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**Chris Grover**, *Lancaster University, United Kingdom*

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## **Loaning Poor Relief**

**CHRIS GROVER**

Senior Lecturer in Social Policy,  
Department of Applied Social science,  
Lancaster University, United Kingdom

### **Abstract**

When loans were introduced as part of the Social Fund in 1988 they were argued to be a new way of addressing poverty. Using primary sources this paper demonstrates that this was not always the case; between 1819 and 1948 it was possible for poor law authorities to offer relief as a loan rather than a grant. The paper examines the antecedents of legislation allowing relief to be given on loan, tracing them to the 1817 report of the Select Committee on the Poor Laws. The idea of loaning relief is then traced through to the 1834 Poor Law Amendment Act. Using the arguments of Webb and Webb (1909) the paper shows that there were three main ways – to supplement the relief of destitution, to aid the recovery of relief and to deter people from claiming relief – in which poor law authorities used loans. A fourth usage – to relieve the needs of the dependents of strikers – employed in the industrial disputes of the 20<sup>th</sup> century is also discussed. The paper concludes by suggesting reasons for variations in the practice of loaning relief.

### **Key Words**

Antecedents; Loans; Poor Law; Relief; Practice.

### **Introduction**

The discretionary Social Fund was introduced through the 1986 Social Security Act. It replaced a system of grants (called single payments) for exceptional needs, which could be claimed in addition to weekly social assistance payments, by loans that were to be repaid, mostly from social security benefit incomes. This meant that poor people would be left even poorer and/or their needs would be left unmet (NACAB, 1990; Social Security Research Consortium, 1991; Stewart and Stewart, 1991; Bennett, 1992; Craig, 2003a; Howard, 2003). The Social Fund was introduced as part of the reorientation of social policy in the shift from Keynesianism to neo-liberalism. Hence, it is argued that the Social Fund was part of the Thatcherite project to roll back the frontiers of the state and the encouragement

of welfare pluralism; attempts to reduce the costs of social security in order to incentivise the rich through tax cuts, and attempts to incentivise poorer people through lower levels of state-sponsored financial support (see, for example, Stewart and Stewart, 1988, 1991; Becker and Silburn, 1990; Oppenheim, 1990; Craig, 1992).

Given that loans were abolished (except in tightly drawn circumstances) as part of the mainstream system of poverty relief when the Poor Law was replaced by National Assistance in 1948, it was perhaps inevitable that on their reintroduction as part of the Social Fund, the argument would be made that they represented a return to the New Poor Law (Clarke *et al.*, 1987). For Clarke *et al.* Social Fund loans represented a return to the poor law because of the assumption that the state should only take a small role in the relief of exceptional needs, and that the Social Fund was to be locally administered through the discretion of officials.

What Clarke *et al.* did not realise was that the Social Fund represented a more direct return to the poor law because loans were part of the repertoire of relief mechanisms open to relieving authorities between 1819 and 1948. In fact, there was a more general sense in which it was thought that loans were a development unique to poor relief in the late 20<sup>th</sup> century. Richard Berthoud (1989, para. 2.31), for instance, argued that loans were a form of relief “new to the United Kingdom”.

These observations are perhaps not surprising, for the literature on poor relief (for instance, Poynter, 1969; Rose, 1971, 1972, 1985; Boyer, 1990; Wood, 1991; Driver, 1993; Lees, 1991; Brundage, 2002) and social security policy (for example, Alcock, 1986; Hill, 1990; McKay and Rowlingson, 1999; Millar, 2004) have either been silent on the use of loans of relief in previous historical periods or merely mentions it in passing. This is problematic because it means our knowledge of the poor law is only partial. Understanding why loans were introduced and how they operated adds a further dimension to our knowledge of how the poor law operated.

### **Introducing relief on loan**

Analysts in the 1980s were in good company in making problematic claims about the newness of loans in the relief of poverty, for such claims were also made 80 years earlier when Webb and Webb (1909, p. 380) noted that the 1834 Poor Law Amendment Act “established a new and additional kind of relief previously quite unknown to the Poor Law, namely that of a loan”. This was not the case, for loans were actually introduced 15 years before the Poor Law Amendment Act. The Royal Commission on the Poor Law’s report clearly points to continuity in the policy of awarding relief on loan between the latter years of the Old Poor Law and the New Poor Law (Checkland and Checkland, 1974, p. 465).

The antecedents of relieving need by way of loan<sup>1</sup> can be traced to the period in poor law history that Neuman (1972, p. 115) calls the “cult of severity” and Poynter describes as the “climax of abolition” (Poynter, 1969, chapter 6). Poynter argues that the “baldest and most dogmatic summary of the abolitionist case published in this period came not from the pen of any political economist but from a Select Committee of the House of Commons” (*ibid.*, p. 245). This, the Select Committee on the Poor Laws, sat for four months in 1817. The initiator of the committee was MP John Christian Curwen, the “spokesman for the Whigs on social questions” (Cowherd, 1977). The deepening depression of 1816 seems to have been the catalyst to Conservative Ministers accepting his second request for the appointment of a committee to enquire into the operation of the poor laws.<sup>2</sup>

According to Cowherd the committee ignored the evidence it collected, to produce a doctrinaire document – *The Poor Laws* (Select Committee on the Poor Laws, 1817) – that reproduced the ideas of what he describes as the “natural law reformers”. In particular, the committee noted that it “cannot but fear, from a reference to the increased numbers of the poor that this system is perpetually encouraging and increasing the amount of misery it was designed to alleviate” (Select Committee on the Poor Laws, 1817, p. 4).

The report accepted and reproduced the idea that the operation of poor relief demoralised the labouring poor, the results of which:

appears to have been highly prejudicial to the moral habits, and consequent happiness, of a great body of the people, who have been reduced to the degradation of a dependence upon parochial support; while the rest of the community, including the most industrious class, has been oppressed by a weight of contribution taken from those very means which would otherwise have been applied more beneficially to the supply of employment (*ibid.*).

Despite being noted as the “baldest and most dogmatic summary of the abolitionist case”, the committee did not suggest the abolition of relief for able-bodied or any other types, of pauper. In contrast, the committee was concerned with laying “the foundation for a better system” of poor relief (Select Committee on the Poor Laws, 1817, p. 10).

The “better system” of poor relief was to be structured through a strong sense of deterrence. This included the abolition of relief for able-bodied people unless it was delivered through the workhouse (Select Committee on the Poor Laws, 1817, p. 9) and the creation of “working schools” which would take children aged three to fourteen, leaving families with only two children, the number the committee thought the wages of labourers could adequately support. As Cowherd (1977, p. 59) notes, the “committee expected much from these pauper schools”. It felt that they would abolish the need for allowances-in-aid-of-wages, would address the “loose and idle way” (Select Committee on the Poor Laws, 1817, p. 15) in which it believed the children of the labouring poor were raised, would free mothers

to engage in paid work and prevent fathers from spending their relief at the alehouse (Select Committee on the Poor Laws, 1817, p. 14, see also Clark, 2000).

However, for our purposes the most important recommendation that the committee made was that:

where the party is in present want, from having squandered away earnings that would have afforded ample means for the support of a family; in such instances... it might be expedient that there should be a power to advance such sums as may be necessary for the immediate support of the family, by way of loan only, to be repaid by instalments, according to the discretion of the select vestry or magistrate (Select Committee on the Poor Laws, 1817, p. 23).

It is argued that the committee was “Malthusian-inspired” (Clark, 2000). However, in the administrative devices it recommended, it is also possible to detect elements of Benthamism. While there was no suggestion in the Select Committee’s report that poor relief should be delivered by private enterprise as Bentham advocated in his work on the National Charity Company, the focus upon a deterrent workhouse and the scale of proposals for “working schools” had resonances with Bentham’s ideas. More importantly, however, Bentham advocated the introduction of loans for the indigent poor:

Still more might even be done for the relief of the indigent in the way of loan, taking the necessary precautions. Cases may exist, where misfortune may have left a man nothing to pledge, or nothing that he could spare, without plunging still deeper into distress, at the same time that his character might, in the estimation of those to whom the opportunities of being acquainted with it have presented themselves, warrant the trusting him without pledge to the amount of his demand (Bentham, 2001, p. 77).

Bentham’s support for loans of relief is somewhat perplexing, for it seems to contradict one of the central tenants of his utilitarianism – the “sacrifice of the present for the future” (Stark, 1952, p. 295fn) – that was best symbolised in his support for the virtue of frugality. However, loaning relief not only demonstrated a lack of frugality, but would actually encourage the indigent to sacrifice the future for the present; for to relieve their immediate needs paupers would have to take on debt to be repaid at a later date. This tension, however, was overcome by other advantages that loaning relief brought. Most notably, it is clear that Bentham saw the payment of relief on loans as being a test of character. First, it would necessarily involve investigation into the circumstance of the pauper which, would act as a deterrent to applying for it: “the knowledge of the difficulty of passing a false tale would serve to keep off impostors” (Bentham, 2001, p. 78). Second, it would be available to those who had no material collateral of their own, but who did have

what might be termed “moral collateral”. In other words, relief on loans would enable “a man who has a character, and nothing else, *to pledge his character*” (Bentham, 2001, p. 78, original emphasis) In this sense, loaning relief might reinforce a sense of frugality, for while loans may sacrifice the future for the present, they would also involve a large measure of responsibility in, for example, planning and making future repayments. As Bentham noted: “The registration of the loan upon the books of the House, and of the observance or breach of the conditions of it, on the part of the Borrower, would be a check upon unpunctuality” (Bentham, 2001, p. 78.). What still remains unclear, however, is when relief on loans would ever be required, as under the control of Bentham’s National Charity Company *all* relief was to be via the workhouse and it was to be earned through paid work or through “taking *real* security, by goods of adequate value” (Bentham, 2001., p. 51, original emphasis).

The Select Committee also believed that paying relief on loans would allow distinctions of character to be made because they would involve Overseers discriminating “between the claims of the idle and the industrious”, (Select Committee on the Poor Laws, 1817, p. 51) between the deserving (the provident and frugal) and the undeserving (those who have “squandered” their earnings). In this sense, loans were held to be consistent with the belief that the relief of pauperism always had the danger of subverting the natural order. Given the importance the committee placed upon the “encouragement of frugal habits” (Select Committee on the Poor Laws, 1817, p. 51), in particular its support for Parochial Benefit Societies, relief on loans would teach the destitute the benefits of savings for periods of interrupted earnings. The implication was that a lack of money was not the cause of destitution, but improvident habits. Poverty became destitution because of poor people’s spending, rather than a lack of income.

However, the idea of relief on loans did not just have moral antecedents, for it was also consistent with the wages-fund doctrine, the economic framework in which the select committee operated (Cowherd, 1977). The Select Committee noted:

An increased demand for labour is the only means by which the wages of labour can ever be raised; and there is nothing which can increase the demand, but the increase of the wealth by which labour is supported; if therefore the compulsory application of any part of this wealth, tends (as it always must tend) to employ the portion it distributes less profitably than it would have been, if left to the interested superintendence of its owners, it cannot fail by thus diminishing the funds which would otherwise have been applicable to the maintenance of labour, to place the whole body of labourer in a worse situation than that in which they would otherwise have been placed (Select Committee on the Poor Laws, 1817, p. 17).

The implication of wage-fund theory was that whatever was paid out in poor rates restricted the amount available for wages and, therefore, in the long run, was harmful to working people by restricting levels of wages and the amount of available paid employment. As Webb and Webb (1929a, p. 23) noted, wage-fund theory suggested that poor relief “[robbed] industrious Peter for the benefit of idle Paul”. Paying relief on loans was more consistent with wage-fund theory than paying relief as a grant because it meant monies drawn from the wage fund could be recycled to more than just one recipient. In brief, relief on loans would reduce the economic “burden” of poor relief and in doing so would support the independence of the labouring poor through paid employment and higher wages.

There is some debate about the influence of the Select Committee’s report. Nicholls (1898, p. 178) is of the opinion that it “impressed sound principles upon parish officers and the public generally”, while Poynter (1969, p. 283) argues that “the Committee did not offer a clear principle of relief for a reformed Poor Law”. The Select Committee report, however, did point the way forward to the 1834 poor law reforms (Rose, 1971). In terms of legislative consequences, the committee’s findings informed the Sturges Bourne Acts (named after the Chair of the Committee); the 1818 Act for the Regulation of Parish Vestries and the 1819 Act to Amend the Laws for the Relief of the Poor. The latter is of most interest to us because it was first time in poor relief history that relief in the form of loans was legislated for. Section 29 of the Act noted that:

And Whereas it is expedient to discourage that Reliance upon the Poor’s rates which frequently induces Artisans, Labourers and others, to squander away Earnings which would with suitable Care have afforded sufficient means for the Support of their Families; Be it further enacted, That whenever it shall appear...to whom Applications shall be made for Relief for any Person, that he might, but for this Extravagance, Neglect or wilful Misconduct, have been able to maintain himself, or to support his Family... it shall be lawful...to advance Money weekly or otherwise, as may be requisite, to the Person applying by way of Loan only, and to take his Receipt for, and Engagement to repay every Sum to be so advanced.

Section 29 of the 1819 Act was premised upon the idea that poor relief had a detrimental impact upon the working population; it induced them to “Squander away earnings”. Relief on loans would discourage this, for it would have to be repaid to the parish. If working people were thought to have been extravagant, neglectful or wilfully feckless and therefore not budgeted for lean times, then they would have to budget for the contingency once it had occurred. Hence, taking forward the behavioural aspects of the Select Committee report, the aim of the Act was to encourage “good habits” among the working poor. This behavioural component of the act was strengthened when, later in Section 29, it was enacted that

if recipients defaulted on the repayment of relief loans then they could be committed to jail or the House of Correction for up to three months.

It is likely, though, that loans under the 1819 Act were rarely used. The Royal Commissioners on the Poor Law argued that this was due to two administrative reasons: that “the existence of the clause is not notorious” and those people “not guilty of extravagance, neglect, or wilful misconduct, [are] excluded from its operation” (Checkland and Checkland, 1974, p. 465). In other words, not enough Overseers were aware of the possibility of awarding relief on loans and not enough people could be relieved in such a way. In contrast, Nicholls (1898, p. 187) noted that the “power of making loans for the relief of actual distress has been of little avail” because the “facility of borrowing, whether it be of the pawnbroker or parish officer, is not calculated to encourage provident habits in the working classes, on the existence of which their comfort and general well-being so much depend”. Nicholls’s argument though, seems to be influenced by the disdain through which credit and debt was constructed by the upper and middle classes in the 19<sup>th</sup> century (Ford, 1988) and which, according to Smiles’ pantheon of historical characters was opposed by “moral and manly individuals” (Finn, 2003, p. 20).<sup>4</sup>

The most likely explanation for the rare use of loans under the 1819 Act was the location of poor relief in the moral economy. It is likely that the pressures, linked to fears of the French Revolution, which at a national level were believed to have encouraged “legislative inertia” between the 1790s and 1830s (Webb and Webb, 1929a, p. 32) were more acutely felt at a local level. Changing the condition of relief from grants to loans for the poorest is likely to have been seen as a potential threat to social order and stability. This, however, was not the case after the introduction of the 1834 Poor Law Amendment Act, for the Swing Riots that mainly affected rural parishes in the south of England demonstrated that even increasing expenditure on poor relief could not contain and, according to elites, probably encouraged, the riotous behaviour of the working poor (Fraser, 1984).

### **The New Poor Law and relief on loan**

The Poor Law Royal Commissioners thought that Section 29 of the 1819 poor law act was a particularly useful, if underused, administrative tool (Checkland and Checkland, 1974, p. 465). This may have been due to the influence of William Sturges Bourne MP, who, as we have seen, was chair of the 1817 Select Committee and was one of the lesser-known members of the 1832-34 Poor Law Commission. However, the work of Ford and Finn quoted above also hint at the wider reasons why the Poor Law Commissioners might have felt that loaning relief should be encouraged, for their observations suggest that loaning relief was consistent with the less-eligibility thrust of the Commissioner’s report. In addition to the humiliation of having to approach poor law authorities for their subsistence,

paupers would be forced into debt to the relieving authorities by loans of relief, something that the independent-minded would despise.

The Poor Law Commissioners thought the principle of loaning relief was rather restricted and it seemed to them that it had a more general application, beyond just the extravagant, neglectful and wilfully feckless. Hence they recommended that relief for all able-bodied destitute people and their families should, if it was considered appropriate, be in the form of loans (Checkland and Checkland, 1974, pp. 465-466). Section 58 of the Poor Law Amendment Act went even further than this by noting that relief for “any poor Person above the Age of Twenty-one, or to his Wife, or any Part of his Family under the Age of Sixteen... [was] to be given or considered to be given by way of a loan”, legislation that was consolidated under the 1844 Outdoor Relief Prohibitory Order.

As with the evidence of the use of indoor and outdoor relief (for example, Ashworth, 1977; Fraser, 1977) the practice of awarding relief on loan varied between unions. Boyson found, for example, that the Bolton Union did not make a single loan to paupers between its inception in 1837 and 1870 (Boyson, 1960). In contrast, the Ulverston Union made a total of 84 loans to 75 paupers between the first meeting of its Board of Guardians in August 1836 and 1850. The Ulverston Guardians were particularly enthusiastic loaners of relief during its initial period, with a fifth (21.4 per cent) of loans being made in its first four months of operation (calculated from entries in PUU 1/1-PUU 1/5). The Haslingden Union was formed in 1837, but did not make any loans until the end of 1857. It then made six loans to three paupers within a four month period. Four of these loans, a total of 40/-, were paid for an eight week period to a single pauper, John Nickell of Newchurch (PUH 1/5). Multiple loans were not uncommon. Between 1836 and 1850, for example, the Ulverston Union made several loans to seven paupers. These varied in value from 7s to £19 (from PUU 1/1-PUU 1/5). Five of the paupers receiving multiple loans received only two, whereas two received four loans each. Of these two, James Armandy received £19 at fairly regular intervals over a period from December 1836 to February 1841, while the other, Robert Harding, received loans in November 1836 and March 1837 and then had a decade break before receiving a further loans in August 1847 and November 1848. He, his wife and 5 children, however, did spend time in the 1840s in Ulverston workhouse. Indeed, it was on their leaving of the workhouse in the summer of 1847 that Harding received a third loan of 30/- “to purchase Bedding” (PUU 1/5).

While there were variations in the practice of loaning relief, Webb and Webb note that, according to witnesses to the 1905-09 Poor Law Commission, there were three main uses of relief on loan by Boards of Guardians (Webb and Webb, 1909). We shall take each of these in turn before focusing upon a fourth – relief during strikes – that seems to have emerged as a new use for loans after the conclusions of the Poor Law Commission had been reached.

*Supplementing the relief of destitution*

Webb and Webb (1909, p. 381) note that relief on loan was given as a supplement to the relief of destitution:

for the purpose of enabling him [the recipient] to better his position: as when he is provided with an outfit of tools or stock for trading – the kind of “relief” which could not be given to everybody, but which, as the experience of voluntary benevolent societies shows, may be advantageously afforded to selected persons likely to repay the sum advanced.

Relief on loan was used in this way to reduce, in the longer term, the cost of relieving paupers by awarding relief that seemed consistent with the poor law’s concern with individual responsibility and the importance of paid work in structuring it. The Poor Law Commission’s *Abstract of Correspondence* contains numerous examples of unions that had either given or were seeking guidance on using relief in such a way. So, for example, the Worksop Union gave William Horobin, a pauper with a wife and six children and receiving 7/- per week for being “ruptured and suffering other illnesses”, a £10 loan “to enable him to purchase furniture and fixtures, and settle in business as a green-grocer in Sheffield, [his] weekly relief... being discontinued”. (Poor Law Commission, 1841, p. 11). The Ringwood union wanted to give relief on loan of £4 or £5 to John Skeats “to enable him to purchase a cart, wherewith to resume his occupation as a hawker of fish”. This would be a “means of removing from the parish the burden of his [and his wife and five children’s] maintenance” (Poor Law Commission, 1842, p. 301). Similarly, the Battle Union were mindful to loan John Apps £5 to buy a horse “to give him a living and avoid him, his wife and nine children entering the workhouse” (Poor Law Commission, 1842, p. 301).

However, none of these actual or potential loans were sanctioned by the Poor Law Commission (1841, p. 11) which argued, for instance, in the case of William Horobin:

the law does not authorize the Guardians, or any other parties authorized to grant relief, to order the payment of 10/ out of the fund raised for the relief of the poor, to a pauper as a loan, to enable him purchase furniture, and to set up in business. The Commissioners, therefore, have no power to sanction the payment in question; neither would the Auditor be justified in allowing it in the accounts.

The Poor Law Commission could not sanction the Worksop Union’s decision because it, like the other cases noted above, fell outside the law. Loans could only be considered to be lawful if they were used to relieve destitution. In other words, loaning relief was a means of delivering ordinary relief to the destitute rather than

being an additional form of relief (Webb and Webb, 1909). Supporting an applicant to set up in business was outside this. In this sense, independence was to be enforced through the application of less eligibility, rather than the provision of poor relief, even on loan. This was made clear in the 1844 Outdoor Relief Prohibitory Order that while reiterating that Boards of Guardians could, if they felt it appropriate, make any payment of relief a loan, also noted that unless relief could lawfully be given, it could not to be given at all. It is likely, however, that such practices continued. Boyson (1960), for example, notes how the Clitheroe Union made several large loans (one of £7) in the 1860s which, he suggests, were made to enable the recipient to set up in house or in a trade.

### *Recovering Relief*

Webb and Webb (1909, p. 381) note that relief on loan could also be used to:

strengthen the legal position of the Destitution Authority with regard to recovering the amount of relief, in the event of the person relieved (though momentarily destitute of food or lodging) having property that could presently be converted into money, or coming, at some future time, into possession of property or an income enabling him to repay the debt.

In such cases loans of relief were used to relieve those who were paupers because of an inability to access their own financial resources, or who (or somebody on their behalf if they defaulted) Boards of Guardians thought would be able to repay their relief at a future, but not too distant, date. Hence, it covered a wide variety of scenarios. So, for example, the Poor Law Commission's *Abstract of Correspondence* (1841b, p. 5) noted the case of George Hounson, "an infirm and aged pauper, scarcely sane in mind" who had £200 in saving, but who would not draw on the capital or interest. In such circumstances, the commission advised, the pauper should always be paid by way of a loan. The Ulverston Union seemingly took note, demanding the repayment of the cost of George Fell's in-maintenance after an episode of "temporary insanity" during which he refused to draw upon monies in his savings bank account (PUU 1/5, 22 November 1849). In other cases, the potential repayment came from resources that poor relief applicants were expecting. So, for instance, the Ulverston Union gave Howard Kendal a loan of relief of £5 "on [him] giving proper security – him having represented that his wife is [entitled] to a legacy of £50 Payable at Candlemas" (PUU 1/1, 29 September 1836). In the case of Robert of Harding and his family the Ulverston Guardians gave a 30/- loan on him pledging to "leave 1/- per week in the hands of C S Kennedy Esq. his employer till the same was repaid" (PUU 1/5, 26 August 1847). A variation on such scenarios was where a third party guaranteed the repayment of loans. The Ulverston Union, for example, gave relief on loan of £5 to James

Armandy “on security of Joseph Threlfall shoemaker” (PUU 1/2, 6 February 1840), while a £1 loan to Robert Cousins was guaranteed by a Mr Ainsworth (*ibid.*, 30 July 1840).

The giving of relief on loan as a means of securing the repayment of relief was, from the perspective of Boards of Guardians, the safest means of relieving destitution because there was a degree of assurance that the loan would be repaid either by the pauper or a third party. This was not so where loans were given either as a supplement to the relief of destitution or as a test of genuineness of destitution (discussed below). Guardians in these cases were reliant upon the frugality and honesty of paupers for the repayment of loans. As we have seen though, it was those paupers who lacked such virtues who it was thought would morally and behaviourally benefit most from receiving relief on loan. In this sense, this use of loans demonstrated most clearly the transformative potential of the poor law, for to pledge repayment showed foresight and responsibility; it marked transition from the indigent to the independent poor.

Nevertheless, Webb and Webb argue that this use of loans “never... prevailed to any considerable extent” because later amendments (the 1849 Poor Law Amendment Act) meant that Poor Law authorities could recoup relief through the appropriation of the property of recipients or from their estates on death (Webb and Webb, 1909, p. 382). However, and somewhat contradictorily they also argue that by the 20<sup>th</sup> century a small number of Boards of Guardians were making it clear to recipients that *all* relief they granted was on loan<sup>3</sup> to “strengthen a possible future claim to recover the cost of relief of any kind” (Webb and Webb, 1909, p. 383, original emphasis).

### *Testing the genuineness of destitution*

We have seen that the antecedents of the introduction of relief on loan in 1819 were driven by a concern that a greater degree of discrimination between the deserving and undeserving was required in the administration of poor relief. Because of this, it should not be surprising that a third use of relief on loan highlighted by Webb and Webb was as a “Deterrent Clog on relief” (Webb and Webb, 1909, p. 384). Relief on loan as a deterrent was used both discreetly and in conjunction with other deterrents, such as the workhouse test.

It is thought (Webb and Webb, 1909, p. 383) relief on loan was particularly used as a discreet test of the genuineness of destitution during what Brundage describes as the “Campaign Against Outdoor Relief” in the 1870s (Brundage, 2002, p. 157). There certainly was a belief in the 1870s that medical relief could be given in such a manner. This conclusion was drawn from a review of medical relief on loan. This review suggested that medical relief on loan had only been “tried systematically” in one Union; Bradfield in Berkshire (Fleming, 1879, *Medical Relief on Loan* in MH 32/114). Its author sang the praises of medical relief on loan,

noting that in Bradfield its “success...is so complete that the applications for medical relief have almost entirely ceased” (*ibid.*, p. 1). According to this report, it was not just the able-bodied who were over-stating their need for relief, but sick and disabled people too.

In the case of combining relief on loan with other tests of genuineness we can point to the example of the Dunmow Union, which on having had “numerous applications...for relief...by able-bodied single men out of work” granted them relief in the workhouse on loan (Poor Law Commission, 1841c, p. 2). The Poor Law Commission felt that while it “had not been customary...to give relief in the workhouse by way of loan”, it could see:

no objection to the course adopted by the Guardians, in as much as it might be presumed that a single man might, if he was frugal, have saved enough from his earnings to prevent him from becoming a pauper on the first interruption of employment (Poor Law Commission, 1841c, p. 2)

This particular case provides a good example of how relief on loan could be used in conjunction with the workhouse test to make relief doubly stigmatising. Not only did the men approaching the Dunmow Union have to endure the indignities of the workhouse, in the longer term they had to pay for those indignities! A similar experience was had by single able-bodied paupers applying for relief to the Cirencester Union (Poor Law Commission, 1843, p. 18).

### *Loaning relief to strikers*

Fraser points out that one of the main problems structuring the 1834 Poor Law Amendment Act was that it was designed with thought only really having been given to the “problem” of the rural poor; “it had not fully inquired into the real nature of industrial poverty, (Fraser, 1984, p. 49). The problems the economic cycle caused in terms of poverty and its relief under the poor law have been well documented (Boyer, 1990, 1997). However, another product of industrialisation – the rise of the organised working class – also raised particular issues for poor relief during strikes, for unlike economic depressions, destitution due to industrial action had an added moral dimension; strikers could be held to be voluntary destitute.

The case law most frequently quoted in relation to poor relief during strikes is that of the *Attorney General v. Merthyr Tydfil Union*. In this case the Court of Appeal declared it unlawful to relieve “able-bodied men physically capable of working at wages sufficient to support himself and his family but who refused to perform such work” (Ryan, 1976, pp. 361-362). In short, strikers could not be relieved unless they became “physically incapable of work” at which point “Guardians may, to prevent their starving, give temporary relief” (Minister for Health, 1922; for discussion Jennings, 1930). The wives and children of strikers

could be relieved by Guardians. It is suggested that the Merthyr Tydfil judgement often led to strikers being relieved through their being defined as sick or increased payment for their families (Ryan, 1976). The evidence to support this argument, however, is lacking. There were isolated examples of such practices, but little suggests that they were widespread (MH 57/118; MH 57/119).

However, whether for strikers or their families or both relief awarded during strikes was often made on loan (Renshaw, 1975; Gennard, 1977). Gennard notes that it was “the coal strike of 1926 was the strike in which the Poor Laws were most heavily involved” (Gennard, 1977. p. 81). It is, therefore, worth considering the operation of relief on loan during the coal strike in some detail.

In late May 1926 unions were surveyed to find out the “situation in each district, with particulars of any unusual action on the part of any Boards of Guardians”<sup>4</sup>. In this survey 43 unions mentioned relief on loan, the vast majority (37 or 86.0 per cent) noted that they were giving relief to strikers’ families, and often those unemployed as a consequence of the strikes, as a loan. Only 6 (14.0 per cent) unions were noted as not giving relief on loan (figures from MH 57/118). It is not clear what was happening in those unions that did not mention relief on loan, although evidence from other sources suggests that no mention of relief on loan cannot be read as meaning that it was something not practiced by the Union. So, for instance, the Merthyr Tydfil Union was not mentioned as offering relief on loan, but figures later produced showed that it loaned over £350,000 in relief during the strike (MH 57/119).

In 1928 the Ministry Health surveyed 18 unions in order to find out how much relief was given on loan in those unions and how much had been repaid<sup>5</sup>. The figures were to be included in the 1927-28 *Annual Report* as a continuation to the figures that appeared in the 1926-27 *Annual Report* on relief on loan given during the 1921 coal strike. However, the figures did not appear. Perhaps the figures would have been politically damaging because they demonstrated that the 18 unions had loaned a large amount of relief – £2,929,361 – during the miners strike. However, over a year after the end of the strike (by 31 March 1928) only £304,118 (10.4 per cent of the total relieved) had been recovered. A majority (11 or 61.1 per cent) of the 18 unions had also given relief on loan during the 1921 coal miners strike. This totalled £439,517. Less than half of this (£191,661) had been recovered when the 1926 strike commenced (all figures from MH 57/119). It is the case that many miners by the end of the 1926 strike had debts to their poor law union from both strikes. Repayment was a protracted process. More than a decade after the end of the 1926 dispute large sums of relief were still being repaid. So, for instance, a decade after the dispute, in the three year period 1936-7 to 1938-39, £434,701 of such relief was recovered.<sup>6</sup>

Some Boards of Guardians (for instance, Tynemouth in 1930) and some local authorities (for example, Northumberland County Council in 1942) did attempt to get unrecovered relief payments made on loan during the General Strike written off.

No such attempts were successful despite, in the case of Northumberland, there being a feeling “that agitation may very well grow, and that after 17 years there may be a good many grounds for terminating recovery in all cases”.<sup>7</sup> In Northumberland it was estimated that about £40,000 was still outstanding in 1942, while it was also thought that South Wales “may have substantial sums outstanding”.<sup>8</sup> In Durham there were 5,000 cases owing a total of £80,000.<sup>9</sup>

It is little surprise then, that Anuerin Bevan MP (then Minister of Health) celebrated the abolition of relief on loan during the committee stage of the National Assistance Bill:

My Hon. Friends who belong to the older industrial areas will, I know, wish me to point out that the clause [one of the 1948 National Assistance Bill] also abolishes relief on loan. I have experienced many tragic examples of large families who, in time of industrial disturbance, found it necessary to go to the Poor Law for help, and their necessity lasted so long as to pile upon them such a burden of debt that they could never hope to be relieved of it during the lifetime of their parents. Even now, collections of 6d., 1s., or 2s. 6d. a week take place. There could be no greater deterrent to the building up of a dignified people than the existence of a debt so grievous that the individual cannot hope to get rid of it during his [sic] lifetime. The abolition of relief on loan is, therefore, very much welcomed, I am sure, by hon. members in all parts of the Committee, and certainly by all those associated with me (Westbey, 1970, *Loans of Supplementary Benefit*, p. 2 in BN 72/108).

There are various explanations of why loans were used so frequently during the 1926 coal strike. According to officials at the Ministry of Health it was because there:

was an attempt to subsidize trade disputes from the rates which was supported by certain of the 78 Boards of Guardians, who then administered the Poor Law in mining areas. They depleted their funds and they attempted to overdraw their accounts. The banks refused to afford facilities without the approval of the Minister and in some instances without guarantees from the Treasury. Authority for loans from Exchequer moneys was obtained from the Treasury by the Minister, and a committee was appointed under Sir Harry Goschen to advise the Minister on what terms and to what extent such loans should be admitted. One of the conditions invariably recommended by this committee was that relief to families engaged in the dispute should be on loan, and this condition was generally imposed by the minister also in cases where borrowing did not involve exchequer money.<sup>10</sup>

However, this administrative argument is not supported by the evidence. There is no indication in the minutes of the meetings of the Goschen committee between 1925 and 1928 that poor law authorities were required to relieve destitution on loan in order to secure loans from the Ministry of Health (MH 57/125).

Other explanations of why loans were used so frequently during the 1926 strikes can be gleaned from the literature examining the general use of poor relief during strikes. There are two arguments that may be identified. The first, taking a legalistic approach, suggests that strikers relieved on loan were being treated little differently to any other able-bodied paupers (Jennings, 1930). In this line of thinking, the use of loans is understood as a test of the genuineness of pauperism that any other non-striking applicant might have to endure. However, given that relief on loan was not as frequently used in the years outside of strikes as it was during them, this argument does not explain why loans were so widely used during the coal strike. The extent of the use of loans during the coal strike marked the relief of strikers as being different from that of other able-bodied paupers.

The second approach is more radical and suggests that poor relief during the coal strike was related to the nature of class struggle in the 1920s. In this sense, Ryan, while acknowledging differing practices between Board of Guardians, argues “how the Poor Law, if administered strictly according to its spirit, was in effect a strike-breaking weapon” (Ryan, 1976). Loan on relief was arguably part of that weaponry. If strikers required relief to survive they would have to take it on the less eligible terms of a loan, or they faced being forced to return to work through destitution.

## **Discussion and Conclusion**

So far this paper has discussed a mechanism of poor relief that histories of the poor law have been noticeably quiet about; the payment of relief as a loan rather than a grant. The paper has demonstrated that loans were consistent with the less eligibility thrust of the New Poor Law, although given the varying practices of poor law unions we have seen that loans, particularly in the early years of the New Poor Law, could be used in ways that challenged the idea of less eligibility as the driver of independence.

Given the less eligibility thrust of loaning relief, it is worth considering why, as we have seen, its practice varied between poor law unions. This can be explained by reference to arguments that are familiar, for instance, the discretionary use of powers by poor law unions and, from the latter decades of the 19<sup>th</sup> century, the political make-up of poor law unions. However, there are also explanations that are more discreet to loans as a form of relief. First, there was not agreement, even among poor law inspectors, of the efficacy of loaning relief. Sidney and Beatrice Webb (1909, p. 384), for instance, note that by the early years of the 20<sup>th</sup> century the idea of awarding loans as a deterrent had “fallen into disrepute” and quote “the

present Chief Inspector of the Local Government Board” as saying: “It would be rather absurd to give a man relief on loan when it is perfectly obvious that he cannot repay it” Such concerns had been raised in the 1870s with regard to the report discussed earlier on medical relief on loan. While two other Poor Law inspectors (Henley and Dashwood) concurred with the author’s conclusions, a fourth (Francis D. Longe) complained that:

It is clear that the practice of making a promise to repay, a condition of a grant of relief, whether medical or ordinary, in all cases independent of the means and conditions of the applicant, is inconsistent with any system of relief, the objects of which are destitute persons. It is clear the Bradfield system is altogether at variance with the principle of relief on loan within the meaning of the Poor Law Statutes and Poor Law Orders (Fleming, 1871, *Medical relief on Loan*, p. 18, in MH 32/114).

While Longe was over-stating the case, because relieving officers had to have regard to the ability and likelihood of repayment of any relief offered on loan, his comments are essentially concerned with the seemingly contradictory practice of loaning relief to those people who by their very definition were destitute. Longe’s position suggests that to offer relief on loan was to acknowledge that the applicant was not destitute. This would have raised doubt about the legality of giving them any relief at all. However, it also demonstrates that, given the role of poor law inspectors, there would not have been consistent condoning offering relief on loan.

Second, there were concerns that the offering of relief on loan had detrimental effects among the working poor and undermined the moral and economic intentions of the poor law. So, for example, the Reverend T. Maurice wrote to the Poor Law Commission warning of the consequences of the resolution of the Cirencester Guardians to relieve able-bodied single paupers only by way in-maintenance on loan. This development, he suggested, would have dire consequences on the habits of single able-bodied people, for, he suggested, it would remove the financial inducement to find such people paid work and, because it too clearly delineated single men from married men, it would lead to the former always being dismissed before married workers when employment became scarce. Not only would this affect the employment-related habits of single men, it would most likely promote “improvident marriages” (Poor Law Commission, 1843, p. 18).

It was also argued by some relieving officers that the payment of relief on loan encouraged individuals to approach Unions for relief because they did not consider it to be stigmatising; any monies forthcoming would, after all, have to be repaid. As one Board of Guardian clerk told the 1905-09 Commission on the Poor Law: “the pauper gets to regard it as a sort of loan society, and thinks that he does not get [Poor Law] relief” (Webb and Webb, 1909, p. 386). This led to it being questioned whether relief on loan ever acted as the deterrent to claiming poor relief that its advocates suggested it would do. Webb and Webb, for example, argued that

relief on loan was more likely to reinforce distinctions between the responsible and irresponsible, rather than making the irresponsible more responsible:

Unfortunately it [relief on loan] deters the wrong people. To the thrifty and honest man of character, brought into destitution by ill-fortune, the thought of incurring a load of debt that will keep his wife and family hungry for years, may induce him and his to suffer untold hardship rather than seek the aid to which it is in the public interest that he should receive. On the other hand, "relief on loan" has no deterrence for the unthrifty, the dishonest and the wastrel (Webb and Webb, 1929b, p. 101*fn*)

The observations of the Webbs can be explained with reference to the recovery of relief. The fact relief had to be repaid once the pauper was once again in paid employment acted as a disincentive to the taking of paid employment. For the "dishonest and the wastrel" loans were actually an encouragement to remain on poor relief. Why would a pauper want to give up relief through securing paid work when, on doing so, they would have to repay poor relief received in the past? A second argument relates to an inability among unions to successfully recover relief loaned to paupers. There was a feeling among some Unions and poor law inspectors that relief on loan "appears to be a empty threat [because]... it is quickly discovered that there is very little practical power of recovering the loan by legal proceedings" (Webb and Webb, 1909, p. 385). If Unions were unable or unwilling to enforce the repayment of loans then, there was no deterrent to those who were not destitute claiming them.

It is likely, however, that the arguments of the Webbs over-state problems with the recovery of loans. It was not unknown, for instance, for unions to take legal action to recover relief. In June 1926, for instance, a relieving officer with the Ulverston Union was "empowered to prosecute" George Longhorn and George Williams for refusing "to make any contribution towards the repayment [of their relief on loan]". Between them Longhorn and Williams owed just over £7 (PUU 1/29). Moreover, recovery directly from the pauper was only one way of recouping relief on loan. For the able-bodied, for example, it was possible for poor law unions to attach earnings once the recipient had returned to, or found, work. While this did require some effort and resources on the part of Unions, it was a means of recovery that seems to have been frequently used. This was particularly the case when large sums of relief had been loaned. In the period after the general strike, for instance, the recovery of loan by attachment of earnings was common. In some cases poor law authorities sweetened the burden on employers in this process by paying them commission. After the 1921 miners strike three Unions in mining areas, for instance, gave a commission of 2.5 per cent to collieries to ensure the repayment of relief. Newcastle-under-Lyme Union was more generous and gave a local colliery 5 per cent "to induce them to make deductions" (MH 57/94). Financially this would not have been problematic because it was common practice to pay commission of 5

per cent to relieving officers recovering relief on loan (MH 57/94). There may, however, have been objections from those relieving officers who may have seen themselves as being cheated of commission by it.

Many of the themes – for instance the marriage of economy and moralism in poor law ideas and administration and variations in poor law practice – discussed in this paper are familiar in poor law histories. However, the substantive topic – loaning relief – is something that those same histories neglect. However, an understanding of how and the ways in which poor law authorities loaned relief is important, for it adds a further dimension to our knowledge of the poor law. Of course, further research is required, particularly at a local level, in order to understand the nuances of loaning relief.

We have seen that concerns have been raised about the relationship between loaning relief and the principles of poor relief. On reflection, it is fair to say that the concern with economy and character continued to structure relief on loan throughout the operation of the poor law. While the balance between these considerations varied depending upon the purpose of the relief, relief on loan remained part of the discriminating powers of the poor law until the mid 20<sup>th</sup> century when, with the abolition of the Poor Law through the 1948 National Assistance Act, loans on relief, except for those people in paid employment (and therefore excluded from National Assistance) who were in urgent need, passed into poor relief history.

However, only two decades later the reintroduction of loans for those people not in paid employment was once again being explored at the request of the then Minister for Social Services, Richard Crossman MP (AST 36/196; BN 72/108; BN 92/1). Crossman's ideas for loans were defeated by resistance from civil servants and his senior adviser (Professor Brian Abel-Smith). Part of the resistance related to the fact that loans were associated with the poor law and, it was believed, that:

in political terms the return to essentially Poor Law techniques, repudiated by all parties more than 20 years ago seems imprudent. The containment of abuse by official and economical administration is one thing – saving money by making the scheme unattractive by classifying claimants as debtors is quite another (Westbey, 1970, *Supplementary Benefit Loans*, p. 11 in BN 72/108).

The position of officials in 1970 was premised upon knowledge of poor relief law rather than its practice. Their comments though, do show that poor relief policy is shaped by the historical moment. The Labour governments of the 1960s worked, although whether they were successful is debateable, at reducing the stigma associated with receiving social assistance. Introducing loans would have contradicted this thrust of policy because it was thought such a move would have reintroduced some of the worst principles of the poor law. As Clarke *et al.* suggest, it was not until the 1980s with the election of a radical Conservative government

that principles associated with the poor law were once again explicitly drawn upon (Clarke *et al.*, 1987). With this change loans were reintroduced as a mainstream part of the social assistance. They were not, however, as was claimed at the time a new development in the relief of poverty.

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### Notes

1. This paper focuses only upon relief that was recoverable from the pauper recipient. Hence, while some poor law authorities described the payment of relief that was repaid in part or full by liable relatives as "on loan", such forms of relief are not included in the analysis. See, for example, *Application and Report Book. Lancaster Union, Morecambe District* (PUL 23/8).
2. Curwen's first motion for a committee on the Poor Laws was passed by parliament in 1816, but the committee was never appointed (Cowherd, 1977, p. 54).
3. Until the 1920s Boards of Guardians could demand the repayment of any relief awarded to paupers. However, in 1926 it was ruled that relief "could not be recovered at law unless it had been granted explicitly by way of loan" (MH 57/94). After this ruling Boards of Guardians tended to get recipients to sign a form that indicated that they accepted the relief as a loan.
4. Note from Sir Arthur Robinson (Civil Commissioners Department) to the General Inspectors, 25 May 1926 (MH 57/118).
5. The 18 Unions were mainly in coal-producing and industrial areas of England and Wales: six were in the West riding of Yorkshire (Barnsley, Doncaster, Hemsworth, Pontefract, Sheffield and Wakefield); seven in County Durham (Auckland, Easington, Chester-le-Street, Hartlepool, Lanchester, Stockton and Sunderland); two were in Glamorgan (Merthyr Tydfil and Pontypridd); two in Northumberland (Morpeth and Tynemouth) and one in Debigshire (Wrexham).
6. Minute from Mr Biddle of A.G.D. stats. to Mr Turner at the Ministry of Health, 28 October 1943 (MH 57/421).

7. Note from Mr Watson at the Ministry of Fuel and Power to Mr Beckett at the Ministry of Health, 21 October 1943, pp. 1-2 (MH 57/421).
8. MH 57/421.: 1.
9. Note from Mr Kilby at the Ministry of Health Newcastle Regional Office to Mr Turner at the Ministry of Health, 14 October 1943, p. 3 (MH 57/421).
10. MH 57/421, briefing, *Cancellation of the Obligation to Repay Relief afforded on loan during the General Strike and Coal Dispute of 1926*, 27 October 1943. The Goschen Committee was established in 1921 to “consider applications made to the Poor Law authorities in Great Britain to loan out of the Vote for the relief of unemployment” (MH 57/126). As part of its terms of reference it had to consider “the scale of relief and the extent to which relief being given is reasonable” (MH 57/126).

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- PUU 1/4, *Guardians' Minutes 29 June 1843 to 18 March 1847, Ulverston Board of Guardians.*
- PUU 1/5, *Guardians' Minutes 25 March 1847 to 6 March 1851, Ulverston Board of Guardians.*
- PUU 1/29, *Guardians' Minutes 2 August 1923 to 7 April 1927, Ulverston Board of Guardians.*