, and of the worthlessness of preambles to Acts of Parliament as historical evidence’ (Ibid., 325). Their discussion is not always reliable, and I would not put it quite like this. However, there seems much truth in their views on this section of the 1662 Act. The matter referred to in this part of the preamble is hardly mentioned or developed in any of the subsequent legislation, or discussed in other sources. It certainly does not support the generalizations made by Landau about the settlement laws.


22 Just as very many ‘poor laws’ are also ‘settlement laws’, and vice versa, e.g., the 1834 New Poor Law. The poor-law literature and legislation underlines the intertwined relationship and identity of poor and settlement law. For one of countless examples of the connection between settlement, rating and the poor law, see Sir E. Head, ‘The law of settlement’, 465–7. The connection also explains why one usually could not gain a settlement in an extra-parochial place: because such a place generally (the issue was much debated) made no provision for poor relief. See, e.g., J. F. Archbold, The Poor Law, comprising the whole of the law of relief, settlement, and removal of the poor; together with the law relating to the poor rate (1873 edn), 665–8, and note his title; Burn, JP and Parish Officer (1814 edn), vol. IV, 390.

23 Attentive reading of my book also makes clear why ‘unemployment’ is put, for historical reasons, in inverted commas. (Consider, e.g., my chapter on enclosure.) A discussion of settlement records, which develops evidential issues, is found in my ‘The poor law historian turned agriculturalist’, Rural history: economy, society, culture (Cambridge, forthcoming).

24 For example, 9 Geo. I c. 7; 36 Geo III c. 23.

25 For example, 8 & 9 Wm III c. 30; 9 & 10 Wm III c. 11.

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28 See my 'The poor law historian turned agriculturalist', forthcoming. And of course parish officers would hardly have had to 'roam the countryside' very far (pace Landau, 'Laws', 393) to take an examination before a JP.

29 Landau might have drawn attention to the problems which accompany the unrepresentative nature of Kent petty-session records. She does notice that east Kent had the lowest expenditure in England in connection with vagrancy (and west Kent was also very low), but does not add that some treated as vagrants elsewhere may have been treated as settlement cases in Kent (p. 403). There are also odd signs of atypicality in her data. Yearly settlement data, whatever its provenance ('Quarter-Session' 'Petty-Session' or 'Parish'), usually show strong and predictable short and long-run statistical patterns - associated in certain ways with prices, poor-relief expenditure, with numbers in the armed forces and with demobilization, with real-wage trends, and with other per annum county distributions of settlement cases. Landau's data, however (p. 396), are either random by comparison with the normal associations of equivalent data or (e.g., with regard to yearly poor-relief expenditure) they show weak negative correlations as compared to the strong positive association found outside Kent. I am comparing her Kent data here with my own very much larger figures for most other southern, midland and north-midland counties.

30 Landau, 'Laws', 393. In those places with the most settlement business, it was usually easy to have documents signed by two resident justices. For some time, there was much misunderstanding of the unclear working in the 1662 Act, which stated only that two justices should remove, i.e., sign the removal order (Burn, Nolan and others tried to clarify this). Examination, the step before removal, was often taken before a single justice. One can even find a single justice examining in a pauper's home, although there would usually be special circumstances involved. Parish officers also frequently left a parish to get a further signature on a document. Indeed, Burn discussed the extent of this practice - 'one of [the justices] taking the examination, and certifying to the other, who sets his hand to the order of removal without further ceremony' - and suggested that the practice was such as to require legislative amendment accepting it. R. Burn, *History of the Poor Laws* (1764), 281. In fact, contrary to her recent methods and argument, Landau earlier acknowledged quite prominently in her book on Kentish JPs that they often acted singly outside sessions when examining. See her *The Justices of the Peace, 1679–1760* (1985), e.g., 178–9 (giving an example of a JP examining singly much more commonly than he did at petty sessions), or p. 215. She also stressed there how different 'petty sessions' could be from one another (ibid., 218).

See also 49 Geo. III c. 124, s. 4; 59 Geo. III, c. 12, on examination by a single justice of the ill, infirm, or prisoners, J. F. Symonds, *The law of settlement and removal* (4th edn, 1903), 82, wrote (presumably with 25 & 26 Vict. c. 113 in mind, as well as R. v. Everdon (1807), 9 East, 101), that 'it is not essential that the pauper should be seen or examined' by justices, excepting removal out of England and Wales, adding that it is nevertheless usual to request his/her attendance, which I would endorse. See also Archbold, *The Poor Law*, 624; Burn, *JP and Parish Officer* (1814 edn), 685.


32 Ibid., 396–7.

33 Landau admits as much herself: ibid., 398.

34 Ibid., 397.

36 Ibid., 393.
37 Landau often cross-relates different types of document as if their provenance was exactly the same, or assumes that lack of documentation of something in her particular source means that such a record never existed. (e.g., pp. 406, or 402: '54.8% of examinations at two petty sessions produce no record of removal order or certificate. However, very many of the latter two documents would have been taken elsewhere and since lost).
38 Ibid., 392. She gives the impression here and on p. 410 of largely referring just to the £10 clause of the 1662 Act, and those parts of the 1697 Acts (8 & 9 Wm c. 30 and 9 & 10 Wm c. 11) which governed the gaining of settlements by certificate holders. This is a very partial approach to the legislation.
40 Landau, 'Laws', 413–14, 409.
41 See my notes 30 and 37.
42 Ibid., 393 (see also data in her 'Regulation of immigration, economic structures, and definitions of the poor', *Historical Journal*, forthcoming). With roughly 420 settlement places (largely parishes) in Kent, one obtains similar or even lower figures by using her data on pp. 396–7. From those, I calculate an average of between 0.05–1.2 removals per settlement place each year.
43 See my note 103 on the low average numbers of removals per annum. If one dismissed Landau's claim that petty sessions virtually monopolized settlement business, and so rejected her figures outright (as I would), the parish average per annum would not go much higher. See also my note 30.
44 Examinations may say that a person has not gained a settlement by renting for £10 or more, and this is listed with the other possibilities which might have gained her/him a settlement. However, examinations rarely say that a person 'likely to become chargeable' is being examined or removed because he/she has failed to rent for £10 or more. This legal feature had in practice low prominence. For further discussion of this see my note 127.
45 See, e.g. L. Rose, 'Rogues and vagabonds': *vagrant underworld in Britain, 1815–1985* (1988), 4–5. This may have been less the practice in Kent than elsewhere, which might help explain Landau's emphasis. See my note 29 above. I shall discuss the relation of the vagrancy and settlement laws elsewhere.
47 Mainly men, as heads of families, were given settlement certificates, any family mentioned after them; and in the eighteenth century such men certainly outnumber women as certificate recipients. This addresses realities of demography, life-cycle poverty, the issue of the position of women, and raises the question as to who paid for certificates. Of course, one cannot infer from the different proportions of each sex certificated Landau's surmise that 'a sizeable proportion of the men who were removed were not indigent'! (ibid., 400). Certificates are of considerable interest, but it is easy to exaggerate their role. Only a very small percentage of examinations mention them, although when they existed they would virtually always be referred to as strong evidence of settlement. While preambles to Acts of Parliament may sometimes be unreliable as evidence on practice, the 1795 Act was probably right in saying that the settlement
certificate system had been ‘very ineffectual’. Many others agreed. (Landau’s own figures in fact show very small proportions of those examined obtaining certificates. Ibid., 405.) In general, leaving aside certain parishes that asked for them, it seems likely that relatively few migrants troubled with certificates, and that these documents were under-utilized. Their use relative to population size seems to have diminished after the mid-eighteenth century, taking account also of the incrementally greater likelihood of later survival. This was unlike the pattern for examinations and removal orders, the numbers of which grew enormously with rising pauperism after c. 1760. I shall discuss this and other aspects of settlement bonds, certificates and testimonials elsewhere. And see Taylor, ‘Impact of pauper settlement’, 52; Taylor, Poverty, migration and settlement, 21; E. M. Hampson, ‘Settlement and removal in Cambridgeshire, 1662–1834’, Cambridge Historical Journal 2 (1926–1928), 286.

48 JP and parish officer, vol. III (1764 edn), 123; and ibid. (1814 edn), vol. IV, p. 687, on the need for careful adjudication of this matter.

49 As discussed in Annals of the labouring poor, ch. 2.

50 There was much legal debate about whether employers had the right to dismiss a servant because of ill health. I shall not discuss this here.

51 Archbold, The Poor Law, 590; Burn, JP and parish officer (1814 edn), vol. 4, p. 384, 653–6.

52 M. Nolan, A treatise of the laws for relief and settlement of the poor (1825 edn), 195–7; H. Davey, Poor Law settlement (local chargeability) and removal (3rd edn, 1925), 6; J. F. Symonds, The law of settlement and removal (4th edn, 1903), 3. An even narrower meaning of ‘chargeable’ is given in Taylor, Poverty, migration and settlement, 21, one which did not encompass ‘casual relief in money or kind’. Certainly a parish could give casual relief (unlike regular relief) without this being seen as a precedent which might confer settlement.

53 3 Wm. c. 11. Or see Burn, JP and Parish Officer (1764 edn), vol. III, 129–30; W. Nelson, The office and authority of a JP (1729), 556; J. Shaw, Parish law (1753), 267, 270; or the discussion of such ‘paupers’ in Archbold, The Poor Law, 668 (e.g., under 3 Wm & Mary c. 11).

54 Possible examination and removal was frequently seen and defended as a deterrent to poor-relief application, both before and after 1795, and this applied to all cases – chargeable or likely to become chargeable. This feature was lessened only by the workhouse and other ‘tests’ of the New Poor Law, and it is only from 1834 that one starts to find contemporaries saying that its deterrent effect was now less important, that it was even inhumane. See, e.g., Sir E. Head, ‘The law of settlement’, 469; S.C. on settlement and poor removal (1847, I.U.P. edn), 58–9, 121, 125; S.C. on poor removal (1854–1855, I.U.P. edn), 25, 36–7, 57, 62, 150, 165, 175, 195, 199–200, 205, 207, 209, 213, 237–8, 269–72, 276–7, 283–5; S.C. on irremovable poor (1859, I.U.P. edn), 541, 556–7, 574. It was this very effectiveness as a deterrent which often motivated parishes to take some incipient paupers in hand, classifying them as ‘likely to become chargeable’; and in part such action (ignoring the deterrent) should be understood as a humane response to obvious need.

55 Nolan, A treatise of the laws, vol. 2, 214, 229 (my italics); Shaw, Parish law, 159. See also my ‘The poor law historian turned agriculturalist’, forthcoming. The settlement laws promoted ‘unemployment’ in other ways too – e.g., among those who were unmarried, or had few children, and were not settled – priority in employment went to the settled. These nuances need not detain us, because (as pointed out in my book) the rural seasonalities by sex of both types of removal orders, and of examinations, for
whatever period, while varying noticeably by broad region, were almost always very similar and mutually reinforcing in each agricultural area.

56 Nolan, *A treatise of the laws*, vol. 2, 575. See, e.g., R. Brown, *A general view of the agriculture of the West Riding of Yorkshire* (1799), 234, on the high costs of removal, a point which could be extensively documented.

57 Landau, ‘Laws’, 400. I will discuss elsewhere the composition of families removed, over a longer period of time. Landau’s generalization on changes in this after 1795 is incorrect. Further, she omits to give the number on which her 1796–1799 percentage (‘a full 51 per cent’…) is based – although she provides such a number for her more reliable percentage before 1795. Her 1796–1799 number would be extremely low, and the percentage based on it is scarcely reliable; see also my note 59.

58 A tenth to an eighth of all men were in the forces during the Napoleonic Wars, and their ages were especially concentrated in the 20s and 30s – i.e., their wives would have had dependent children, making them especially vulnerable to chargeability.

59 I refer to my unpublished work here. For published findings see, e.g., the data in Hampson, ‘Settlement and removal in Cambridgeshire’, which are much more reliable than Landau on enduring changes after 1795 because they go well beyond 1799. They do not support her point – quite the contrary. Expressed as a percentage of cases, the category of married men with families shows the biggest rise; single females decline from their eighteenth-century level into the nineteenth century; and there is a short-term rise in the proportion of women with children during the Napoleonic Wars, before they fall back to their usual eighteenth-century level. Or see the figures in Bradley, ‘Derbyshire Quarter Session Rolls’, 113–14, which again refute Landau’s argument.

60 *Annals of the labouring poor*, ch. 1, 6, 7, 8. This was documented by using a wide variety of sources alongside settlement ones. Research by other historians has supported my findings. See E. Jordan, ‘Female unemployment in England and Wales 1851–1911: an examination of the census figures for 15–19 year olds’, *Social History* 13 (1988), 175–90; and her ‘The exclusion of women from industry in nineteenth-century Britain’, *Comparative Studies in Society and History* 31 (1989), 273–96; B. Hill, *Women, work and sexual politics in the eighteenth century* (Oxford, 1989).


62 Ibid., 402.

63 Ibid., 403.

64 Ibid., 405. Although she contradicts herself on this on p. 412.


66 It is also despite the fact that if ‘monitoring’ and ‘regulation’ indeed took place at petty sessions of the sort Landau thinks was ‘assiduous’ and ‘vigorous’, many overseers’ accounts would nevertheless still be full of its details: costs of *journeys* and associated expenses, costs for multiple examinations and copies, all the names entered of those many ‘immigrants’ taken *en masse*, etc. However, such rural accounts do not bear out Landau’s generalizations.

67 This was also true to some extent of settlement (e.g., some urban–rural contrasts). I will discuss this elsewhere. The grouping of large numbers of rural parishes together for many calculations in *Annals of the labouring poor* was a way to deal with this. One is dealing in generalities: occasional evidence, from some parishes or areas, is not sufficient to shake the generalizations made here as to the most usual practice throughout the country. On variation in poor-law practice, see, e.g., the discussion in

68 For example, under 3 Geo. III c. 29.

69 Landau’s assumption of a gap between examination and removal of up to 14 months is untenable (p. 417, n. 23), like her language of ‘one sustained regulatory action’. One frequently finds the removal order accompanying an examination, and the time between the documents was very much less than the period she allows – for the obvious reason that the circumstances of paupers and their families (ages, rents, contracts, property ownership etc.) could change, affecting settlement. In her period the removal order was almost always dated within a few weeks of the examination. Longer apparent ‘gaps’ simply indicate missing later documents. One should be wary of jumping from one partially documented settlement episode to another affecting the same family, and assuming these to be the same episode.


71 In my book I excluded some parishes from seasonality calculations because of multiple examination, alongside some others where source survival was heavily concentrated on certain months just for a year or so – e.g., where an examination book documented very fully only a short period. Neither case is very frequently found. I ruled out this minor objection to agrarian seasonality after considerable testing of these possibilities, as well as the possibility that numbers peak after vestry meetings, or after a change in parish overseers, both of which are easily disproved.

72 A point which explains some differences of interpretation...

73 For example, A. Young, *The farmer’s calendar* (1771), 229–30.

74 See, e.g., the graph on p. 20 of *Annals of the labouring poor*.

75 Ibid., 21. See also my note 4.

76 Ibid., especially chs. 1, 4.

77 Ibid., 146 (on the 1795 Act), and 147–59.

78 Ibid., 20.

79 Ibid., 20, 148–9. An accentuation of rural seasonal unemployment can also be supported with evidence from overseer’s accounts, a better source for this. For what were preliminary findings, see ibid., 92, 202–6. These findings can now be much better documented.

80 Ibid., 359.

81 I am grateful to Michael Rose for this point. The situation was quite different in France or Prussia, where the troubles of this period produced a number of laws between 1794 and 1808 to control movement.

82 *S.C. on settlement and poor removal* (1847, I.U.P. edn), 807.

83 Landau, ‘Laws’, 415. Nor did they share her view that ‘nineteenth-century overseers had immigrants examined only when they were destitute’ (ibid., 413). This is a misreading of the 1795 Act, s. 5–6. Some of my excluded categories, like bastard-bearers, are still found.

84 *S.C. on settlement and poor removal* (1847, I.U.P. edn), 807.


87 See also my note 29 above.
88 Landau, 'Laws', 397.
89 Ibid., 395, 398. This is incorrect. See, e.g., L. Bradley, 'Derbyshire quarter session rolls: poor law removal orders', Derbyshire Miscellany 6 (1972), 98–114, for a very contrary pattern.
90 Total settlement costs rose from about £35,000 in 1776, to c. £190,000 in 1802, to c. £327,000 in 1813–1815.
91 A further explanation is that over time unresolved features of the laws were refined and clarified, partly through judicial interpretation. Guides such as Burn's also produced better informed magistrates and parish officers, leading to fewer appeals. I am grateful to Steve Taylor for these points.
92 Landau, 'Laws', 399.
93 Ibid., 407.
94 Kussmaul's work is posited on this: Servants in husbandry, e.g., ch. 6; or her 'Time and space, hoofs and grain: the seasonality of marriage in England', in R. I. Rotberg and T. K. Rabb, eds., Population and economy (Cambridge, 1986), 195–219. Landau's contentions imply a different assumption about marriage behaviour, not borne out by Kussmaul's analysis of marriage seasonality to uncover agricultural specializations and the incidence of service.
95 Landau, 'Laws', 408, Table 3.
96 In a small number of parishes (out of over two thousand whose records were covered), there were some people examined immediately after marriage, some of them having been long resident in that parish. It was stated that they had married in the last day or so, their circumstances were exceptional, and unlike most pauper couples, they had no children. I did not include these in seasonality calculations.
99 Burn, JP and parish officer, vol. III (1764 edn), 123.
100 J. Scott, Observations on the state of the parochial and vagrant poor (1773), 1–15.
101 Shaw, Parochial lawyer, 104.
102 Landau, 'Laws', 411.
103 See S. and B. Webb, English local government: English Poor Law history: Part I. The Old Poor Law (1927), 334, on an average of 'one or two' removals per parish each year; M. E. Rose, 'Settlement, removal and the New Poor Law', 37, citing George Coode; Cassell, 'The parish and the poor in New Brentford, 1720–1834', 177: even for a parish on a main London road there were 'only a few persons' removed every year. See also Abstract of returns showing the number of persons received into and removed out of their respective parishes, P.P. 1829, vol. 182, 4–5: the parish average for the year ending 25 March 1828 was about 2.5 removals—an average much inflated by large towns in counties like Middlesex, Lancashire or the West Riding; and my data show this to be a year of quite high removals nationwide.
104 Landau, 'Laws', 412. From 1795 paying local taxes or levies ceased to be a way of gaining settlement unless it was attached to a £10 'tenement' rental.
105 Pace ibid., 412.
107 Landau, 'Laws', p. 413.
108 Ibid., 414.
109 Ibid., 418, n. 41.
110 Pace Landau, 413, 418, n. 41. See Archbold, The Poor Law, 704–5, on examinations not being admissible as evidence; or Burn, JP and parish officer (1814 edn), vol. IV, 683. Landau can provide no evidence to show that they usually had any particularly strong
status with judges in the eighteenth century. To do so would be more persuasive than to say, as she does, that they were a 'monitoring' device because before 1802 judges had not yet entirely ruled them out as admissible evidence in cases where someone had died, gone insane or deserted (p. 413).

111 Pace Landau, ‘Laws’, 413–14. In some areas of England (e.g., Lincolnshire, Leicestershire, Shropshire, Nottinghamshire, Norfolk) small numbers were certainly still being issued in the 1830s, and sometimes later. See also A. Digby, Pauper palaces (1978), 21; Burn, JP and parish officer (1814 edn), vol. 4, 590; J. M. White, Parochial settlements an obstruction to Poor Law reform (1835), 10; J. F. Archbold, The Act for the amendment of the Poor Laws (1839 edn), 256–7; W. A. Holdsworth, The handy book of parish law (1872), 219; S. Stone, The Justices' manual, or guide to the ordinary duties of the Justice of the Peace (1887 edn), 843–4, showing that they were still sometimes used even then.

112 Landau’s own table (p. 408) contradicts her views here, if one followed her reasoning. It should show a very high proportion of examinations taken immediately after marriage, as she believes that ‘marriage was the event which would most frequently prompt migration’ (p. 407). It does not show this.


114 Ibid., 412.

115 Setting the poor to work was of course a basic parish function under the old poor law, carried out in many ways, as e.g., after removal.

116 Parochial lawyer, 193, my italics.

117 For some discussion of this, see Annals of the labouring poor, ch. 2. On cottage controls, which should not be exaggerated, see e.g., the references in S.C. on settlement and poor removal (1847, I.U.P. edn), 848.

118 Annals of the labouring poor, ch. 2. Landau ignores ch. 2.

119 I shall discuss these elsewhere. Many other resources hinged, informally, upon settlement. Priority for jobs would go to the settled, because otherwise they could come onto parish rates. Likewise, inclusion in labour-rate or roundsman-type schemes of employment/poor relief were only open to the settled poor, inter-parish agreements aside. Hence the particular vulnerability of non-settled people to ‘unemployment’ or pauperism – another reason why certain settlement records are well suited to study that subject.

120 See, e.g., the work discussed in G. W. Lasker, Surnames and genetic structure (Cambridge, 1985), passim and p. 61.

121 J. B. Firth, Highways and byways in Leicestershire (1926), 210–11, quoting Aikin’s letter to his sister. Aikin was born in 1747 and died in 1822. He was referring to the parish of Kibworth Beauchamp, which had a population of 1,232 in 1801. He reported that acquaintances were living elsewhere, ‘too much out of the way to visit’.

122 H. Fielding, Enquiry into the causes of the late increase of robbers (1751), 132: arguing that the laws of settlement are ‘very imperfectly executed’, and that the poor are usually left alone until actually chargeable; J. Howlett, An examination of Mr. Pitt's speech (1796), 14; Sir F. Eden, The state of the poor (1797, abridged edn, 1938), 54. Adam Smith’s well-worn quote heads Landau’s paper, seemingly with her approval. On Smith’s inadequate understanding of (English and Welsh) settlement, Steve Taylor points me to R. H. Campbell and A. S. Skinner’s erudite introduction to An inquiry into the nature and causes of the wealth of nations (Oxford, 1976), 52–4, where Smith’s treatment of settlement is deemed to be a ‘serious’ ‘failure’, immoderate, exaggerating the extent of removals, and lacking in evidence, investigation and knowledge. One can
find similar exaggerated views in Malthus, *On population* (1960, edn), 36, and in some of their followers. See also Taylor, *Poverty, migration and settlement*, 169–70.


126 S.C. on settlement (original edn, 1847), 487; H. Phillpotts, *A letter to the Right Hon. William Sturges Bourne ... on a bill introduced by him ... to amend the laws respecting the settlement of the poor* (Durham, 1819), 22.

In the post-1662 era, it is for the period shortly following the 1662 Act that Landau’s point about the ‘monitoring’ of ‘immigrants’ would be most applicable, because of the stipulation that a newcomer could be removed within forty days of arrival, or would otherwise gain a settlement. Any such monitoring went together with provision of security (£10 renting or freehold estate), which would allow someone to avoid hasty removal. Such ‘security’ (on which Landau probably puts undue emphasis for too long a period) was in practice a corollary of the immediate situation created by the *eaze* with which someone could, under the 1662 Act (more so than before 1662), gain a settlement.
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(i.e., by only forty days residence). Hence the rapidity with which they might be removed. Failure to discuss the pre-1662 situation has perhaps led some historians to misconstrue that Act as repressive. My view here is in agreement with A. L. Beier, *Masterless men: the vagrancy problem in England, 1560–1640* (1985), 32, 173–5.

As R. Burn explained: ‘It must be owned, the statute of 13 & 14 C. 2. [he means 13 & 14 Car. II, c. 12, i.e., the 1662 Act] hath exceeded, perhaps, the due bounds ... It was the easy method of obtaining a settlement by a residency of forty days [i.e., from 1662], that brought parishes into a state of war against the poor, and against one another; and caused the subsequent restrictive statutes to be made’ ... ‘The statutes concerning settlements, subsequent to the 13 & 14 C. 2. are all restrictive of the method established thereby, of obtaining settlements by inhabitancy of forty days. Which easy method of acquiring settlements, appears to have been introductory of many frauds. And therefore it became necessary to ordain, that the said forty days should be reckoned, not from the time of coming into a parish, but from the delivering notice thereof in writing; and after that, from the time of publication of such notice in the church. And hence proceeded the other restrictions about certificate persons, servants, apprentices, and such like. [i.e., the 1685, 1691, 1697, 1713, 1730 Acts]. From all which it follows, that the statute of C. 2 [1662] jumped too far at once, namely, from one year to forty days’. See his *History of the Poor Laws* (1764), 106–8, 235 – views which I would qualify in some minor ways. From 1685, people had to give notice to the overseer of their arrival if they wished to gain a settlement, and the forty-day period was from when that notice was given. After 1691 it became virtually impossible to gain a settlement by giving forty days notice, and one will almost never find it reported in examinations. (It was repealed in 1795.) Because of these changes to the 1662 Act, and in the practical context of usually allowing a more mundane and humane interpretation of what ‘likely to become chargeable’ meant (i.e., the poor person needed or would very probably shortly need relief – see note 48), the significance of £10 renting in practice was that it became largely another ‘head’ of settlement, and a relatively little used one except in urban areas. Throughout the eighteenth century, failure to rent at this high sum was infrequently referred to as being the cause of removal. Its alteration in 1795 probably acknowledged prevailing practice, a quite common feature of settlement legislation.

The same point, from a different angle, was expressed in the *Report from His Majesty’s Commissioners for inquiring into the administration and practical operation of the Poor Laws* (1834), 154, on the significance of the Acts which shortly followed 1662: ‘We have seen that they were introduced as qualifications and restrictions on the power given by the 13 and 14 Car. II. of removing all new comers whom the overseers chose to consider likely to become chargeable.’ An understanding of these late seventeenth-century Acts, in relation to 1662, and their judicial interpretation, is lacking in Landau’s discussion. I had almost no seasonality data for 1662-1691, as little documentation survives. My seasonality calculations were taken from the post-1690 period, and the numbers of individuals involved become large from about 1720. It could be that Landau is basing her argument too much on this early period, although she does not discuss the forty-day legal arrangements.

128 W. G. Lumley claimed: ‘I think it may be very doubtful whether the great mass of labourers are really settled in the parishes where they are residing... the very great mass of the labouring classes are not living in the parish in which they are settled... the very great amount of non-resident relief shows that very strongly’, *S.C. on settlement and poor removal* (1847, I.U.P. edn), 121–3, and this was also said of rural labourers, ibid., 126. There are many statements to this effect in the 1847 Report. This of course became a major issue when ‘irremovability’ was introduced in the nineteenth century; but the
facts of residence vis-à-vis settlement were probably long-term. See also Taylor, *Poverty, migration and settlement*, 14; J. M. Martin, ‘The rich, the poor and the migrant in eighteenth-century Stratford-on-Avon, *Local Population Studies* 20 (1978), 40, 47. I shall quantify this further elsewhere – in 46 East Suffolk parishes in 1835, for example, between 0–61% (a mean of 25%) of rural resident poor in the mid-1830s were living in parishes in which they did not ‘belong’. In less remote areas, or in some towns, the proportion could be much higher. Certainly the great majority of people were so resident at some point in their lives.

129 Even Smith said as much in *The wealth of nations* (1776), vol. I, 194: ‘Though men of reflexion [i.e., himself]... have sometimes complained of the laws of settlements... yet it has never been the object of any general popular clamour.’ Plenty of poor-law reformers disliked aspects of settlement, and sometimes suggested that the poor agreed with them. But in studying the *fourth* settlement source – settlement correspondence between paupers, parish officers, legal advisers and others (probably the most revealing source on the working of the law) – I find virtually no complaints by the poor against the system in the eighteenth century, if we leave aside specific complaints, as over the treatment of pregnant women, interference in marital affairs by parish authorities involved in settlement matters, and particularly measures (like fifty-one week hirings) preventing settlements. Often the poor eagerly acquiesced in settlement. (The matter becomes rather different with mid-nineteenth-century irremovability disputes.) I would be grateful for any evidence readers may find bearing on the views of the poor themselves.

130 Unlike so many other countries, which lacked pauper settlement and anything like the English poor-relief system – again, the two going together.

131 *S.C. on settlement and poor removal* (1847, I.U.P. edn), 190. For stimulating discussion of belonging, see A. P. Cohen, ed., *Belonging: identity and social organisation in British rural cultures* (Manchester, 1982); and his ed., *Symbolising boundaries: identity and diversity in British cultures* (Manchester, 1986). I will discuss historical features of this elsewhere.


133 See also Beier, *Masterless men*, 173, who, like me here, suggests that ‘The settlement laws also probably assisted the mobility of labour’; or Taylor, *Poverty, migration and settlement*, 167, 172, to similar effect.


136 Landau’s emphasis on administration, rather than on pauperism, unemployment and their underlying social and economic causes, also parallels the suspect views on the poor law of ‘reformers’ like Malthus, Senior or Chadwick.