

### The Poor Law

From 1700 both the 1640 and 1662 Acts were in operation in Wivenhoe. The register of Settlement dates from 1674 and carries on to 1816. It may be that the Parish was a little slow in carrying out the act or that there may have been an earlier register. It is possible that the parish officers were a little more efficient for Tate quotes two Acts of 1685 and 1695 which make provision for a parish settlement book.

“An act of 1685 continues in part the act of 1662 and forasmuch as such poor persons coming to a parish do commonly conceal themselves orders that the forty days residence giving a settlement shall be reckoned from the incomers giving written notice of arrival to one of the churchwardens or overseers”<sup>1</sup> He continues with reference to the 1695 act “Further steps in the establishment of the settlement system were taken in 1691 when there was passed an act which makes permanent the act of 1662 above, but “forasmuch as the said acts are somewhat, defective, orders that the notice shall be registered in the parish book, and read aloud in church after service on Sunday”<sup>2</sup>

Looking through the register of Settlement for Wivenhoe it is shown that three hundred

1 Tate Parish Chest Page 191

2 Tate Parish Chest Page 191

and twenty seven certificates were received between 1675 – 1791, seventy nine were granted between 1729 – 1816. There were seven orders for removal from the village between 1697 and 1719 and twenty one orders for removal into the village.

It therefore shows that there was considerable movement into and out of Wivenhoe during the eighteenth century. When looking at the records it is noticeable that the emigration from Wivenhoe was mainly local the farthest being to Whitstable, Kent in the south and to Woodbridge, Suffolk in the north. This is very interesting because both these towns and others such as Burnham and Heybridge were coastal towns. It therefore follows that the movement was probably by sea and the participants probably worked their passage in the hoys and barges trading in the Port of London. Defoe states that it was quicker to travel by water to London<sup>1</sup>

Apart from this journey by sea there seems to have been another type namely a journey inland to the woollen towns around Halstead and Earls Colne in Essex and Hadleigh and Lavenham in Suffolk. These migrations seem seasonal and are obviously taken because of lack of employment. The fact that three

1 Defoe – A Tour through England and Wales

Hundred and twenty seven certificates were received in Wivenhoe suggests that it was also a place of alternative employment. One might add how this is so when there was this movement from Wivenhoe. First one should consider that Wivenhoe had an important Oyster industry and this would give considerable employment during certain months of the year. When this closed down or

rather the need of labour lessened the people would go inland to the woollen towns as weavers or to the fishing or trading ports.

Again there is evidence from the Settlement Register of Wivenhoe following the national trend when we find the following entry

1691            A warrant to convey Will Clark to the House of Correction

1691            An order to remove Will Clark to the Parish of Elmstead.<sup>1</sup>

Will Clark was obviously a vagrant and under the seventeenth century acts Houses of Correction were built and constables were to search out rouges in each parish and to apprehend vagrants and take them before the justices who would then commit them to the House of Correction. It seems from the other entry that the parish authorities soon

1 Register of Settlement

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ascertained his place of settlement and Will Clark was removed to Elmstead.

Elmstead again figures in the register in an interesting and important memorandum on a settlement certificate for Wm King. The memorandum reads thus:-

1734 Memorandum Wm King, his wife and family

William King Mariner and his wife who resided here is the son of Wm King who lived here by certificate from Elmstead rated 1734 as you may see by looking upwards. I beg here to remind the parish that the said Wm King the son of the said Wm King belongs to Elmstead by virtue of his father's certificate. He the said son having never gained a settlement subsequently, has however lived anytime out of Wivenhoe except about one year and threequarters when he lived at Elmstead for one year certain at the age of nine or ten years, but that was the parish that gave us his father's certificate and afterwards was bound apprentice to a mariner an inhabitant here, all which gains no settlement with us.

Wivenhoe April 22<sup>nd</sup> 1779

Wm Smith Overseer <sup>1</sup>

1 Settlement Register

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This is an example of the very strict vigilance which the parish officers kept to keep out anyone likely to be a burden upon them. Burn in his "History of the Poor Laws" says "The office of an overseer seems to be understood to be this: - to keep an extraordinary lookout to prevent persons coming to inhabit without certificates, and to fly to the justices to remove them; and if a man brings a certificate .....to take care to keep him out of all parish offices to warn them if they will be servants to hire them half yearly .....and so to get rid of them. to bind out poor children opportunities, no matter to whom or to what trade, but to take special care that the master live in another parish"<sup>1</sup> Now from the memorandum it would seem that Wm King junior has found settlement in Wivenhoe

by virtue of his apprenticeship with a mariner an inhabitant of the village. But by careful play on his father's settlement certificate the overseer puts liability on Elmstead.

Two further entries in the Settlement Register give further evidence of Wivenhoe following the national trend.

1692 An order from the justices for the poor wearing their badge <sup>2</sup>

1 Burn. History of the Poor Law P. 121

2 Register of Settlement

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1707 An order to set poor people to work <sup>1</sup>

This early entry of 1692 is quite significant because the order was made out five years before an Act of Parliament which enforced the wearing of a badge. Tate gives the date as May 1<sup>st</sup> 1697. This act stated that every pauper and his wife and children.

"Shall wear upon the shoulder of the right sleeve of the upper garment .....in an open and visible manner .....a large Roman P together with the first letter of the name of the parish ..... In red or blue cloth<sup>2</sup>

Apparently Wivenhoe had set a precedent in the wearing of badges.

The order of 1701 to set poor people to work is again an example of a general tightening up of relief to the poor. Between 1700 and 1750, there were many such orders and acts affecting Poor Law administration. Further valuable evidence on Poor Law administration in Wivenhoe is contained in the Register of Apprentices for this parish. This register covers the years from 1680 – 1805. But during this time there are only 129 apprentice indentures recorded. One might safely conclude that there were the indentures of poor children only. One reason is that

1 Register of Settlement

2 Tate Parish Chest P.192

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apprenticeships gave the poor children a settlement and therefore a record would be kept for this reason alone and secondly any other apprentices there might be could have had wealthy enough parents to gain a settlement. Some examples from the appropriate register are given below.

1751 David Hills app. to Thomas Plumstead of South Halstead. Weaver

1757 William Heath app to Thomas Hammond of Tollesbury. Mariner

1754 Martha Groom aged 15 years to John Sollman of Colchester – Rug Maker

1719 Christopher Clarke app to Thos. Thorn. Husbandman

1757 John Bruce to Richard Tindall of Farthingdale in the East Riding of Yorkshire. Mariner

It is evident that most of these children were apprenticed to a trade thought often outside the parish. Here Wivenhoe seems to be an exception to the rule for many parishes failed to implement the important point of the trade training and merely pushed the children outside the parish to avoid settlement. A good example of this is the case cited by Tate of the parish of Gosnell

#### 1 Register of Apprentices

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Staffordshire from 1691 – 1816 of 178 children apprenticed within the parish seven where to tailors, three to shoemakers, two to cordwainers, one each to masters of nine other trades and 157 to husbandry and housewifery<sup>1</sup> There examples also show the local economic conditions and the demand or lack of demand for certain types of labour. In the case of Wivenhoe there were obviously openings in certain trades. But in the case of Gosnell either there did not exist or the overseers did not bother to find them being only too glad to lose the burden of the poor children.

The Wivenhoe records illustrate an unusual side of Poor Law activity in 1804 when an interesting case developed as to whether the parish were entitled to assess a poor rate on owners of vessels in the port and on stock in hand in the case of maltsters and brewers, shopkeepers and merchants.

#### 1804 Letter to the Magistrate of Colchester

“In the parish of Wivenhoe in the county of Essex some very serious disputes have lately arisen in respecting the Poor Rates, and many difficulties have been experienced in raising a sufficient sum for the support, and many of the

#### 1 Tate. The Parish Chest

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inhabitants have considerable property in trading ships and fishing vessels and there are some tradesmen as maltsters, coal merchants, shopkeepers etc. and it has been in contemplation to rate the shipping vessels and stock in trade for the relief of the poor. However neither ships nor personal property of any description have ever been rated in the parish of Wivenhoe, and as cases in the books in which it has been held that personal property was rateable appear to have been supported by the constant usage of several parishes it becomes a question of whether such property be rateable without the aid of usage. (The examples quoted)

#### Opinion required on the following points:-

Whether the inhabitants of Wivenhoe the owners or part owners of trading ships belonging to the port are rateable to the poor for that property or on account of their personal ability in respect thereof / such property now having not been rated there / and whether they should not be rated at a percentage or how and in what manner?”<sup>1</sup>

#### The opinion given is as follows:-

“it would be difficult (perhaps impossible) to lay down any proviso and invariable rules for rating shipping or personal property as it is certainly not liable beyond the clear

#### 1 From a document at Essex Records Office

ascertained amount – suffer payment of debts and so many obstacles present themselves that few parishes have attempted it. I should however advise with respect to this shipping that the clear value of his share of each person resident in the parish should be adopted upon income as was King v White. It would perhaps be impossible to make a rate in the first instance which could be supported in a court of justice as there are several facts to be previously ascertained the rateability of the property in the parish – but this obligation is in a great way removed by the late Act of Parliament which enforced the payment of the rates notwithstanding, and if the parishioners be disposed to pass this plan of rating they must submit it to the commission, as it is the only means in their power to come at the rateable property of the individuals”.<sup>1</sup>

J. G. Sargeant. Colchester

22<sup>nd</sup> May 1804

This is a genuine attempt by the parishioners to legally tax those not already burdened by the poor rate and thereby supplement the parish relief. There is no evidence to prove that they did go to the commission but the names of shipowners did appear later amongst the accounts.

1 From a document at Essex Records Office

But it is possible that they appeared there as owners of property in the village and not as owners of trading vessels.

Apart from the normal relief administered through various acts the poor of Wivenhoe were occasionally given relief through various charities and subscriptions.

In 1720 appears this entry in the churchwardens account book

1720 received of Matthew Martin Esq. fifty shillings for his daughter being buried in linen according to the Act of Parliament for upkeep of the poor of the parish of Wivenhoe and disposed of by John Dynes and Thos Kilham churchwardens as follows.<sup>1</sup>

Twenty four persons were given amounts from 1/- to 2/6d. Late in the century a Mr John Potter leaves a charity in his will.

“I do also order the interest of ten pounds to be laid out in bread yearly in the first weeks of Christmas holidays given to the poor of Wivenhoe that do not take collection yearly and every year during the life of the longest liver of my executors.”

John Potter

29<sup>th</sup> Sept 1759<sup>2</sup>

This was not the only bequest for there were several during the 18<sup>th</sup> century “Five acres

1 Churchwardens Accounts 1676 - 1797

2 Churchwardens Accounts 1676 – 1797

of land purchased with £50.00 left by Jonathan Feedham, in 1717 the proceeds of which are to be given to the poor sailors or their widows on a rent charge of £2.00 out of a garden left by – Cox in 1744 for poor widows, and a rent charge of £2.10 out of a farm at Fingeringhoe left by William Sandford in 1829 to be given to ten poor widows attending the church,. Another rent charge of £2.10 for the purpose left by Rev.T Goodwin in 1743 has been lost.<sup>1</sup>

It is noticeable that provision is made for widows. Wivenhoe like many ports shows relief to widows as a large item in the Poor Law expenditure. The fact it is true to say that over half of the relief went to widows and their families. Arthur Young gives an important note on charities and subscriptions when he quotes Howlett an authority on Friendly Societies as saying “This fishery (Colne Fishery) is an object of considerable importance to the country, from the earnings being great. When the men die the families come to the parish greatly increased by the number of apprentices they have taken. Can anything be so preposterous as a police of the poor, which permits the benefit of commerce and manufacture to load the land with rates at 8/- in the pound? How very small a contribution by box clubs would prevent this end”<sup>2</sup> This emphasises

1 J H Collier People’s History of Essex P. 567

2 Arthur Young History of Essex



The Old Workhouse

how much the poor lost through the cut of 1854. Young mentions the point of taxing manufactures. It had already been seen that Wivenhoe endeavoured to tax vessels trading in the port but were discouraged by higher authority.

Although Wivenhoe had possessed a workhouse since 1752 it was not used to such an extent as in other places in England as the numbers entering the workhouse were comparatively small. A deed of conveyance for Samuel Martin to Geo Davidson, for the poor of the parish dated 8<sup>th</sup> Jan 1752 provides a description of the local workhouse.

“All that aforesaid cottage or tenement orchard premises with the appurtenances now converted into a parish workhouse to and for the use of the poor of the said parish of Wivenhoe”.<sup>1</sup>

This description tends to paint a palace compared with the squalid workhouses of other parts of the country. “Tenement orchard premises” does not compare with Crabbes, “There is your house that holds the parish poor – where walls of mud scarce bear the broken door”<sup>2</sup>

From the overseers account book we can get a good picture of the life and the maintenance of the poor in the workhouse in Wivenhoe. The expenditure on the poor was as follows. The overseers paid the workhouse overseer 4/6d per week per inmate. Plus the earnings of the poor and also

1 From a document at Essex Records Office

2 Crabbes “Village”

in kind e.g.coal. The workhouse overseer undertook to provide the inmates with food, clothes and shelter. The overseer of the poor paid the poor in the workhouse 1/- per week. Out of the workhouse the overseer made a money payment and also a contribution in kind. This was quite a generous system. In April 1766 a general tightening up took place. “At a vestry meeting this day it is agreed that no person for the future shall be allowed any relief but such as are in the workhouse nor any rents paid except in cases of sickness”<sup>1</sup>. Earlier in June 1763 it was decided that no accounts would be paid without receipts being purchased. <sup>2</sup>

Previous to the outdoor relief or “collection of the house” as they termed it, exceeded the money that was paid to the poor in the workhouse. Over the period of ten weeks in the summer quarter of 1759 outdoor relief amounted to £9.8.6d and relief in the house to £7.19.0. There were sixteen persons in the house and the persons shared the outdoor relief. But the expenditure of the officers was not limited to this as the following extract well shows.

April 17 <sup>th</sup> 1759	to Chamberlain agreement with parish.	2 – 6
19	Chauldron of coals	8 – 3
	2 shirts for boy Lott	6 - 2
21	Cobb for girl Lott	1 – 4
	Confirming the book	3 – 0
	A spinning wheel	1 – 8

		Spindles and nails	9
26		Chauldron of coals, carriage etc.	1 – 9 – 0
		To Mead boy Hardy's coat	6
1 Overseers Account Book 1722 – 1768			
2 Overseers Account Book 1722 – 1768			
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May	1 <sup>st</sup>	To breeches for boy Hardy	2 – 4
	12	Linen line	2 – 6
		To nails	3 ½
	30	Hat for Dame Boutell	1 – 7
June	9	Coat for girl Lock	2 – 4
	23	Will Turner at diff. times during his illness	14 - 0 <sup>1</sup>

Out of this extract can be picked many interesting facts, not only of the poor law administration but of the poor themselves. How many workhouses would pay “1/7d for a hat for Dame Boutell”. This is quite important when we have many examples of ruthless overseers. At Smalley Derbyshire the vicar entered in his register in 1785 a note that the standing overseer appointed was “the meanest and most hard hearted wretch in the parish”.<sup>2</sup> But perhaps the most significant point which comes out of this is that the overseer had to provide the poor in the workhouse with clothing.

It is also to be seen that the poor were not allowed to remain idle in the workhouse, for one of the items purchased was a spinning wheel for 1/8d. But their problem does not end here for they have to pay the workhouse overseer “four shillings and sixpence for every poor person or child so put in as aforesaid, together with the work or earnings of the said poor from time to time”.<sup>3</sup>

1 Overseers Rate Book 1722 – 1768

2 Tate Parish Chest P. 229

3 Overseers Rate Book 1722 – 1768

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By 1800 the worries of the overseers had increased. The conditions of the poor had become much worse. This was due to bad harvests and the period of inflation which was general throughout the country. A picture of the condition of the country around Wivenhoe is given by Lord Rosebery who quotes a visit to Halstead only 18 miles away by Pitt at the time of Whitebreads Bill. Pitt was shocked by the condition of the people. “It is said, that on a visit to Essex (probably to the house of his secretary, Joseph Smith) he was descanting on the prosperity of the country and on the comfort enjoyed by the working classes. His host answered nothing but took him next day to the neighbouring town of Halstead. The minister surveyed it in silent wonder and declared that he had

no conception that any part of England could present a spectacle of such misery".<sup>1</sup> One wonders at the plight of those in the more industrial north.

It must be remembered that earlier the inhabitants had seasonally migrated to Halstead for work in the woollen trade, why was there this change of fortune. In the case of Halstead it could not compete with the new woollen industry of the north and the town lost its staple industry. But fortunately for the people of Wivenhoe there were new industries such as yacht building and oyster fishing to turn to.

1 Lord Rosebery 'Pitt' P 169

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By 1807 the numbers of the poor had increased considerably and so had the expenditure likewise. The numbers receiving outdoor relief were fifteen at a cost of £16 0 0 over a period of ten weeks. There were seventeen in the house receiving relief at the rate of £27 12 6 over a period of ten weeks. The cost is therefore almost three times as much as it was in 1759.

There is also evidence that a Speenhamland system was in operation but the "insubordination", as it was called, could not be controlled altogether. A certain "Blain Junior" was a severe thorn in the flesh to the overseers in 1823. On 28<sup>th</sup> March he had only three days' work, so they gave him 5 shillings. On the 7<sup>th</sup> April he "beset the house a second time" and got 4 shillings after having been ordered out. He was threatened, persuaded but "Blain Junior won't work" is repeated for months. His wife was ill with a bad leg and he had four children, and the overseers doled out small sums 5 shillings, 4 shillings, 2 shillings, and a shilling, just enough to keep life in their poor bodies. At last he got a job in the pitted, but the overseers had to supplement his wages there with 9 shillings a week which was at the Speenhamland rate of assistance.<sup>1</sup>

There was reached a stage where numbers receiving poor relief from the parish increased,

1 Overseers Rate Book

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illness was rife including smallpox, for which a special grant was made to the parish physician. In 1799 Ben Smith received £17 9 0 from the parish for inoculating 51 paupers.<sup>1</sup> "In 1808 April 19<sup>th</sup> at a vestry meeting held this day; an agreement was entered into between the churchwardens and overseer of the said parish. vizt that Mr B Smith is to attend such of the paupers as are within the said parish, in case of illness or other casual accidents and all such persons who are supported by the said parish till their legal settlement can be ascertained at twelve pounds per annum, exclusive of midwifery (when the woman midwife is not sufficient two guineas to be allowed – but in case previous notice is given to the said surgeon one guinea only to be allowed, also exclusive of fractures and smallpox".<sup>2</sup>

Some attention was therefore given to the poor during illness which is different from the general picture which Crabbe paints.

"And crippled age, with more than childhood fears

The lame, the blind and, for happiest they!

The moping idiot and the madman gay".<sup>3</sup>

After the Napoleonic wars the lot of the poor became much worse. Not only were there bad harvests, inflation and illness but a series of very hard winters. In January 1815 "At a

1 Churchwardens Account Book

2 Churchwardens Account Book

3 Crabbes Village

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vestry meeting held this day of which notice was publicly given in the church on Sunday to take into consideration the best method of relieving the poor in this inclement weather. It was unanimously agreed that a subscription be immediately entered into. This raised £40 6 3d plus £29 13 6d which was spent immediately on bread and coal"<sup>1</sup> Conditions of the poor steadily became worse due to another series of bad harvests and severe winters and by 1826 their plight was pitiful. "A frost settling in the early part of this year with every appearance of increased and continued severity. A vestry meeting was called on the 15<sup>th</sup> of January to consult the proper means of affording some speedy and additional relief to the most necessitous of the poor. To afford efficiency and expedition to so charitable a design it was deemed expedient and advisable for one of the churchwardens accompanied with the curate of the parish to proceed from house to house throughout the village and to receive the donations of those willing to give, total subscriptions amounted to £62 12 6d"<sup>2</sup> It must be remembered that those subscriptions continued each year until 1831. It is small wonder that there was popular

1 Churchwardens Accounts

2 Churchwardens Accounts

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demand for poor law reform.

The end to Wivenhoe's admirable efforts to help the poor came after the Poor Law Act of 1834. As a result of this a Union workhouse was set up at Lexden to fit the needs of the poor of the Lexden and Winstree Hundred. It was opened in 1837 having been built to accommodate 300 paupers at the cost of £6,800. Wivenhoe thereby lost direct contact with its poor. It is true that two guardians were appointed by Wivenhoe but it is not unreasonable to presume that the poor as a result of the Union Workhouse lost that gentle touch which the people had always shown to their poor. It will be seen in a later chapter on Local Government that they still kept a vigilant watch on the records of the workhouse at Lexden