

DUBLIN STATISTICAL SOCIETY.

ON

THE PRESENT STATE

OF THE

LAW OF SETTLEMENT AND REMOVAL

OF

PAUPERS IN SCOTLAND.

READ AT THE

STATISTICAL SECTION OF THE BRITISH ASSOCIATION AT BELFAST,

ON MONDAY, 6TH SEPTEMBER, 1852.

BY

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On the present state of the Law of Settlement and Removal of Paupers in Scotland. By William P. Alison, M.D., Professor of Medicine in the University of Edinburgh.

It is well known that the part of the Legal Provision of the Poor which regulates their *settlement*, i.e., the district of the country from which each family may claim relief, is at present widely different in the three great divisions of Her Majesty's dominions. In England, the statute law on the subject is so complex, that it has long ago been stated by Dr. Burn "to be the work of an age to ascertain the law regarding settlements"; but the practical result of this excessive complication, to a great proportion of the natives of the country—I believe particularly to agricultural labourers—has been nearly the same as if there had been no settlement but by birth. "It is nearly useless for a working man," says Mr. Revans, long officially familiar with the English Poor-law, "to attempt to obtain work beyond the bounds of his parish."* In Scotland, a settlement is acquired at present by five years' residence and independent industry in any one parish (although under conditions of which I shall say a few words presently); while in Ireland there is no law enforcing settlement in any one parish or union; although every union, in which a person falls destitute and applies for relief, is bound to give relief, at least by admission to the workhouse.

It can hardly be thought advisable that this variety should permanently exist in the regulation of this important matter, while in all other respects every facility is given, and is thought right, to a free circulation of labour in every part of the kingdom; and therefore we cannot be surprised to find it announced, that the whole subject of the Law of Settlement is to undergo revision before next Parliament. In particular, the compulsory removals under the law of settlement, long practised to some extent in England, and more lately introduced into Scotland, are repugnant both to the sense of justice and to some of the most approved principles of political expediency, and have been so emphatically condemned by the best authorities, that I may at least say that the "*onus probandi*" lies heavily on those who would defend the existing law, either of England or Scotland, in this respect.

The following quotations, which I take from a book very recently published by Mr. Pashley, Q.C., an eminent member of the English bar, and to which I shall afterwards more particularly refer, fully justify this assertion.

"*Adam Smith* loudly and earnestly denounced the impolicy and injustice of the law; which, however, easily withstood his attack. It still survives, with all its miserable associations of sorrow and

* Reports to Commissioners of Inquiry, 1833—1834, p. 90.

suffering, to shew how hard a matter it can sometimes be to abate an almost universally admitted nuisance. 'To remove a man who has committed no misdemeanour,' said the author of the *Wealth of Nations*, 'from the parish where he chooses to reside, is an evident violation of natural liberty and justice. The common people of England, however, so jealous of their liberty, but, like the common people of most other countries, never rightly understanding wherein it consists, have now, for more than a century together, suffered themselves to be exposed to this oppression without a remedy * * There is scarce a poor man in England of forty years of age, I will venture to say, who has not in some part of his life felt himself most cruelly oppressed by this ill-contrived law of settlements.'—p. 250.

"The doctrine of the great and excellent *Turgot* agrees with that of Adam Smith. The celebrated edict, by which corporate privileges were abolished in France under Louis XVI, is prefaced by a solemn declaration, that 'labour is the poor man's property, that no property is more sacred, and that neither time nor authority can sanction the violation of his right, freely to dispose of this his only resource.'—p. 255.

"*Sir Robert Peel* depicted the hardship of sending back to a rural district, in a time of manufacturing distress, those labourers whose industry had been invited, years before, to a manufacturing town, and there exercised in the interval; saying, that when such poor men were removed back, 'greatly to their own annoyance and suffering, not only is a great injustice inflicted on the rural districts, but a shock is given to the feelings of every just and humane man.'—p. 274.

I need hardly say (indeed it was noticed by *Sir R. Peel*,) that the injustice is at least as great, as if a labourer and his family are forcibly removed against their will, not because his employment has failed, but because his health has become infirm, and it is apprehended that he may be unable for continued and laborious exertions.

"In 1847, a *Select Committee of the House of Commons*, appointed to inquire into the operation of the law of settlement and removal, and of the statute of 9 and 10 Vict., c. 66, passed in the previous session of Parliament, ultimately agreed in opinions embodied in the following resolutions; which, however, were not reported to the House.

"1. Resolved, 'That the law of settlement and removal is generally productive of hardship to the poor, and injurious to the working classes, by impeding the free circulation of labour.'

"2. Resolved, 'That it is injurious to the employers of labour, and impedes the improvement of agriculture.'

"3. Resolved, 'That is injurious to the rate-payers, by occasioning expense in litigation and removal of paupers.'

"4. Resolved, "That the power of removing destitute poor persons from one parish to another in England and Wales be abolished.'—p. 307.

"In the first three of these, the Committee were unanimous; and

in the majority by which the fourth was carried, are found the concurrent opinions not only of free traders, but of Tories or conservatives and protectionists."—p. 308.

I do not pretend to have appreciated all the difficulties of this subject; and, particularly, I can easily perceive that it is impossible entirely to disengage the question of *settlement* from the questions regarding the different *modes of relief*, and the *circumstances* which ought to be admitted as *demanding relief*; in regard to which there are still differences of opinion, and, as regards able bodied paupers, a difference in the existing law of Scotland from that either of England or Ireland,—which I have repeatedly denounced as both inexpedient and unjust, but upon which I do not mean to enter at present. But as the law of settlement and removal lately introduced into Scotland is peculiar, and as I am confirmed by the concurring opinion of various friends in the belief that it is injurious, and that it has frequently frustrated the beneficent effects of the amended Scottish poor-law—which I believe we may say has, in most respects, worked well,—I hope it may be of some use, in the present state of these questions, to bring forward some facts as to the operation of this part of the law, which seem to me and to several friends, both to justify this unfavourable opinion and to indicate means of improvement.

The present law of settlement in Scotland allows a stranger (e. g. from Ireland) to acquire a right to relief, equal to that of a native, by residence in any one parish and maintaining himself there without parochial relief for five years;* and this provision is so manifestly equitable, that I should be sorry to see any change of the law by which it should be virtually abrogated; but the privilege thus granted to strangers is coupled in Scotland with so many and so complex conditions, that it becomes ineffective in many cases where it is really required—even most frequently in the case of those persons whose misfortunes are most completely beyond their own control. I consider all such obstacles to the speedy and satisfactory relief of real destitution, particularly in a country such as Scotland, where there is much and varied enterprize, and therefore a very variable demand for labour, as a great and multiform evil; and as long as it exists, I do not think we can expect to see the beneficial effects which may otherwise be expected from the recent amendment of the Poor Law in Scotland.

The conditions to which I allude, as practically obstructing the acquisition of the right to legal relief in Scotland, are especially the following. They were pointed out in a memorial printed at Edinburgh some months ago; and cases in illustration of all the propositions there stated were published in the appendix to the memorial, and others have come under my observation since that time, and are sent with this paper.

*I learn, by an obliging communication from the Mayor of Leeds, that in that and other manufacturing towns in England the length of time required for establishing a settlement is at present the same.

1. The formation of unions of parishes, for the administration of the law in towns, not being imperative, the administration is still chiefly according to parishes; the divisions of which in large towns are so little regarded, that families of strangers, shifting their residences, are continually losing their claims to the acquisition of a settlement without knowing it; and it is in fact often rather by chance than by good management that families make out that claim.*

2. The clause of the statute which requires residence *without parochial aid* for five years to constitute a settlement, having been interpreted so as to exclude all who, by accident or disease, have been reduced to the condition of "occasional poor," a man who has lived and laboured four years and ten months in one parish, loses the whole benefit of this labour, if reduced by illness, or if his wife and family are reduced by illness while he is out of work, so as to require only a week's assistance from the parish; and in order to acquire a claim to permanent relief, must begin again *de novo* a course of independent industry of five years duration. Whereas, a man of much less industry and in much less need of assistance may acquire this boon five years sooner, if he has better health, or escapes accidental injury. Nor can a man who has forfeited his claim to a permanent settlement by becoming one of the "occasional poor," fall back on another parish in Scotland, where he may have lived independently many years; because it is held, that it is only such residence during the five years *next preceding his application* for relief which confers that privilege. In this way, an Irishman who has given the benefit of his labour for thirty years to Scotland, and undergone the requisite conditions in two or more parishes during that time, may lose all claim to permanent aid in Scotland, because, when living in a third parish, he has been aided on the footing of "occasional poor."†

3. As it has been ruled that a wife must follow the settlement of her husband, altho' deserted by him, a woman may maintain herself, and even bring up a family of children by independent industry, in one parish in Scotland, during forty years, without acquiring a settlement there; because she cannot prove either his death or his place of settlement. Whereas, another whose history may differ from hers only in her not having been married, may acquire a settlement for herself after five years.‡

4. As it does not seem to be decided, or the decision is not generally known, whether children born in Scotland while their parents have not yet acquired a settlement there, are entitled to relief in the place of their birth, in the event of the death, disability, or desertion of their parents,—or whether they must abide by the condition of their parents, in this respect,—there are many children in Scotland in this predicament, who are practically supported by mendicity

* See Appendix to printed memorial, B, cases 1, 2, 3, and 5.

† See memorial, Appendix A, cases 1, 2, 3, 4, 5, 6 and 7; and case of denial sent herewith, and stated *infra*.

‡ See cases in Appendix to memorial, A, 10, and B, 4.

alone * And if, as I have always maintained, and think I have statistically proved, a large number of destitute poor, unprotected by the law, is a much greater evil, not only to the happiness of a people, but to their health, morals, and habits, especially as regards the multiplication of the species, than a large number of legalized paupers, the importance of these facts must be admitted.

It is next to be observed, that while from these different causes there are many Irish people in Scotland really destitute, but not entitled to permanent legal relief there; the legal authorities in Scotland are empowered by the last act to deal with any such persons, when they do apply for aid, in a manner not formerly authorized by law, viz:—by arresting them, and forcibly removing them to Ireland, and imprisoning them if they return. And experience has amply shown that, although the exercise of this power in magistrates is not imperative, and although a medical certificate is required of the health of such persons being not such as to make such removal dangerous, yet these provisions have not furnished adequate security against its being exercised in such a way as to cause much hardship and injury, or even death to the sufferers affected by it; one necessary consequence of which is, that others in similar circumstances, afraid of falling into the same predicament, conceal their wants from the parochial authorities. Indeed it may be very generally observed, that the natural result of a law inflicting unnecessary and undeserved suffering on any portion of the community, is that those people, and especially the younger people, learn systematically (and among themselves boastfully) to evade it. “Those against whom the law is, will usually be against the law.” We cannot be surprised, therefore, to find that various frauds and petty thefts are common, and that many children are early initiated into such practices; although belonging to a class (the Irish in Scotland) the working members of which cannot in general be justly said to be either deficient in industry or prone to crime.

As this last position may be doubted, I give a single example (and I am assured by no means a singular one) of the conduct of a large body of Irish labourers, varying from three hundred and seventy to two hundred and sixty, and associated with a somewhat smaller number of Scotch labourers (the whole number having varied from six hundred and thirty to four hundred and fifty), during four years together, in executing the water works lately constructed on the Pentland hills, for the supply of the town of Edinburgh. This large body of men, several miles from any town, were watched by a single policeman, who happened to be my tenant; and although there were, as might be expected, occasional quarrels, and men apprehended for assaults, there were only five during the four years accused of theft. In the year 1850, when the number of Irish was three hundred and seventy, there was not a single theft; and after becoming a little accustomed to these neighbours, all the inhabitants, even of this retired and thinly peopled part of the country, felt perfectly secure both as to person and property.

* See Appendix to memorial, A, no. 5, B, no. 1, and C, no. 1 and 3.

While, therefore, this and many other useful and important works in Scotland have been executed in a great measure by Irish labourers, and the free circulation of that labour has been beneficial to Scotland, there has been nothing in the conduct of those labourers to justify their being treated differently from natives. In the different ways, however, that have been stated, it is certain that the operation of the present law of settlement and removals in Scotland is the immediate cause of much suffering and injury to *these poor themselves*, such as all poor-laws are intended to correct, and therefore such as it is highly desirable, if it be possible, to avert by enactment.

Two other consequences of the present state of this law, to *those of the higher ranks who come into contact with this portion of the poor*, may be easily illustrated to a certain degree by statistical evidence.

1.—The number of cases of disputed settlement, and the various proceedings connected with them, rendered necessary by the uncertainty often existing as to this matter, imply a great expense, and occupy a great part of the attention of the officials connected with the parochial boards. Thus, great part of the funds raised from the rate payers are applied to purposes quite distinct from the relief of the poor—often indeed to purposes, the effect of which is to cause much irritation and discontent among the poor, and no more kindly feelings among the higher ranks.

It is stated, as a matter of congratulation, in the Sixth Report of the Board of Supervision in Scotland, for 1851, that *not more than 1141 applications for such purposes (600 of those, or 12 fresh cases a week, in Glasgow alone)*, were reported to have been made to sheriffs in that year; and when the complexity of the questions, and length of pleadings in a single case of the kind are considered, it will be obvious how much of the time and attention of the parochial officers and of the managers of the poor must have been thus occupied. But this number does by no means represent the extent of this evil, many of the disputes between the parochial authorities and the poor, and proceedings consequent on these, which appear to me so unnecessary and objectionable, never coming before the sheriffs, sometimes not before any magistrate.

2.—In cases of this kind, just as in examples on a larger scale, where the great duty of relieving misery is evaded by the community at large or their representatives, the natural result is, that this duty devolves with redoubled weight on charitable individuals, or voluntary charity. The charitable are taxed for the relief of the much more numerous uncharitable; and this very often in circumstances which neither admit of the cases being so thoroughly investigated, nor the relief so judiciously afforded, as under a legal and uniform system.

Of the degree in which the voluntary charities in Edinburgh, even those universally admitted to be of the highest importance and the most urgently required, are burdened by Irish poor, many of them long resident here, but a small proportion only of whom (as may be judged from what has been stated) have established a claim to parochial relief in Scotland, some illustration is given by the following documents.

Of 4,637 patients admitted to the Royal Infirmary in the year 1851, 1,272, or 27 per cent. were natives of Ireland. In ordinary times, this proportion is certainly not above the average. In August, 1852, when the house was unusually free from epidemic disease, of 215 patients, I find that in the medical department only 38, or 17 per cent. were natives of Ireland; but when we look to the number of fever patients,—those whose sickness is known to be most generally and directly connected with destitution,—we find that in the year 1851, 482 out of 937, i. e. 51 per cent. an absolute majority of the whole, were natives of Ireland. Or the difference may be thus stated: of the Irish patients, 37 per cent. (482 out of 1272) were affected with fever, while of all the other patients only 13 per cent. (455 out of 3,365) had fever; and when I say that above 200 of the 482 were from a few houses easily pointed out in the West Port, the Grassmarket, and adjoining closes, and Blackfriars Wynd, any one who knows the haunts of the poorest Irish in Edinburgh, will be aware that in this, as in all former seasons, it has been among them that fever and all its attendant consequences, in the forms of misery and destitution to the lower orders, and expence and danger to those of the higher orders who came in contact with them, has found its appropriate *nidus*.*

Again, in the Edinburgh Original Ragged School, I find by a return furnished to me by my friend Dr. Bell, their secretary, that of 978 children between the ages of 5 and 14 admitted to the benefits of these schools since 1847,

The number born in Ireland was	483
„ in Scotland was	469
„ in England was	26
	978

i. e. above 49 per cent of the whole, and a clear majority over the Scotch, were Irish.

In the case of both these charities, and particularly of the last, the whole amount of the burden imposed by the Irish poor is not shown by these numbers; the number born in Scotland including always a considerable number who were of Irish parents recently immigrated, and possessing no settlement in Scotland.

Dr. Bell adds an important observation, which shows how much the present state of the law favours the imposition of burdens on the voluntary charities of Scotland, in preference to the parochial boards; i. e. of burdens, even of the most urgent necessity, on the charitable inhabitants who choose to support such charities, (who are known to be only about 1,200 in Edinburgh, while the rate payers are above 10,000,) to the exclusion and relief of the uncharitable: “I am sorry I have not kept a list of the Irish, who not only asked but clamorously craved admission for their children,

* See Reports on the Affairs of the Royal Infirmary in Edinburgh, for 1851, page 18 and 19.

but the majority of whom were refused, because their object appeared to be to get their children fed and clothed, and thus be themselves relieved of a burden, and enabled to hang on until they acquired a settlement, i. e. for five years. We have transferred many such to the parochial authorities; but the majority decline being sent back to their own country." Of course, such persons will not, if they can possibly avoid it, appear as "occasional poor," because by doing so, as has been already explained, they lose the benefit of the time already spent in Scotland for making up their settlement, and are obliged to begin again "*de novo*" in reckoning time for that purpose. By following out the history of a single case, in which the present law of settlement and of removal has been very lately carried out within my own knowledge, I shall probably convey a more distinct idea of the hardships, physical and moral, which it inflicts on individuals and families; of the labour and expense inseparable from the working of the law; of its systematic evasion and consequent frequent nullity; and of the burden which, by reason of it, is thrown on the charitable inhabitants of the country, for the performance even of the most common offices of humanity to many of its poor.

Bernard Devine, aged 38, was well known to several highly respectable persons, who considered him a decent and inoffensive man, born in Ireland, but inhabiting Scotland for twenty-five years, having been employed seven years at the Clyde Iron Works, and having lived subsequently ten years in Edinburgh. Here he brought up a family of four children, now between the ages of fifteen and five; he said, without parish aid, excepting that in 1844 and 1847 he had obtained some assistance on account of illness in his family, (thereby forfeiting his claim to aid on account of any previous residence in Scotland). This poor man was apprehended and committed to jail for ten days in December, 1851, on account of one of his daughters having been detected in begging. He stated, as an extenuation of this offence, that his wife was then in the infirmary, and that he himself was suffering from rheumatism, and was working on the roads at some distance in the country; and he stated also, that he suffered much from cold during his stay in jail, although he made no complaint. How far these statements may be credited I do not pretend to say, but it is certain that on the 14th December, 1851, the day after his release from jail, he was admitted into the infirmary, suffering under pectoral complaints; remained there some weeks; left it in January; but, being unable to work, returned and was re-admitted in February, and left it on February 27th, relieved, but with the memorandum in the books, that he had disease of the heart and large vessels in the chest.

During this illness, his wife applied to the poor house for relief for herself and children, and received a small allowance. This was made the ground of apprehending the whole family in March, 1852, in order to their being returned to Ireland. Although he had given the benefit of his labour for twenty-five years to Scotland,

the law permitted him to be treated as a stranger; and although he certainly had this disease on him at the time, and by his own account was so feeble and breathless that he was obliged to stop twice before reaching the head of his close, one of the medical officers of the poor house, without making any inquiry at the hospital where his disease had been recognised, certified that he might safely be removed to Ireland. Accordingly, he and his wife and two younger children were sent off at six next morning for Belfast, the two elder children, both daughters, and the eldest only fifteen, *being left behind in Edinburgh.*

In these circumstances, we cannot be surprised to find that, although they reached the poor-house at Belfast the next morning, they left it again that night; determined, as they themselves said, to return to their home and children at Edinburgh, or perish in the attempt. By the sale of clothes, his wife and daughter were enabled to make their way back immediately, and although he was obliged to seek refuge again in the poor-house of Belfast, (where he said that his clothes, or some of them, were replaced,) he eventually succeeded, by the help of aid from persons whom he had known in Edinburgh and Glasgow, in making his own way back, with his young son; but was obliged to walk barefoot from Bathgate to Ratho, and when he reached his home at Edinburgh, half naked and exhausted, he had neither fire nor food. A few days after, the 14th of April, he was re-admitted into the infirmary under an aggravation of his symptoms, which he ascribed, most reasonably, to the hardships and anxieties he had thus undergone, and lay there till he died (14th of August), when the diseased state of his heart and arteries was found on dissection as predicted.

It will be observed, further, that although his wife and family were deterred by the threat of imprisonment from applying to the parochial board during these four months, the woman was for some time in jail on account of one of her children having been detected in begging; and besides the maintenance of the man in hospital during that time, certain of the charitable inhabitants of Edinburgh,—members of the Destitute Sick Society and of the United Industrial School and others, were in fact burdened with the maintenance of the whole family, (I need hardly say, in a state of miserable penury and degradation) during the whole of that time. The two youngest children, since the death of their father, have become I believe undeniably chargeable on the city as their place of birth, and must now be maintained by it for the next six or eight years.

It is, of course, impossible to say with certainty what might have been the course of his disease if he had been allowed an out-pension, and made an out-patient of the poor-house when he left the Infirmary in February; my *opinion* is that he might probably have now been alive, and *able to assist* in the maintenance of his family; but I am sure that nothing has occurred in this case, which can afford any security against the next case of similar misfortunes befalling

a stranger in Edinburgh being treated in the same manner; and I think such treatment of a man who has been attracted to any part of the country by the demand for his labour, and given it the benefit of his labour as long as he could, was not too strongly condemned by Sir Robert Peel, when he said that "it gave a shock to the feelings of every just and humane man."

I think I have said enough to show, that unless clear evidence can be adduced of benefit to the community at large, from the present system of management of the Irish poor in Scotland, a simpler law of settlement, and a general discontinuance of the harsh measure (long since so emphatically condemned by the best authorities) of compulsory removals, particularly of portions of families, and of persons of good character, to Ireland, are exceedingly desirable.*

In the memorial already mentioned, three changes in the existing law, partly applicable in Ireland and partly in Scotland, were mentioned, which would have the effect, without altering the principle of the law of settlement in Scotland, of redressing the chief grievances suffered by the Irish poor in Scotland to which I have adverted. 1.—The settlement ought to be (as proposed in the first draft of the Poor Law Amendment Bill) not by parishes but by unions, or combinations of parishes, or by boundaries of towns, giving a much greater facility of acquiring settlement by industrial residence, as well as securing a much more equitable imposition of the burden on the rate-payers. 2.—On sufficient evidence of destitution legally entitled to relief, in Irish families resident in any part of Scotland, the parochial authorities there should be authorized to treat them as they treat poor persons belonging to another parish in Scotland itself, on proof of their becoming helpless and destitute

* In the manufacturing towns in England, I find from the information communicated to me by the Mayor of Leeds, that the law of settlement and removal as applicable to the Irish, though apparently more humanely executed, is substantially the same.—“We consider Irish poor entitled to the protection of the English Act, making them irremovable after five years residence unrelieved, unless they themselves first leave the township, which is a forfeiture of the statutory protection. But though the protection may have been forfeited, the removal is not a matter of course; the magistrates exercise their discretion in every case according to its special circumstances. The principal circumstances which influence them are, age, health, connexions in Ireland, prospects of maintaining themselves in Leeds, &c. We should not, in general, remove an Irish pauper family who only wanted temporary relief, and were not likely to become a permanent charge on the township: nor an aged or infirm person without connexions in Ireland, even though the charge on his account might be likely to prove commensurate with his life.” But it appears from the inquiries of Mr. Pashley, that the very same social evils which we have described as resulting from the system of the forced removal of the poor in Scotland, have distinctly shewn themselves in England. For example, “Men of great experience are of opinion that the forced removal of the poor is the occasion of as much money being thrown away as the removal costs; for they say more than half the paupers removed will come back again, many return the same day they were removed, and the generality of them after a short time; even during the great distress in Stockport, the Clerk of the Union there states, very frequently the paupers will get back faster than the removing-officers sent with them.”—*Pashley*, p. 320-321.

within their bounds, i.e., to give them relief, and send a certified statement of the relief given and the circumstances demanding it, to those who are legally bound to relieve those persons, and claim repayment of the outlay; and since the present law of Ireland imposes no such burden on any one district, but gives all persons falling destitute there, the right to claim relief in whatever union they may be, it seems reasonable that the funds by which such advances in behalf of Irish poor are to be repaid, shall be raised over the whole of Ireland, and paid at the office of the Commissioners in Dublin. 3.—A married woman, who can give evidence of her husband having deserted her for a certain time, should be treated as if she were a widow; and allowed, under careful regulations to prevent collusion, to acquire a settlement by industrial residence for herself. In regard to the children of Irish poor born in Scotland, I believe it is now only necessary to make generally known the recent decisions of some of the Scottish judges, to prove that at least on the death (if not the ascertained disappearance) of their father, they are entitled to claim settlement by birth; and cannot, as has sometimes been the practice, be forcibly returned to Ireland.

But although these changes would go far to prevent any such evil consequences as I have represented, as naturally and continually resulting from the present state of the law of settlement, I confess myself, on fuller consideration of the subject, strongly inclined to think, as several of my friends practically conversant with such cases have long thought, that there is a simpler, cheaper, and more satisfactory solution of all such difficulties; viz. to do away with legal rights of settlement altogether, and let relief be administered to destitution wherever it shows itself, under the best checks that can be devised for ascertaining the distress, and apportioning the aid given; and let the funds requisite for this purpose, and *administered*, as now, by the local boards, be *raised*, at least for the most part, by a general system of taxation over the whole of the three kingdoms. And it is chiefly because I am convinced of the importance of a plan implying so great a simplification, and promising so many advantages, being duly weighed and reflected on, that I have thought it important to bring this subject before the Association.

I had written almost the whole of this paper before I had the satisfaction of seeing the elaborate and important work by Mr. Pashley; the conclusions in which, so far as they apply to England and Wales, are so exactly in accordance with those which have gradually forced themselves on my own mind, and on the conviction of different friends who have watched the operation of the poor-law carefully, that I think I cannot conclude my paper better than by recommending his work to the attentive consideration of all who feel interested in the subject.

His plan is, to do away all laws of settlement, and to relieve all the poor in the place which they choose for their own residence; in which case, of course, all vexatious questions, and all tyrannical

proceedings, connected with the settlement and removal of the poor immediately cease. The objections which have often been stated to this proposal come under two heads; and the answers to both, given by Mr. Pashley, seem to me quite conclusive.

First, it is said that under this system hurtful encouragement will be given to numbers of the poor wandering up and down the country, and lodging, at the public expence, in the workhouses; to which he replies that experience, particularly of the year 1848 in England, has already shown that wherever workhouses exist, and there is a regular system of supervision of their arrangements, the condition of vagrant poor may be made, without any undue severity, so much less eligible than that of stationary poor, as to remove any apprehension on this head. "Each union workhouse has only to establish a vagrant ward, with appropriate dietary, and to administer a bath to each suspected vagrant, enforcing at the same time a complete change of clothing, and in other respects following the directions of Mr. Buller's Minutes of the 4th of August, 1848, and there will be no fear of vagrancy overwhelming or injuring them."—p. 363.

Secondly, It is said, that if the poor are to be relieved wherever they may present themselves, this can only be equitably done by means of a general fund, supported from all parts of the country; otherwise, many and unavoidable accidents will cause the burden to be laid quite unequally, and a greater premium than ever will be given to indiscriminate *clearances*; and again, this centralizing system involves a great risk of laxity of management, and great unpopularity, on account of the abrogation of the power which at present resides in the local authorities; to which objection the only satisfactory reply, as it seems to me, is that given by Mr. Pashley's farther proposal, viz., that of the sum required to carry out his plan of general relief to the poor, two-thirds only shall be levied by a general pound rate, equal throughout the country; the other third by a farther pound rate, raising in each parish a sum equal to one-third of its actual expenditure on the poor.

"A year's relief of the poor," he says, "taken at the extravagantly high amount of £6,000,000, will be raised by a pound-rate of one shilling on the net rental of real property in England. Of this shilling, every parish, by the proposed plan, would equally contribute eight-pence in the pound on its net rental. Thus, by an equal charge of a moderate amount, two thirds of the whole sum needed, or £4,000,000, would be raised. The remaining £2,000,000 would be contributed by property in different parishes, in exact proportion to the pauperism found in each parish.

"If further detail of the machinery required to carry out the proposal be needed, I add that the Poor Law Board, on or before the 1st of March in each year, should define the general pound-rate for the ensuing year, commencing on the 26th of March; and the estimate, by each parish, of its own expenditure during such ensuing year, should be made at Easter by the parishioners in

vestry, when nominating their parish officers. The general estimate of the Poor-law Board, and the local estimate of each parish, should be embodied in one rate for the whole year, and such rate should be payable by quarterly instalments. A power should be reserved to the inhabitants to meet in vestry, and lay a supplemental rate, if the local estimate should be exceeded and further parochial funds required."—p. 356.

"The contribution," he says, "by the parish in which any amount of pauperism receives its relief, of one-third of the actual outlay, will preserve a sufficient interest in the due administration of the relief fund, to secure to the country the indispensable services of the ratepayers themselves, in attending, by their own locally elected officers and guardians, to the administration of their own affairs."

"Much inquiry and consideration," he adds, "induce me to think that a less interest than the payment by each parish of one-third of its own actual expenditure, would be insufficient to keep up, in proper activity, the attention of parish guardians at union boards, and of other parish officers and ratepayers, to the administration of the poor-law."—p. 371.

"The adoption of this plan," he says further, "will leave unimpaired the existing duties and offices of all local functionaries, guardians, overseers, and relieving officers. The duties of assistant-overseers, in hunting out evidence for obtaining orders of removal, or for supporting them when appealed against, and in removing paupers under such orders, are the only duties of parish officers which it is proposed to abrogate."—p. 362.

It seems to me that, from this change, we have every reason to hope for the following most important results. 1. The saving of this very considerable legal expense. 2. The cessation of all the moral and social evils which have been stated as naturally resulting from the system of forced removals; and 3, as Mr. Pashley anticipates, "protection of commercial and manufacturing towns," and it may be added, of agricultural districts also, against any such severe temporary pressure of the burden of pauperism as so frequently results, in all branches of human industry, from causes beyond our control; "such as took place at Stockport and Nottingham, at Leeds and Manchester, in 1841 and 1842; at Sheffield and Birmingham, in 1848; and at Liverpool during the late famine in Ireland;" it may be added, in Ireland itself, and in the Highlands, during the potatoe blight; and in some parts of the latter country, in consequence of the introduction of barilla, and the failure of the manufacture of soda from kelp. "Two thirds of the whole charge of any such sudden and violent aggravation of the burden of pauperism would always be substantially removed, by being shared by the country at large with the place at which they occur."—p. 371.

I have only farther to observe on this plan, that the only part of the proposal in which I cannot concur, is one which seems to me to be utterly and irreconcilably inconsistent with all the rest, viz.:

that "the power of removing *Scotch* and *Irish* paupers might properly be retained, after the abolition of removals from one parish of England or Wales to another." I have quoted from Mr. Pashley, as the text on which both he and I have been commenting, the sentiment of Adam Smith—which I rejoice to find that he says "expresses the views of the great majority of those who are now brought into daily contact with the administration of relief to the poor in England,"—that to remove a man, or the family or dependents of a man, who has committed no misdemeanour, from the parish where he chooses to reside, is a violation of *natural liberty and justice*;" and that of Sir Robert Peel, that, by removing a poor labourer who has been invited to a manufacturing town, and exercised his industry there, when he becomes a pauper, back to the rural district whence he came, "to his great annoyance and suffering, is not only to inflict a great injustice on the rural districts, but is to give a shock to the feelings of every just and humane man." But surely, if this be true, and nationally important, as to any Welshman who has been invited in the course of the natural circulation of labour into England, it must be equally true and more nationally important, (because it is a more common case) of every Scotchman who has been so invited into England, and of every Irishman who has been so invited into Scotland.

And if it be true, as Mr. Pashley confidently and I hope justly predicts, that the law of settlement and removal in England, "denounced nearly a century ago by Adam Smith, condemned by Sir Robert Peel, and exposed by the Committee of the House of Commons in 1847, and by official reports to the Poor Law Board in 1848-9, is finally doomed, that its days are numbered and it must soon be abolished for ever;" I venture to add that, in the present relations of the different parts of her Majesty's dominions to one another, particularly as to the usual circulation of labour, any statute that may be introduced for that purpose will be both unjust and inexpedient, and therefore fail of effect, which shall not protect the native of Ireland or the native of Scotland from "such violation of liberty and justice," equally with the native of England or Wales.