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A Note on English Old Poor Law—The Act of Settlements

by Takao Matsumura

In this paper, I concern myself with some problems relating to the so-called Act of Settlements (13 & 14 Charles II, chap. 12, 1662), which, according to S. & B. Webb, presents 'a puzzling enigma' to social historians. That A. Smith regarded the act as the obstruction to the 'free circulation of labour' made it famous. F. M. Eden's view was the contemporary opposite one which insisted that the actual effect and working of the act was slight, and nowadays the view of S. & B. Webb and D. Marshall which derived from Eden's is the accepted one. In this paper, rather than make a study of the effects of the act, I tried to show for what purpose and by whom the act was passed, by making use of the Report of George Coode Esq. to the Poor Law Board on the Law of Settlement and Removal of the Poor, 1851, in British Parliamentary Papers.

Firstly, it must be pointed out that the act of 1662 was not to establish a system of settlement but a system of removal. After the preamble to the law of settlement, which was called a 'classic example of legislative mendacity' by the Webbs, the clauses went on to regulate five strict conditions allowing people to settle in the other parishes. These are ① Forty days continuance, ② Any tenement under the yearly value of ten pounds, ③ The power of Justice to remove persons 'likely to be chargeable to the parish', ④ The giving of security, ⑤ Settlement certificates. The contradictory elements which the act contains can be attributed to the process by which the act was actually passed. That is to say, four distinct Bills relating to the relief of the poor appeared at the end of 1661 & the beginning of 1662 and were consolidated into one act by a committee which consisted of M. P.'s representatives constituencied in London, and passed in May 1662. Thus, we can assert that the main motive behind passing the act was to prevent the poor from coming into London and to remove the poor already in London.

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