

# The Poor Law in Cumbria

## Introduction

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## Introduction

Prior to the Poor Law Amendment Act of 1834, poor relief was administered at parish or township level, financed by rates levied on local property. There were significant local and regional variations in practice and cost.

After 1834 parish and township relief was replaced by new Boards of Guardians or Poor Law Unions of previous parishes or townships. National government increasingly sought to standardise the form of relief given. The system came under increasing criticism around 1900 and was eventually replaced by National Assistance in 1929 although the boundaries of these unions survived until 1948.

There are significant debates about almost all aspects of this. What were the major causes of poverty? Were levels of poverty higher in some areas of the country than others? How well was poverty relieved? What were the main agencies involved? Was the Old Poor Law (pre-1834) efficient and/or generous? What was the impact of the 1834 Poor Law Amendment Act? Why was it so fiercely resisted – and to what effect?

## Parish relief: the Old Poor Law

This dates back to Elizabethan legislation of 1597 and 1601 and the subsequent **Settlement Act** of 1662 but the system which developed over time took on different characteristics in different areas.

Prior to 1834 each individual parish, or township if part of a sprawling parish considered too large for efficient civil government, was responsible for the maintenance of its own poor be they **able-bodied unemployed** or the **'impotent' poor: the aged, infirm or orphaned**. **Mothers of illegitimate children** also received relief although the authorities pursued the putative father for support. Vagrants were sometimes given casual relief. To become entitled to poor relief in a particular place individuals had to possess **'settlement'** in that parish, acquired by birth, marriage or specific length of residence or apprenticeship. If they migrated they could obtain a **settlement certificate** from their home parish promising to reimburse other parishes or townships should they become a burden there for whatever reason. In some cases paupers were physically removed back to their place of settlement. Aid could be dispensed either as **'out relief'** or **'outdoor relief'** in the form of cash, or in kind (food, fuel, rent) or, especially for the old, very young or ill, as **'indoor relief'** possibly in

workhouse or poorhouse. Relief could be either **casual**, varying on changing circumstances or in the form of regular **pensions** for the ‘impotent’ poor. **Children** could be taken from parents who applied for relief and **apprenticed** or put to work.

The system was organised and entirely financed at parish or, in parts of the North, township level. There was an estimated 15000 such units. There were no central government subsidies or relief measures. Householders were required to pay a **rate or levy** on the value of their property; the higher the value of the property, therefore, the more an individual paid. In some parishes those occupying the humblest dwellings, usually valued at less than £4 per annum, were exempted. The level and frequency with which poor rates were levied depended upon the number of paupers claiming benefit which in turn was largely a reflection of the state of the labour market and the age profile and health of the population. Sometimes, funds from **local charities** for the poor were distributed by the overseer through the vestry.

The individual responsible for administering this, for deciding when to level rates and whom to relieve, was the parish or township **overseer**. He was elected (or co-opted) at the annual parish vestry meeting, usually at Easter, by and from the ratepayers. The post was usually unpaid although from the late 18th century some of the more populous parishes also elected a **paid assistant overseer** to perform much of the routine work. In theory, all relief given had to approved of by the ratepayers meeting as a vestry, but since this was increasingly impractical in practice most of the decisions were taken by the overseer and the annual vestry meetings merely audited his accounts. Paupers who felt that they had been unjustly refused adequate or appropriate relief could appeal to the **Justices of the Peace** (or magistrates) sitting at local petty sessions. These men, invariably gentry or clergy, had the power to reverse the decisions of parish overseers. They also verified overseers’ expenses and receipts.

There were several modifications to this system from the late 18<sup>th</sup> century:

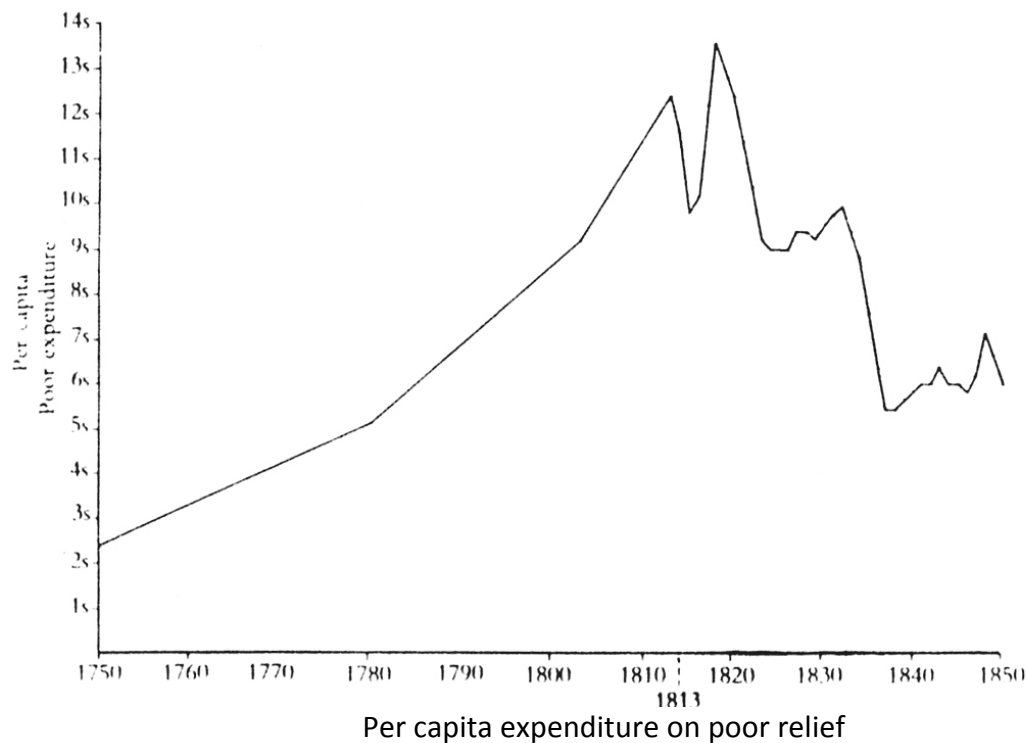
About 10% of parishes/township took advantage of **Gilbert’s Act of 1782** (after its originator Thomas Gilbert) which allowed parishes to band together voluntarily into unions in order to pool resources and provide joint workhouses. Some of these ‘Gilbert Unions’ survived the reorganisation of the poor law in 1834 until 1869. A full list of them can be found on [www.workhouses.org.uk](http://www.workhouses.org.uk)

The **‘Speenhamland system’**, which spread rapidly between the 1790s and c 1815 was not the result of any legislation. It was a practice adopted initially by magistrates in Speenhamland, Berkshire in the 1790s to cope with the massive disruption and increase in the cost of provisions. It allowed for **poor relief in aid of wages** which was effectively ‘indexed link’ to the price of corn. Despite its reputation, it



Fig. 8.3 The distribution of the Speenhamland system, 1824  
 Source: Blang, 'The myth of the Old Poor Law', p. 158. (N.B. in the shaded counties most parishes subsidized wages out of the poor rates in 1824. The heavy hatching in Essex separates the high wage counties of the north from the low wage counties of the south.)

was not universally adopted across the country being concentrated in the low wage agricultural counties. Its use declined in the post-war collapse.



Poor relief peaked after the end of the Napoleonic Wars. One attempt to control it involved limiting the powers of the poorer ratepayers operating through the vestry to determine local policy. Under the **Sturges Bourne and Select Vestries Acts of 1818 and 1819** parishes or townships were allowed to elect 'Select Vestries' from among the 'substantial householders' to meet regularly throughout the year to hear applications. Unlike most business at annual vestry meetings, elections to select vestries were by a system of plural voting, giving additional weight to larger propertied interests who paid the majority of the rates.

A further tightening up of control occurred after 1821 when the joint consent of at least **two JPs sitting together** was required to overturn the decision of a parish or township overseer and JPs were authorised to **approve appointments and audit accounts**. The old poor law system, therefore, was not static but attempts to reform it before 1834 had been largely permissive, allowing local parishes to take adopt changes, rather than obliging them to do so.

What is not disputed is that cost of poor rates rose between c 1780s and 1820 fell thereafter. However, this fall did not dispel concerns about its costs and administration since the economy also experienced problems at that time.

A major change to policy and administration was introduced after a major **Royal Commission into the Poor Laws between 1832-34**. This despatched **Assistant Commissioners** to various parts of the country to report on current administration, issued detailed **questionnaires** to overseers in about 1500 parishes and townships and carried out

oral examination of various individuals. As many historians have pointed out, the evidence in the Royal Commission did always support the criticisms made of the old system which were used to justify the dramatic change which was introduced by the Poor Law Amendment Act of 1834.

### **Poor Law Unions: the New Poor Law of 1834**

Despite its innocuous title, the **Poor Law Amendment Act of 1834** was a major overhaul of the entire organisation and principles of the poor relief system. It survived virtually intact until 1929; the boundaries were only abandoned in 1948..

In the mid-late 1830s, **Assistant Commissioners** were appointed who compulsorily grouped **parishes and townships together in 'unions'** administered by elected **Boards of Guardians** to whom all applicants for relief had to go. These new districts were also used for **civil registration of births, marriages and deaths** and formed the basis for **census collection**. From the 1870s those outside boroughs became **Sanitary Authorities** responsible for public health measures. These were superseded by **Rural and Urban District Councils** in 1894. Most of the boundaries remained unchanged until the end of the Poor Law in 1929, but new districts were created where there was significant population growth, as in the case of Barrow. Details of all of them are on [www.workhouses.org.uk](http://www.workhouses.org.uk)

Ratepayers in each parish elected one or more guardians depending on their population. There was a **property qualification to become a guardian** and the franchise enshrined the principle of plural voting, allocating up to a maximum of six votes for larger property holders, thus reducing the egalitarian democratic nature of earlier vestry elections. As well as these elected representatives, JPs from the area covered by the union also sat as *ex officio* members and right of appeal to them at the petty sessions was terminated. The board, not the parishes, now appointed paid relieving officers to deal with applications for relief. Individual parishes, therefore, lost the power to decide who should receive relief, but each parish or township still had to pay for the upkeep of their own paupers and local overseers continued to collect rates which were passed on to the unions. Not until the **Union Chargeability Act of 1865** was the total cost of the union's relief bill spread between the parishes on the basis of population and wealth. The property qualification and *ex officio* membership were only abolished in 1894 by the Local Government Act of that year.

A **London-based Poor Law Commission** was formed in 1834 with Edwin Chadwick as its secretary. This was replaced by a **Poor Law Board** and, from 1869, the **Local Government Board**. This issued directives to unions advising them on how they should act. In theory, a principle of **'less eligibility'** was to apply in which levels of relief were to be set below the lowest level of wages in an area to discourage individuals and families from applying. **Relief for single mothers** was also tightened up to discourage illegitimacy which was viewed as a major problem in some areas (particularly the far north near the Scottish border). **Theoretically all outdoor relief to able bodied adults capable of work was to end. Only indoor relief was to be given in newly constructed workhouses.** This policy was intended to discourage applicants for relief since conditions in new specialist workhouses were to be made deliberately unappealing: families and sexes were separated; diet was to be basic; discipline to be strict; individual liberty to be curtailed. Only the so called **'impotent poor'**

who were incapable of work were to be treated less harshly and given out relief. **Vagrants** or casuals were to be housed in a separate ward. The right to longer periods of relief depended, as before, on obtaining a settlement in a parish until the Settlement Laws were repealed in 1846. As a result of the shortage of corpses for medical experiments (which had led to the infamous activities of Burke and Hare), dead paupers's bodies could be offered for dissection for medical experiments and teaching. Others were buried in a pauper's grave, unmarked. Fear of dying 'on the parish' therefore were intensified.

These changes and responses to them have been extensively explored by historians. They have argued that central directives were not always strictly adhered to, outdoor relief in particular continuing to be given in preference to incarceration in the workhouse. Its continued adoption needs to be considered in the light of the needs of the labour market; it was not always practical to house the able-bodied in workhouses during times of depression. But the continuation of outdoor relief should not necessarily be confused with generosity since in most cases it remained cheaper than workhouse relief and was often linked to a '**labour test**' – ie obliging paupers to undertake some form of repetitive or demeaning work such as scavenging, street cleansing, stone breaking or textile related tasks for the women.

Poor rates fell dramatically during the 1830s although historians have disputed whether this was due to the introduction of the Act or a revival of the economy.

From the 1840s, poor rates and expenditure both rose despite the Poor Law Board's attempts to control relief policies. Much of this continued to be accounted for by outdoor relief but there is no evidence that this implied increasing generosity on the part of the local guardians. Outdoor relief continued because parsimonious guardians found it cheaper, and more practical, to give outdoor relief than extend expensive workhouse provision. This was particularly noticeable during the Cotton Famine of the early 1860s when thousands were thrown out of work but put to work on schemes such as road building and the creation of public parks. Facilities for the 'deserving poor' such as the sick, aged and orphaned also remained limited. Economy ruled.

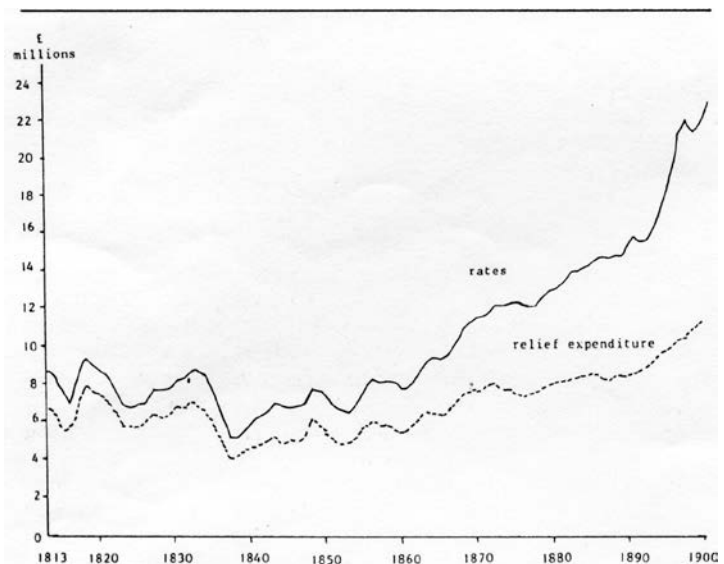
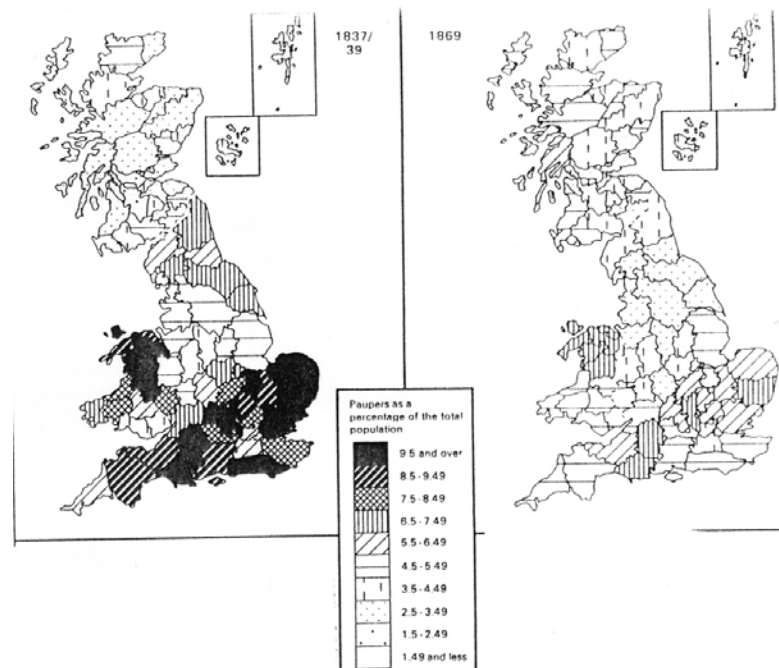


Figure 1: Poor Rates and Relief Expenditure in England and Wales, 1813-1900. Sources: Poor Rate Returns and Annual Reports of Poor Law Commission, Poor Law Board and Local Government Board

Costs of relief per head of the population continued to show marked regional variations throughout the century.



### The Age of the Institution: mid-1860s to 1914

Although historians have tended to concentrate on the impact of 1834, in many respects the late 1860s witnessed possibly an even greater transition in relief policies, practices and physical provision. Paupers numbers increased marginally, but declined as a proportion of the rising population. Poor rates and expenditure, however, continued to rise, virtually doubling between 1870 and 1900.

The period witnessed a dramatic decline in outdoor relief. The remaining autonomous Gilbert Unions, which had remained outside the 1834 legislation, were ended in 1869 when they were brought under the control of the Poor Law Board. At the same time the Poor Law Board and its successor after 1871, the newly-created Local Government Board, implemented tougher guidelines and limits on outdoor relief. The proportion of poor relief accounted for by outdoor relief fell from over 50% in the 1860s to around 20% by 1914.

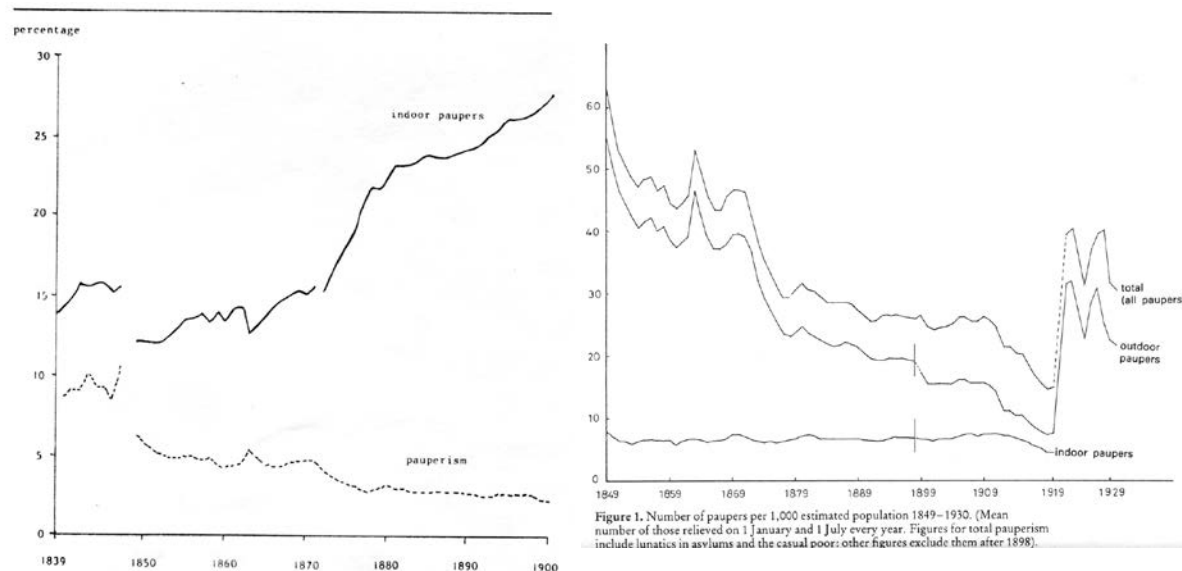


Figure 3: Percentage of Pauperism on Population, and of Paupers Relieved Inside the Workhouse, 1839-1900. See figure 2 (page 24) for note and sources.

While outdoor relief declined, the costs of indoor provision rocketed. As Margaret Crowther noted in *The Workhouse System, 1834-1929* 'The decades between 1860 and the Great War were the age of institutions on a scale rarely known before'. The central Poor Law Board authorised the Boards of Guardians to take out loans to construct new workhouses from the 1850s and interest and capital repayments formed an increasing proportion of rate expenditure until the 1900s. New, palatial (at least externally) workhouses were constructed along with specialist indoor provision for various categories of the 'deserving poor' on the one hand and vagrants or casual poor on the other. Staff costs increased as a proportion of expenditure.

These new institutions were increasingly segregated, unlike the older parish workhouses.

Relief measures were tailored to specific social groups.

#### **Vagrants: the casual ward.**

As outdoor relief for the able bodied was withdrawn locally, more men 'tramped' or hit the road in search of work. New workhouses contained expanded vagrants' wards for casual paupers who comprised an increasing proportion of the workhouse population in the late 19<sup>th</sup> century, especially in times of depression. These were usually given tasks to do to deter them from applying and their stays were restricted to one to three days. When, as was often the case, accommodation was insufficient, vagrant paupers were housed in licensed lodging houses, inspected by the police.

Numbers could vary dramatically depending on the state of the economy.

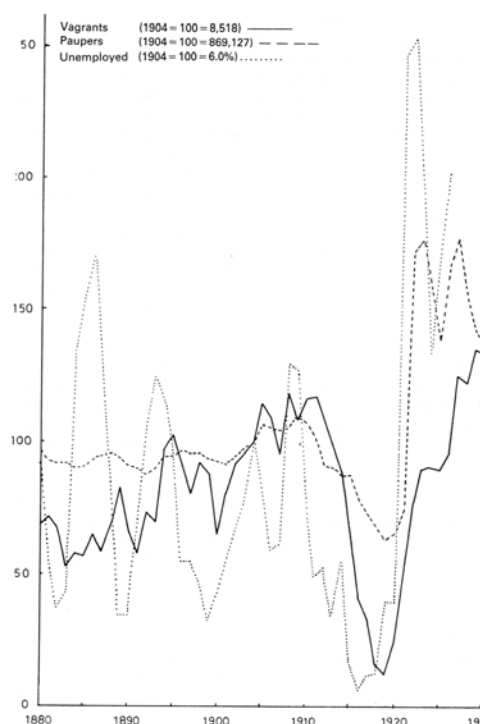


Figure 5. Number of vagrants relieved on the night of 1st January 1880–1930, compared with total number of paupers relieved on the same night, and with the average percentage of unemployed in certain trade unions 1880–1926.

### The Young: child welfare

Children, usually orphans (those who had only lost one parent were also classed as orphans) formed an increasing proportion of the institutional pauper population. Compulsory education for pauper children in workhouses had been introduced in 1846, over a third of a century before the rest of the population, since it was felt that schooling would enable the child to survive as an adult and not return as a pauper. Facilities were initially poor. ‘Barrack’ and industrial schools, catering for the children of several unions were erected in mid-century but gradually phased out once school boards were introduced post 1870. These took day pupils from workhouses, albeit often distinguished from other children by their uniforms. Children’s wards within workhouses were gradually displaced by ‘cottage homes’ housing smaller numbers in the community and by fostering. The poor law authorities also made increasing use of children’s charities, such as Barnardo’s, which provided their own institutions. As the costs increased and opportunities to apprentice young children out declined, and those that remained (such as deep sea trawling) came under increasing criticism, both the poor law and the charities looked overseas for solutions, shipping pauper ‘orphans’ to the new expanding Dominions in Australasia and Canada. This policy, now much criticised, needs to be viewed in the context in which it was practised.

### The Mentally Ill: County Lunatic Asylums

The mentally ill (lunatics) and those with learning and other disabilities (idiots and imbeciles) were initially housed in workhouses; many continued to be so housed if they did not present discipline or other problems to the workhouse authorities. However, an Act of 1808 authorised the establishment lunatic asylums supported from county rates but collected through the poor rate levy. These catered for both



pauper lunatics and private patients. From 1845 they were inspected by the Lunacy Commissioners, which published annual reports. They were supplemented by a variety of charitable institutions offering education and training to what were then labelled 'idiots and imbeciles'. Such institutions expanded dramatically in the late 19<sup>th</sup> century, and contained an average of over 1000 inmates each by 1914.

### **The Sick: infirmaries and hospitals**

Although district medical officers had been appointed from the 1830s medical provision was initially limited. Under pressure from medical officers' organisations and charity organisations, Boards of Guardians expanded their facilities for the sick and aged poor from the 1860s. Quality continued to be patchy across the country with London showing the most rapid progress aided by dedicated acts of parliament in the mid-1860s. From 1885 the stigma of pauperism was removed from people receiving medical assistance from the poor law since they did not lose their right to vote (as other paupers did).

### **The Aged Poor**

Whenever possible, the old and infirm were relieved through outdoor relief, or doles. But as the population grew and aged, they formed an increasing percentage of the pauper workhouse population in the late 19<sup>th</sup> century. By 1909 some 20% of the population died in an institution (not just workhouses); the figure was nearer 40% in London. A Royal Commission on the Aged Poor in 1895 found that 40% of those over 65 were paupers. This led to pressures for other forms of state provision, resulting in the introduction of old age pensions for those over 70 in 1908 as an 'aid to thrift'. Paupers, however, were denied the pensions.

The expansion of the institutional welfare and care did little to dispel the poor's fear of the 'the workhouse' which the vast majority of the working population had instilled into them by moral reformers, politicians and economists. If anything, such fears increased. Although the poor law was formally ended in 1929, therefore, fear of such institutions carried over into succeeding generations who gradually dismantled this late Victorian legacy and created a 'new' form of outdoor relief - 'care in the community'.

Other elements of these debates are still current today, noticeably in the equivalents of 'labour tests', 'less eligibility' and issues relating to single mothers, child care and care of the aged.

## **Local and National Sources**

Some of these are described and illustrated in Peter Higginbotham's excellent site. Scroll down the page to see the full list.

<http://www.workhouses.org.uk/records/>

### **Published Sources**

#### ***Acts of Parliament***

The most significant of these are reproduced in [www.workhouses.org.uk](http://www.workhouses.org.uk)

### ***House of Commons (Parliamentary) Papers***

Bills, reports and evidence of Select Committees and Royal Commissions, annual reports of the Poor Law Commission and Poor Law Board were published by central government and can be accessed online through membership of subscribing institutions (eg Wellcome Library).

Narrow down search terms by choosing 'Poor Laws' from Poverty and Social Administration relief option from list of 19<sup>th</sup> century subheadings and from lists of options at the bottom of the search screen.

Among the most important for the pre-1834 system are

- Select Committees on the Poor Law
- Royal Commission on the Poor Law 1832-34
  - Reports of Assistant Commissioners (Lancashire; Cumberland and Westmorland)
  - Answers to Town and Rural Queries (from local overseers, etc) – see separate list for Cumberland and Westmorland
- Charity Commissioners' Reports 1822 (and other years) on township and parish charities some of which were administered through the vestry overseer

Post 1834 there were annual reports from the Poor Law Commission/Board and Local Government and continuing enquiries, the largest being the Royal Commission on the Poor Laws which reported in 1909.

### ***Newspapers***

These sometimes reported particularly contentious parish or township affairs or opposition to the introduction of the New Poor Law. After 1834 they often contained detailed reports of the regular meetings of the Board of Guardians and reports of Medical Officers etc

### **Manuscript Sources**

#### ***National Archives***

These are almost exclusively concerned with post-1834 and rarely contain any information at parish or township level. The various categories are described in National Archives Guide <http://www.nationalarchives.gov.uk/records/research-guides/poor-laws.htm>

These can be searched for using 'Discovery' the National Archives Online Catalogue. Readers' cards are available to anyone on proof of identification. Documents can be ordered in advance of a visit once you have a card. Digital photography is permitted (free).

#### ***Local Record Offices/Archives***

##### Parish or township records

Some townships have excellent records; others have virtually none. Some parishes and townships may still hold material, particularly for the post 1834 period.

Documents can be catalogued under either (or both) parish record and parish council records. You will need to consult the **CASCAT 'Guide to Official Records' which includes a link to 'Parish Councils' and 'Guide to Ecclesiastical Records' which includes a link to 'Church of England Parish Records'.**

All of Dalston's pre-1834 vestry and overseer documents, for example, are classified under 'Parish Councils' rather than Church of England records.

Among the documents which you MAY find are:

- Vestry minutes and accounts with appointments of overseers (and other officers)
- Select vestry elections, minutes and accounts
- Rate books and assessments – useful for identifying people (eg officers) and properties and trends over time
- Lists of paupers or recipients of 'doles'
- Workhouse or poorhouse records
- Removal and settlement certificates for paupers
- Pauper apprenticeship records (particularly after 1802 Act which enabled JPs to inspect conditions)
- Bastardy bonds to obtain funds from putative fathers
- Boarding out arrangements for orphans etc
- Charities administered through the township or parish
- Accounts and correspondence of the parish/township officers with post 1834 Boards of Guardians
- Gilbert Union records

ALL OF THE WORDS/TERMS ABOVE, AS WELL AS THE NAMES OF INDIVIDUAL TOWNSHIPS OR UNIONS, CAN BE USED TO QUERY CASCAT.

#### Petty Sessions and Quarter Sessions

Cumberland (Q) Westmorland (WQ)

Quarter Sessions records (order books, sessions, accounts etc) include significant material particularly from the late C18. Each county's records use different categories and not all have complete runs of material.

It is advisable to ask advice from the archivist for particular classes of record.

eg Cumberland

QF 21 series includes returns from each parish/township; details of some individual townships and parishes

Q11/1 contains petitions (catalogued separately to 1729)

Paupers sometimes petitioned magistrates to obtain relief or settlement.

Ratepayers sometimes petitioned to prevent the settlement or obtain the removal of paupers who were, or were likely to be, a burden.

#### Post 1834 Union records

CASCAT contains a guide under 'Official Sources' with a link to each union's records.

[http://www.cumbria.gov.uk/archives/Online\\_catalogues/official/poorlawunions.asp](http://www.cumbria.gov.uk/archives/Online_catalogues/official/poorlawunions.asp)

Some of the more recent documents with personal information may not be available for consultation.

Here is an example for Kendal Union

Kendal

Reference	<a href="#">WSPUK</a>
Title	Kendal Poor Law Union
Description	Minute books 1836-1930 Committee minute books 1862-1930 Letter books 1858-1920 Parish ledgers, general ledgers and accounts 1840-1935 (some in WC/W) Register of lunatics 1885-1937: records from 1912 restricted access for 100 years Outdoor relief lists 1845-1949 (some in WC/W)
Date	1836-1949
Access conditions	Some records after 1912 with personal details have restricted access for 100 years due to personal information within. Please ask staff for details if you would like access
Related material	Outdoor relief lists - some in WC/W; Plan of Kendal Green School by Henry Hoggarth, 1873, shows a large scale block plan of the workhouse and house of correction (WT/E/83)

### Related Miscellaneous Documents

- Parish/vestry **rate books** for finance and the identification of people and properties
- **Land Tax** returns for individual properties (owners/occupiers post 1782)
- **Parish registers** for the identification of people
- Published **census** for population trends over time
- **Enumerators' Books** to identify individuals – paupers, residents and officers – and study workhouse populations
- **Solicitors' papers** sometime contain cases relevant to township matters or workhouses (eg (Satterthwaite and Swainson on Milnthorpe workhouse 1829)
- **Architects' papers** (eg for workhouses, eg Undermillbeck)
- **Tithe, enclosure and OS maps** for the location of any workhouses or poor houses
- **Family papers** (eg Poor Money at Beetham and Heversham in Wilson papers)
- **Miscellaneous papers** (eg Ambleside Poor Book, Armitt Library)

### Questions and Debates

There are several big debates but numerous questions which could be asked of the material in local studies.

#### General to all periods

The pauper host. Who were the paupers? Children, juveniles, adults, elderly? Male or female? Able bodied or impotent? Local residents or migrants? Vagrants? Were specific occupations prone to lead to pauperism? What changes were there over time?

Why were there persistent regional and local variations in the cost of poor relief?

What were the reasons for pauperism? Was there a pauper underclass who were feckless and immoral – as critics of poor relief claimed – idleness; illegitimacy; drink? Vagrants? etc Or were the majority of the working population vulnerable to dependency due to personal circumstances or more general economic conditions. Personal misfortune – such as old age, physical or mental illness or incapacity, orphans, etc? Low wages and unemployment combined possibly with large families of young children? Large families?

Who controlled the poor relief at local level? Who were the overseers, guardians, workhouse masters, medical officers etc? What was the role of JPs before and after 1834?

How effective was the poor law in relieving poverty?

### Cumbria

Some contemporaries and historians have identified specific aspects which seemed more common in Cumbria. Local studies can confirm or dispute these. Eg

- Bastardy is often viewed as more of a problem (especially near the Scottish border).
- Cumbria's geographical position is sometimes seen as making it susceptible to vagrancy, particularly the Irish and Scots.
- Although costs of relief varied over time, Cumbria's social structure, with fewer day labourers and more small farms, may have meant that the abled bodied pauper host was smaller and less expensive to maintain than other parts of the country. Allowances in aid of wages are not seen as common.
- The small scale nature of many of its townships might have resulted in less formalised systems of financing for longer or the adoption of joint administration by several townships (by agreement or adoption of Gilbert Union Act).
- The administration of Cumbria's poor relief pre 1834 is often portrayed as both efficient and fair.
- Charities in Cumbria are sometimes viewed as being more common than elsewhere (eg endowed schools, poor doles etc) helping to reduce poor rates.

### Select Bibliography

I can provide reading lists for those who wish to pursue some of the academic debates about the *Old Poor Law Operations and Debates*; *New Poor Law Reception and Implementation*; *Workhouse populations*; *Asylums etc: a few case studies*; *Children under the Poor Law*

#### National overviews and guides

<a href="http://www.workhouses.org">www.workhouses.org</a>	excellent site with masses of material (including local)
Crowther, M. A.	<i>The Workhouse System 1834-1929. The History of an English Social Institution</i> , (1981)
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