THE ENGLISH POOR LAW SYSTEM

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ENGLISH POOR LAW SYSTEM

PAST AND PRESENT.

BY

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(*König. preuss. Landgerichtsrath*).

TRANSLATED AND EDITED, WITH ADDITIONS, INCLUDING

A CHAPTER ON OLD AGE PENSIONS,

BY

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WITH AN INTRODUCTION BY

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PREFACE.

It may well be a subject of pride to the author of this book, and even a source of reflected gratification to the editor, that it has been referred to at various Royal Commissions, Parliamentary Committees, and Poor Law Conferences as a standard work on the complicated subject with which it deals, and that, being the production of a German political economist, it may claim to have exercised some useful influence in England.

During the period which has elapsed since the appearance of the first edition, the poor law system has been affected by some important changes. The Local Government Act of 1894 has revolutionised the franchise under which guardians are elected; women have been enabled to take their share of the business; pauper education has been brightened by its dissociation from the workhouse; considerable advances have been made in the medical treatment and nursing of the sick; the position of poor law officers has been bettered by statutory pensions; and the administration generally has become more liberal and more enlightened.

These recent improvements have been sketched by Dr. Aschrott, at the request of a committee presided over by the Empress of Russia, for the benefit of a Russian version of the original work, which Her Majesty has caused to be published; and I have added a translation of his essay to the historical part of the present volume. In the second portion of the book, which describes the existing relief system, I have, with Dr. Aschrott's acquiescence, made the rather extensive alterations and additions necessary to bring its information up to the present date; and I trust that this edition, like its predecessor, may be found of interest to political economists generally, and of special service to those concerned in practical administration.

The recent movement in favour of old age pensions has an important bearing on the future of the poor law, and I have

therefore introduced a chapter on the subject, embodying in it, by the kind permission of the proprietors of the *Times*, an article which appeared in that journal on the 15th September, 1900, and which I have here somewhat expanded.

I have to thank Mr. C. S. Loch, of the Charity Organization Society, for the trouble which he has taken in revising and bringing up to date the appendix describing the operations of that Society; and I am also grateful to various officials of the Local Government Board for the statistical and other information with which they have been so good as to furnish me.

I need scarcely say how sadly I miss the friendly aid of the late Professor Sidgwick, who was one of the first to urge that Dr. Aschrott's work should be made available for English readers, and whose introduction, here reprinted, shows his appreciation of its merits.

H. PRESTON-THOMAS.

EXETER,
December, 1901.

INTRODUCTION.

WHEN I read, two years ago, Dr. Aschrott's book on *Das Englische Armen-Wesen*, I felt that a need, which had for some time been growing in urgency, had been supplied by a remarkably thorough piece of work, and that an English translation of the book would be of real value not only to all persons professionally concerned with the administration of our poor law, but also to all English men and women who concern themselves seriously with social questions. I also thought that, while there were some disadvantages in the work being done by a foreigner, there was on the whole a decided balance of advantage: since thus the very important gain was secured that the English poor law was viewed and judged as one method among many of solving a most difficult problem of practical politics, by a writer intimately acquainted with the merits and defects of a very different method. I propose to employ the few pages of this introduction in explaining briefly my reasons for the views just expressed.

The practice of almsgiving is of immemorial antiquity; its recognition as a prominent duty of persons enjoying superfluous wealth is coextensive with the influence of Christianity; while, on the other hand, it has not been left for the present age to discover that indiscriminate almsgiving causes more evil than it cures. At the same time I think there can be no doubt that during the last twenty years the need that charitable relief should be not only prompt and generous, but also systematic and circumspect, has been felt in England with growing force. And, in proportion as this need has been felt, it has also been recognized with increasing clearness that thoughtful and circumspect almsgiving requires an intimate knowledge of the legal system of poor relief;—knowledge not merely of its actual condition, but also of its ultimate aims and tendencies of development.

This is partly because it has been found impossible to carry out completely in practice the division of work between private and

public poor relief, which—under the influence of such writers as J. S. Mill—had found wide theoretical acceptance among the generation that followed the subsidence of the bitter conflict fought over the Poor Law of 1834. According (*e.g.*) to Mill (*Political Economy*, Book V., ch. xi., p. 13), the division of work is very simple. The State is concerned solely with the question of need: it should abandon to private charity the task of distinguishing differences of desert. All persons should be guaranteed against absolute want, with the proviso that "the condition of those who are supported by legal charity," should be kept, if possible, "considerably less desirable than the condition of those who find support for themselves;" and the minimum thus secured, "even to the very worst," should be also the maximum that the "administrators of a public fund" should be required to do for anybody. "To discriminate between the deserving and undeserving indigent" is the "peculiar and appropriate province" of private charity, and should be entirely left to it.

According to this view, the aims of poor law and private charity being essentially different, each might go its way without more than a vague and general knowledge of the manner in which the other agency was doing its work. And I conceive that this division of labour still remains the ideal of most thoughtful persons who believe in the general soundness of the English system of poor relief. But it is only in one department of the work of the poor law that it has been even approximately realized—*i.e.* in the treatment of the destitute able-bodied, so far as the workhouse test has been firmly applied. To the case of outdoor relief the distinction does not seem to be really applicable. Such relief is almost universally preferred by the recipients to relief in the workhouse: at the same time the guardians are not legally bound to give outdoor relief, and their views as to propriety of giving it vary considerably: accordingly, in distinguishing the cases in which outdoor relief ought to be given from those in which it ought to be refused, they necessarily undertake a task of discrimination similar to that of private charity. It therefore becomes important for the private almsgiver to know exactly upon what principles and with what effects the public outdoor relief is administered.

On the other hand, experience has shown the increasing difficulty of performing well the discriminative operation which it is agreed to allot to private charity, so long as private almsgiving is unsystematized, and is left to individuals acting without concert. In rural districts where neighbourhood, in the case of any one anxious to do his duty to his fellows, implies some degree of real acquaintance, it is

perhaps possible for individuals acting independently to fulfil the duty of distinguishing the deserving from the undeserving indigent with tolerable success; but in towns of any size this is hardly possible, and the difficulty increases with the growth of industrial centres. Hence the movement represented by the Charity Organization Society,—of which Dr. Aschrott recognizes the fundamental importance, devoting to its discussion a special appendix. Persons who aim at rational almsgiving are driven to work in concert, and largely by the method of committees and professional agents; and thus we get, from the other side, a further approximation between the practical administrations of private and public relief respectively. They not only aim to some extent at solving the same problem—discrimination between the deserving and the undeserving indigent—but they deal with it by more or less similar organizations. So long as the question for the private almsgiver is simply, "Does this man deserve to be saved by me from the workhouse?" it is not necessary that he should know much about the workhouse; there is a visiting committee of guardians to look after its management, and a Local Government Board with inspectors and justices to look after the visiting committee: the private almsgiver may leave the matter in their hands. But when the question is whether the indigent are to be relieved in their own homes by a committee of philanthropists administering funds derived from subscriptions, or a committee of guardians administering funds derived from the rates, an intimate mutual acquaintance between the two committees is an almost indispensable condition of any satisfactory division of labour between them: and, in fact, in the metropolitan parishes, where the Charity Organization Society has been most successful, its success has been largely due to close and cordial co-operation with the guardians.

Hence, even for private philanthropists who are thoroughly satisfied with the existing system of public relief in England, an intimate knowledge of its organization and working becomes every year more desirable.

But this is not all: the same period of twenty years, in which private almsgiving has made continually greater efforts to understand and realize its true relation to the actual system of public poor relief, has also witnessed a growing tendency to fundamental and sweeping criticisms of that system; criticisms more formidable, because generally more rational, sober, and well-informed, than those which the system had to meet during the first few years after its institution.

These criticisms come from very different quarters, and are based on very diverse views as to the right mode of dealing with pauperism.

There is, in the first place, the view held by many thoughtful persons in Germany—a peculiar form of which has been advocated for some years with much zeal and ability by Canon Blackley[1]—that the whole method of "throwing on the provident the support of the improvident" is radically wrong in theory, and mischievous in practice: and that at any rate the normal emergencies of disease (including accident) and old age should be met, in whole or in part, by persuading or compelling the individual to insure himself against them. Other thinkers,[2] with an equally keen sense of the disadvantages of securing to every individual a legal right to be supported by his fellows, advocate imitation of the French system; according to which the State supervises the administration of poor relief, but leaves, in the main, to private benevolence, the provision of the requisite funds. In this way the objection urged by Mill against private charity—that it "always does too much or too little"—is as far as possible avoided; while at the same time the improvident are prevented from claiming sustenance as rightfully due to them from a practically inexhaustible public purse.

I conceive, however, that few persons of experience in England would regard it as within the limits of a probable forecast of the future that either self-help, voluntary or compulsory, or private charity, however systematized and supervised, should enable us to dispense with poor relief obtained from taxes. For a long time to come, at any rate, we shall have to work with a combination of all three methods. But it seems by no means unlikely that either or both of the former methods may be considerably extended; and in order to judge of any movement in either direction we require a full and intimate knowledge of the actual working of the poor law, which must necessarily be materially affected by any such movement.

But the critics who wish to supersede or diminish public poor relief are not the only assailants of our present system: there are far more dangerous antagonists who aim at making it more copious and indulgent. The old attacks on the Poor Law of 1834, as needlessly harsh and unsympathetic, have never quite died out, and they have received important reinforcement from the spread of socialistic and semi-socialistic opinions in recent years. And there are many signs that the increasing power which the growth of democracy places in

[1] In Canon Blackley's scheme, the fund required to furnish a minimum of 8*s*. a week in sickness and 4*s*. a week in old age is to be provided, generally speaking, by compulsory weekly payments for four years from the age of 18 to 21.

[2] See (*e.g.*) an article by the Rev. W. W. Edwardes on "The Poor in France," in the *Nineteenth Century* for February, 1879.

the hands of manual labourers is not unlikely to be used in the direction of diminishing the deterrent character of our poor law administration. This is not the place to consider whether attempts of this kind are to be altogether resisted, or whether there is any way of meeting them by partial concession, which will be less dangerous than a simple "non possumus." What I am now concerned to urge is that it is, in any case, obviously desirable that English citizens should enter upon the consideration of so momentous a change with as full a knowledge as possible not only of their poor law as it actually exists, but also of its previous history and of the causes that have determined its course of development.

For this purpose I think that Dr. Aschrott's book will be found especially useful. Though the largest portion of it is concerned with the present condition and working of the English poor law, the historical part which comes first is much more than a mere introductory sketch. It gives in adequate detail all the important facts, of which the knowledge is necessary for an independent apprehension of the process of development that is being described, and it gives them with such manifest "objectivity" that the reader must feel that the writer's primary aim is to set the facts before him, and leave him to draw his own conclusions.

Not that Dr. Aschrott abstains from criticism. Indeed he dwells with emphasis on the mischievous effects of the law of settlement and removal, elaborated in the latter half of the seventeenth century, and speaks with no little severity of the motives that prompted this legislation. So, again, he does not spare the mistaken humanitarianism which, towards the close of the last century, encouraged outdoor relief even to the able-bodied, and introduced the system of allowances in aid of wages. But his most important concern is to trace carefully and impartially the long and deliberate process by which, in the nineteenth century, the lessons of experience have been turned to account, and the present elaborate, carefully articulated, and energetically administered system of public poor relief has been built up.

The most important distinctive features of this system obtain from Dr. Aschrott a well-considered and guarded, but, on the whole, decided approval; and the reasons for this approval, as well as his free criticisms of certain points in our system, are (as I have already said) especially interesting as made from a German point of view. The success with which, in our system, the difficulties of settlement and removal have been finally reduced to insignificance; the effective and complete co-operation between central and local administrative

bodies that it maintains; the manner in which the workhouse—the essential pivot on which the whole system turns—is kept adequately deterrent to the mass of able-bodied labourers, and yet free from needless harshness to those who are forced to enter it: all these are characteristics of the English system which, in Dr. Aschrott's view, qualify it to serve as a model to other countries. On the other hand, the most admirable feature of modern German poor relief is the care and thought bestowed on the difficult task of leading back the pauper wholly or partially to the habits and sentiments of self-supporting labour; and on this side Dr. Aschrott pronounces the English workhouse seriously defective. The question of proper employment for the inmates of a workhouse, of finding labour which the labourer can take an interest in, and which may stimulate in him, if he is still able-bodied, both the desire and the hope of making his way back to self-supporting independence: this question, Dr. Aschrott thinks, has received much too little consideration in England, although any satisfactory solution of it would also be likely to afford a not unimportant gain in the economy of workhouse administration. The patient effort to overcome or evade practical difficulties, which Dr. Aschrott finds in other parts of the development of our system, does not seem to him to have been applied in this case.[1]

I think there is much force in this criticism; and similarly I should agree that the English treatment of vagrants and casual paupers is by no means satisfactory; and that some more "educative" method of dealing with those of them that are capable of being redeemed from vagrancy, some provision of facilities and inducements to bring about their return to the paths of honest toil, is much to be desired; while for the incorrigible tramp and street-beggar, probably a more effectual enforcement of legal penalties is to be aimed at.

[1] I may perhaps draw attention to the at first—apparently—very successful efforts made at Newcastle-on-Tyne to provide educative industrial employment for the inmates of the workhouse. We learn from the introduction to the *Charities Register and Digest*, published by the Charity Organization Society, that "a long range of workshops has been erected by the inmates (of the workhouse), who are there put to various trades, as joiners, plumbers, sawyers, &c. The old men, who are unfitted for outdoor work, are employed in teasing hair for upholsterers. For labourers there is garden land of fifteen acres. . . . There has been considerable saving to ratepayers;" and "many have told the master, Mr. J. J. Howitt, that 'they may as well work outside for themselves as inside for him!'"

I have, however, recently received information that Mr. Howitt's system has not continued to realize the anticipations formed when it was first started; and that the description just quoted is no longer applicable to the Newcastle workhouse.

But to discuss these practical problems at all adequately would carry me far beyond the scope of this brief introduction. Dr. Aschrott's primary object is not to award praise or blame, but to convey information. And it is from this point of view that I especially wish to commend his book; firstly, to guardians of the poor and poor law officers, who will be able to obtain from it both a clear and firm grasp of the principles on which they ought to act, and accurate knowledge of the laws and orders which regulate the application of these principles; and, secondly, to all Englishmen who are seriously interesting themselves in the mitigation or cure of indigence; who will find here, in a compact and business-like form, all that it is most important for them to know concerning the history and present operation of the great "classic" example of public poor relief established in their country.

HENRY SIDGWICK.

CAMBRIDGE,
July, 1888.

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THE ENGLISH POOR LAW SYSTEM.

PART I.

HISTORICAL DEVELOPMENT OF THE ENGLISH POOR LAW.

SECTION I.

EARLY LEGISLATION.

In England, as on the Continent, the interference of the State in the province of the poor law was in the first instance of a purely negative character. It took the form of measures, not for the benefit of the poor, but for the repression of mendicancy. These enactments belonged to a time when the positive duty of relief was in the hands of the Church, which devoted a portion of its ample resources to the support of the poor by its own agencies.[1] And the ground for the interference of the State was the same as led to similar measures abroad, namely, the fashion in which the Church's doles were dispensed.

The view of charity fostered by the Church, which saw in parting with superfluities, in alms-giving for its own sake, without regard to consequences, a work well-pleasing to God, doubtless caused the stream of charitable gifts to flow copiously; but determining, as it practically did, the mode in which these gifts were distributed, it demoralized the recipients by the unreflecting bestowal of relief, and thus deadened the sense of personal responsibility in ever-widening circles of the population, the result being an increase of pauperism and an aggravation of the very evil that had to be cured. On this point we may quote an old English author. Fuller[2] describes the abbeys as dispensing "mistaken charity, promiscuously entertaining some who did not need, and more who did not deserve it." He continues: "Yea, these abbeys did but maintain poor which they made. . . . We may observe that generally such places wherein the great abbeys were seated swarm most with poor people at this day, as if beggary were entailed on them."

[1] Part of the tithe was devoted to the relief of the poor. The monasteries and other ecclesiastical foundations were specially employed for this purpose.

[2] Fuller. 'Church History,' ed. 1656, p. 298.

The number of persons living in idleness and beggary, although perfectly capable of work, increased to such an extent that even the funds of the Church were insufficient for their relief. Beggars, grown unaccustomed to work, began to roam about the country asking for alms as soon as they ceased to find support at home, and became rogues and vagabonds who endangered public order and safety as well as the property and the lives of the citizens. The State was therefore obliged to interpose in the public interest. The main object throughout was to protect society against the swarms of beggars.

The particular provisions of the numerous laws passed with this object have no further interest. Each begins by reciting that the "good statutes before made" have been without effect, and then proceeds to increase the previous penalties. To give an idea of this legislation, it will be sufficient to specify the provisions of the Act 12 Richard II. c. 7 of the year 1388. This Act prohibits vagrancy and wandering about the country. "Beggars impotent to serve" are to remain in the place where they are staying at the time of the proclamation of the Act. If they cannot be maintained there, they are to be sent back to their birthplaces. Then follow penalties of extraordinary severity against "sturdy vagabonds," "valiant beggars"; and these penalties were steadily increased under later Acts till a graduated scale was formed under which the first offence was punishable by a public whipping; the second by loss of ears; the third by hanging.

In these provisions, which are of a purely repressive nature, lies the germ of the later development. From the restrictions on vagrancy, which were strengthened by the subsequent laws (19 Hen. VII. c. 12; 1 Ed. VI. c. 3), sprang the later law of settlement. The special treatment of the class of valiant beggars[1] was the origin of the distinction, which afterwards became so important, between the able-bodied and those incapable of work. It is not surprising that these laws remained without practical effect; for even in that age the penalties were too barbarous to be generally enforced. Besides, it was impossible successfully to carry out enactments so essentially adverse to the views then current as to the religious duty of almsgiving, so long as the ecclesiastical charities were in existence, and were conducted on the principles which then governed them. It is clearly illogical on the one hand to regard almsgiving as a work pleasing to God, and on the other to treat asking for alms as a capital crime.

A long time elapsed before there was any substantial alteration in this respect, and it was mainly due to external circumstances that the State again interposed with repressive regulations, and that principles not in accordance with the ecclesiastical view of charity gradually forced their way into acceptance. On the border between such regulations and the provision of relief by the State, stands the Act of 1531,[2] 22 Hen. VIII. c. 12.

[1] "Beggars able to labour," in contradistinction to "beggars impotent to serve."

[2] The title is "An Act directing how aged, poor and impo[illegible]

Though this Act was mainly of a repressive character, it contained certain new provisions, in which we may trace the germs of action of a positive kind. Besides the penalties imposed on persons found begging, "though whole and mighty in body, and able to labour," we find regulations for those incapable of work, who are to be provided with letters of licence from the magistrates, defining strictly the limits within which they are permitted to beg. This law shows clearly that the State had arrived at the conviction that the provision made by the Church for the help of those incapable of work had ceased to be sufficient. The decay of the Church and the decline of ecclesiastical influence reduced the means available for the assistance of the poor, while at the same time the demands upon these means were increased through the abolition of villenage, and consequently of the duty which that system had imposed upon the lords towards their necessitous labourers.

Shortly afterwards, the Reformation, which involved the secularization of Church property, threw on the State the further obligation of taking measures for the regulation of poor relief. The reformation began in England with the Act 23 Hen. VIII. c. 20, in the year 1532; the suppression of the small abbeys, priories, and other religious houses, succeeded in 1536, and three years later the larger abbeys and monasteries were dissolved. At the same time poor relief was regulated afresh under the Act 27 Hen. VIII. c. 25, of the year 1535–6.[1]

This Act makes individual parishes responsible for the maintenance of their poor, and further distinguishes between "poor, impotent, sick, and diseased people being not able to work," who may be "provided, holpen, and relieved," and "such as be lusty, having their limbs strong enough to labour," who "may be daily kept in continual labour, whereby every one of them may get their own living with their own hands." Very significant are the special provisions relating to the assistance to be given to the old and infirm. The clergy and local officials are to obtain charitable offerings, "gathering and procuring voluntary alms of the good Christian people within the same [parish] with boxes every Sunday and holiday or otherwise." The contributions are to be administered as "common fund, stock

compelled to live by alms shall be ordered, and how vagabonds and beggars shall be punished."

[1] Hallam in his 'Constitutional History,' vol. i., pp. 108–9, asserts that the dissolution of the monasteries and the new provisions as to relief stood in the relation of cause and effect. It may be granted that, even without this external cause, the legislature would in time have been brought by the stress of circumstances to the conclusion that all repressive regulations must be futile so long as they were not supplemented by measures of substantial relief, and therefore the intervention of the State as regards such relief would have taken place independently of the dissolution of the monasteries. This, however, does not alter the fact that, owing to the measures for the dissolution of the monasteries, by which a great number of poor were deprived of the relief which had hitherto been afforded them, the necessity for a reform of the system of poor relief made itself felt, and so at any rate the process was hastened. In part, therefore, temporary distress was the occasion of the legislation referred to.

of the parish," and an accurate account is to be kept of the distribution. Private alms to beggars ("any open or common dole") are forbidden upon pain of forfeiting ten times the amount given.

In these provisions is laid the groundwork for the numerous Acts of the succeeding period. The reign of Edward VI. produced several statutes on the subject (1 Ed. VI. c. 3; 3 & 4 Ed. VI. c. 16), and that of Queen Mary a single Act (2 & 3 Phil. and Mary, c. 5). Special attention was given to the subject in the reign of Queen Elizabeth (5 Eliz. c. 3; 14 Eliz. c. 5; 18 Eliz. c. 3; 39 Eliz. c. 3), and the celebrated Poor Law of the year 1601 consolidated and gave effect to the provisions of the previous enactments. The legislation from 1536 to 1601 is that of a transition period. It develops the principles laid down in the law of Henry VIII., and adds to them those on which the comprehensive Act of the year 1601 was founded.

As regards the able-bodied, the stringent penalties against beggars, and the provision that they are to be set to work, are repeated.[1] With the latter object, the law of 1575–6 provides that stores of wool, hemp, and iron shall be kept ready in order to provide work for this class. The refusal of work offered subjects the pauper to severe punishment. Provision is made for the incorrigible by the establishment of Houses of Correction.

It may be convenient here to mention the provisions of the celebrated Act of Apprenticeship of the year 1562 (5 Eliz. c. 4), which, in its preamble, among other anticipations of the results which are to ensue from the carrying out of the law, declares the "good hope" that "idleness will be banished." To this end it enacts that all persons between the age of twelve and sixty who are without

[1] The preamble of the Act 1 Edw. VI. c. 3, is very significant:—"Partly by foolish pity and mercy of them which should have seen the said goodly laws executed, and partly from the perverse nature and long-accustomed idleness of the persons given to loitering, the said goodly statutes hitherto have had small effect, and idle and vagabond persons being unprofitable members or rather enemies of the commonwealth have been suffered to remain and increase, and yet so do." And it proceeds to enact that "an able-bodied poor person who does not apply himself to some honest labour, or offer to serve even for meat and drink, if nothing more is to be obtained, shall be taken for a vagabond, branded on the shoulder with the letter V, and adjudged a slave for two years to any person who shall demand him, to be fed on bread and water and refuse-meat, and caused to work by beating, chaining, or otherwise. If he run away within that period, he is to be branded on the cheek with the letter S, and adjudged a slave for life; if he run away again, he is to suffer death as a felon. If no man demand such loiterer, he is to be sent to the place where he says he was born, there to be kept in chains or otherwise, at the highways or common work, or from man to man, as the slave of the corporation or inhabitants of the city, town, or village in which he was born; and the said city, town, or village shall see the said slave set to work, and not live idly, upon pain, for every three working days that the slave live idly by their default, that a city forfeit £5, a borough 40*s*., and a town or village 20*s*., half to the King and half to the informer. If it appeared that he was not born in the place of which he described himself as a native, he was to be branded on the face, and be a slave for life" (Report of the Poor Law Commission, 1834). This enactment, with its sentence of lifelong slavery to the man who dares even to demand wages for his labour, incidentally presents a curious picture of English liberty in what are often sentimentally described as "the good old times."

property, viz., who do not possess property of at least £10, or a fixed income of at least 40*s*., may be compelled by two magistrates, or by the mayor with two aldermen, to serve in husbandry within the county, or if they have been brought up to a trade, to work at that trade.

Still more comprehensive than these regulations for the able-bodied are those which deal with persons incapable of work, the "impotent, feeble, and lame, who are poor in very deed."

The chief question here is how to raise the necessary means for relief. By the Acts of 1555 and 1563, licences to beg were allowed for parishes which are overburdened with pauperism; but in the Act of 1572 they are expressly revoked, and the system abolished.

The Act of 1572 renews the prohibition of private almsgiving which had been formulated in the Act of Henry VIII. This clearly illustrates the alteration in public opinion which had taken place, and which was of paramount importance as regards the question of poor relief. While the principles of the ecclesiastical charities were directly in favour of almsgiving, here, on the contrary, a penalty was attached to it. Any person harbouring, giving money, lodging, or other relief, to any such rogue, vagabond, or sturdy beggar, "either marked or not," is declared liable to a penalty of 20*s*. This "marking" was by branding on the shoulder as a means of identification—a new and not very humane measure against beggars, concerning whom the preamble of the Act states that "all parts of this realm of England and Wales be presently with rogues, vagabonds, and sturdy beggars, exceedingly pestered, by means whereof daily happeneth in the same realm horrible murders, thefts, and other great outrages." It was supposed that the prohibition of alms would be followed by the suppression of begging, that if no one gave no one would beg,[1] a result which was unfortunately not attained by the statute. Moreover there was some hope that in consequence of the prohibition of almsgiving, the current of benevolence would run more strongly in another direction, and thus add to the relief fund of the parish.

All the enactments of this transition period have in view the increase of the "common fund."[2] The Act of 1551–2 orders the appointment of two or more "collectors of alms," who are to make lists of the grants, and of the poor to be supported, and by whom, as by the clergy, under the law of Henry VIII., the parishioners are to be "gently exhorted and admonished to contribute according to their

[1] An eminent legal writer of the 18th century, Dr. Burn, the learned author of the 'Justice of the Peace,' praises, in his 'History of the Poor Law,' the wisdom of this Act, and expresses the opinion, meant to apply to his own time, that "if none were to give, none would beg, and the whole mystery and craft would be at an end in a fortnight. If the principal is punished, it is not reasonable the accessory should go free. In order to which, let all who relieve a common beggar be subject to a penalty."

[2] This tendency led to the passing of the Act 39 Eliz. c. 5, of 1597, by which "private founders" are empowered to establish "hospitals, abiding places, and houses of correction," and are encouraged to found such institutions.

means." If this exhortation were unsuccessful, the person obstinately refusing to contribute was to be brought before the bishop, who might take order for the charitable reformation of every such obstinate person. The Act of 1563 establishes a further resort. If the exhortations of the bishop have been fruitless, he is to hale the person "obstinately refusing to contribute" before the magistrate, who is in the first instance to "move and persuade" him, but may finally assess the contribution at the sum which he judges reasonable. The law of 1572 goes further still, and, without the intervention of the bishop, allows the magistrate to settle the weekly amount to be paid by persons who refuse to contribute voluntarily.

It will be seen that legislation progressed gradually. It was only a step from the quasi-voluntary contributions of the Acts of 1563 and 1572 to a direct tax for the benefit of the poor; and the introduction of a Poor Rate, under the Act of 1601, was merely the result of a process of legislative development.

Besides the Collector of Alms, another office owes its origin to this transitional legislation. For two hundred years the overseer played a prominent part in the English poor law system, and he is still of some importance. This office was created in the year 1572, with a view to the better organization of the collection and distribution of the common fund. In the Act of 1597–8 it was ordered that in every parish overseers should be nominated by the justices, and their rights and duties were prescribed.[1]

In this way the component parts of a State relief system have successively been developed, and by the end of the sixteenth century the foundations were laid for the great Poor Law of 1601, by which the thorough and systematic regulation of poor relief was attempted.[2] Even the measure of 1601 was at first regarded as only tentative. This may be inferred from the fact that, like a number of the statutes already mentioned, it was only to be in force until the end of the next Parliament. Its duration, however, was prolonged by a series of subsequent Acts (2 James I. c. 25 and c. 28; 3 Car. I. c. 4), and in the year 1640 it was made permanent by 16 Car. I. c. 4.

[1] The Act of 1597–8 (39 Eliz. c. 3), was the result of the deliberation of a special committee of the House of Commons, upon which Sir Francis Bacon sat. It contains the main principles of the great Poor Law of 1601. To this committee was due a series of other important statutes on social and economic questions: 39 Eliz. c. 1, against the decaying of towns and houses of husbandry; c. 2, for maintenance of husbandry and tillage; c. 3, the above-named Act "for the relief of the poor"; c. 4, for punishment of rogues, vagabonds, and sturdy beggars; c. 5, for erecting of hospitals and working houses for the poor; c. 6, to reform deceits and breaches of trust touching lands given to charitable uses; c. 12, concerning labourers.

[2] Cf. Sir George Nicholls's 'History of the English Poor Law,' London, 1856, vol. i., p. 197: "The 43rd Eliz. was not the result of a sudden thought or a single effort, but was gradually framed upon the sure ground of experience."

SECTION II.

THE ACT OF ELIZABETH.

The Poor Law of Elizabeth—"An Act for the Relief of the Poor" (43 Eliz. c. 2)—consists of twenty sections, of which only the first six have a general application, while the others deal with particular questions.

The first section provides that overseers of the poor shall be annually nominated, for each parish, by the justices. Besides the churchwardens, from two to four substantial householders, according to the size of the parish, are to act in this capacity. Their duty is—

(1) to take measures, with the consent of two justices, for setting to work children whose parents are unable to maintain them;

(2) also to set to work persons who, having no means of support, do nothing to earn a livelihood;

(3) to raise weekly, by taxation of every inhabitant and occupier, such sums as they shall think fit—

(*a*) for obtaining a convenient stock of flax, hemp, wool, and other necessaries for the poor to work upon;

(*b*) for relieving the lame, impotent, blind, and others unable to work;

(*c*) for putting out poor children as apprentices.

For these objects the overseers are to hold meetings at least once a month, and at the end of the year are to prepare a statement of account.

The second section gives power to the justices, where a parish cannot afford to bear the burthen of its own poor, to raise a rate-in-aid from other parishes in the same hundred, or even in the same county. Under the authority of the justices, the overseers are to collect the rate and to distrain upon persons who neglect to pay. If the distraint is without result, the justices may imprison the defaulters in the county gaol.

Under sect. 3 poor children may be bound apprentices, if boys, till their twenty-fourth year; if girls, till their twenty-first year or their marriage.

By sect. 4 the churchwardens and overseers are empowered, with the assent of the lords of the manor, to erect on waste-lands houses for persons incapable of work, and to charge the cost to the parish, the hundred, or the county.

Sect. 5 provides for appeals to Quarter Sessions against the rate.

Sect. 6 regulates the legal responsibility of maintaining parents, grandparents, and children.

These are the essential provisions of the law. We may summarize the chief points in which it amended the previous system.

Poor relief is recognized in principle as a public concern. It is to be administered by individual parishes through overseers, who are to be appointed and constantly controlled by the justices. The burden of relief is distributed by taxation. In the first instance, however,

the nearest of kin are made responsible for the maintenance of their relations; and in case a single parish is overburthened, the neighbouring parishes may be called upon to contribute proportionately. The persons to be relieved are divided into three classes: children, able-bodied, infirm. The kind of assistance consists, in the case of children, in apprenticing them till their twenty-first or twenty-fourth year; in the case of the able-bodied, by setting them to work (which they must perform, under penalty for refusal); in the case of the infirm, in maintaining them, with power to place them in poorhouses.

In all respects, the Act follows the earlier enactments, and yet its general character is absolutely different. Not only do penalties against mendicancy occupy the first place in all the Acts previously mentioned, but their main character is essentially that of police measures. The State had primarily in view the defence of the commonwealth against the dangers of mendicancy, and it was only because repressive enactments could not be directed against those incapable of work, that it was found necessary to treat this class in a different fashion. In the Poor Law of Elizabeth, there is a new departure.[1] Even the provisions for the relief of the infirm are remarkably subordinated to those as to the treatment of children and of the able-bodied. In this Act we recognize the State strong in the consciousness of its civilizing mission, not the State merely discharging the repressive functions of a previous period. The charge of the infirm cannot be left out of consideration, but the Legislature regards as its first task the charge of the rising generation, and the employment of labour in accordance with economical and moral principles. In the first place, the Act specifies as a duty of the overseers the apprenticeship of children "whose parents shall not be thought able to keep and maintain" them, and directs that they shall remain apprenticed till they are independent. In the second place, it lays down precautionary rules with reference to the treatment of the able-bodied. Care is to be taken that they shall be set to work, and that if they refuse to do it, they shall be punished. Provision for the infirm is not ordered in express words, but it is merely declared that the rate for other purposes shall also include a contribution sufficient for the relief of those who are incapable of work. On the question of the form which this relief is to take there is no enactment. The erection of poorhouses is only permissive.

Thus the character of the poor law system was materially altered by the Act of Elizabeth. But this alteration was closely allied to the previous enactments. The burden of relief still fell upon the parish. The chief agents for its administration were the overseers created under previous legislation; and the levying of a poor rate

[1] Not only are there none of the barbarous penalties against beggars, which we find in the earlier Acts, but there is no reference to that question of settlement which in the later development of the poor law was the seed of so much evil. It was reserved for Charles II., a weak and incapable king, to introduce this question into poor law legislation, and to give it a shape which stood in the way of the salutary development of the Act of Elizabeth.

was the ultimate issue of a long course of development, which gradually gave to alms an obligatory character, and, by the power given to magistrates under the law of 1572, practically converted alms into rates.[1]

In this gradual development, in this almost invisible alteration of existing enactments, in this employment of old and familiar institutions as a stem upon which to graft new ideas, is shown that conservative character of English legislation which gives it such a charm in the eyes of the historian.

SECTION III.

THE ACT OF SETTLEMENT OF 1662.

The principles laid down in the Poor Law of Elizabeth could only be brought gradually into operation. The administration of the existing laws at that period was very defective. In the writings of that time[2] we often meet with complaints that the poor-rates were not regularly paid, and that sufficient materials for the employment of the able-bodied were not provided.

If we except an enactment of the year 1610 (7 James I. c. 4), which ordered the building of Houses of Correction in every county, no amendment in the Act of Elizabeth was made for the next two generations. It was not till the year 1662 that there was any alteration of importance. In that year was passed the well-known Settlement Act (14 Car. II. c. 12), to which we cannot apply, as to the poor law of 1601, the epithet famous, but rather that of notorious. If in the Act of Elizabeth we recognize the strong and enlightened rule which strenuously maintained the interests of the commonwealth, the law of Charles II. is a reflection of that unhappy time which was characterized by party spirit and selfish designs, when a weak and morally despicable monarch, who only regarded his own interests, was ready to sacrifice the good of the community to the selfish wishes of particular classes and parties.

It is an uncontested and incontestable fact that this important Act, of which the consequences were so serious, was pushed through all the stages of legislation without affording either Parliament or public opinion time for discussion, merely because the representatives of London and a few wealthy landlords were desirous of lessening the burden of their own poor rates.

It cannot be justified on the ground that, though particular provisions are open to objection, it is, on the whole, merely a necessary

[1] A noteworthy memorial of the once ecclesiastical character of poor relief is to be found in the mention of the "parson" in the first place among those to be rated.

[2] Cf. especially the exhaustive work of Eden, 'The State of the Poor,' 3 vols., London, 1793; also Pashley's 'Pauperism and Poor Laws,' London, 1852; which gives much information as to the administration of the Act of Elizabeth in the 17th and 18th centuries; while for later times, Nicholls's 'History of the English Poor Law,' is a rich store of facts.

extension of the Act of Elizabeth; for, by its clauses as to settlement, it narrows the circle of persons to whom the relief given by the individual parish is to extend, although in the principal Act the express duty of relief was not thus restricted.[1] It is true that in the preamble the Act declares that its object is, by establishing a system of settlement and removal, to prevent particular parishes from being unfairly affected by the influx of paupers. This point of view is characteristic of the time at which the Act was passed, when individuals, and especially landed proprietors in particular parishes, had regard only to the relief of the burdens specially affecting themselves, and troubled themselves little as to the effect which the measure might exercise on the community and on the general development of the country. While it is a matter of course that the Act of Charles II. should bring into prominence this new consideration, it is, on the other hand, equally characteristic of the spirit in which the law of Elizabeth was passed, that the latter does not touch the question of settlement, and declares generally that it is the duty of the district to relieve the poor within its borders.

The Act of Elizabeth, being passed in the interest of the community, not from the standpoint of the lord of the manor or of the rich citizen, had regard, as we have already said, to the improvement of the condition of the poor, by its provision for the rising generation, and by its employment of the labour available. A limitation of the burden of relief by the regulation of the law of settlement, with its necessary consequence of thrusting the poor from parish to parish, would not come within the purview of an Act of this kind. The absence of such provisions from the Act of Elizabeth is not due, as I believe, to legislative carelessness, but is intentional. Narrow-minded apprehension of the possible burdening of individual parishes found no place under the robust rule of Elizabeth. Besides, any case of real overburdening was dealt with by the provision for the rate-in-aid. It must be remembered, too, that special laws[2] existed with regard to vagabonds, who were to be conveyed "to the place where born or where most conversant."

We now proceed to consider more closely the Act of Charles II. In the preamble it sets forth, among other matters—

"Whereas the necessity, number, and continual increase of the poor, not only within the cities of London and Westminster, but also through the whole kingdom, is very great and exceeding burthensome, being occasioned by reason of some defects in the law concerning the settling of the poor, and for want of a due provision of the regulations of relief and employment in such parishes or places where they are legally settled:"

And "whereas by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore to endeavour to settle themselves in those parishes where there

[1] See Nicholls, p. 295, and George Coode's 'Reports to the Poor Law Board on the Law of Settlement and Removal,' London, 1851.

[2] 12 Rich. II. c. 7; 19 Hen. VII. c. 12; 1 Ed. VI. c. 3.

is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy. Be it therefore enacted—" and now follows the new legislative provision—"that it shall and may be lawful, upon complaint made by the churchwardens or overseers of the poor of any parish to any justice of peace, within forty days after any such person or persons coming so to settle as aforesaid in any tenement under the yearly value of £10, for any two justices of the peace, whereof one to be of the quorum of the division where any person or persons that are likely to be chargeable to the parish shall come to inhabit, by their warrant to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native, householder, sojourner, apprentice, or servant for the space of forty days at the least, unless he or they give sufficient security for the discharge of the said parish, to be allowed by the said justices." In sect. 3, in order to facilitate the seeking of work in other parishes, especially at harvest time, it is ordered that labourers may be provided with certificates of origin from their own parish, in which case, if they get temporary work, they obtain no "settlement" through a residence of forty days, but may be sent back if destitute.

If we consider these provisions there can be no doubt, especially having regard to the preamble, that although the title of the Act declares it to be "for the better relief of the poor of this kingdom," it was not passed in the interests of the poor, but rather in that of rich places from which the poor were to be excluded. There is great significance in the words of the preamble, "not only within the cities of London and Westminster, but also through the whole kingdom." It was not contemplated that particular parishes would be so beset with poor that means for their relief would be lacking, but the fear was that the poor would betake themselves to the rich places in order to participate in the general prosperity there. The narrow-minded, petty, and reactionary character of the whole law is well represented in these introductory words. It was upon the same ground that the erection of new houses was then frequently prohibited; a petty protective policy for the benefit of the classes in possession, without any regard to the commonwealth or to the development of the state.[1]

The willing, industrious workman who wishes to advance himself is hindered from choosing the place where he can work best and most profitably for the general good. In the country which generally sets such high value on personal freedom, the labourer is confined to the place of his settlement; that is, as a rule, to his birthplace. For, as the right of settlement was obtainable by forty days' residence, but

[1] In this connection must be mentioned another clause of the Act of Charles II. (sect. 21), which provided that parishes consisting of several townships or villages might constitute them separate areas, each of which should maintain its own poor. Much use was made of this regulation, which suited the narrow-minded and selfish wishes of the rich proprietors. The number of the relief districts soon exceeded those of the parishes by several thousands.

during that period any one might be removed if likely to become a charge upon the rates, it was quite natural that the parish, by strictly exercising this power of removal, should endeavour to prevent the acquisition of a settlement, and the possible increase of the burden of relief.

The expression of the Act which authorizes removal on the ground that the person is "likely to be chargeable to the parish" is so vague that it would include any one depending on labour for his livelihood. The workman who is not an owner of property is thus bound to the soil.

Although the continual increase of the poor was attributed in the preamble of the Act to defects of previous legislation, the Act which purported to remove those defects had itself the greatest influence in augmenting pauperism. It removed from the workmen, if not the possibility, at any rate the desire of seeking occupation outside their own parish; and as the result was that many able-bodied men remained where their work was not wanted or did not receive adequate remuneration, it followed that the number of those requiring relief was increased. This was recognized in the preamble of an Act of the year 1696–7, in which it is explicitly stated that many persons are chargeable to the rates merely for want of work in their own parish, though they could maintain themselves and their families in other places where sufficient employment is to be had, but that they are "confined to live in their own parishes, townships, or places, and not permitted to live elsewhere, though their labour is wanted in many other places where the increase of manufactures could employ more hands." [1]

An increase of the cost of relief,[2] however, was not only produced through the increase of pauperism, but by the large and useless cost of sending back to their own parish persons who had no right of settlement elsewhere, and also by the extensive litigation and disputes arising out of the laws of settlement.

These disputes led to the passing of a series of new Acts on the subject.

Even in 1685 it became necessary to amend the Act of Charles II., under which, as set forth in 1 James II. c. 17, s. 3, "poor persons at their first coming to a parish do commonly conceal themselves," and it was accordingly enacted that the forty days' continuance in a parish, constituting a right of settlement, should be reckoned by the wardens or overseers of the parish (except in the cases where the ground of settlement is evident, such as apprenticeship or annual hiring) from the date when the residence was first notified to them.

In the year 1691 we find a further enactment (3 Will. & Mary, c. 11), which declares that notice in writing must be delivered to the

[1] 8 & 9 Will. III. c. 30.

[2] Coode, in the report above quoted, gives the costs of poor law relief in 1650 as £188,811, and in 1698 as £819,000, but expressly states that there was no more actual relief at the end of this period than at the beginning. While the Act of Elizabeth was only partially carried out, the local bodies showed immense activity in enforcing the Act of Charles II.

parish of intended settlements, and that such notice shall be read in the church, so that every one may be able to raise objection to the intruder. By this law the fresh grounds of settlement were the payment of public taxes, and the holding of any public annual office in the parish during one whole year.

The Courts held that the nature of settlement was such as to make it derivative from the parents by the children, and from the husband by the wife. The various grounds of settlement were further defined and limited by later Acts and legal decisions.

In the year 1696–7 it was declared by the 8 & 9 Will. III. c. 30, that unmarried persons should only gain a settlement after a year's actual service. The same Act also amended the system of certificates established by the Act of Charles II., by providing that persons with certificates of settlement attested by the parish officials, and allowed by two justices of the peace, could only be removed from a parish to which they had come for the purpose of obtaining temporary employment on their actually becoming chargeable to such parish, and not on the expectation that they might become so. On the other hand, they could only acquire a settlement in the new parish by the hire of a house of £10 annual rental, or through the exercise of a parish office for a year.

Apprentices and servants of "certificate men" were incapacitated under later Acts (9 Will. III. c. 11, and 12 Anne c. 18) from acquiring a fresh settlement.

Acts of Parliament and decisions of the Courts of Law were thus continually elaborating the law of settlement.

The action of the parochial officers was not so much devoted to helping the poor in a reasonable fashion as to carrying out the various enactments by which new labourers could be hindered from acquiring a settlement, and thus rendering the parish liable for their support.

Boundless energy and ingenuity were devoted to the object of allowing the settlement of as few persons as possible, and of securing the removal of all that could be removed. In apprenticing boys, the great thing was to find, not masters well able to teach their trade, but masters living in other parishes, since the apprentice obtained a settlement in the parish in which he was bound. People were warned against engaging persons for a year of service (as was formerly the rule) in order that settlements might not be acquired.[1]

And this law of settlement, introduced into the relief system by

[1] The description which Burn, in his 'History of the Poor Law' (p. 121), gives of the functions of an overseer is very striking: "The office of an overseer seems to be understood to be this: to keep an extraordinary look-out to prevent persons coming to inhabit without certificates, and to fly to the justices to remove them; and if a man brings a certificate, then to caution all the inhabitants not to let him a farm of £10 a year, and to take care to keep him out of all parish offices, to warn them, if they will hire servants, to hire them half-yearly, or, if they do hire them for a year, then to endeavour to pick a quarrel with them before the year's end, and so to get rid of them. To bind out poor children apprentices, no matter to whom or to what trade, but to take special care that the master live in another parish."

the Act of Charles II., remained unaltered until the year 1795, except as regards the points of detail already mentioned. Its bad effect on the wage-earning class, and its mischievous influence upon the poor law administration, paralyzed the good results which might have been expected from a strict execution of the Act of Elizabeth, and a rigid observance of the principles laid down in that measure.

SECTION IV.

LEGISLATION FROM 1601 TO 1723.

In other respects the essential principles of the Act of Elizabeth with regard to poor relief remained undisturbed until the year 1834. The legislature, at any rate till the reign of George III., scarcely touched the subject. Such acts as were passed made no changes of principle, and were only designed to secure the better execution of the statute of 1601. In reality, however, they not only failed in this object, but sowed the seed of fresh blunders, for which a remedy had to be sought in further legislation, itself by no means eminently successful.

The first point to be discussed in this connection is as to the position of the overseers, and their relations to the magistrates. The Act of Elizabeth had, as above mentioned, placed the general administration of relief under the control of the justices. The overseers were to act "with the consent of two or more justices of the peace," but this general supervision soon proved insufficient to hinder abuses on the part of the overseers.

An Act of the year 1691 (3 Will. and Mary, c. 11, s. 11) contained, by way of preamble, the statement that "many inconveniences do daily arise by reason of the unlimited power of the churchwardens and overseers, who do frequently, upon frivolous pretences (but chiefly for their own private ends), give relief to what persons and numbers they think fit," and required that a register should be kept of the persons relieved, with an entry of the date of the first grant of relief, and the occasion for it. This register was to be annually laid before the vestry in Easter week, or oftener; and, after due examination, a new list was to be prepared, containing the number of poor, and the amount of relief approved by the vestry for the current year. Any relief not specified in the list was only to be granted under the authority of a justice, or on the order of the quarter sessions.

New abuses however resulted from the powers here given to single justices, or rather from the improper extension of this provision. A law of the year 1723 declared that "under colour of the proviso, many persons have applied to some justice of the peace without the knowledge of any officers of the parish, and thereby upon untrue suggestions and sometimes upon false and frivolous pretences have obtained relief." It was therefore provided that a justice should not order relief until the person in question had applied to the parish officers. If the relief had been refused, the justice was to summon

the overseer to state the ground of refusal, and might then order the relief if a reasonable ground for its being granted was stated on oath by the applicant.

The Act made no provision for an appeal against the order for relief. This was subsequently recognized as a material defect, since occasional orders of this kind, issued by a single justice, were often found to interfere with the regular system of administration. In the year 1743 (by 17 Geo. II. c. 26, s. 4) it was sought to cure this defect by giving to all persons aggrieved by "any neglect, act, or thing done or omitted" by the overseers or justice, the right to appeal, after previous notice, within a reasonable time, to the quarter sessions. The overseers were thus subjected to further control, and a complete jurisdiction was established over the current administration, as objections were allowed to be taken against single items of the annual accounts as well as against the general statement of expenditure.

Attempts at reform were also directed towards another point, namely, the provision in the Act of Elizabeth with regard to the employment of the able-bodied poor. The carrying out of this provision seems to have been attended from the beginning with considerable difficulties. Eden refers to a pamphlet published in 1646, entitled 'Stanley's Remedy,' in which the author complains that people are punished as beggars for not working, while there are no places where they can be employed. The remedy proposed is the erection of workhouses in towns, villages, and other suitable places.

Here we meet for the first time with the workhouse, which has played so important a part in the English relief system as since developed. While the Act of Elizabeth only provided for the establishment of "convenient houses of dwelling" for the impotent poor, the "House" was here indicated as a means for furnishing employment for the able-bodied.

The proposal seems to have met with all the more favour because the Act of Charles II., for the division of parishes into townships,[1] made it additionally difficult for the smaller districts to provide employment for the able-bodied, and thus hindered the carrying out of the above-named requirement, that they should be "set to work." In a pamphlet published in London in 1687, entitled 'Some proposals for the employing of the poor, especially in and about the City of London, and for the prevention of begging,' Thomas Firman, a friend of Archbishop Tillotson, recommends the erection of workhouses in which the poor may be occupied with remunerative work in different trades. In 1683, Sir Matthew Hale published a 'Discourse touching provision for the Poor,' in which he characterized the Act of Elizabeth, with its care for the poor, as "an Act of great civil prudence and political wisdom."[2] He also advocated the erection of workhouses for the able-bodied.

[1] Cf. above, p. 11, note 1.

[2] "Poverty is in itself apt to emasculate the minds of men, or at least it makes men tumultuous and unquiet. Where there are many poor, the rich cannot long or safely continue such."

In 1697, under a special Act of Parliament, a workhouse was established in Bristol. The good results which followed in that city, especially in the diminution of mendicancy, led to the adoption of a similar measure in 1699 in Exeter, in 1703 in Worcester, and in 1707 in Plymouth and other places.

After the workhouse had been successfully tried in particular places,[1] the legislature advanced a step (by the Act 9 Geo. 1, c. 7, of 1723) towards securing its introduction elsewhere. It was ordered that parishes should be entitled, singly or in combination, to build, buy, or hire workhouses, and that any poor person refusing to enter one of such houses should "not be entitled to ask or receive collection or relief."

The great improvement in poor law administration by this stringent provision, and indeed by the Act of 1723 generally, is clearly shown by Eden,[2] and was manifested by the steady decrease of the poor rate in spite of the increase of the population. The expenditure for poor relief, which in 1698 was estimated at £819,000, had in 1750 sunk to £619,000.

SECTION V.

DEFECTIVE POOR LAW ADMINISTRATION.

From the middle of the last century, or rather towards its last quarter, we find a retrograde movement in poor law administration. The expenditure increased largely. In 1785 it was £1,912,000; in 1803 it further increased to £4,077,891; and in 1817 it reached its maximum of £7,870,801. This increase may be attributed in part to extraneous and general causes,[3] but mainly to the alteration in practice which took place at this period with regard to poor relief.

[1] It must not be forgotten that the system of employing able-bodied men in the workhouse, or, as it was then called, the Industrial House, even then met with some isolated opposition. Defoe specially attacked it in his 'Giving Alms no Charity, and employment to the poor a grievance to the Nation' (London, 1704). He pointed out the effect of the competition of the Industrial Houses with the trades already established: "if they will employ the poor in some manufacture which was not made in England before, or not bought with some manufacture made here before, then they offer something extraordinary. But to set poor people at work on the same thing that other poor people were employed on before, and at the same time not increase the consumption, is giving to one what you take away from another." In opposition to this argument, which has been frequently urged in later times against the remunerative occupation of the poor in workhouses (as in Germany against the similar employment of prisoners), compare McCulloch, 'The Literature of Political Economy,' London, 1845, p. 276.

[2] Eden, vol. i., p. 285. It is pointed out that in consequence of this Act a large number of persons who had previously received relief preferred to maintain themselves rather than seek admission to the workhouse. See also McCulloch (*supra*), p. 277, who quotes a remark of Lord Mansfield, in the year 1782, to the effect that in parishes where well-regulated workhouses had been established under the Act, the poor rate had diminished by one-half.

[3] Besides the alteration in economic conditions and the establishment of the class of factory workers, which in consequence of the periodical trade depression,

In place of the sensible methods previously existing, both legislation and the administration of relief fell more and more exclusively under the sway of mistaken notions of humanity. This tendency was in keeping with the general ideas of the second half of the 18th century, but it thrust out of sight that principle of repression of pauperism which must always be held in view in any reasonable poor law system. It was no longer thought necessary to have regard to the absolutely essential provision that only those really in need of relief should be maintained at the public cost, and no consideration was given to the effect which the grant of relief would be likely to produce upon the rest of the working classes. The sole principle was that of giving assistance in a humane fashion.

Thus the distinction between the relief of the able-bodied and that of the impotent, which had been so clearly marked in the Act of Elizabeth, came to be less and less regarded. Even the distinction vanished between those in need of assistance and those without property, who of course form the bulk of the working population. The man who, renouncing all care for the future, was content to call on the public to maintain him, was in the same position as the artisan who relied on his powers to make his own way through life.

This tendency is illustrated by a number of Acts of George III., from which we gather the impression that the chief object was to keep the people in good humour, thus causing still further laxity and want of energy in the administration of the overseers.

Now began the attacks, by political economists, on the existing system of relief. In the year 1752 was published Thomas Alcock's 'Observations on the effect of the Poor Laws,' assailing the whole system of compulsory grants to the poor. In 1786 appeared the Rev. Joseph Townley's 'Dissertation on the Poor Laws, by a Well-Wisher to Mankind,' with a similar tendency towards the abolition of public relief, so that people might not rely upon it for help in emergency. Then followed Malthus [1] and his school, whose demands for the repeal of the poor laws were based upon their theories of population.

On the other hand, we must not omit to mention the writers who, accepting the current system, urged the necessity for improving its administration. Among them was the celebrated novelist, Henry Fielding, who gives us a good notion of the relief system of his time

largely augmented the number of the destitute, we may notice the enormous increase in the population, and the unusual rise in the price of corn during this period. The population increased from 7 millions in 1760 to 9 in 1801, to 10½ in 1813, and 11½ in 1818. The average price of wheat, according to Nicholls, was in the 18th century 38/7 per quarter, but rose to 87/ for the period 1794–1801, and in the spring of 1801 reached the height of 156/2. It is now, just a century later, below 30/.

[1] See especially 'The Principles of Population' (ed. London, 1872), pp. 294–310, 'Of Poor Laws;' pp. 428–438, 'Plan of the Gradual Abolition of Poor Laws;' and pp. 441 *et seq.* 'Of Charities.' According to Malthus the poor law is "an evil in comparison of which the National Debt with all its magnitude of terror is of little value," and ought to be superseded by a better method of charity.

as carried out in the metropolis. His 'Inquiry into the causes of the late increase of robbers, and with some proposals for remedying this growing evil,' appeared in 1751, and two years later he published 'A proposal for making an effectual provision for the poor, for amending their morals, and for rendering them useful members of society.' We may also mention Cooper, who, in his 'Charitable Institutions and the Poor Laws' (London, 1763), energetically advocated the erection of workhouses for groups of parishes. So, too, a Report of a Committee of the House of Commons in the year 1795 strongly recommended the increase of workhouses. And Dr. Burn's 'History of the Poor Law,' already cited, suggested the introduction of paid overseers, to act with the unpaid, for the better execution of the poor laws.

In one particular, however, all these writers attacked the existing system, with the support of authorities no meaner than Adam Smith and Burke. They were all in favour of the abolition of the existing law of settlement.

And this is the one matter as to which the legislation of Geo. III. effected improvement. We may here anticipate the Act dealing with the subject, viz., the 35 Geo. III. c. 101, of the year 1795. Its preamble refers in the following terms to the evil consequences of the previous provisions as to settlement. "Many industrious poor persons chargeable to the parish, &c., where they live, only from want of work there, would, in other places, where sufficient employment is to be had, maintain themselves and families without being burthensome to any parish; and such poor persons are, for the most part, compelled to live in their own parishes, and are not permitted to inhabit elsewhere, under pretence that they are likely to become chargeable to the parish into which they go for the purpose of getting employment, although the labour of such poor persons might in many instances be very beneficial to such parish." It is also admitted that the remedy applied by the Act 8 & 9 Will. III. c. 30, viz., the granting of certificates of origin, "hath been found very ineffectual." It is accordingly enacted that a person shall not be removed on the ground that he is likely to become chargeable to the parish, but only when he has "become actually chargeable." It is further ordered by sect. 2 that "whereas poor persons are often removed or passed to the place of their settlement during the time of their sickness, to the great danger of their lives," the justice shall have power, in such cases, to suspend the execution of the order of removal until it is shown that it can be carried out without danger. By this Act the worst and most obvious results of the law of settlement were remedied.[1]

We pass from this decidedly salutary Act to the other and less satisfactory legislation of George III. We may shortly refer to a set of Acts bearing on the poor law, but not directly affecting its

[1] On the other hand, it should be observed that the Act made the acquisition of a settlement more difficult by providing that no person should gain a settlement by paying taxes for a tenement of less than £10 yearly value.

principles. In this class are the penal enactments against parish officials who pay base coin to the poor (9 Geo. III. c. 37), then a batch of various provisions with regard to apprenticeship, such as 18 Geo. III. c. 47, by which apprenticeship is not to last beyond the age of 21, instead of 24; 32 Geo. III. c. 57, directed against abuses on the part of the parish in binding apprentices; 42 Geo. III. c. 46, requiring special registers to be kept of parish apprentices; 56 Geo. III. c. 139, giving the justices special authority with regard to the making and carrying out of indentures of apprenticeship; and finally we may mention the bastardy laws, 49 Geo. III. c. 68, and 50 Geo. III. c. 51, by which the previous enactments were altered to the advantage of the unmarried mother, and at the expense of the putative father. These Acts exhibited a benevolence—often excessive—towards the poor, and such as, in the case of the new bastardy laws, scarcely accorded with the principles of equity.

These Acts, however, only touched points of detail, while the statute 22 Geo. III. c. 83, known as Gilbert's Act, was of much greater significance as regards the development of the poor relief system. It was, in several respects, a remarkable piece of legislation. Based on the single idea of bettering the condition of the needy, it made several amendments in the organization of the poor law system; but, on the other hand, it attacked the prevailing principles of relief in a way calculated to endanger the rational procedure previously employed. It contained, on the one hand, the germ for the subsequent development and reorganization of the poor law system, but, on the other hand, it caused that deterioration in relief administration which made so much progress in the following half-century. It is noticeable that the Act itself was in the nature of an experiment. Its enactments were not compulsory, and it was left to those specially interested—the individual districts—to determine whether to adopt it, and so to avail themselves of its new provisions. The adoption of the Act was made to depend upon the assent of two-thirds in number and value of the owners and occupiers assessed to the poor rate at £5 and upwards.

This experimental kind of legislation, which was brought into operation in various forms in England in the last century,[1] has great advantages as regards the development of an institution. Not only are sudden changes avoided, with their numerous drawbacks, while progress is made quietly; but, above all, invaluable materials are collected for a judgment on the operation of the new provision in the particular districts voluntarily adopting it, and for a comparison with the system previously in force in these districts and still in force elsewhere. In this way there is an excellent enlightenment of public opinion as to the value and the applicability of a new measure, and the legislature can proceed on firm ground if it subsequently decides to make the new system general and obligatory.

The general tendency of the period was to regard as worthy of

[1] Cf. a very interesting sketch by Jevons in the *Contemporary Review*, 1880, pp. 177–192.

imitation only such portions of the new measure as were directly designed for the advantage of those relieved; nor was it till long afterwards that the provisions as to organization of the relief administration were extended to the country at large.

It is worth while to particularize the provisions of Gilbert's Act. We have already pointed out that owing to the smallness of the area of administration and rating as constituted by the unfortunate Act of Charles II. (14 Car. II. c. 12, s. 21), a reasonable poor law system was made more difficult, and we have also observed that the overseers were so much occupied by their various duties—especially those connected with settlement—that they had not time to do much in the field of administration. In both respects Gilbert's Act effected an improvement. It permitted the union of several parishes for the purpose of poor relief in common, and for the erection of a poorhouse. It also introduced the system of paid guardians to be appointed by the justices and in this case the overseers had only the work of assessing and collecting the poor rate. It further provided for a stricter control of the administration by the introduction of visitors, who had to be nominated by the guardians and appointed by the justices. The visitor had to inspect the poorhouse, for the regulation of which minute provisions were inserted in the Act, and also to check the accounts of the grants of relief, and to control the current administration.

So far, the provisions of the Act were decided improvements although the position assigned to the justices is open to comment As they appointed the guardians and the visitors, and also had the right in individual cases of ordering relief, and prescribing its form the effect was to concentrate in them the whole administration.[1]

The provisions, however, with regard to the kind of relief to be granted had very important results. The poorhouse of Gilbert's Act was not like the workhouse of the year 1723, an industrial institution but was specially designed for the reception of old and sick persons, of mothers with illegitimate offspring, and of children incapable of work With regard to the able-bodied poor, it was expressly ordered, in direct opposition to the Act of 1723, that they should not be brough into the poorhouse, but that the guardians should find them suitable employment near their own houses, and that their wages should be made to contribute to their maintenance; in other words, that an insufficient remuneration of labour should be supplemented at the expense of the poor rate.[2] In direct contrast to the Act of Elizabeth which only afforded the able-bodied assistance by providing them with work, assistance in money was here expressly ordered. Whether th

[1] This tendency to give the justices more extensive powers in the poor law administration also appears in a number of other Acts at this time. In the year 1790 the inspection of parish workhouses or poorhouses was entrusted to the justices with the right of dealing with any complaints (30 George III. c. 49) and in 1801 they were empowered not merely to annul the poor rate as unlawful, but to amend it, and to alter particular names and assessments (4 George III. c. 23).

[2] McCulloch justly says of this provision that it was "the first great inroad on the old system of poor law, and had in the end the worst possible effects."

labourer relied on himself and was careful, industrious, and hardworking, or whether he was the reverse, and threw himself on the parish, he received his full maintenance, while the poor rate had to furnish the amount that was not covered by his wages for the work which the guardians had provided.[1] The self-reliance of a large part of the working classes was thus undermined. They considered themselves as pensioners on the rates, upon which they believed that they had a legal claim irrespective of the amount and the value of their work.[2]

The provisions of Gilbert's Act, extended by subsequent Acts (33 George III. c. 35; 41 George III. c. 9; 43 George III. c. 110), were adopted in many parishes. The number of so-called "Gilbert's incorporations" amounted in the year 1834 to 67, and embraced 924 parishes.

The unsound principles of this Act were thus not only widely applied, but also found an unmistakable echo in the practice of poor law administration. Among these we must place first, the Allowance System, which originated in a resolution of a meeting of Berkshire magistrates in the year 1795. This measure, which was nick-named the Speenhamland Act of Parliament, met with general approval and extensive adoption throughout the country. The price of corn had then reached an enormous height, while wages had not risen, so that great distress actually prevailed among the working classes.[3] In order to relieve this distress, the justices of Berkshire decided to regulate wages according to the prices of the necessaries of life and the size of the family, and it was ordered that the workman who failed to earn the prescribed amount by his own labour and that of his family should be paid the balance as allowance out of the poor rates.

This system inevitably had the result of keeping down wages. It involved a contribution not only to the labourer, but also to the employer, who was placed in a position to supplement out of the pockets of the other ratepayers the starvation wages which he gave to his men. Upon the labourer himself the system had a most unfavourable effect. It removed every incentive to saving and to provision for the future, made him careless and indifferent, encouraged improvident marriages, and produced an artificial increase of population which was bound to engender fresh masses of poverty. The labourer, irrespectively of his skill, was assured of a fixed income, which rose from year to year with the increase of his family, and

[1] See Nicholls, vol. ii., p. 97: "He may work badly or may work little, but he will surely work in some sort or in some way, in order to secure his maintenance, if not to avoid punishment. He will, however, work as a serf and not as a man free and responsible, and conscious that his character, his earnings and the estimation in which he is held will depend upon his own conduct, industry and skill."

[2] Von Gneist.

[3] Cf. Rev. David Davies: 'The case of labourers in husbandry stated and considered,' London, 1795. The author, a rector in Berkshire, gives interesting statistical information as to the various circumstances which at that period led to the adoption of the Speenhamland Act.

which was further augmented by the rise in the price of corn. He had thus a certainty of the same remuneration in bad as in good times, while other classes of the population were obliged in bad times to curtail their wants.

Unintelligible to us as is this provision, it harmonised exactly with the general sentiment of the time, the influence of which it was impossible, even for a man of Pitt's distinction, to escape. When in the year 1796 Mr. Whitbread, M.P., brought in a bill based on the Speenhamland Act, "for regulating wages according to the price of provisions," Pitt took the opportunity to make a speech of some detail, in which he dilated on the disadvantageous effects of the law of settlement, and advocated the annual presentation to Parliament of a poor law budget, while, at the same time, he declared himself opposed to giving justices the power to regulate the price of labour, "as this would be endeavouring to establish by authority what would be much better accomplished by the unassisted operation of principle." The bill was thrown out on the second reading, but the Government itself brought in a measure of 130 clauses, which contained the monstrous recommendation that every poor person should be provided with a cow, a pig, or some other useful domestic animal. This latter Bill, however, was keenly attacked by Jeremy Bentham in the year 1797, in his 'Observations on the Poor Bill introduced by Mr. Pitt,' and was subsequently withdrawn.

But another equally important measure became law in the year 1796 as 36 Geo. III. c. 23. The principle of giving outdoor relief to able-bodied persons, which already existed in the unions that had adopted Gilbert's Act, was now made general. As stated above, the Act of 1723 had expressly provided that poor persons who refused to enter the workhouse should lose their right to relief. This strict principle was not suited to the ideas which now held sway; and accordingly it was repealed, on the ground that "it is inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to his peculiar case, and in certain cases holds out conditions of relief injurious to the comfort and domestic situation and happiness of such poor persons." For these reasons industrious persons may, in case of temporary illness or distress, receive relief at their own homes, and under "distress" the justices classed what they considered to be insufficiency of income. Moreover, the Act gave the justices the power of their own motion to order the relief of a poor person for a limited time at home, and the overseers had to carry out such an order unconditionally.[1]

The natural consequences of such measures were not only shown in the speedy deterioration of the labouring class, morally and otherwise, but also in the immense increase of the poor rate. In 1817 it reached the enormous sum of £7,870,801, in a population of less than

[1] This power was extended by 55 Geo. III. c. 137, under which a single justice might order the relief of a pauper at home for three months, and two justices could extend the order for six months.

twelve millions. It was impossible to escape the conclusion that the burden of poor relief, increasing in this fashion, might destroy the prosperity even of wealthy England.

SECTION VI.

LEGISLATION FROM 1817 TO 1834.

In the year 1817 Mr. Curwen, M.P., moved for the appointment of a Committee to consider and report upon the existing poor laws. Mr. Curwen expressly observed, in the introductory speech in which he advocated his motion, that the pressing need of amendment did not apply to the Act of Elizabeth, "the wisdom and humanity of which did honour to its originators," but to the mode of administration of the law. He considered that the poor rate had become "a mode of payment of wages, and that of the very worst sort, as it breaks the spirit and destroys the independence of the labourers." Lord Castlereagh, who was then the leader of the ministry in the House of Commons, while taking exception to certain points of the speech, gave his general assent. A Select Committee was appointed, and presented its report on the 4th of July, 1817. It contained the following passage: "Unless some efficacious check be interposed, there is every reason to think that the amount of the assessment will continue, as it has done, to increase till, at a period more or less remote, it shall have absorbed the profits of the property on which the rate may have been assessed, producing thereby the neglect and ruin of the land."

The succeeding proposals, however, were not characterised by as much energy as one would expect from this statement of the case. Their effect was merely to do away with the Allowance System, to provide for a better administration of workhouses, and to increase the powers of the justices. The practical result of the report of the Committee was the so-called "Parish Vestry Act" (58 Geo. III. c. 69) of the year 1818, which in the following year was extended by the "Select Vestry Act" (59 Geo. III. c. 12). Both Acts were brought in by the Chairman of the Committee, Mr. Sturges Bourne; and that of 1819, which contained special provisions as to poor-relief, is also known as Sturges Bourne's Act. Like Gilbert's Act, this measure depended for its adoption in the individual parishes upon the free-will of those interested, namely, the vestry.

The right of voting for the parish vestry was graduated according to the poor rate valuation, with one vote for an assessment of £50, and one additional vote for every additional £25, up to a maximum of six votes. This vestry might determine that poor relief should be administered by a select vestry or committee of the parishioners. This was to consist of from five to twenty substantial householders or occupiers, chosen by the vestry, and nominally appointed by the justices. To these were added, as *ex-officio* members, the incumbent of the parish, and the churchwardens and overseers for the time

being. The select vestry, meeting at least once every fortnight, were to "manage the concerns of the poor of the parish," and to determine the proper objects of relief, and the nature and amount of relief to be given. They were to "take into consideration the character and conduct of the poor persons to be relieved," were "at liberty to distinguish in the relief to be granted between the deserving and the idle, extravagant, or profligate poor." The overseers were to perform their duties according to the directions of the select vestry; and it was only in cases of necessity or urgency that they could give relief without previously obtaining an order. The vestry might nominate paid assistant-overseers, with salaries approved by the justices, and exercising their functions till their dismissal by the vestry, or till their resignation. Special powers were also given to the vestry for the erection, enlargement, and purchase of poorhouses and workhouses. It was further enacted that, for the better carrying out of the provision in the Act of Elizabeth, under which the able-bodied poor were to be compelled to work, the vestry should have the power to buy or to lease suitable ground and land, in order to give occupation to the poor by its cultivation at reasonable wages, or to let the land to poor persons at a reasonable rent. It was also provided that relief might be afforded in suitable cases as a loan, the repayment of which might be enforced by summary process.[1]

These are the substantial provisions of this very detailed Act; but we may also mention certain other clauses important only as regards the collection of the rate, by which in special cases power was given to levy the poor rate from the owner of the house, instead of the occupier.

Sturges Bourne's Act was a great improvement upon the previous legislation of the reign of George III. It contained the germ out of which the general re-organization of the poor law system was subsequently developed. It is worthy of especial note that the Act not only repeatedly quoted the celebrated statute of Elizabeth, but maintained its leading principles, and aimed at securing their better execution. Unlike Gilbert's Act, it again adopted the principle of relief of the able-bodied by giving them work. The real workhouse was added to the poorhouse of the Gilbert Incorporation. With regard to the granting of relief, and especially to its character, repressive measures were here again brought into prominence.

While thus reverting to old principles, the Act also contained very useful innovations. Among these may be specially mentioned the introduction of the representative element into the poor law administration, so that the overseers only took the position of executive officers, while the select vestry had to determine both the principles of administration and the method of relief. A further improvement was the introduction of a permanent, paid, and specially employed

[1] The object of these latter provisions is thus set forth in the Act: "Whereas it is expedient to discourage that reliance on the poor 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."

agency for the current administration in the form of the assistant overseers. A yearly change of authority, such as had previously taken place, could not fail to hinder the energetic and consistent carrying out of rational principles of administration.

The power given to parishes to adopt the Act was largely exercised. In 1832 there were 2234 select vestries, and 3134 assistant overseers. In this period too a number of the larger towns practically adopted the system by local Act, and the poor law was administered by a committee through paid officials.

In the beginning of the reign of William IV., 1831, was passed the so-called Hobhouse's Act (1 & 2 William IV. c. 60), which, like Sturges Bourne's Act, made provision for establishing a special vestry for the current administration. The adoption of this Act was made to depend upon the approval of two-thirds of the ratepayers, and was further limited to parishes with more than 800 ratepayers. Every ratepayer had in this case only one vote, and the special vestry was to consist of at least twelve persons. If the number of ratepayers exceed a thousand, twelve members were added to the committee for every thousand, but the whole number was not to exceed 120. The incumbent and the churchwardens were *ex-officio* members. A special rating qualification was required from the elective members of the vestry; in metropolitan districts, an assessment of not less than forty pounds, and elsewhere of not less than ten pounds. A third of the members were to retire annually, and the vacancies to be filled by fresh elections. An election had also to be held annually, to choose five ratepayers as auditors. Regular accounts had to be kept, and to be audited at least twice yearly, and to be published within fourteen days after the audit. The new element introduced by this Act into the poor law organization was the auditor; in other respects the Act had practically no great significance.

We must not leave unnoticed one measure of the reign of George IV., namely the Vagrants Act (5 George IV. c. 83), which is still in force. In accordance with the division of vagrants into three classes, which had already been made by the Act 17 George II. c. 5, the following penalties are enacted :—

1. Imprisonment with hard labour for one month for idle and disorderly persons, including any one who is able to maintain himself and his family entirely or partly by work or other means, and who wilfully refuses or neglects to do so, so that he himself or a member of his family whom he is bound to support, becomes chargeable to the parish. This class includes any person wandering abroad, begging in public places, or employing children for that purpose.

2. Imprisonment with hard labour for three months for rogues and vagabonds. Among these are reckoned all those of the first class who have been already convicted, and vagrants who are found in uninhabited buildings, &c., without visible means of subsistence.

3. Imprisonment with hard labour for one year (with the addition of whipping for males) for "incorrigible rogues," namely, all those already convicted as belonging to the second class, and persons

who when taken up as rogues and vagabonds violently resist the constable.

If these provisions are compared with the corresponding German enactments, it shows that in England more of the old harshness to beggars and vagabonds has been preserved than in Germany, or, to speak more accurately, that in Germany this class is treated with extraordinary mildness by existing legislation.

Here we may end the enumeration of the poor law enactments up to the year 1834.[1]

A number of new provisions, of which the majority were at first only introduced by way of experiment, were founded on the Act of Elizabeth. In the succeeding period many of these additions were further extended or made general. Chief among them was the union of several parishes with the object of a common poor law administration, the first traces of this being contained in the Act of 1723. Then came the introduction of paid officers by the Act of 1782, the substitution by the Acts of 1819 and 1831 of officers elected for officers nominated by the justices; the creation of a new machinery for relief, namely the guardians, by the Act of 1782 and the auditors by the Act of 1831, and finally, as specially affecting the kind of relief, the establishment of the workhouse for able-bodied poor.

SECTION VII.

ROYAL COMMISSION OF 1832.

After the year 1817, when the Select Committee of the House of Commons was appointed to enquire into the poor laws, the question of their reform was the constant subject of discussion, and occupied a conspicuous place both in the daily press and in the literature of the time.

Among the chief writers on the subject was Dr. Thomas Chalmers, who, as minister of a Glasgow parish, had organized a system of relief not unlike that which has in later times been adopted at Elberfeld in Germany. The parish was divided into a number of subdistricts, in which voluntary visitors took charge of a small number of poor, dealt with each case in the way suited to it, and exerted themselves, by careful inquiry into the character and circumstances of each applicant for relief, to educate him into a better way of life. This organization answered admirably under the direction of its distinguished originator, and gave rise to the idea of adopting it elsewhere.[2] Chalmers himself, who subsequently became Professor of Divinity in the University of Edinburgh, was inspired by his

[1] We have omitted all mention of those Acts which do not deal with principles, or contribute to the development of the relief system, as for example an Act of 1828 as to the care of pauper lunatics.

[2] In the parish of St. John, Glasgow, with a population of about 10,000, the poor rate fell, in the course of ten years, from £1400 to £190. See paper by F. Ogg in the 'Transactions of the Social Science Congress of 1877' (Aberdeen), entitled 'Comparative Administration of the Poor Law in the United Kingdom,' in which the Elberfeld system is also discussed.

practical success to assail the existing relief system. In his 'Christian and Civic Economy of Large Towns,'[1] he contended that the system of "legal charity" was unjust in itself, and was not only injurious to the labourer, since its promise of relief in all circumstances took away from him all incentives to provide for the future, but also interfered with the proper scope of benevolence, and repressed or at any rate diminished the interests and sympathies of the moneyed classes in the condition of their humble neighbours.

We abstain at present from criticising this objection,[2] and need merely observe that the kind of poor relief which was then given might well be described as "legal charity," but that nothing was more foreign to the Act of Elizabeth[3] than "legal charity," and that in this "foundation and text-book of the English Poor Law" the leading feature is the repression of pauperism rather than the indulgence in humane impulses. It should be stated that at the very time when Chalmers was obtaining such great results from the relief organization which he introduced, equally remarkable success was achieved in a number of other districts, such as Southwell, Bingham, Cookham, and Hatfield, under the guidance of men who held fast to the principles of the English poor law system, and merely improved its practical administration in their districts.[4]

It was due to the above-mentioned experiments, and to the inequalities of poor law administration in different districts, that the reform of the entire system,[5] to which there were so many theoretical objections,[6] became a burning question.

[1] Glasgow, 1821–6, three vols. See especially vol. ii., pp. 225–365.

[2] Chalmers pursued this argument in his work (1832) on 'Political economy in connection with the moral state and moral prospects of society' (ch. 14, pp. 398–419), under the heading of "A compulsory provision for the indigent."

[3] With regard to the alteration in the original character of the Act of Elizabeth by the prevalent methods of administration, see May's 'Constitutional History of England' (ed. 1871, vol. iii., p. 405), which thus refers to the execution of the provisions of the Act of Elizabeth at that period: "This wise and simple provision has been so perverted by ignorant administration, that in relieving the poor the industrial population of the whole country was being rapidly reduced to pauperism, by which property was threatened with no distant ruin. The system which was working this mischief assumed to be founded on benevolence, but no evil genius could have designed a scheme of greater malignity for the corruption of the race."

[4] The case of Southwell, Nottinghamshire, deserves special mention. Here the most brilliant results were obtained under the direction of Sir George Nicholls, to whom the English relief system owes much, and who was the author of that 'History of the Poor Law' which we have repeatedly cited. His success was mainly due to an improved administration of the workhouse, in which were received almost all the applicants for relief, and certainly all the able-bodied. In this parish of about 3000 inhabitants, the poor rate dropped from £2006 in 1820–1 to £517 in 1823–4, and in subsequent years remained, with slight fluctuations, at about the same level (Nicholls, vol. ii., pp. 240–251, esp[ecially] note on p. 249).

[5] Besides the works of Dr. Chalmers already mentioned, [also those of] Mr. Nassau and his followers, we may here cite Thomas Walker's [Treatise] on the revenue of the nature, extent and effects of pauperism, and on the [means] hoped to get a share. The [first] appeared in 1826. [Liberal] and solvent tenant, and

[6] The recent augmentation of poor rates in

The general political movement of the time was very favourable for sweeping amendments. The year 1832, with its great measure of Parliamentary reform, witnessed a substantial extension of the franchise. Political parties could not fail to appreciate in an increased degree the need of going to the root of existing wrongs and discontents of the population, and there was a natural development of legislative activity as to domestic matters.[1]

On the 1st of February, 1832, Lord Althorp declared the intention of the Government to institute a full inquiry into the practical operation of the poor laws, and a Royal Commission for the purpose was forthwith appointed. Among the commissioners were eminent statesmen, and besides Mr. Sturges Bourne already known for his activity on the committee of 1817, we find the Bishop of London, Mr. Nassau Senior, Mr. Edwin Chadwick, and others. Assistant-commissioners were also appointed to visit personally the different parts of England, and to take evidence on the spot. Others were sent abroad to report on the relief systems in force there. Every care therefore was taken to obtain a clear knowledge of the circumstances, and to lay a substantial foundation for legislative measures.

The Report of the Commission, dated the 20th February, 1834, is accordingly a masterly example of a thorough, comprehensive, and unbiassed enquiry. For several reasons it is desirable that we should examine it closely. In the first place, it affords us a clear picture of the circumstances of the time, and points out the errors in the then poor law administration at which we have hitherto only glanced. Secondly, it furnishes the best explanation of the measures contained in the new poor laws. In the latter connexion a wrong judgment is very possible for the German reader who comes to the consideration of the new law with the conventional opinions as to the merits of the English magistracy and of English self-government. It is necessary that he should know what view competent English statesmen have taken as to the local administration, and especially as to the question of the utility of the part played by the justices. He must be told what they regarded as the chief point in the new organization—namely, the contraction of the powers of the justice, and the introduction of a central (ministerial) department, with extensive powers

favourable figures for individual parishes, conduced to the same end. The expenditure on the poor, which in the year 1824, under the influence of favourable harvests and the low price of corn, had fallen to £5,736,900, in 1832 again reached £7,036,969, and this notwithstanding economical conditions that were decidedly favourable.

[1] "The reforming energy was in the time" (McCarthy, 'Short History of our own Times,' 1884, vol. iii., p. 28); and indeed the number of domestic measures following quickly on each other was astounding. In 1833 came the complete abolition of slavery in the British Colonies. In 1834 there was the first step towards a system of national education by the establishment of an annual grant in the erection of schools; in 1835 the Municipal Corporations Act created poor rate fell, in the towns; in 1836, by the General Registration and Civil Ogg in the 'Transactions' concession of civil marriage. The second Reform Act entitled 'Comparative Adm activity in domestic matters, and that of 1885 has in in which the Elberfeld syste ble social measures in its train.

over the local bodies, as well as the introduction of paid officers acting under such bodies.

The report begins with the following words:

"It is now our painful duty to report that the fund which the 43rd of Elizabeth directed to be employed in setting to work children and persons capable of labour, but using no daily trade, and in the necessary relief of the impotent, is applied to purposes opposed to the letter, and still more to the spirit of that law, and destructive to the morals of the most numerous class, and to the welfare of all."

This commencement, plainly contrasting the principles of the Act of Elizabeth with the actual administration of poor relief, indicates the spirit which characterizes the entire report. All the melancholy cases revealed by the report, and still more by the evidence, were in no way due to the principles laid down in the great Act of 1601, but to the fact that the administration had been in violation of those principles.

In what way, then, had the misapplication of the relief fund, and the general maladministration, come about?

Indoor relief had apparently been adopted in a very small degree, especially in the case of the able-bodied. The workhouses are described either as ruinous houses, with a few inmates, mostly entire families, dwelling together without any material restraint, and without any ordinary occupation, or, on the other hand, as fine new buildings with accommodation quite unsuited to the condition of an average independent labourer. Everywhere we find complaints that the workhouse was lacking in discipline, in regular employment, and, above all, in classification of the inmates.

Still, as we have said, relief was generally administered outside the workhouse. But relief by employment given by the parish was rare, although this had been the mode especially prescribed for the able-bodied by the Act of Elizabeth. The reason why this plan was so little adopted was because such employment was regarded as too costly. It was necessary to have a supervising staff, without which the paupers would have done no work; and even where the work was duly supervised, there were complaints that it was badly and negligently executed, and was therefore a sheer loss to the parish.

Relief in kind was not very generally given; it consisted for the most part in payment of rent or grant of tickets for clothing or other articles. There were strong complaints of abuses in this respect. It was said that in places where the rent of the paupers was paid by the parish, a brisk trade in old and ruinous houses was developed, and in this the overseers took an active part. Where tickets for goods were given, they were usually available only at the shops of the overseers.[1]

[1] In an article in the *Edinburgh Review*, No. 149, ascribed to Mr. Nassau Senior, we read, "The rental of a pauperized parish was, like the revenue of the Sultan of Turkey, a prey of which every administrator hoped to get a share. The owner of cottage property found in the parish a liberal and solvent tenant, and

The ordinary relief consisted of money, especially in the form of allowances; that is, the income of the labourer was, by additions from the rates, raised to the scale that the parish had fixed, once for all. This kind of relief was also called "bread money;" and there was a further addition for each member of the family, and known as "head money." By the well-known Speenhamland Act the weekly income of a single man was fixed at 3*s.*, when bread was at a shilling a gallon; that of man and wife at 4*s.* 6*d.*; and for each child 1*s.* 6*d.* more was paid. Frequently the so-called ticket system was applied; that is, the applicant received a ticket addressed to some farmer or manufacturer willing to take him, and on the strength of this the man was employed, on the condition that the parish should pay the difference between the wages earned and the fixed scale.

Connected with this system was another plan, frequently adopted, by which the vestry required every ratepayer, according to the amount of his assessment, to employ a certain number of poor labourers at the prescribed rate of wages. Under this system of "Labour Rate," the assignment of particular labourers was determined by lot.

The above were the chief forms of relief. We propose shortly to refer to the results; in the first place, as regards the persons relieved, and in the second place, as regards the rest of the population.

The most important effect on those relieved was to produce a general feeling that the receipt of public aid carried with it no discredit. The contribution from the parish towards wages was regarded as a right belonging to the labourer, to compensate him for the fall of the actual wages below the normal standard, as declared by the parish. And then it seemed only a natural consequence that the supply of suitable work by the parish should be regarded as a duty of which the labourer did not hesitate violently to demand the fulfilment. The report tells us that precisely in those places where relief had been granted with the greatest laxity, there were the most numerous disturbances and riots on the part of the poor, sometimes even incendiarism and other crimes. Every inducement to make provision for the future was destroyed. Industry and skill in labour were only so much presented to the parish, which paid in accordance with a fixed scale, without regard to the results of the work. There was, moreover, a direct incentive to recklessness, especially in bringing children into the world. The single workman received the least addition to his wages, which increased with the increase in the number of children. In the case of girls, it tended to produce an increase of illegitimate births.[1] Debauchery became a lucrative trade. It was not enough that, in this fashion, morality, the proper estimate of the dignity of labour, and the strength and

the petty shopkeeper and publican attended the vestry to vote allowances to his customers and debtors."

[1] According to the Report (p. 169), some farmers and even landowners having daughters with bastard children living in the house, were in the habit of regularly keeping back their poor rate to meet the parish allowance for their daughters' bastards.

skill of the existing generation were impaired; but, further, the demoralising influence operated on the children reared in such circumstances, and thus, in constantly-widening circles of the population, notions of right and wrong were obliterated.

We now proceed to that class of the population standing next to the paupers, viz., the independent workmen who possess no property, but have to live on the labour of their hands. The good workman could only be disheartened at seeing that the lazy and careless man obtained a better living than was earned by all his own industry and skill. Under the Allowance System, the general rate of wages was depressed to a minimum which seldom exceeded the amount of income fixed by the bread scale.[1] This income was squandered by the man dependent on parish work and careless of the future of himself and his family, while the self-reliant workman, if he wished to preserve his independence, had to save part of it for hard times. By the Allowance System, wages were lowered indirectly as well as directly, since the additional payment for each child was a distinct incentive to early marriages and to over-population. This produced a dislocation of supply and demand in the labour market, and had an unfavourable influence on wages. But the independent workman could scarcely find employment at the lowest pay. We hear of employers who made a principle of engaging only pauper workmen in the fear that otherwise work would not be found for them, and that the rates would thus be increased. The poor employed by the parish in this way took the bread out of the mouths of the independent labourers. This happened still more frequently in the case of the "Labour Rate." The employer was here required to give work to a prescribed number of paupers, and this number bore no relation to the quantity of work to be done.[2] He was thus often compelled against his will to dismiss independent labourers whom he had previously employed.

All these conditions were aggravated by the existing Law of Settlement. This made it difficult for the labourer to seek work elsewhere; for although, owing to the Act of 1795, he could no longer, if maintaining himself, be sent back from his new place of residence, yet that place, for fear that he might become a pauper, did its utmost to prevent him from obtaining a new settlement. The workman who dared to seek employment in another place was exposed not only to every possible trickery, but to the certainty, in case of his requiring relief, of being sent back to his own parish, where naturally his return was not welcomed.

Not quite so directly, but not less perceptibly, other classes of the

[1] It even happened that the wages of the independent labourer were lower than that of the poor employed by the parish. Thus one of the assistant-commissioners who visited Eastbourne reported that the parish labourers earned 16*s.* weekly, while the average rate of wages in the district was only 12*s.* He mentions that two women of this place complained that their husbands refused to better their condition by becoming paupers.

[2] A parish is referred to in which the rector had to employ 62 men at weekly wages of 10*s.*, besides being required to pay a poor rate of £420.

population suffered from the existing administration. First of all, everybody sought to make profit out of it. The artificial depression of wages appeared to be profitable for all employers. Besides, by the Allowance System, the farmer obtained ample labour during the summer months, while in the winter the men were maintained by the parish. The manufacturer took poor labourers at low wages, and received special grants out of the poor rates for employing them. The shopkeeper appreciated the system of tickets for clothing and goods, for it increased the number of his customers. And yet in the long run all these classes had to suffer from the *bellum omnium contra omnes*. Not only did industry steadily deteriorate; not only was pauper labour found, in spite of the lowness of wages, to be costly and unprofitable in consequence of the laziness, neglect and incapacity of the labourers; not only did the number of good and skilful artisans steadily diminish; but, worst of all, the poor rate became an almost intolerable burthen. In many places whole tracts of land were left untilled expressly to avoid payment of the rate. More especially the clergy, on whom it pressed with great severity, often let their glebe go out of cultivation. In one parish, Cholesbury[1] in Bucks, the landlords gave up their rents, the farmers their tenancies, and the clergyman his glebe and his tithe, and it was seriously suggested that the whole of the land should be divided among the able-bodied paupers, who would be started with assistance from the rates of neighbouring parishes.

We come now to the weighty questions, "Who was responsible for this state of things?" "How could it have arisen?"

Here we must mention one preliminary fact. The Report of the Commission described as especially bad the condition of those parishes in which the administration of relief was carried out by overseers appointed by the magistrates. But in those parishes in which a vestry or select vestry were the administrators, there were not less serious abuses, though among the latter there were many well-managed districts.

Almost everywhere there was evidence of the absolute incompetence of the agents of the current administration. Many of the overseers could scarcely read or write; in the vestry the small shopkeepers became predominant and were masters of the situation. Educated, independent, and competent administrators were generally lacking. This arose from two different causes, which must be kept separate.

In many cases the area of the parish was so small that a sufficient number of suitable persons could not be found.[2]

[1] The poor rate rose here from £10 11*s*. in 1801, to £367 in 1832. See Report, p. 64.

[2] In the year 1834 there were, according to Nicholls, 15,535 parishes with an average population of 1200 inhabitants. There were, however, 737 parishes with less than 50 inhabitants, and 1907 parishes with less than 100 inhabitants. In the year 1878 the average population of the parishes was 1500 inhabitants. The majority had a population between 200 and 1000, while 6000 had less than 300, and 788 less than 50 inhabitants. On the other hand there were a few urban parishes with more than 100,000 inhabitants.

This was shown not only by the fact, mentioned in the Report, that in many parishes women were nominated as overseers for lack of other substantial householders, but in 59 George III. c. 12, s. 6, there is a provision by which the magistrates, on the application of the district, may under certain conditions appoint non-resident overseers.

While the want of suitable agents was frequently due to the special circumstances of the case, in other instances the justices were not free from responsibility. From the Report we learn that the better classes held back from the office of overseer, just as in many places where select vestries existed they abstained from taking a share in the administration. This fact seems to indicate that the moneyed classes, especially the gentry, were not fully aware that their duty was to accept, not merely honorary functions, but laborious public offices, like that of overseer; but their reluctance cannot be held to exculpate the justices in whose hands was the appointment. It had been settled conclusively and by judicial decision,[1] that the magistrates had a perfectly free hand in such appointment, and could punish in a summary fashion any repudiation of it.[2] As a matter of fact it had become a general custom that the justices should approve the persons nominated by the vestry or by the overseers going out of office.

As the upper classes held aloof from the office of overseer, the relief administration passed into the hands of persons by no means qualified[3] to carry out with efficiency the difficult functions required of them. Some who were shopkeepers squandered the rates in order to increase their own custom, others were terrorized by the paupers. But what, in the words of the Commissioners, could be expected from functionaries who had every temptation to misconduct, who had to give or refuse money to their own workmen, dependents, customers, debtors, relations, friends, and neighbours, who were exposed to every form of solicitation and threat, and who were popular in proportion to the degree in which they lavished the funds under their control?[4]

We now proceed to consider the part played by the magistrates in the poor law administration. The terms of the judgment passed upon them in the Report are much milder than in the case of the overseers. But on reading between the lines, we see plainly that they are regarded as open to the same charges as are formulated in express words against the overseers. No doubt as a rule their position prevented them from acting with a view to self-interest. But, like the overseers, they mainly had regard to their own popularity and

[1] *Rex* v. *Forrest*, 3 T. R. 38.

[2] Only a few grounds of exemption were recognized by law, viz., in the case of members of parliament, officers, certain officials, doctors, clergymen and lawyers.

[3] The shortness of the time for which overseers occupied their office operated prejudicially. The office lasted at most for a year, frequently only for a few months.

[4] Report, p. 104.

convenience. Popularity-hunting on the part of the justices was, according to the Report, so much a matter of course that no excuse for it was considered necessary. On the other hand, as regards their want of care and zeal in the fulfilment of their duties in connection with relief, it was urged that they were over-burdened by other kinds of duties, and were hindered by their social position from entering into the circumstances of the poor.

There is no doubt that the law gave the magistrates ample opportunity and inducement to occupy themselves earnestly with poor relief, and to exercise continuous supervision with regard to it. The Act of Elizabeth had required that the duties of the overseers should be performed "with the consent of two or more justices of the peace," and had also assigned to the justices the function of receiving the detailed accounts of the overseers at the end of their year of office; and thus of exercising a certain control over all expenditure connected with the office of overseer. Later legislation had added to their duties that of ordering direct relief in particular cases for a limited time, and especially that of giving an order for relief in the poorhouse. Moreover, the justices in quarter sessions had to determine on appeal as to any action or omission of the overseers by which any person might be aggrieved. Finally, the magistrates were entrusted with the supervision of the poorhouses and with the power of issuing orders for remedying defects.[1]

It is obvious that the magistrates had ample occasion to supervise the current administration, to correct its abuses, and to give independent orders as to carrying it out. What was the practical outcome of these legal provisions? We may infer that care was taken that no needy person should remain without relief, but there was no precaution against its grant to those who were not destitute, and finally, no care was taken that it should be afforded in accordance with the law or with common sense.

The audit of the annual accounts became a mere formality. Interference as regards the current administration was limited to the issue of what were called "humane" orders for relief, but these were not granted on any fixed principle, and merely frustrated the application of any strict rule by the overseers. If the overseers, once in a way, refused relief or did not grant it in the desired form, the applicant sought out the particular justice of the district who had a reputation for good nature (and for this the classes who made a trade out of relief had a keen eye), and could then be certain of obtaining the desired order from the beloved and popular magistrate. In one county it was stated that it would have been a good bargain for the parish to give a particular justice £100 a year not to act. Instead of giving directions for a sensible administration of relief, the magistrates

[1] We have not mentioned all the powers of the magistrates. We may add in particular the right of allowing the rate, as well as the control of the overseers, who might be punished for various offences, neglect and delay. The first-mentioned power became a mere formality, and the rest seem to have been scarcely exercised at all.

made this impossible by the "humane" orders. The overseers can scarcely be blamed for being disinclined to spend labour, time and money in appeals to the quarter sessions against these benevolent decisions. It was no wonder indeed if, after finding themselves repeatedly baulked by the justices in their attempts to give relief more judiciously, the overseers came to the conclusion that it was best to let things go their own way, and to grant every application without regard to the increase of rates or to the dangers threatening the community, and above all, to see that their personal interests were secured as fully as possible.[1]

So much with regard to the general condition of the poor law system as shown by the Report.

We may shortly sum up the practical conclusions and proposals of the Commission. Most of these have been embodied in the new poor law, which we shall describe at length. The recommendations are remarkable, not only on account of what they contain, but on account of what they leave unaltered. To this latter category belong the essential principles of the statute of Elizabeth. It was recognized as the duty of the State, not only to care for infirm persons and children, but to provide that the able-bodied shall be set to work, and thus kept from destitution; further, that the poor law should not be carried out by the State, but by local bodies, who were to levy a rate for the purpose. These principles of the Act of Elizabeth thus withstood the attacks of Malthus and his disciples, and were not overthrown even by the unfortunate experience of their practical application, especially as regards the relief of the able-bodied.

These principles were upheld; but for their due application such precautions were taken as long and bitter experience had shown to be necessary. It was especially necessary to avoid the error, which had been productive of so much evil, of regarding relief merely as a benevolent gift, and of administering the poor law solely on humanitarian grounds. The repressive character of the system had to be brought into prominence, mainly by an alteration of the component parts of the relief organization, so as to secure the strict carrying out of a policy based on regard for the welfare of the community.

In order to obtain uniform observance of the principles which ought to govern poor law administration, it was considered specially desirable to create a Central Department with extensive powers over the local bodies; this department was to have the direction and control of the whole poor law administration throughout the country. This would secure that the treatment of the poor by the various local administrators should be efficient and as far as possible on identical lines, irrespective of local interests and personal prejudices.

With regard to the organization of the local bodies, it was considered desirable to make obligatory the permissive provisions of Gilbert's and Sturges Bourne's Act, by providing for the election of a board of guardians by the ratepayers and relieving this body of a

[1] Fawcett, in his 'Manual of Political Economy,' agrees with our view of the action of the justices, as described in the Report.

number of functions by entrusting them to special paid officers. The overseers were only to provide the necessary funds, while the expenditure was to be the duty of the elected guardians, assisted by paid relieving officers. For the control of the current administration, a detailed system of accounts was prescribed, and this was to be audited by a paid auditor.

By this organization it was thought that it would be possible to attain the end of combining the centralization required for carrying out the right principles of the poor law in a uniform fashion, with the independence of local administration essential to the healthy life of the community. But it was necessary to take care that the right people and adequate means should be available for local administration, and it was sought to secure this object by the creation of unions of parishes.

An opportunity was thus given for securing throughout the country the erection of workhouses, a plan which had answered excellently in particular parishes, like Southwell, where they had been well managed, but the general introduction of which had been hindered by the limited extent of many parishes and the lack of means for the purpose.

The establishment of a workhouse in every union was regarded as the mainspring of a reform in the practical administration of the poor law. It was to supply work for the able-bodied, and board and lodging for all. Admission to a workhouse was considered to satisfy the claims of humanity with regard to the poor, and at the same time was in accordance with the important principle of repressing pauperism. Humanity demanded that those unable to maintain themselves should be adequately supported; but, on the other hand, the interests of the public required that this support should be such as not to undermine the sense of independence of the labourer. By the restrictions in the workhouse as to his movements, his residence, his food, and his dress, the position of the pauper must be made less pleasant than that of the independent labourer, however poor. By strict adherence to the principle that relief should only be granted by admission to the workhouse, it was believed that it would be possible to avoid the bad influences which had been produced upon the minds, the habits, and the morals of the working classes by the way in which relief had been dispensed, and to make it possible to revive a sense of the dignity of independent labour. The workman would thus be induced to be provident, so that in case of incapacity for work he would not be obliged to seek for public relief in the unwelcome form of admission to the workhouse. In the workhouse it was believed that the public possessed the best check upon an extravagant system of relief. The workhouses would soon be such that only really destitute persons would seek relief in them, and would afford a trustworthy test of real need. They would thus be really the corner-stone of reform.

In this connection, the Commission dealt with a number of proposals as to matters less directly connected with the poor law,

measures adopted by the commissioners and of the principles applied, but an abstract of the information and answers obtained by the department through enquiries of the local bodies; and these afford a striking picture of the relief administration of those days.

The first task of the Central Department was the formation of unions, this being the foundation, according to the Act, upon which the new administration of relief was to rest.

The essentials, as regards the formation of unions, were that, on the one hand, the area should be sufficiently large to prevent the predominance of unduly narrow local interests, and to provide sufficient means for defraying the cost of a proper staff; and that, on the other hand, it should not be so extensive that personal knowledge and control of the details of current administration would be made difficult or impossible. It was necessary that the careful examination of all local and personal circumstances, and the necessary consideration of the interests of the ratepayers, should not be neglected in seeking to establish a proper relief system founded on principles of general application.

From this point of view it was necessary to have regard not merely to the population and means of each district, but to its area, and also to the extent of its pauperism. Moreover, as each union was to have its workhouse, it was necessary to have regard to the situation of those already existing, and it seemed expedient for the rural districts that the parishes should be grouped round one market-town, so as to provide a suitable centre for the meetings of the guardians and the residence of the paid officers.

It is easily intelligible that the variety of considerations that had to be weighed made it sometimes impossible to satisfy local wishes, though these were regarded as far as possible. The proceedings of the Central Department in this respect became the object of keen attack, though in many instances the necessity for alteration was subsequently recognized. Considering the difficulties of the task, the department cannot fairly be reproached because it did not always hit upon the right plan in the first instance, nor because the new unions show an enormous difference as regards their area and the number of parishes included.[1]

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a veritable pearl of parliamentary papers. The reports are addressed to the Home Secretary.

[1] The following figures will give an idea of the varieties in existing unions. The Welwyn union in Hertfordshire consists of four parishes, with an area of 6582 acres and a population (1901) of 2265. It has ten guardians. The Morpeth union in Northumberland consists of seventy-two parishes, with an area of 97,580 acres and a population of 55,743. It has eighty-two guardians. The Lincoln union in Lincolnshire has ninety-seven parishes, with an area of 159,761 acres and a population of 74,668. The West Derby union in Lancashire consists of twenty-five parishes, with an area of 37,242 acres and a population of 529,724. With such differences in the number of combined parishes, in their area, in their population, and in its distribution, a calculation of the average size of the union would be misleading. It should be noted that in some large urban parishes relief is administered by a separate board of guardians. Here there are some still greater anomalies. The parish of St. George in the East consists of 244 acres, with 49,087 inhabitants;

The only point in which the Central Department can be fairly charged with having erred is that, in the formation of the unions, little regard was paid to the existing boundaries of counties.[1] The result of this error, of which the whole significance was only manifest at a later date, was that when a number of other branches of administration were constituted on the basis of the poor law districts, serious confusion was produced in the local government of the country generally. Of late years some endeavours have been made, with much difficulty and inconvenience, to remedy this confusion, which has stood seriously in the way of local government reform. For this blunder, however, comparatively little blame attaches to the commissioners, who were only responsible for the poor law system, and whose regulations were made exclusively in the interests of a good administration of relief. It was the Cabinet, and especially the Home Secretary, whose business it was to see that the general interests of the country were duly regarded.

A much more weighty task occupied the Central Board in the issue of an order prescribing the duties of boards of guardians and making regulations for the government of workhouses. A provision in these regulations, by which man and wife in the workhouse were separated and had to live apart, aroused much opposition. So too the prohibition of relief to able-bodied persons outside the workhouse excited much antagonism, although the board introduced it very slowly and carefully. In the year 1834 the prohibition was enforced in only two districts (Cookham union and Sandridge parish), and in the year 1836 it applied to only sixty-four districts. It was an unlucky hindrance to the extension of the prohibition that in 1836 in some parts of the country, especially in Nottingham, a considerable number of artisans were thrown out of employment by commercial depression, and that the admission of all the able-bodied who were in need of relief appeared an entire impossibility in the then condition of the workhouses. In many places it was necessary to hire special rooms for the reception of the able-bodied, and in this way a heavy expenditure was incurred. These circumstances did something to remove the favourable impression which the first report of the commissioners had produced by the statement that in 112 newly-created unions, the number of paupers had diminished by one-sixth. There was a steady increase in the unpopularity of the Central Department; for, although it proceeded with circumspection, its action[2] was strong and vigorous, and it paid little heed to trivial and inequitable local demands. The result was that it became a

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Islington of 1349 acres, with 334,928 inhabitants. There is in the Journal of the London Statistical Society, vol. i., pp. 52–123, a sketch of the districts as they existed immediately after the introduction of the Act of 1834.

[1] See p. 85, note 1.

[2] The commissioners in their first year managed to bring about some migration from the rural districts to the northern manufacturing counties. With regard to the special steps taken, and the conspicuous success by which they were attended, see the First Report, p. 36.

question whether Parliament would extend[1] the powers of the Act of 1834, which had only been given for five years. In this doubtful position the commissioners, at the end of 1839, prepared a very judicious report of their general proceedings up to that time, and in it they adroitly pointed out that they had merely carried out the principles laid down in the Act of 1834, and that, by the regulations which they had issued, they had, in fact, relieved Parliament not only from the burthen of the work, but also from the unpopularity which it necessarily involved.[2] This report fulfilled its object; the powers of the commissioners were extended, by 2 & 3 Vict. c. 83, for one year; by 3 & 4 Vict. c. 42, 5 Vict. c. 10, for one year; and by 5 & 6 Vict. c. 57, for five years.

The commissioners thus had sufficient time to bring to maturity the new measures which they had introduced under such great difficulties. The number of the general rules, orders, and regulations which they issued up to the year 1847 was enormous. When the Central Department was reconstituted in that year, the commissioners thought it expedient, before their own extinction, to collect in a general consolidated order of the 24th July, 1847, the most important of the general regulations which they had issued. A consolidation of the provisions as to the grant of relief to the able-bodied had been already made in the Outdoor Relief Prohibitory Order of December 21st, 1844.[3]

The General Order of July 24th, 1847, which for the most part is still in force, embraces the whole field of the poor law, and is, next to the Act of 1834, the foundation of the present system. Poor law administration is still conducted in accordance with it, while the Act of 1834 gives it a legal basis, with which, however, the officers of the poor law have practically little concern.[4]

[1] In 1838, a new Select Committee was appointed for the consideration of this question.

[2] The report explicitly stated the principles upon which poor relief ought to be based, and which had been set forth in the provisions of the law of 1834, and special stress was laid upon the restriction of outdoor relief. We read, "The fundamental principle with respect to the legal relief of the poor is that the condition of the pauper ought to be on the whole less eligible than that of the independent labourer. . . . All distribution of relief in money or goods to be spent or consumed by the pauper in his own house is inconsistent with the principle in question."

[3] As to this Order, and its relation to the subsequently issued Outdoor Relief Regulation Order of 14th December, 1852, see page 93.

[4] This is not to be wondered at. The General Consolidated Order of 1847 occupies, in W. C. Glen's 'Poor Law Orders' (11th edition, London, 1898), a space of about 280 pages. The entire volume, which contains only the orders still in force, has 1400 pages, exclusive of index. It is to be noticed that a great number of the orders have only a limited operation, since they are restricted to particular unions. With this mass of regulations issued for his guidance, the practical official seldom finds time to go back to the laws on which they are based; and this will be the more easily intelligible when we consider that in Glen's 'Poor Law Statutes' (London, 1873), the Acts then in force occupy a space of 1454 pages, and that the supplementary volumes of Acts from 1873 to 1889 take nearly 1000 pages more, though it must be owned that many of these Acts have only a

We shall have frequent occasion to refer to the provisions of the General Order of 1847 in describing the present poor law system. Here we need only recapitulate the titles of particular sections in order to show what matters are dealt with in the order:—(1) election of guardians; (2) meetings of the guardians; (3) proceedings of the guardians; (4) contracts of the guardians; (5) apprenticeship of pauper children; (6) mode of obtaining medical relief by permanent paupers; (7) relief of non-settled and non-resident poor; (8) orders for contributions and payments; (9) custody of bonds; (10) government of the workhouse; (11) the workhouse visiting committees; (12) repairs and alterations of the workhouse; (13) appointment of officers; (14) duties of officers; (15) receipt and payment of money by officers. In conclusion, there is, as in the Act, a clause defining the expressions employed, and a large number of prescribed forms are appended.

While the Central Department devoted itself to the application, on a large scale, of the principles laid down in the Act of 1834, there was in this period comparatively little legislative interference, and it was almost always directed to the supply of deficiencies in the earlier Acts, or the removal of doubts that had arisen, and upon which the poor law commissioners had commented in their reports.

This was the tendency of an Act of 1836 (6 & 7 Will. IV. c. 96), relating to parochial assessments. This matter had been previously regulated by provisions of the Act of Elizabeth, which in all essential points had remained unaltered. But the expressions used in that Act as to the levying of the poor rate appeared somewhat indefinite,[1] and were interpreted by the courts in a succession of judgments which had the effect of introducing principles that were not only not to be found in the Act of Elizabeth, but were entirely foreign to its intention.[2]

The Act of Elizabeth, according to the obvious construction, had intended to rate all inhabitants according to their means, taking into account personal as well as real property. But the courts showed themselves disinclined to a rating of personal property, considering this scarcely practicable on account of the difficulty of ascertaining and estimating its value. As a matter of fact, the poor rate was levied exclusively upon real property. The courts laid down very detailed rules as to the mode in which the sums required were to be apportioned upon particular properties. According to these *dicta*,

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very slight bearing on poor law administration. The necessity for a new consolidation of all the laws and regulations in force is manifest, but when this gigantic task is likely to be carried out is a matter of doubt (see p. 60, note 1).

[1] "To raise weekly or otherwise by taxation of every inhabitant, parson, vicar, and other, and of every occupier of land, houses, tithes impropriate, or propriations of tithes, coal mines, or saleable underwoods in the said parish, such competent sum and sums of money as they shall think fit . . . to be gathered out of the same parish, according to the ability of the same parish."

[2] This is expressly shown in a 'Report on the Laws relating to parochial assessment' (brought from the Lords 26th July, 1850).

The basis for assessment is the sum at which the property could be let from year to year. But from this sum are to be deducted the rates and taxes, which according to law have to be paid by the tenant.

These principles received formal recognition in the Act of 1836; but the terms of that Act were so vague that many fresh disputes arose, which were the subject of a number of fresh judicial decisions, and finally, in the year 1869, were dealt with by fresh legislation, which was, however, limited to the Metropolis. The Act of 1836 contains a number of technical provisions as to the form in which the poor rate is to be prepared and published; and as to appeals against the assessment, which may be carried not only to the quarter sessions but also to special sessions of the magistrates. Finally, power is given to the commissioners on the application of a board of guardians or of a parish to have a new assessment of property made by special surveyors.

By an Act passed three years later (2 & 3 Vict. c. 84, s. 2) authority was given for the appointment of paid collectors of the poor rate. A subsequent Act (7 & 8 Vict. c. 101, ss. 61–2) also authorized the appointment of paid assistant-overseers, whose duties might be discharged by the collectors; and the work of the overseers, whose position had formerly been very important, thus gradually diminished. Their functions, which once ranged over the whole relief system, were reduced to a minimum.

Besides these enactments with regard to rate collection, it is necessary to mention two Acts of 1842 and 1844 (5 & 6 Vict. c. 57 and 7 & 8 Vict. c. 101). Both Acts dealt with a number of special points as to which it had been found necessary to supplement that of 1834, though without affecting its principles. Provision was made for punishing paupers for misbehaviour in the workhouse. It was enacted that the guardians might require from persons received into the workhouse, in return for the food and lodging afforded, the performance of a prescribed task, and might for this purpose detain them for four hours after breakfast on the day after their admission. If the allotted labour were not performed, they might be punished as idle and disorderly persons. It was further provided that the commissioners should not in particular cases alter their general rules, orders, and regulations, without the approval of the Secretary of State, that copies of the official orders purporting to be printed by the Queen's printers should be regarded as authoritative; and that the guardians might appear in legal proceedings by their clerks or other officers. There were also amendments in the law dealing with the fathers of illegitimate children, chargeable to the parish, and new provisions were introduced with regard to the execution of indentures of apprenticeship.[1] Finally, there was a new and uniform voting qualification for owners and occupiers, as well as some other alterations as regards elections of guardians. None of these enactments, however, affect the principles of the poor law system.

[1] By s. 13 of 7 & 8 Vict. c. 101, the obligation under 43 Eliz. c. 2, to receive pauper apprentices was abolished.

Not so, certain other measures relating to the organization of the relief administration. In practice, difficulties had frequently arisen, when unions were constituted, in satisfying two conflicting requirements, both of which were essential; namely, that the area should be large enough, on the one hand, to provide means and suitable persons for the due administration of relief; and, on the other, that it should not be too large to prevent the possibility of careful enquiry into the local and personal circumstances of the individual paupers. The Act of 1842 provided that in the case of a parish distant more than four miles from the place of meeting of the guardians, a special district committee might be formed to receive and examine applications for relief, and to report thereon to the guardians. The Act of 1844 further provided that a parish containing more than 20,000 inhabitants might be divided into wards for the election of guardians; and also authorized the combination of several unions for the purpose of the erection and management of schools for paupers up to the age of sixteen, and for the provision of asylums for houseless poor persons in need of temporary relief. For these two objects—district schools and district asylums for houseless poor—the Central Department was empowered to form combinations of unions under a special district Board.[1]

Although little use has been made of this last enactment, it has been of great significance as regards the development of the English poor law system. For this is the first embodiment of the principle that particular branches of the relief system may be separated from the general administration, and may be entrusted to large districts.

We may mention another provision of the Act of 1844, which also tends to the formation of larger districts. Power was given to the Central Board to combine several unions, under a single auditor, into a district for the audit of accounts. Hitherto each union had appointed its own auditor. By the new enactment it was intended to improve the account keeping, a matter to which the Act of 1834 had attached much importance, and to establish in the person of the district auditor a salaried expert, devoting his whole time to the supervision of the accounts. At the same time new provisions on the subject were introduced, the proceedings with regard to the audit were prescribed, and in the districts assigned to auditors the powers of the justices with regard to the allowance and disallowance of accounts were abolished.

With regard to those places in which the relief administration was regulated by local Acts, the powers of the Central Board were much

[1] Up to the year 1857, in a period of thirteen years, only six school districts were formed, and those consisted of unions within the metropolitan area. The Central Board limited itself to following the initiative of the local bodies. This resulted not only from considerations of the increased cost of these special institutions, but also from the fact that public opinion was divided as to the advantage of thus bringing together large numbers of pauper children (Cf. Nicholls, vol. ii., p. 365). Still the results of such schools were invariably well spoken of in the annual reports. The erection of asylums for houseless poor was only regarded as applicable to London and a few large towns. Accurate particulars as to all the number of asylums erected cannot be ascertained, but it was certainly not large.

extended by the Act of 1844. Previously, any alterations, either by addition or separation of parishes, could in such cases only be made by the Central Board, with the approval of a two-thirds majority of the electors. It was now enacted that such approval should not be required in the case of parishes with less than 20,000 inhabitants. The existence of incorporations for the administration of relief under local Acts and under Gilbert's Act was found by the Central Board to be a great hindrance to its attempts to establish a uniform system. The yearly reports frequently express a wish for statutory power to deal with these districts *ex mero motu*, and to organize the system according to general principles. The wish, however, remained unfulfilled. The administration in a number of the large towns for which special local Acts of this kind had been passed continued to exist untouched, with an organization different from that of the rest of the country.

The Central Board had better success in its proposal with regard to the removal of unsettled paupers. It has been already mentioned that the Act of 1834 had not given effect to the proposal of the Royal Commission for a comprehensive alteration of the Laws of Settlement and Removal, but had been restricted in this respect to the abolition of a few of the qualifications for obtaining a settlement. All the inconveniences which the Law of Settlement had produced in the old relief system were continued in the new Act.

These inconveniences increased and became more conspicuous. First of all, the obtaining of a new settlement was made more difficult for the labourer, since the Act of 1834 had abolished mere temporary residence and hired service as a qualification. In addition to birth and apprenticeship, there remained only the qualification of renting land of the value of at least £10 a year, and this naturally excluded most labourers.

The rise of manufacturing industries made the matter worse. Many workmen born in the rural parishes, and thus having a settlement there, betook themselves in prosperous times to the towns, and if, after many years, they became incapable of work, or were thrown out of employment in consequence of stagnation of trade, they were sent back wholesale to their domicile. This involved great hardship and waste of money both for the workmen and for the ratepayers of their birthplace.

The Poor Law Commissioners commented in their ninth report (1843) upon the evils attending the Law of Settlement, and, as a remedy, proposed the abolition of the power of sending cases back to another place after three years of "industrial residence." The then Home Secretary, Sir James Graham, introduced a bill at the end of 1844 founded on this proposal, but providing that five instead of three years should be the minimum period of industrial residence to secure irremovability. This bill, however, was dropped, and in 1845 Sir Robert Peel brought in a new bill, containing a complete codification of the existing Acts relating to settlement and removal. This Bill was much altered by amendments, and before it went through its stages the Peel administration was at an end.

The succeeding ministry did not take up the greater parts of the Bill, and it was only the provisions as to irremovability that became law in 1846 as 9 & 10 Vict. c. 66.

This Act provided that in future a person should not be removed from a parish in which he had dwelt for five years before the proposed removal, but this period was not to include time passed in prison, in a hospital or lunatic asylum, in the naval or military service, or during which he had been in receipt of poor law relief. A widow was not to be removed within twelve months after the death of her husband, nor children under sixteen if their parents with whom they dwelt were not in law removable. Persons becoming destitute in consequence of sickness or accident might be removed only if the justices, in the order of removal, declared themselves satisfied that the sickness or accident would produce permanent disability. The Act expressly provided that these exemptions from liability to removal, should not enable any person to acquire a settlement. Finally, a penalty was imposed on every poor law official who by money, promises, or threats, induced a person to depart to another parish or union district in order to transfer the duty of maintenance.

The above are the provisions of an Act which conferred great benefit both on the labourers and on the rural districts. On the other hand, it certainly did injustice to many parishes in which, owing to special circumstances, there were a great many labourers' dwellings; for it imposed the duty of maintenance, not upon the place where the labourer was employed, but upon that where he resided. This obvious mistake was quickly recognized by many manufacturers and large landed proprietors, who freely took advantage of it. Manufacturers built houses in neighbouring parishes; landed proprietors did their utmost to hinder the erection of cottages in their parishes, and it was even said that they caused existing cottages to be pulled down. The prompt interference of the legislature became a necessity. But the legislation which followed did not merely cure the blunder which had been discovered; for it also further extended the principle, first laid down in this Act, of restricting the power of removal irrespectively of the Law of Settlement.

SECTION X.

THE POOR LAW BOARD.

But before entering upon the later legislation in this respect, we must refer to the alteration made in the constitution of the Central Department.

By the Act of 1834 the commissioners were excluded from Parliament. It had been thought that by keeping them apart from politics in carrying out the sweeping measures entrusted to them, they would be made more energetic, more independent, and less exposed to political and local influences. At the same time it appeared to be important that officials who had to set up a uniform system of poor

relief in the country should hold office without regard to changes of government, and thus should be in a position to bring the necessary measures to completion. In time, however, various disadvantages of this plan became manifest; the energetic reforms of the commissioners had aroused active opposition; and this increased considerably in consequence of the steady augmentation of the poor rate from 1837 to 1843. Complaints against the proceedings of the commissioners obtained more and more attention in Parliament, and while it was impossible for those assailed to give their answer then and there, the effect of a defence was considerably weakened when it could only be made by the Home Secretary after an interval of several days spent in obtaining the necessary information. In the House of Commons it was regarded as contrary to good administration that while every other public office had its representatives in both Houses ready to speak and prepared with answers, there was here a department which, although the object of constant attacks in the press and in Parliament, both as regards general principles and individual cases, remained without direct official responsibility.

The immediate inclusion of the new department in the general organization of the public service was found to be a matter of necessity. This was effected in 1847 by the Act 10 & 11 Vict. c. 109, which initiated a new phase in the history of the English poor law. The proceedings of the Central Department ceased to be regarded as exceptional measures.

Under the Act of 1847 the Queen had the power of appointing, at her pleasure, one or more persons as "Commissioners for administering the Laws for relief of the Poor in England." To these were added as *ex officio* commissioners the President of the Council, the Lord Privy Seal, the Home Secretary, and the Chancellor of the Exchequer.

The first commissioner, who received the title of president, was the chairman, and had a casting vote in case of equality. For current business, the signature of the president or of two commissioners, for general rules or orders (*i.e.* those applicable to more than one union), the signatures of the president and two commissioners, were required. Only the president, the secretaries, and the subordinate officials were paid: the president and one of the secretaries might sit in Parliament.[1]

The new department[2] was invested with all the powers and duties of the poor law commissioners, with the exceptions made by the Act

[1] The Act, s. 9, provides, "The office of President shall not be deemed such an office as shall render the person holding such office incapable of being elected or of sitting or voting as a member of the Commons House of Parliament, or as shall avoid his election if returned, or render him liable to any penalty for sitting and voting in Parliament; and one only of the said Secretaries shall at the same time be capable of sitting and voting in the Commons House of Parliament." This implies, according to English constitutional practice, that the President must obtain a seat in Parliament in order to hold his office.

[2] In practice the new department was never known by its formal title, "The Commissioners for administering the laws for relief of the poor in England," but merely as "The Poor Law Board." This name, which we shall henceforth use, was legalized by 12 & 13 Vict. c. 103, s. 21.

itself. As one of these exceptions we may mention the repeal of the provisions requiring the commissioners to submit to the Home Secretary minutes or reports of their proceedings, and the substitution of an obligation to present an annual report to the Queen, and to lay it before both Houses of Parliament.[1]

The Queen in Council was empowered to disallow any general orders of the commissioners.

The commissioners were authorized to appoint their secretaries and staff. For their assistance in the execution of the poor laws, they might also appoint inspectors, with salaries to be regulated by the Treasury. It was provided that these inspectors should visit the workhouses, and might take part, though without voting, in the meetings of boards of guardians. They might also, by direction of the commissioners, institute special inquiries, and examine witnesses on oath. The commissioners might themselves conduct such inquiries, and with this object might summon witnesses as to any matter connected with the administration of the poor law, and require from them either evidence on oath or statutory declaration. The commissioners might delegate this power to other persons besides the inspectors.

By section 28 the duration of the Act was fixed at five years.[2]

This provision shows the uncommon caution with which the English legislature sets to work. The newly-organized department is at first only established for a term of years.[3] No important alteration was made in the powers of the Central Board as compared with those of its predecessors. The new Commissioners for administering the laws for Relief possessed, apart from the fact of their having seats in Parliament, much the same powers and the same position as the previous "Poor Law Commissioners." The functions of the former "assistant-commissioners" passed by the Act to the newly-created inspectors.

In effect, however, there was some alteration. In reality the president was the only directing and responsible official. The association with him of the *ex-officio* commissioners resolved itself into a pure formality, and no other commissioners, besides the president, were appointed. Moreover, in practice the president held a position entirely independent of the Home Secretary, though

[1] Up to 1871, when the Poor Law Board was merged in the newly established Local Government Board, twenty-three annual reports were issued.

[2] Besides the matters above mentioned, the Act deals, in its 23rd section, with an isolated point in the relief system which has no concern with the organization of the Central Department. It provides that in future married couples above sixty years of age shall not be compelled to live separate in the workhouse. The contrary practice had been the object of frequent attacks. That this point was dealt with in an Act relating to organization, in which it logically found no place, is illustrative of the general plan of English legislation, which makes it so difficult, not only for foreigners, but even for English jurists, to appreciate the relevancy of any particular enactment. In order to obtain the approval of this or that M.P., everything possible and impossible is thrown into a Bill.

[3] Nicholls (vol. ii., p. 460) indicates as the ground for this provision "the view of keeping the whole question of the poor law under the close and frequent supervision of Parliament."

the clause under which he had been made subject to that minister remained unrepealed. The limit of the duration of the commissioners' powers was of no practical effect. The Act was extended by 15 & 16 Vict. c. 59, for two years; by 17 & 18 Vict. c. 41, for five years; by 23 & 24 Vict. c. 101, for four years; by 26 & 27 Vict. c. 55, for one year; by 28 & 29 Vict. c. 105, for two years; and by 29 & 30 Vict. c. 102, for one year; and finally, in the year 1867, s. 28 of the Act of 1847 was repealed by 30 & 31 Vict. c. 106, s. 1, and the new organization was thus made permanent.

SECTION XI.

LEGISLATIVE IMPROVEMENTS (1847–1860).

The attention of the new department was first directed to the subject dealt with by the last Act passed in the time of the poor law commissioners. It was necessary to remove the hardships which the Laws of Settlement and Removal were more and more felt to inflict on the working classes, and at the same time it was essential to avoid the imposition of an unfair burthen of poor rates upon particular districts.

The Act of 1846, as before mentioned, had not dealt satisfactorily with this question. Moreover, its provisions unluckily gave rise to a number of legal controversies. The fact that the Act contained no clause as to its retrospective operation led to important differences of opinion. It was a question whether the exemptions from the liability to removal applied to persons who, before the coming into operation of the Act, had resided in one place for the prescribed time and under the prescribed conditions. The law officers of the Crown decided that the provisions of the Act were generally retrospective; but not as regards certain points specially excepted. Thus irremovability was secured by residence in one place for five years, even if this period had been before the passing of the Act; but the exceptional provisions, under which that period was not to include time spent in prisons, &c., or during which relief had been received, were held not to apply to such cases.

This opinion was received with some doubt by the legal profession, and it certainly intensified the hardships of the Act. It frequently occurred that persons had received relief from the place of their settlement, although dwelling elsewhere. There was no motive for removing them, since they had not obtained a fresh settlement, and thus the burthen of relieving them could not fall on the place of their residence. Suddenly to impose the relief of all such persons upon the district where they lived seemed grossly unfair.

It was thought best not to wait for the decision of the Courts[1] upon the point, but to cure the evil in some degree by an Act of

[1] A decision of the Court of Queen's Bench was obtained in 1848. It rejected the view of the law officers, and gave retrospective application to all the provisions of the Act.

Parliament. With this object, the so-called "Bodkin's Act" (10 & 11 Vict. c. 110) was passed. It provided that the cost of maintenance in the case of those persons who, according to the Act of 1846, were irremovable,[1] but who in the years just before the passing of the Act had received non-resident relief, should in future be defrayed from the common fund of the union in which they resided. As the parishes contributed to the common fund of the union in proportion to their previous expenditure on relief, the practical effect of the Act was to prevent single parishes within the union from being unequally affected by the new clauses as to irremovability—a point which the small size of parishes rendered of importance.

The Act was only passed for one year. In the following year, however, on the motion of the Right Hon. Charles Buller, President of the Poor Law Board, it was continued by the Act 11 & 12 Vict. c. 110. At the same time the provision that part of the expenses of poor relief should not be borne by the single parishes, but by the common fund of the union, was extended to all classes of paupers who under the Act of 1846 were irremovable, and also to expenditure on destitute wayfarers and on foundlings.[2]

It is noticeable that by this transfer of the expenditure on relief from the single parish to the union according to the legal method of apportionment of the common charges of the union, no attempt was made to remedy the existing inequalities of the burden of relief. The common expenditure of the union was, in accordance with the provisions of the Act of 1834, charged upon the individual parishes according to the proportion of the expenditure of each for its administration of relief on an average of the last three years, so that the greater part of the common charge was imposed on those which were already most highly rated. It may thus be truly said that the common burthen was adjusted not according to the prosperity but according to the poverty of the particular parishes. The object of charging the new expenditure upon the common fund was the same as that of the provision of the Act of 1834, which threw upon that fund the cost of building and maintaining the workhouses and of paying the officials. In these new enactments it was thought desirable to avoid giving rise to fresh inequalities in the burthens of the individual parishes, and it was also considered that suitable agencies and necessary means for introducing and carrying out the new regulations would be most easily found in the greater area. This view had led in 1834 to the distribution over the whole union of the cost of erection and maintenance of workhouses, and of the payment of officials. In 1844 it was developed by the creation of school districts, and by the combination of unions for the purpose

[1] The Act is very carefully expressed, and leaves undecided the question whether such persons are not actually removable. "Persons who are or may be exempted from the liability to be removed."

[2] The operation of the Act 11 & 12 Vict. c. 110, was also in the first instance limited to one year. It was, however, continued from year to year, until it was made permanent in 1861 by 24 & 25 Vict. c. 55, s. 8.

of audit, and it now resulted in charging the union with the expenditure on irremovable paupers without a settlement, as well as on foundlings and wayfarers.

A tendency to level the existing inequalities in the burthen of relief had not hitherto found expression in legislation[1] although it appeared in the debate on the Act 11 & 12 Vict. c. 110. The introduction of this Bill had been preceded by searching inquiry. Under the chairmanship of Mr. Charles Buller, President of the Poor Law Board, a committee had in 1847 investigated the practical results of the Act of 1846, and had made a report. In 1848 Mr. Buller commissioned five competent persons to make inquiries in particular parts of the country as to public opinion with regard to the Law of Settlement. It was found that people for the most part pronounced in favour of its repeal, and also urged that the cost of relief should be defrayed in common by an equal poor rate throughout the union. The Central Department, however, was not yet prepared for this strong measure, and Mr. Buller himself, in the speech with which he introduced the Act of 1848 into Parliament, declared that he was in principle in favour of all charges connected with relief being borne equally by the whole union; but he feared that the change would be too great and too sudden.[2] The Act of 1848 was thus passed, without providing for any new apportionment of the common charges of the union.

Mr. Buller died in November, 1848, after holding office only eleven months. He was succeeded by the Right Hon. M. T. Baines, who (with a short interval in 1852, when the Right Hon. Sir John Trollope was President of the Poor Law Board in Lord Derby's administration) retained his office until August, 1855. He, too, considered that the primary amendment required in the poor law system was in the direction of repealing the power of removal under the law of Settlement, and that a fairer incidence of the cost of relief should be devised. In 1850 he called upon all the inspectors for their opinion on these points. A considerable majority were in favour of the changes suggested.

In February, 1850, Mr. Disraeli proposed that those costs of relief which had hitherto been borne by the unions should be defrayed from the Consolidated Fund.[3] The proposal met with little support, and had to be abandoned. It was regarded as the first step towards the transfer to the State of the entire relief expenditure, a measure which was supposed to be the natural sequence of the change.

In 1854 Mr. Baines himself introduced a very comprehensive Bill, providing that the removal of paupers under the law of settlement should be no longer permitted. It was further proposed that in

[1] On the other hand, to this tendency may be partly due the charge on the Consolidated Fund of a portion of the expenditure on relief, namely, part of the salaries of the workhouse schoolmasters, of the district auditors, and of the district medical officers. The sum so granted amounted, according to the Report of 1846, to £61,500.

[2] Cf. Nicholls, vol. ii., p. 424.

[3] Hansard III. vol. cxxiii., p. 854.

future the common charges of relief should be borne by the unions, which were to raise the required amount by a uniform rate. In the speech with which Mr. Baines introduced his Bill on the 10th of February, 1854, he described graphically the great disadvantages of the Laws of Settlement and Removal, the repeal of which was called for by all the authorities, and he represented the unfairness resulting from the unequal apportionment of the charges for relief among particular parishes.[1] The Bill had every prospect of acceptance, but in the course of the debate differences of opinion arose as to one point, not affecting the main principle of the bill, and the result was its withdrawal.

It was only proposed to repeal the power of removal for England and Wales, which were henceforth to be regarded as a single district as regards settlement. A few Irish members raised the question whether after the passing of the Bill, the power to remove poor Irish from England would continue in force. Lord Palmerston declared himself willing to extend the benefit of the Act to the Irish, and he admitted that it would be unfair and anomalous to retain the power of removing Irish paupers from England while there was no power to remove English paupers from Ireland.[2] This view, however, aroused opposition among Lord Palmerston's followers. Mr. Baines himself objected that if the power to remove Irish paupers from England were repealed, ports like Liverpool and Bristol, where (especially in hard times, which often come in Ireland,) large numbers of the Irish poor were landed, would have to bear an unreasonable burthen. Lord Palmerston proposed the appointment of a new committee to report on the powers of removal with regard to Ireland and Scotland.

This committee, of which Mr. Baines was chairman, merely proposed that the power of removal should not be wholly repealed, but that it should be limited, and that irremovability should be obtained by three years' residence. Moreover, for this purpose residence in the union, and not, as previously, in a particular parish, was to be taken into account.[3]

Mr. Baines, however, quitted office in August 1855, and thus could not pursue the matter. Nor was it taken up by his successor, the Right Hon. Edward Pleydell Bouverie.

But the next president of the Poor Law Board, the Right Hon. Thomas Sotheron Estcourt, introduced, in 1858, a Bill founded on the recommendations of the committee. It was however regarded as a half-measure, and met with no support. Mr. Estcourt proposed the appointment of a new committee for the further consideration of the Laws of Settlement and Removal. This committee was appointed in 1858, and continued in 1859 and 1860. Its chairman was repeatedly changed. At first it was Mr. Estcourt who acted in that capacity;

[1] Cf. Nicholls, vol. ii., p. 461.

[2] In Ireland there is no Law of Settlement. Relief follows residence.

[3] By this it was hoped to gain the votes of the Irishmen, who would derive profit from the alteration of the existing law. The Report appears as a parliamentary paper of 1855-6, vol. xviii.

then, after his resignation of office at the Poor Law Board, his successor, the Earl of March (afterwards Duke of Richmond); and then, in July, 1859, the Right Hon. C. P. Villiers.[1]

The proposals of the committee, which made its report in 1860,[2] were accepted as regards their main points, and led to the passing of the Act 24 & 25 Vict. c. 55 in the year 1861. This Act makes substantial amendments in the previously existing enactments, and is of great significance in the development of the English poor law.

It is the first Act by which a portion of the charges for relief was transferred from the parish to the union, by raising in a uniform fashion from the whole union the amount required for what were declared to be common charges. Previously, as already stated, these common charges fell very unfairly on individual parishes, and were in fact very unevenly distributed. But under the new Act, individual parishes had to contribute to the common fund in proportion to their rateable value.[3] The question whether in the apportionment among the parishes, regard should be paid to their population, was considered by the committee, but decided in the negative. In Parliament, Mr. Estcourt, the ex-president of the Poor Law Board, again proposed to take the population into account; but the proposal was rejected.

The Act of 1861 contained a number of other provisions as to the common charges of the union. In the first place, the period in which irremovability might be secured was reduced from five to three years. It was also provided that residence in any part of a union should have the same effect as residence in a particular parish. All the statutory provisions, up till then temporary, under which specified charges were made common to the union, were made permanent. Finally, the cost of the maintenance of pauper lunatics was made a new common charge.

The Act thus not only effected an important equalization of the burthen of relief borne by particular parishes, but was another step towards lessening the hardships, with which Peel's Act had previously dealt, of the Laws of Settlement and Removal. It shortened the term of five years to three, and made residence in a union equivalent to residence in a parish. The union, in this respect also, was made to occupy the place of the parish.

Before further pursuing this development, it will be convenient to glance at the action of the Central Board and of the legislature up to the year 1860, though under neither head is there much to record.

The reports of the board for this period are less interesting than those of the poor law commissioners, mainly owing to the circumstances of the case. The commissioners had discharged the duty of organizing

[1] For the short space of sixteen days the Right Hon. Thomas Milner Gibson acted as President of the Poor Law Board, intervening between Lord March and Mr. Villiers.

[2] Report from the Select Committee, with Proceedings, Evidence, and Minutes. Parl. Paper, 1860, vol. xvii.

[3] In proportion to the annual rateable value of the lands, tenements, and hereditaments in such parishes respectively assessable by the laws in force for the time being to the relief of the poor.

afresh a relief system which had completely broken down. In effe ing this reform it was desirable to make known in detail the groun upon which the new regulations were based, in order effectually do battle against the numerous interests opposed to change. At t same time, the commissioners had sought by their reports to inspire t administrators of relief with new principles of action. Upon the est lishment of the Poor Law Board in the year 1847, this reform mig to some extent be considered as accomplished. The new departme could the more easily be content with short annual statements their proceedings, since they had sufficient opportunity, by th representatives in Parliament, of bringing disputed questions a complaints before the House, and of giving verbal explanatio without delay. It was generally considered[1] that the English po law now only required prompt reform in two respects: namely, t abolition of the hardships connected with removal, and the introdu tion of a more equitable apportionment of the charges for relief. was, however, determined to give the newly organized machinery fair trial, in order to see how far it would lead to an improved po law system.

During this period the annual reports of the Poor Law Boa after reviewing the proceedings of the year, dealt in detail only wi such matters as possessed special interest, in consequence of propos in Parliament, of recommendations of parliamentary committees, of new legislation. The questions of removal and settlement were course prominent. The report of 1851 discussed the system of auc that of 1854–5 the organization of medical relief, while several of t reports entered fully into the question of a uniform assessment the poor rate. We need only refer shortly to these points.

The Act of 1834 had given great importance to a proper syst of accounts. In pursuance of this Act a special official for supervision of the accounts was appointed as auditor for each uni On the 1st March, 1836, the commissioners issued a general or expressly defining the expenses chargeable to the poor rate. any expenditure not thus sanctioned the poor law officer was p sonally responsible. The Act of 1844 conferred upon the comm sioners the power of uniting several unions into one audit district, as to secure the services of a more capable auditor and one m independent of particular unions. In order to make the audit still less dependent upon the guardians of the combined districts, remuneration of the auditors was subsequently paid by the St

[1] See Nicholls, vol. ii., p. 463, who, with regard to the introduction of Baines's Bill in 1854, says that "when compulsory removal is abolished and u chargeability substituted for parochial chargeability, there will be little occa for further changes in our English poor law, which may be then consolidated i one clear and comprehensive code." Unfortunately this anticipation has been fulfilled; and there is apparently little prospect of consolidation of the p law, mainly owing to the difficulty of including in one Act the various statutes in force, which number over 200. See evidence of Mr. S. B. Provis, Assis Secretary (now Secretary) of the L. G. B., before the Royal Commission on Aged Poor, March, 1894; see also p. 47, note 4.

The Act of 1844, and also one of 1848 (11 & 12 Vict. c. 91), contained further provisions as to audit, and to appeals against the auditor's decision. An appeal might be made either to the High Court of Justice, or to the Central Board, who might decide it on equitable grounds, and sanction expenditure not warranted by law.[1] As the judicial tribunal has no power of this kind, and as the appeal to the board is simpler and cheaper than the ordinary legal procedure, the Central Department became the regular court of appeal against the decisions of the auditors, and thus secured a fresh power of control over the current administration.[2] This power proved to be of great importance. All the acts and omissions of the auditors came under the constant supervision of the board, by whom they were paid, and by whom they could be dismissed. On the other hand, the board was enabled, in case of excusable irregularities on the part of the guardians, to do away with the hardship caused by strict application of the law.[3] Its controlling power must thus have appeared to the local bodies in a milder light than would otherwise have been the case.

Another point much discussed in the annual reports was the appointment and payment of poor law medical officers. Of these there are two classes: namely, medical officers of the workhouse, and district medical officers who attend upon outdoor paupers. With regard to the latter, the poor law commissioners, in their report of 1839, recommended that the payment should be per case treated. This mode of remuneration, however, led to many complaints, both on the part of the medical men and against them. A Parliamentary committee of 1844 came to the conclusion that the permanent appointment of medical officers at an annual salary would secure better men and be at the same time more economical. In practice, however, many mistakes seem to have crept into the new system; and, especially, complaints were made that, in order to effect a saving, inordinately large districts were assigned to individual medical officers. In 1854 a new committee was appointed to consider the question. This committee also decided in favour of fixed salaries, and recommended that the appointments should be for life, in order to secure a better class of medical men. Moreover, it recommended the formation of smaller districts, which were in no case to include more than

[1] 11 & 12 Vict. c. 91, s. 4. "To decide . . . according to the merits of the case, and if they shall find that any disallowance or surcharge shall have been or shall be lawfully made, but that the subject-matter thereof was incurred under such circumstances as make it fair and equitable that the disallowance or surcharge should be remitted, they may . . . direct that the same shall be remitted."

[2] The scope of the board's business was thus much enlarged. Section 12 of the Act 14 and 15 Vict. c. 105 operated in the same direction, by providing for a reference to the board of disputes between unions or parishes as to settlement, removal, or chargeability. The Poor Law Board thus in several respects was invested with the judicial functions of a Court of Appeal.

[3] For details see p. 174, notes 1 and 2. In illustration, the following figures may be given. Out of 161 appeals from guardians and their officers in the course of the year 1899, the auditor's decision was reversed in 14 cases. Of 147 cases in which it was confirmed, the Board remitted the surcharge in 138.

15,000 acres or 15,000 persons.[1] Thereupon, the Poor Law Board issued two general orders of 15 and 23 Feb. 1854, which, however, were repealed by the "Medical Appointments Order" of 25th May, 1857. On the 10th Dec. 1859, a further Medical Officers' Qualification Order was issued. According to the order of 1857, both classes of medical officers were to be appointed for life, and only to cease to hold office upon their resignation, insanity or other legal disqualification, or upon their removal by the Poor Law Board. Moreover, in order to secure improvement in the *personnel* of the medical officers, half their remuneration was paid by the State; they were granted special remuneration for operations and midwifery cases; and were also allowed certain other fees for vaccination, &c. Their position was thus substantially improved; so that a committee of the year 1864 came to the conclusion that there was no need of further regulations on the subject.

During this period a number of special legal enactments were passed with respect to the treatment of pauper lunatics.[2] Many questions besides those connected with the poor law are here involved, and need not be discussed in detail in this place. It is enough to say that the legislature endeavoured to secure the erection of lunatic asylums for counties. The cost of erection of these county asylums was charged upon the county rate, while the cost of maintenance for the pauper lunatics received as inmates was at first borne by the individual parishes, and after 1861 by the union. In case of the settlement not being ascertained, the county also bears the cost of maintenance. It is worth remarking that for this branch of the pauper relief system a larger district, namely the county, took the place, as regards unions, which the union occupied as regards the parish. Here too there is a very extensive power of the magistrates to charge the poor law officials with the care of pauper lunatics.

Finally, we must take notice of the numerous attempts in this period to attain uniformity in the assessments of the poor rate in individual parishes.

The Act of the year 1836 consolidated, as already stated, the main Acts as to rating, which had been based upon usage and legal decisions; and property was assessed on the rent at which it would let, free of tenants' rates and taxes, and deducting the probable cost of repairs and maintenance. This provision not only led to much litigation, but also to important differences in the assessment of particular parishes. As regards a number of properties, especially canals and railways, there was much difficulty in fixing the letting value, as such properties were of course not in fact let. Moreover, the proportion to be deducted from the rental in order to ascertain the rateable value for assessment was by no means uniform, and

[1] See Parliamentary Papers of 1854, vol. xii.

[2] 8 & 9 Vict. c. 100; 16 & 17 Vict. c. 96 & 97; 18 & 19 Vict. c. 105. The Act of 1853 (16 & 17 Vict. c. 97) was the main enactment on this subject until the passing of the Lunacy Act, 1890 (53 Vict. c. 5), which repealed it as well as the other Acts just cited, and consolidated the Lunacy Law. An Amending Act of limited scope was passed in 1891. See p. 242.

ranged from 10 to 50 per cent. These inequalities in assessment were certainly less felt in the individual parish where, owing to its small area, every ratepayer could himself investigate and compare the circumstances, and might appeal to the sessions. On the other hand, they were very material in the case of the county rate, the valuation for which, in accordance with 55 George III. c. 51, was based on the poor rate. In the year 1845, the Act 8 & 9 Vict. c. 111, sought to cure this blot by providing that justices in the respective counties should be empowered to form committees of their number in order to make a correct assessment of the individual parishes for the purposes of the county rate. This enactment had no effect as regards the assessment for poor rate in individual parishes, first because the committee of justices had to concern themselves only with the valuation of the collective property in the parishes, and not with that of particular properties; and secondly because the overseers were in no way bound to base the poor rate on this assessment. In 1850 Sir G. C. Lewis introduced into the House of Commons a Bill by which the committee of justices were to be entrusted with the assessment of property in the individual parishes. About the same time Lord Portman, in the Upper House, proposed the appointment of a committee to report upon the legal provisions with regard to local taxation. This committee recommended in its report that for the assistance of the overseers in the work of assessment, committees of ratepayers should be elected by the vestry, and that there should be an examination of the assessments by committees of the justices nominated at quarter sessions.[1] These recommendations, however, did not lead to any immediate result. An Act of 1852 (15 & 16 Vict. c. 81) substantially repealed the provisions of the previous Act of 1845 with regard to assessments for the county rate.

New measures appeared to be required to get rid of the inequalities of valuation. The Reform Bill, which based the right of voting upon the rateable value of property, and the repeated proposals to raise the common fund of the union by a uniform rating of parishes, again brought forward the question of a better valuation. In 1860 the House of Lords appointed a new committee. In the House of Commons Sir George C. Lewis, then Home Secretary, again introduced his former Bill. But the matter progressed very slowly. The representatives of railways and canals were very strong in the House of Commons, and did their utmost to hinder the reform of the valuation system; fearing, with reason, that a considerable raising of the rates on railways and canals would be the result.

But after the Act of 1861 (24 & 25 Vict. c. 55) had required parishes to contribute uniformly to the common fund of the union, the question of a uniform valuation became a burning one. The president of the Poor Law Board, Mr. Villiers, communicated to the different unions the Bill introduced into the House of Commons in order to obtain their opinion upon it. For the most part they

[1] Report on the Law relating to Parochial Assessments, brought from the House of Lords 26 July, 1850.

approved. The Bill was again referred to a committee, numerous additions were made in committee and in Parliament, and it eventually became law as 25 & 26 Vict. c. 103. The main provisions of this measure, known as the Union Assessment Committee Act, 1862, are as follows:—

The board of guardians is at its first meeting to choose from six to twelve of its members as an "assessment committee," of which at least one-third must consist of *ex-officio* guardians. Within three months after the appointment of this committee, the overseers are to prepare valuation lists, in which the rateable value is to be reckoned upon "the rent at which the hereditament might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes, and tithe commutation rent-charge if any." (Sect. 15.) In order to obtain a fair and correct valuation, the committee may give directions as to the assessment, which the overseers must obey. It may order a new valuation, and for this purpose may, with the guardians' approval, nominate valuers in place of the overseers. The valuation list is to be open to inspection; and appeals against it may be made either by individual ratepayers with regard to their own assessment, or by overseers on the ground of their parish being unfairly affected by the assessment of another parish. The committee has to determine these complaints, and may also, of its own accord, make alterations in the valuation lists. The amended lists are again to be open to inspection. Individual ratepayers may, in conformity with the existing legal provisions, appeal against their assessment to the special or quarter sessions. Overseers who consider that their parish is injuriously affected by being too highly assessed, or by another parish being assessed at too low a rate, may, with the approval of the vestry, appeal to the quarter sessions. The quarter sessions may decide directly upon this appeal, or may have a new assessment made by a surveyor specially nominated. The valuation list as finally settled is to be the basis for levying rates.

The direct result of this Act was, as might have been anticipated, a sensible increase in the rateable value, which grew larger from year to year as new valuation lists were prepared and settled in place of those previously in force. The Act forms a substantial part of the measures taken during this period to introduce a uniform distribution of the burthen of relief, and to extend the functions of the union in relation to those of the parish.

SECTION XII.

POOR LAW REFORM: SELECT COMMITTEE OF 1861.

The year 1860 inaugurated a new period of progress. Previously, attempts had been made to cure the defects discovered by the Royal Commission in 1834, by improvements of administration, by repeal of the worst provisions of the Law of Settlement, and by the

establishment of a larger and more convenient poor law area in the place of the parish which was for various reasons too small for the purpose. The leading principles of the Act of Elizabeth had been for the most part preserved: namely, that persons incapable of work should be supported, that pauper children should be educated, that the able-bodied should be set to work. The chief innovation was to treat the workhouse as the suitable means of obtaining all these objects, and its use for that purpose under the Act of 1834 was energetically promoted.

In the beginning of the sixties, public opinion began to occupy itself with the details of poor law administration. At the Social Science Congress in Glasgow in 1860 there were not less than four speakers who discussed the existing system in detail, and specially drew attention to the dark side of workhouse management.

The inspector of the poor in Glasgow, Ebenezer Adamson, while recognizing, in his paper upon the poor laws, the great general advantages of maintenance in the workhouse, was of opinion that, in particular cases, outdoor relief was not only more economical, but also more humane; while for poor children, especially for orphans and foundlings, he emphatically affirmed that treatment of another kind was imperatively necessary. If these children were to become useful members of society, and not a permanent burden upon it, they ought to be completely separated from adult paupers.

The second address was given by Miss Louisa Twining on the subject of "Workhouse Inmates." She especially blamed the injudicious treatment of the sick in workhouses. Neither the accommodation nor the staff was adequate for the requirements of the sick, regarded from a sanitary point of view. The sick ought, therefore, to be dealt with outside the workhouse.

The two following speakers, Miss Margaret Elliott and Miss Frances Power Cobbe, referred to paupers suffering from incurable sickness. It was not proper that this class should be treated in the workhouse. Humanity required that persons suffering from incurable disease of mind or body should be dealt with in another fashion. The object should be to alleviate their sufferings, and to make their unhappy life as pleasant as possible.

Thus we find three entirely different classes of paupers, whose removal from the workhouse, or whose treatment separately from the other inmates, is here advocated: namely, the children, the sick in need of special treatment, and the incurables.

The workhouse was thus no longer regarded as the means by which the entire relief of the poor could be provided for. As a matter of fact, these papers represented the general opinion of the time.[1] People

[1] In the later proceedings of the Social Science Congress we may specially mention the address, at the meeting at Edinburgh in 1863, of W. S. Walker, the Secretary to the Board of Supervision for the relief of the poor in Scotland, and of R. E. Warwick, Chairman of the City of London Union ('Transactions,' pp. 725–733 and p. 770). The first-named specially dilated upon the evil consequences of receiving children in workhouses: "to injure the generation which is growing

had arrived at the conviction that in the poor law administration there must be more specializing, more consideration of the different kinds of treatment suitable to particular classes of paupers.

Circumstances led to the entire system being thoroughly tested. In the winter of 1860–61 demands for public relief had reached an extraordinary height, especially in London. In consequence of depression of trade many persons were without employment, and the long and severe winter increased the applications for assistance. The number of those relieved in London alone showed in five weeks an increase of 38,367, and reached the colossal height of 130,317 persons. Public opinion jumped to the conclusion that the existing pauper institutions were not in a position to cope with this distress. Relief funds were established, and were distributed by the police magistrates. The statement that "the poor law had broken down" went through the entire press, and as generally happens on such occasions, every part of the poor law system was subjected to violent attack. The President of the Poor Law Board, Mr. Villiers, took what was in these circumstances decidedly the best course when, on the 8th February, 1861, he proposed to the House of Commons the appointment of a select committee "to inquire into the administration of the relief of the poor under the orders, rules and regulations issued by the Poor Law Commissioners and the Poor Law Board pursuant to the provisions of the Poor Law Amendment Act, and into the operation of the laws relating to the relief of the poor." In the speech with which Mr. Villiers introduced this motion, he said that there was a general feeling that a thorough enquiry into the administration of the poor law was necessary, and he trusted that the result would be a clear and rational decision. It was really time that something definite and stable should be determined. They had had the benefit of considerable experience and legislation, and ought to decide what were the best permanent means of providing relief for the poor. In the subsequent discussion it was manifest that there were wide differences of opinion. Mr. Ayrton, the representative of the Tower Hamlets, declared that the Poor Law Board was unnecessary; that the guardians could carry out the relief system at least as well without it. Lord Robert Cecil, the present Marquis of Salisbury, in a brilliant and exhaustive speech, replied that there was indeed necessity for an inquiry, not into the conduct of the Poor Law Board, but into the local administration, especially as regards the management of the metropolitan workhouses.[1]

A committee of twenty-one members was appointed, with Mr. Villiers as chairman, and Lord Robert Cecil and other prominent

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up around us would probably be productive of greater evils than those present disabilities which the system is designed to overcome." Mr. Warwick further specially urged the necessity in administering the poor law of respecting the humane sentiments of the population: "poor laws to be effective must be popular, and to be popular must be just and equitable in their charge, kind and merciful in their operation."

[1] See Hansard, Parl. Deb. III., vol. clxi., pp. 224–247.

tesmen as members. The evidence of the witnesses examined in 51 alone occupies 1073 pages in the blue book. The committee s reappointed in 1862, 1863, and 1864, and issued its report on : 31st of May, 1864.

Before we touch on its recommendations, which are based on an traordinarily exhaustive inquiry, we must refer briefly to the action Parliament in 1862, to which was partly due the fact that the ommendations of the committee went further than had been ginally expected.

In consequence of the great cotton crisis in 1862, considerable tress occurred among the operatives in the English cotton dis-cts of Lancashire, Cheshire, and Derbyshire. It was obvious that lividual parishes would not, on account of the greatness of the ergency, be able to provide adequate relief. On the 22nd July, 62, the President of the Poor Law Board introduced a special bill the subject. The statute of Elizabeth, as already stated, provided r a "rate-in-aid." If the inhabitants of a parish were not in a sition to raise the sum necessary for the costs of relief, the neigh-uring parishes, the hundred, or even the entire county might be lled upon for a rate-in-aid by the justices. This provision has very ldom been put in practice. Mr. Villiers now made it the basis of s Bill by proposing that if in a particular parish the poor rate ex-eded by two-thirds the average of the last three years, a rate-in-aid ould be levied on the remaining parishes of the union.

This proposal met with strenuous resistance. The rate-in-aid clause the statute of Elizabeth was declared inapplicable to the present se, and it was further asserted that to levy a charge of that kind the whole union was opposed to the essential principles of the or law system, and was objectionable in itself. The parish had en rightly made to bear the charges of relief, since a careful and onomical administration could only be secured if it was undertaken persons directly interested, such as the ratepayers in a small area ere the circumstances of each case came under view. It would better to give the distressed parishes the power of raising loans the assistance of their unemployed workmen. Mr. Villiers found nself obliged to submit to a compromise. This followed in the nion Relief Aid Act (25 & 26 Vict. c. 110), which provided, in the se of the poor rate in one of the distressed parishes exceeding teen per cent. of the rateable value, that, with the approval of the or Law Board, either a loan repayable within seven years might raised, or a rate-in-aid might be demanded from the remaining rishes of the union. In case the rate exceeded twenty per cent. e remaining unions of the county might be called on by the Poor aw Board for a rate-in-aid.

The Act was only passed for one year, and has thus no special gnificance, but the debate which took place upon it is of general terest in so far as it shows that in the then Parliament the transfer the general burthen of poor relief from the parish to the union ould have encountered strenuous opposition.

And yet one of the recommendations made by the committee of 1861, in its report of the year 1864, was in favour of "making the whole cost for the poor in each union chargeable on the common fund of the union." Its other proposals dealt with two main points: (1) the strengthening of the powers of the Central Department, especially so as to secure more efficient local administration; and (2) the exceptional treatment of the metropolis, where the difficulties of its peculiar circumstances were recognized.

With regard to the Central Department, the committee considered that it should have power to introduce a systematic and uniform administration. For that purpose it should be made permanent, and its position should be raised; it should be invested with the appointment of the district auditors, so that they should be independent officials of the State; and it should have the same powers with regard to local bodies constituted under Gilbert's Act or special Acts as with regard to unions constituted under the Act of 1834. The Committee were further of opinion that the guardians, subject to the control of the Poor Law Board, should have the power of giving superannuation to union officers, who, in consequence of age or infirmity, were no longer fit for service. Finally, the Board was to have greater powers to compel the very necessary classification of paupers in workhouses.

With regard to the metropolis, it was considered most important to introduce a uniform administration for the entire district. It was necessary to make an end as soon as possible of the system by which poor law relief in a third of the area was administered under local Acts in different fashion from the rest of the metropolis. For the casual and houseless poor, whose treatment urgently demanded improvement, the whole metropolis ought to be dealt with as one district, as it depended purely on chance in what particular union this class of paupers solicited help. Suitable wards should be provided for them, the cost of erection of these buildings and the maintenance of their inmates to be borne uniformly by the whole metropolis.

These were the main recommendations of the committee. Their adoption by Parliament was gradual, but they formed the groundwork of most of the poor law measures of the succeeding years. Just as the Report of the Royal Commission of 1834 had previously formed the basis for legislation, so the proposals of the Select Committee of 1861–4 became the basis for the further development of the system.

After the presentation of the report to Parliament on the 31st of May, 1864, Mr. Warren, on the 27th of June, asked the President of the Poor Law Board, in the House of Commons, whether he proposed to introduce a Bill based on the committee's recommendations. Mr. Villiers answered that a number of measures for carrying out its proposals were in preparation, and should be laid before Parliament as soon as possible.[1] The Government had decided to introduce the

[1] See Hansard, Parl. Deb. III., vol. clxxvi., p. 334.

amendments not, as in 1834, by one comprehensive measure, but gradually, dealing separately with the different matters as to which alterations were proposed. This decision was judicious, for public opinion was in favour of certain of the amendments proposed, while in the case of others there was strong opposition.

Mr. Villiers himself, who quitted office on the 11th of July, 1866, could only deal with a portion of these recommendations, while others were carried into law during the short tenure of office of his two successors, the Right Hon. Gathorne Hardy (President of the Poor Law Board from July 12, 1866, to May 20, 1867) and the Earl of Devon (President from May 21, 1867, to December 15, 1868). Without discussing the merits of these two statesmen (the latter of whom had distinguished himself during eight and a half years as Permanent Secretary of the Poor Law Board), it may be said that the introduction of the comprehensive reforms recommended by the Committee of 1861-4 was mainly due to Mr. Villiers, who had been chairman of the Select Committee, and had held the presidency of the Poor Law Board during no less than seven years of a critical period of the development of the English relief system.

SECTION XIII.

LEGISLATIVE AMENDMENTS (1864–1867).

The first measure which obtained legislative sanction was the Act of 1864 (27 & 28 Vict. c. 42). This Act empowered the guardians, with the assent of the Poor Law Board, to grant superannuation allowances to officers who, in consequence of permanent incapacity of mind or body, or of old age, were incapable of efficiently discharging their duties. The pension must not exceed two-thirds of the salary, and in the case of superannuation on account of advanced age, the applicant must have served twenty years as paid officer of a union or parish, and must have completed his sixtieth year. This Act[1] gave an opportunity for securing the retirement, without excessive hardship, of officers whose resignation appeared to be desirable in the interests of efficiency. It was hoped, too, that the pension system would attract a better class of men to offices under the guardians.

The next Act, which passed easily enough, was the Metropolitan Houseless Poor Act, 1864 (27 & 28 Vict. c. 116). It was at first enacted only for twelve months, but was amended and made perpetual in the succeeding year by 28 Vict. c. 34. The main provisions are to the effect that in every union or parish under a board of guardians within the metropolis suitable accommodation shall be provided for the reception of destitute wayfarers, wanderers, foundlings, or other destitute persons who merely seek shelter for the night. The

[1] It was extended by the 29 Vict. c. 31, 29 & 30 Vict. c. 113, and some later enactments, but was repealed by the Poor Law Officers' Superannuation Act, 1896 (59 & 60 Vict. c. 50), which made the superannuation system compulsory and almost universal. See p. 195 below.

accommodation provided is to be approved by the Poor Law Board, who must cause it to be inspected at least once in every four months. The Board must testify by a special certificate, which may at any time be revoked, that the accommodation is satisfactory. Admission to these so-called casual wards is to take place, from October to March between 6 P.M. and 8 A.M.; in the remaining months between 8 P.M. and 8 A.M. The police have the right of securing the admission to these casual wards of any destitute person found by them to be without shelter. With regard to the costs of management of the casual wards and the maintenance of the inmates, the Poor Law Board has from time to time to fix a specified contribution per head of the persons admitted, which is to be paid to the union or parish within which the ward is situate by the Metropolitan Board of Works, out of the rates which it levies throughout the metropolis; or the Poor Law Board may fix a round sum to be paid for each casual ward in place of a payment per case. These allowances, however, are subject to the condition that the casual ward has been certified by the Central Department.

A number of new principles are developed in this Act. Of these the most important is the constitution of the whole metropolis, for the first time, as one district for a definite part of the poor law system. It is also significant that at the same time the powers of the Central Department were increased. The Poor Law Board had the absolute right of deciding whether the accommodation provided was sufficient; it depended on the Board's certificate whether the costs were repayable from the common fund. Finally, the provisions as to the treatment of the houseless poor are noteworthy. The casual pauper were withdrawn from the workhouse, in the management of which difficulty and disorder might easily be caused by the admission of persons only requiring assistance for a single night. Moreover, the police were made to take a share in dealing with such persons. It was this last point which in the debate aroused the greatest difference of opinion. Some wished to leave the relief of the houseless poor entirely in the hands of the police, in order thus to gain a handle for the suppression of mendicancy and of vagrancy. Others opposed any devolution of this duty on the police, on the ground that it would draw them away from their proper functions. The Act therefore embodies a sort of compromise in this matter between antagonistic opinions.[1]

Unquestionably the most important Act of this period was the Union Chargeability Act, 1865 (28 & 29 Vict. c. 79). The Bill met with strong opposition, in which Sir R. Knightley, Mr. Bentinck, Mr. Thompson, and Mr. Henley in the House of Commons, and the Duke of Rutland in the House of Lords, took a leading part throughout its different stages.

[1] The differences of opinion as to the employment of the police again found expression in the discussion of a subsequent measure in the year 1871. We may specially mention a speech by the Earl of Kimberley, in which all the arguments pro and con are set forth. See Hansard III., vol. cciv., p. 920.

As a matter of fact, the Bill adopted, as of general application, the very principle which had aroused so much opposition when proposed in an exceptional case of emergency in the year 1862. The union was made to bear the burden of relief in place of the parish. Great as this change was in itself, it was only the final result of a long and gradual historical process. This process had begun in 1834, by the transfer of certain special charges to the common fund of the union, on which certain other expenses were subsequently thrown; it made important progress under the Act of 1861 introducing a uniform basis of assessment of individual parishes; and it was now completed by the provision that in future all the costs of relief should be defrayed from the common fund of the union.[1]

In another respect the Act contains a further development of the existing law. The enactment of 1861, under which, after three years' residence in a place, a person had been irremovable, was altered so as to give irremovability after a residence of one year. With the Act of 1865 also were concluded the protracted attempts to abolish the evils of the Law of Settlement, and henceforward there could be no more question of hindering the freedom of migration from place to place, since the still existing power of removing persons in need of relief whose residence in a place has been less than one year is only a means of checking wanton vagrancy.[2]

After the Metropolitan Houseless Poor Act, 1864, had paved the way for exceptional treatment of the metropolis, and had been followed by satisfactory experience of uniformity in dealing with one class of paupers—the houseless poor—there came the question of effecting the comprehensive reform which had been proposed by the committee of 1864 as regards the metropolis.

The poor law system of London urgently demanded amendment. In one-third of the area it was carried out under special local Acts in a manner which, in many respects, was not in harmony with the principles which had been laid down in the Act of 1834, and had been extended by later legislation as well as by the orders and regulations of the Central Board. Moreover, the inequality in the poor rate within the metropolis was enormous. In those districts which were mainly inhabited by the propertied classes there was only a small number of applicants for relief, and the consequence was that here the system was frequently extravagant and irrational. The contrary was the case in the poorer districts. Here the number of applicants was great, while on the other hand the circumstances of the ratepayers were such that a proper administration of relief was frequently thwarted by the want of sufficient means. On this account the most important object to be attained was an equalization

[1] Certain other charges, for vaccination, registration, and pauper burial, are also paid from the Common Fund.

[2] This at least was assigned as the main reason for saving the power of removal. See Lumley's 'Poor Removal and Union Chargeability Act,' 2nd ed. Lond. 1865, p. 10: "A check upon vagrancy and reckless importunity of the idle and thriftless poor."

of the poor rate and the introduction of a more uniform system o administration.

The Act of 1867, however (30 Vict. c. 6), was not confined to th amendment of existing defects. Its title was "An Act for th establishment in the metropolis of asylums for the sick, insane, an other classes of the poor, and of dispensaries, and for the distributio over the metropolis of portions of the charge for poor relief, and fo other purposes relating to poor relief in the metropolis." The desig was to introduce substantial improvements in the general system, an these could be carried out most easily in London, with its crowde population and its wealth. London was thus treated as an experi mental ground for reforms in the matter of poor law administration, and these reforms were extended by subsequent legislation. A number of measures could be tried here directly under the eyes o the Central Department before changes were made elsewhere.

We proceed to describe the various provisions of this very com prehensive Act, which comprises 82 sections.

First, the Central Department was empowered to constitute board of guardians, to be elected according to the general poor law, i those districts in which the relief administration had been carried ou under local Acts. These boards were to have the same rights an duties as those formed under the Act of 1834, and to be subject i like manner to the orders and regulations of the Central Board Orders issued by the Board for the whole metropolis or particula districts were not to be general orders, and thus were not subject t the restrictive provisions applying to orders addressed to more tha one district. The Board was at the same time authorized to nominat as additional guardians resident magistrates, or ratepayers assesse at not less than £40 to the poor rate, provided that the number o guardians thus nominated, together with the *ex-officio* guardians, shoul not exceed one-third of the elected guardians. The Board was als empowered, on failure of the guardians to appoint any poor law office within fourteen days after receiving a requisition from the Board itself to appoint such officer.

As regards the poor law administration, the Act created for the entire metropolis a "Metropolitan Common Poor Fund," to be raised by contributions from the respective unions and parishes in proportion to their rateable value. From this fund were to be paid—

(*a*) The maintenance of lunatics in asylums;

(*b*) The maintenance of fever and smallpox cases in the hospitals to be specially provided for them;

(*c*) The maintenance of pauper children so far as this is carried on in special schools outside the workhouses;

(*d*) The cost of the casual poor;

(*e*) All charges for medicines and medical appliances;

(*f*) The salaries of all officers in the district schools, asylums, and poor law dispensaries.

To these may be added the expenditure for the matters already

mentioned as associated with the poor law system,—vaccination, registration of births and deaths, &c.

For the administration of the common fund a special official, "the receiver," was to be appointed by the Poor Law Board. As regards the contributions of the respective unions, it was provided that every union should in the first place defray the expenses incurred within its own district, and that in each half year the auditor should settle in the case of each union the sum which it has to receive from the other contributory unions; and, on the other hand, the sum which it has to pay to the common fund. It is the difference between these two sums which it has to pay or to receive.

The chief innovations as regards the metropolis had reference to the treatment of the sick poor. Power was given to the Central Board by the combination of several unions to create districts for the establishment of asylums for the sick, insane, infirm, and other classes of paupers. These asylums were to be administered by special managers, some to be elected by the guardians, and others nominated by the Poor Law Board. The Board might settle the number of managers and the proportion of those nominated to those elected, but so that those nominated—resident justices or ratepayers assessed at over £40—should not be more than a third of those elected. The Poor Law Board was empowered to order the erection of asylums and the conversion of existing workhouses into asylums. For this purpose loans might be raised, payable in twenty years, but the amount borrowed must not exceed one-third of the aggregate annual poor law expenditure during the preceding three years. The expenditure for the erection, repairs, furniture and staff of the asylums, was to be borne by the combined unions, while the expenses of the maintenance of the inmates were to be separately charged on the particular union from which they were sent.

By the removal of particular classes of paupers from the workhouse, it was hoped to secure not only more suitable treatment for such classes, but also an improvement in the condition of the rest. After the removal of the sick and infirm requiring special care, a more strict and uniform system could be carried out in the workhouse.

In order to obtain the classification of paupers by placing them in different establishments suitable to special cases, and not, as previously, by merely making divisions in the workhouse itself, the Poor Law Board was further empowered to direct that particular workhouses should be reserved for particular classes of paupers. In these special establishments, paupers from other unions might be received under conditions laid down by the Board.

The previous enactments as to the contributions of the respective unions towards the provision of district schools were amended, so that the expenditure for the erection and maintenance of these buildings, and for the payment of the staff, should be defrayed proportionately by the combined unions. As the cost of the children received was to be borne, according to the provision already mentioned, uniformly by the whole metropolis, it was hoped that,

without overburdening the individual union, the result would be to secure the removal of pauper children from the workhouses, and to place them in suitable institutions.

Finally, the Act introduced a new system for the supply of medicines for the poor. It provided that in each union and in each separate parish of the metropolis a poor law dispensary should be erected, from which all drugs prescribed for paupers might be obtained. For the dispensary a special dispensary committee was to be nominated by the guardians. To this committee was also confided the appointment of the district medical officers. It was hoped that through this arrangement poor law medical relief outside the workhouse would be better and more cheaply organized.

The recommendations of the committee of 1864 were thus completely carried into effect by legislation, with the exception of the one proposal to make the Poor Law Board a permanent department.[1] This measure followed in the last place as a crowning of the whole work of reform. By the Act 30 & 31 Vict. c. 106, the Poor Law Board was declared permanent, and thus this department, which had hitherto borne an experimental character, was raised to the rank of a substantive department of government. At the same time the Act increased the power of the Central Department by allowing it, at the request of one-tenth (in value) of the overseers and ratepayers of the parish or parishes concerned, to divide larger parishes, or to unite the divided parts of a parish with a neighbouring parish. The Board might further, on the request of a simple majority of the guardians of unions or parishes in which the administration was still carried on under local Acts, repeal such Acts by provisional orders, or amend them at its pleasure. Such provisional orders must be submitted to Parliament for confirmation.

SECTION XIV.

LEGISLATION (1868–1883).

The legislature had thus, in the short space of three years, 1864–7, introduced important alterations into the English relief system. These alterations were partly the final result of a long previous development, but partly they were the first cautious steps towards reforms which remained to be completed by subsequent legislation. In the first category may be specially included the transfer of the burden of relief from the parish to the union, the limitation of the Law of Settlement as regards the power of removal with its attendant hardships, and, finally, the permanent establishment of the Central Board.

To the second category of measures which were newly introduced, and required subsequent legislation for their full development, belong:

[1] The proposal of the committee that the appointment of district auditors should be transferred to the Poor Law Board was carried into effect in 1868 by the Act 31 & 32 Vict. c. 122, s. 24.

1. The exceptional treatment of the whole metropolis as a single area for the introduction of a uniform and improved system of poor law administration, and a fairer apportionment of the expenditure.

2. The increase of power conceded to the Central Board, in order to secure a uniform and proper system in three respects, viz.:

(*a*) With regard to the administration of the poor law in districts under special local Acts;

(*b*) With regard to the readjustment of the limits of unions; and

(*c*) With regard to the combination of several unions for particular objects.

3. The removal of particular classes of paupers out of the metropolitan workhouses.

From 1868 attempts at legislation were directed to the development of these three principal points. In other respects, the main object was to supply certain omissions in existing Acts with regard to the levying of the poor rate, the raising of loans for poor law purposes, &c.; and no new principles were introduced.

Apart from legislation, the proceedings of the Central Department after 1868 began to assume a prominent position, and to exercise a still more important influence on the poor law administration. The department was not only active in carrying out the provisions of the law so as to secure uniformity and to introduce fixed principles with regard to the grant of outdoor relief, but it assumed the position of a reformer by endeavouring to obtain for the poor law organization the co-operation of charitable societies and institutions.

After these general remarks upon the development of the poor law system in the period here to be treated, we may proceed to the measures of particular years.

The action of the Poor Law Board was especially important as regards the Metropolitan Poor Act, 1867. For the metropolitan asylum district a board of managers was constituted, consisting of forty-five persons elected by the guardians, and fifteen nominated by the department. This board began with the erection of two great asylums for insane persons in Leavesden and Caterham, and of several hospitals for infectious diseases, especially fever and smallpox. Then followed the combination of a number of unions for the erection of sick asylums, in which were to be received all paupers requiring thorough medical treatment.[1] Five such sick asylum districts were provisionally constituted, while the larger and more opulent unions were required to erect their own infirmaries. Finally, dispensaries gradually began to be established for single unions.

With this provision for the treatment of the sick poor, the Metropolitan Poor Act, 1867, had also given the means for the better

[1] By 32 & 33 Vict. c. 63, s. 16, the guardians were permitted, with the approval of the Poor Law Board, to enter into contracts with hospitals and infirmaries to receive special classes of sick paupers. By the exercise of this power proper care had been secured for those sick persons whose treatment in the workhouses was absolutely impracticable. See also 14 & 15 Vict. c. 105, s. 4.

education of pauper children. By this Act the costs of maintenance to such children in district schools or other specially certified institutions were made a general charge on the metropolitan common fund, while the cost of children brought up in the workhouses fell on the respective unions. This provision made unions more inclined to combine with others for the erection of district schools, and in the first year of the operation of the Act three school districts were formed. Comprehensive as were these reforms in the metropolis, it was thought that they might be extended by new legislative provisions.

In the year 1869 an Act (32 & 33 Vict. c. 63) was passed for the amendment of the Metropolitan Poor Act of 1867. The powers of the Central Board were in several respects strengthened; facilities were afforded for merging several unions or parishes in one union, and the Poor Law Board was further empowered to combine separate portions of a union with some other adjacent union for the sake of improved administration. This power was immediately utilized. The limits of the relief areas were improved and rearranged; their number was reduced from thirty-nine to thirty, of which thirteen consisted of single parishes, while there were seventeen unions of two or more parishes. The Poor Law Board was further empowered to dissolve existing asylum and school districts, and this was especially useful in securing the suitable re-adjustment of school districts. The Act also gave the Poor Law Board the important power of suspending certain repayments out of the Metropolitan Common Poor Fund to any union until the guardians had complied with the requirement to build a dispensary. This was a very effective mode of securing the erection of dispensaries, a matter in which little progress had hitherto been made. It was ordered at the same time that in the dispensary there should be a special room in which the district medical officer should attend for consultation at fixed hours. In this way poor law medical assistance, so far as given outside the workhouse or other institutions for indoor relief, was concentrated in the dispensaries, of which, in a short time, one was erected for each district of the metropolis.

The Act also contained a number of special provisions, of which we need here mention only one. In section 11 the guardians of the respective unions or school districts were authorized, with the approval of the Poor Law Board, to buy or hire ships upon which to train pauper boys for the sea. This enactment, which was immediately utilized with conspicuous success, bears witness to the strong disposition at this time to treat pauper children in an improved fashion. In their case the question of the charges involved was kept in the background; the chief object was to bring up the children satisfactorily. Great stress was laid on the necessity of raising the children from pauperism and bringing them up to be useful members of society. People came to the conviction that for this object mere education in workhouse schools was not of itself sufficient, but that the physical improvement of the children, who had been often neglected in the matter of health, and their systematic

training for some career, were necessary in order to arouse in them a taste for work.[1]

Almost at the same time as the Metropolitan Poor Amendment Act, was passed the so-called "Valuation (Metropolis) Act, 1869" (32 & 33 Vict. c. 67), which was practically an extension of the above-mentioned Union Assessment Committee Act, 1862, with the object of introducing for the whole metropolis one uniform assessment.[2] Of still greater importance was the Metropolitan Poor Amendment Act, 1870 (33 & 34 Vict. c. 18). This Act completed the tentative enactments of the statute of 1867 in the direction of a fair division of the charges for relief within the metropolis.

It will be remembered that by the Act of 1867, the general charges of the whole metropolis were poor law medical relief, the maintenance of children, of sick and insane persons in the asylums specially provided for them, and the cost of casuals. These general charges were already more than a third of the collective expenditure for poor relief, but public opinion, soon after the Act of 1867 came into operation, pronounced in favour of a further extension of the expenses borne in common. The Poor Law Board believed it to be desirable, in the first place, to collect further experiences on the subject.

It was specially necessary to take care that these attempts to secure an equitable distribution of the burdens of pauperism over the whole metropolis should not lead to an increase of expenditure by inducing less care and economy in the administration of relief. A danger of this kind was probable in proportion as those who administered relief felt in a smaller degree the cost incurred. This argument had been previously used against the transfer of the charges from the parish to the union. There is no doubt that, men being what they are, administrators who feel that each blunder, each extravagance, and each increase of expenditure directly touches their own pockets, are likely to be more careful, more attentive, and more economical than those whose expenses are distributed over a greater area among a larger number of ratepayers, and who have therefore less personal interest in a reduction. Too great weight should not be attached to a consideration of this kind, and it should not be allowed to hinder improvements which are admittedly required. It cannot, however, be wholly disregarded in practice.

The Metropolitan Poor Amendment Act, 1870, was designed not only to avoid these dangers, but to supply an opportunity for further progress and improvements. Its provisions are as follows :—

[1] We shall revert to this point in our description of the present poor law system, and need only remark at present that the education of pauper children may be reckoned among the best organized branches of the English poor law administration.

[2] The Act formulates rules as to the assessment of particular classes of property, and attempts to settle more clearly a number of points which had given rise to differences of opinion. It also contains new provisions as to appeals against the assessment, which in the first instance are to be made to the justices in petty sessions of the particular division, and thence to specially constituted assessment sessions.

1. For the maintenance of paupers over sixteen in workhouses or asylums (not only the special asylums already provided under the Act of 1867), 5*d.* per day per head is to be paid out of the Metropolitan Poor Fund.

2. The Poor Law Board is to fix for each establishment the maximum of persons who may be admitted into it. If this number is exceeded, there is no payment from the common fund.

3. If the guardians or managers, in the course of the half-year over which the accounts run, omit to carry out an important order of the Poor Law Board,[1] the Board has the right of suspending payment of the contributions to the district in question out of the common fund, and, in case the order remains without effect during the following half-year, payment may be entirely withheld.

In order properly to understand these provisions, it is necessary to bear in mind that before the introduction of the Act, the Poor Law Board had made detailed inquiries as to the average accommodation of the pauper institutions in the metropolis, and the cost per head of maintenance in them. It was thus found that the maintenance of a pauper in the workhouse cost on an average about 5*s.* a week.[2] There were fluctuations between 4*s.* and 6*s.*; in one workhouse, Bermondsey, the cost was only 3*s.* 6¾*d.*, while in another, Kensington, it was over 6*s.* With a repayment of 5*d.* a day, or 2*s.* 11*d.* per week, as provided in the Act, every district has itself to bear a portion of the charges for the paupers admitted,—the more economical the administration, the less the proportion.[3] On the other hand,

[1] The Act defines the kind of orders referred to; such as orders with regard to structural alterations in the establishments, to the separation of particular classes of paupers, and to the appointment of officials, &c.

[2] Costs of the building, payment of the officials, &c., are not included; there are also the current costs of maintenance.

[3] A few figures will show the significance of this decision. Suppose that in district A 120 inmates of a workhouse are maintained at 3*s.* 6*d.* a week (an amount which we take as the lowest possible), while in another district, B, a similar number are maintained at 5*s.* 10*d.* (an amount which is frequently found in the rich and dear West of London). District A thus receives (according to the provision of the Act by which 2*s.* 11*d.* weekly is to be paid from the common fund for each inmate) five-sixths, while district B scarcely receives half of its outlay. In other words, district A maintains at its own expense 20 inmates of the workhouse, district B 60 inmates. If, moreover, we consider that district A is in the poor quarter of the town, where there are many applicants for relief, while district B is in the West, which contains few paupers, we may reckon that for 120 inmates of the workhouse in district B, there are at least 360 in district A. Of these, according to the above figures, district A has to maintain at its own cost one-sixth or 60 persons, district B one-half or 60 persons, and thus the difference in the number of paupers in district A and B is equalized. The difference in the charge for relief is removed to a much greater extent than appears at first sight. Mr. (now Viscount) Goschen, the President of the Poor Law Board who introduced this Act, has, among other good qualities, that of being a first-rate statistician, and he has made full use of this quality in the Act in question. It should be remarked that the higher expenditure in district B may be not only due to more costly administration, but in some degree to a difference in the price of necessaries between the rich and the poor districts of London. Thus it appears from a return for the year 1890, that the price of bread supplied to the Wandsworth and Clapham workhouse was 14*s.* per cwt., while at Mile End and at Lambeth it was only 7*s.*

abuses are guarded against by regulations with regard to diet (the daily ration for each inmate is prescribed), and also by fixing, in accordance with the Act, the maximum number of inmates of each class to be received. There is also a detailed system of books and accounts.

Not only did the Act of 1870 introduce a further equalization of the charges for relief within the metropolis, without producing any want of care or economy in the administration, but it also contained other useful provisions; for instance, the clause allowing a contribution from the Metropolitan Common Fund for the costs of indoor relief, while the cost of outdoor relief was to be borne by the respective unions, must naturally tend to incline the unions to indoor rather than outdoor relief. This quite corresponds with the tendency which found expression in the Act of 1834, and which was steadily developed by the Central Board. Along with the attempts already mentioned to secure a suitable education for pauper children, the strict enforcement of the workhouse test is one of the chief points which at this time engrossed the attention of the Board. Before, however, pursuing this subject, the course of legislation must be further indicated. We have hitherto only mentioned those Acts which especially concern the metropolis. These end with the year 1870. We shall, however, again meet with the principles embodied in them as we examine the general Acts now to be enumerated.

The first of these general Acts (31 & 32 Vict. c. 122), of the year 1868, extended to the whole country some of the wide powers of the Central Board which at first had been restricted to the metropolis. This is the case especially with regard to local bodies administering relief under special Acts of Parliament. In any of such cases power was given to make alterations in the area of the unions without the assent of the guardians being necessary. The Central Board might also, in these districts, without any such assent, require the election of guardians to be as prescribed in the Act of 1834, and the orders under it. The Central Board was further empowered to unite extra-parochial places with neighbouring parishes. It might also unite smaller parishes of less than three hundred inhabitants with neighbouring parishes for the purpose of election of guardians. Besides these provisions, which go to strengthen the powers of the Central Board, the Act contains a few other clauses of less importance.[1]

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per cwt.; beef was 8*s*. 4*d*. per stone in St. Pancras, and only 3*s*. 8*d*. at Westminster; eggs were 10*s*. per 120 in St. George's, Hanover Square, and only 7*s*. 1*d*. in Stepney; coffee was 154*s*. per cwt. in Paddington, and only 116*s*. 8*d*. in St. Olave's. On the other hand, so poor a union as Bethnal Green paid higher prices than any other for butter, sugar, sago, and lard, while well-to-do Chelsea had the cheapest mutton, milk, tea, and wine. Finally, the contract price for burying a pauper belonging to the Strand Union was 52*s*. 11*d*., in Paddington it was only 19*s*. 6*d*.

[1] Thus it is provided that throughout the country, as had been the case in the metropolis under special Acts relating to school districts, the contributions of the combined unions should be regulated according to the rateable value. Moreover, in the Act, the one measure still necessary to complete the carrying into effect of

Next was passed the Poor Rate Assessment and Collection Act, 1869 (32 & 33 Vict. c. 41), the object of which was to obviate the difficulties which had arisen through the system of compounding the rate.

The rate, as already explained, had to be levied upon the occupier. For considerations of convenience, however, in order not to burden the overseers with the collection of small sums, the Act 59 George III. c. 12, s. 19, had provided that in the case of dwellings rented at between £6 and £20 for any less term than one year, or on any agreement by which the rent was payable at any shorter period than three months, the owner instead of the occupier might be rated. This compounding system was then extended by the Small Tenements Act of 1850 (13 & 14 Vict. c. 99), which authorized the assessment of the owner instead of the occupier in the case of all houses below £6 in rental, but so that the owner should be only assessed on three-fourths of the rent. This system, and still more the modifications which in many cases it received by local Acts, had given rise to many doubts and disputes with regard to those Acts which made the franchise dependent on assessment to the poor rate. The position was made so complex after the Reform Act of 1867 (30 & 31 Vict. c. 102), that it was necessary for the Legislature to interpose.

This was done by the Act of 1869.[1] This Act prescribed one uniform system of compounding the rates, and provided that in the preparation of the poor rate, even if the rate was payable by the owner, the name of the occupier should be entered in the proper column as ratepayer, and that this should regulate the franchise. If, however, the name is not entered, the vote is not lost, provided that the person concerned establishes his right subsequently. In this connexion we may refer to two other Acts which do not, in strictness, belong to this period.

The most important is the Rating Act, 1874 (37 & 38 Vict. c. 54). By this were repealed the existing exemptions from poor rate of woods, sporting rights, and certain classes of mines, and special provision was made with regard to the assessment of these three classes of property. Especially important is the taxation of mines, as Parliament had frequently occupied itself with this particular exemption. Proposals to make mines liable to rating had been made almost every year since 1855, and in 1856 and 1857 select committees had reported on the question. After it had once more been threshed out by the Select Committee of 1868, whose report was published in 1873, it was finally settled by Act of Parliament.

The other statute, which may be here referred to, is the Union Assessment Act, 1880 (43 & 44 Vict. c. 7). It applies the provisions of the Act of 1862, with regard to the assessment of unions, to parishes not included in a union, but carrying out their own administration

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the proposals of the committee of 1861–4, viz., the appointment of district auditors by the Central Board, was now made obligatory.

[1] As to the details of this Act, which exclusively deals with matters of assessment, we speak more fully below, p. 183.

through a board of guardians, by virtue of local Acts, or of power conferred by the Central Board under the statute of 1834. The provisions as to assessment for the poor rate are thus made generally and uniformly applicable throughout the country.

We now continue our chronological enumeration of legislative measures of this period.

In 1871 the Local Government Board Act (34 & 35 Vict. c. 70) effected a transformation of the central department of poor law administration. It was of great importance as regards the general organization of local government in England, but as far as the poor law is concerned, it introduced no material change. The newly-created Local Government Board is a second Ministry of the Interior, to which are entrusted not only the collective functions of the late Poor Law Board, but also sanitary and highway administration, as well as the general supervision of local authorities.[1]

The Local Government Board is, like the previous Poor Law Board, a Committee of Ministers, and consists of a President, of ministerial rank, with the President of the Privy Council, the various Secretaries of State, the Lord Privy Seal, and the Chancellor of the Exchequer, as *ex-officio* members. Practically, however, the President of the Local Government Board, like the President of the Board of Trade, has the sole direction, and the association with him of *ex-officio* members is a pure formality. All Orders of the Local Government Board must be under its seal, and are valid if signed by the president or by one of the *ex-officio* members, and countersigned by one of the secretaries or assistant-secretaries. One of the secretaries must, like the president himself, have a seat in Parliament. The annual reports up to 1875–6 were divided into three parts: Relief of the Poor, Local Government and Sanitary Acts, and Public Health. Now the arrangement is—(1) the Local Government Act, 1888, and County Councils; (2) the Local Government Act, 1894; (3) Relief of the Poor and Poor Rate; (4) the Public Health and Local Administration; and (5) Local Taxation and Valuation.[2]

In the year 1871 was passed the Pauper Inmates Discharge and Regulation Act (34 & 35 Vict. c. 108). This Act is concerned especially with a particular class of paupers, the so-called casuals—viz., those who become destitute in tramping from place to place, or otherwise, and only require temporary relief and shelter. For the metropolis, special provisions relating to this class were enacted by the Metropolitan Houseless Poor Acts of 1864 and 1865. The new law contained general clauses which dealt with this class of paupers more stringently. It required the guardians to erect special casual wards, and the Central Board was empowered to issue regulations as to the diet and work of the persons admitted. A casual pauper is

[1] The Local Government Board was by a number of subsequent Acts entrusted with new powers of a special character, which, however, are not within the province of poor relief, and therefore need not be enumerated here.

[2] The financial part of the relief administration is also treated in the statistical tables annually appearing under the title of 'Local Taxation Returns.'

not entitled to discharge himself until the completion of the prescribed work, or before 11 A.M. on the day following his admission. If admitted more than twice in one month into the casual wards of a particular union, the period of detention is to be extended until 9 A.M. on the third day after his admission. For this purpose, the entire metropolis is regarded as one union. For offences committed by casual paupers, special penalties are prescribed.

This Act had a very good effect, particularly where it was stringently enforced. The number of casual paupers was much diminished. The success of this experiment led to the passing of the Casual Poor Act, 1882 (45 & 46 Vict. c. 36), by which the enactments against this class were made more severe, and henceforth the casual pauper might be detained till 9 o'clock on the morning of the second day following his admission, and this period, if he had been received more than once within a month into the casual ward of a particular union (or of the metropolis), might be extended to 9 A.M. on the fourth day after his admission. For cases demanding special treatment, the superintendent of the ward was empowered to make an exception from this provision. The guardians were also empowered by resolution to exempt special classes of vagrants from the operation of the Act. These legal provisions for casual paupers constitute an important extension of the penal laws which have been in force since the year 1819 against beggars and vagabonds.

Besides these matters, the legislation of this period is occupied with the settlement of a number of points which, though more or less connected with the poor law, are of no great importance.

Under this head come the numerous Acts as to local loans to poor law and other authorities.[1] Their tendency is to modify the provisions of the Act of 1834 with regard to loans for poor law purposes, and to facilitate the obtaining of such loans at moderate interest. The Central Board perceived that the carrying out of the measures which were considered necessary, especially the erection of costly institutions like hospitals, district schools, &c., would not be practicable unless part of the cost were imposed on the next generation by means of loans. In order, however, to avoid extravagance and the over-burdening of particular places with debt, the Central Board was entrusted with large powers with regard both to the raising and paying off of loans, not merely for the erection or rebuilding of poor law establishments, but also for their fittings, &c. The amount of loan was limited by a provision that it should not exceed two-thirds of the poor rate raised within the district during the previous three years. Loans were originally secured on the poor rate of the parish; then, after the transfer of charges to the union, upon that of the union, and in particular cases upon that of a still larger area, a combined district, or the entire metropolis. As to the metropolis there are a number of special enactments; thus the Metropolitan Asylums Board received from the then Metropolitan Board of Works loans to a certain amount

[1] As to the existing provisions with regard to local loans, see 52 & 53 Vict. c. 56, 60 & 61 Vict. c. 29, and p. 176, below.

exceptionally low interest, and only repayable within sixty years. nder a general order of 25th April, 1879, statistical returns were nually to be made to the Local Government Board as to the lount of loans effected, repaid, and outstanding, and in this way adequate control was established.[1]

Another subject of legislation may be here touched upon, since its nnexion with the relief system is a peculiar characteristic of English r. The prosecution of claims against the putative fathers of gitimate children has been from early times dealt with by islation in connexion with the poor law. The Royal Commissioners 1832–4 went carefully into the question of the Bastardy Laws. e legal amendments introduced at their suggestion (by which the sponsibility of the mother of an illegitimate child was increased, d the duty of maintaining the child was imposed upon her) were long the points which specially aroused opposition against the new or Law of 1834. In subsequent poor law legislation it was found ain and again necessary to intervene with the view of enabling the parish to recover the charges imposed upon it by the relief required for illegitimate children.[2] The guardians were empowered, in certain circumstances, to proceed independently against the father of an illegitimate child. An Act, which was in force for a short time, even allowed the appointment of a special official in the parish or union to take the necessary measures against the father. The legal procedure was simplified for compelling the father to provide a maintenance for the child. Finally, the Local Government Board was empowered to issue new or altered forms and detailed rules for such procedure. It is unnecessary here to enter into particulars; the matter has been mentioned in this place only on account of the connexion which, according to the English law, it has with the relief system.[3]

Of greater importance as regards the poor law are the legal enactments which were passed at this period with reference to changes in the boundaries of parishes, and to the formation of unions.

By the Act of 1867[4] the Central Board was empowered on the requisition of one-tenth of the owners and ratepayers to unite divided parts of one parish with another, and to divide parishes of

[1] This Order has been superseded by those of 28th April and 12th December, 1890 (Glen, 'Poor Law Orders,' p. 1141). The return must be tabulated so as to show (*a*) amount originally advanced; (*b*) when advanced; (*c*) whether by Public Works Loan Commissioners, a company, or otherwise; (*d*) for what object; (*e*) for what period; (*f*) rate of interest; (*g*) mode of repayment; (*h*) amounts paid this year; (*i*) amount of principle still owing; (*j*) particulars as to sinking fund.

[2] 7 & 8 Vict. c. 101; 31 & 32 Vict. c. 122, s. 41; 35 & 36 Vict. c. 65; 36 Vict. c. 9.

[3] The forms framed by the Local Government Board and published on the 4th August, 1873, and 8th January, 1874, are printed in Glen's 'Poor Law Orders,' pp. 837–874, thus occupying 38 large printed pages. Their thoroughness, which seems to provide for all possible cases, is as remarkable as the fact that to the Local Government Board was entrusted the duty of framing them.

[4] 30 & 31 Vict. c. 106, s. 3, see above, p. 74.

inconvenient extent. These powers were to be carried out by provisional orders, requiring the confirmation of Parliament. But this power proved inadequate. Such alterations often clashed so much with local interests that the requirement of an application from the locality frequently made it difficult, if not impossible, to effect a readjustment of district boundaries, which was on various accounts desirable. Moreover, alteration in the area of parishes often involved a readjustment of unions which was not provided for by law. The Act of 1834 had given the Central Board the power to create and dissolve unions, but the exercise of this power was subject to the approval of two-thirds [1] of the guardians, which was often unattainable. On the ground of this experience it was thought necessary to make sweeping alterations in the law, and in the year 1873 a Select Committee was appointed on the subject. The recommendations [2] of this committee formed the basis of three Acts: viz., the Divided Parishes and Poor Law Amendment Act, 1876 (39 & 40 Vict. c. 61), the Poor Law Amendment Act, 1879 (42 & 43 Vict. c. 54), the Divided Parishes and Poor Law Amendment Act, 1882 (45 & 46 Vict. c. 58).

The result of this legislation was that the Central Board received a free hand as to the dissolution and formation of unions, and as to the treatment of detached parts of parishes. It was provided that the Board might separate detached parts of a parish, and either join them to other parishes or form them into independent parishes.[3] Protection was given to local interests by enacting that upon the dissent of one-tenth of the ratepayers, the order should become provisional, and should require the confirmation of Parliament. In the case, however, of a detached portion entirely surrounded by another parish, the Act of 1882 provided that it should be amalgamated with such parish forthwith; though if the population exceeded 300, application might be made to the Local Government Board to form it into a separate parish. Moreover, the dissolution and formation of unions might be carried out without the approval of the majority of the guardians.

All the powers above mentioned apply not only to the unions constituted under the Act of 1834, but also to those formed under local Acts. The latter were thus doomed to extinction. Unions under Gilbert's Acts had already vanished.[4] Henceforth, we may speak of a uniform administration of the relief system throughout England, and of a uniform application of the powers of the Central Board.[5]

[1] 4 & 5 William IV. c. 76, s. 32.

[2] See 'Report on Boundaries of Parishes, Unions, and Counties,' 1873.

[3] See Chalmers, 'Local Government,' London, 1883, p. 53: "The union is as potter's clay in the hands of the Local Government Board, and can be moulded at its will. The Board may create new unions, alter the constituted parishes of existing unions, and dissolve unions."

[4] Gilbert's Acts (22 George III. c. 83, and 41 George III. c. 9) were expressly repealed by the Act 34 & 35 Vict. c. 116.

[5] It may here be mentioned that the Act of 1879 extended to overseers and

The three Acts above mentioned contain a number of other provisions, of which we need only mention the following. In the Act of 1876 the previous law of settlement was altered, so that thenceforth a settlement should be obtained by three years' unbroken residence in the parish, and that such settlement should continue until a new one had been legally acquired. This provision had no great significance with regard to the relief system, as irremovability was already based on residence for a single year. A more important provision is that of the Act of 1879, by which the Central Board is empowered to combine two or more unions for any purpose connected with the administration of the relief of the poor, for the sake of economy, or of public or local advantage. This is the basis of the formation, for particular objects, of greater districts, such as had already been formed in the metropolis under special Acts. Finally, it should be noticed that the Act of 1882 contains special provisions for dealing with parishes and unions with boundaries overlapping those of the county. The ample powers here given to the Central Board were introduced in view of the intended change of the county administration and the formation of county boards.[1]

We must next mention the District Auditors Act (42 Vict. c. 6). Previously the district auditors who, under the Act of 1844, had taken the place of the union auditors, had been Government officials, whose appointment under the Act of 1868 was made by the Poor Law Board; but their remuneration rested mainly with the local authorities. As a matter of fact, the greater part of the payment was already derived from the State, as Parliament annually voted a large sum for the purpose. By the Act of 1879 it was provided that the district auditors should be exclusively paid from imperial funds. Contributions of the local bodies were levied in the form of stamp duties according to a scale based upon the amount of the expenditure included in the financial statement submitted to audit. As to this financial statement the Act contains a number of provisions which were elaborated by a general order of the Local Government Board of 25th April, 1879.

We must here mention an important report of a Select Committee

churchwardens, &c., the power previously possessed by the guardians of applying to the Central Board for the repeal of existing local Acts. The number of districts in which poor law relief administration is still carried out under local Acts is so small that we may leave it out of consideration in treating of the present relief system.

[1] See the speech of a former President of the Local Government Board, Mr. Sclater Booth (afterwards Lord Basing), at the annual meeting of the British Association of 1882, printed in the journal of the London Statistical Society, vol. xlv., p. 549. It is there specially stated that in the formation of parishes, and still more in that of unions, the interests of local administration had been alone regarded, without reference to the boundaries of counties. Consequently, out of 649 unions, 181 crossed the county boundaries, and many unions lay in three counties. In order to cure this blunder, it was necessary to make use of the new powers very carefully and gradually, as disadvantageous consequences would ensue if vested interests were treated too roughly.

of the House of Commons of 1879 on the Laws of Settlement and Removal, although it has not yet been followed by much legislative result.

In the sitting of the House of Commons of 2nd July, 1878, Mr. M'Carthy Downing called attention to the differences in the Acts of the Three Kingdoms in regard to settlement and removal. While in England settlement is obtained by a three years' residence, and irremovability is established by residence for a single year, in Ireland there is no settlement and no power of removal; and in Scotland, settlement can only be obtained by five years' residence, and meanwhile there is power of removal. In the House of Commons the unfairness of this state of affairs was generally recognized, and particular speakers advocated the entire repeal of the power of removing an applicant for relief on the ground of his not having obtained a settlement. The result of the debate was the appointment of a select committee on the Laws of Settlement and Removal.

The new committee examined a large number of persons. Most of the witnesses were in favour of the entire repeal of removal. The Scotch, however, and the representatives of particular sea-ports, were of a contrary opinion. They contended that by the repeal of the power of removal an unfair burden would be cast on particular places, and especially that sea-ports would suffer, because many persons, especially from Ireland, landed in a condition of perfect destitution. The number of such persons, whose relief ought not to be imposed upon the ratepayers of the port where they happened to land, would be much increased if the power of removal was repealed. Moreover, it served as a means to prevent persons from applying for public help. It was thus a test of pauperism supplementary to the workhouse test. If this power were repealed the number of applicants for relief would be augmented.

The committee, which presented its report on the 10th of July, 1879,[1] confined itself to the following recommendations: that in England the power of removal should be generally abolished, and should only be retained at seaports with regard to the persons landing there. In Scotland it was desirable to introduce a gradual approximation to the laws of settlement and removal existing in England. The position in Ireland was to be left unchanged.[2] These proposals have, as stated above, not been carried into effect as yet. The Gladstone administration, which came to the helm, did not pursue the matter, and although public opinion is apparently not opposed to the repeal of the power of removal, there are no signs of this reform being in prospect.

The Poor Law Conferences Act, 1883 (46 & 47 Vict. c. 11), allows unions to pay out of the common fund the reasonable expenses incurred by any guardian or clerk to the guardians, in attending poor law conferences, and also authorizes the purchase of reports of the

[1] Parliamentary Papers, 1879, vol. xii., p. 561.

[2] By the Poor Removal Act, 1900 (63 & 64 Vict. c. 23), it was provided that a person having resided five years continuously in England should not be removable to Ireland. As to Scotland, see 61 & 62 Vict. c. 21.

proceedings of such conferences. This provision, insignificant in itself, is of importance as the official recognition of an institution established of late years.

The so-called Poor Law District Conferences owe their existence to Mr. Barwick Baker. In 1868 he called a meeting of the poor law officials of his district (the so-called West Midland Conference), over which he himself presided. The object of this conference was the exchange of opinions of men of practical experience in poor law administration with regard to the measures adopted in particular districts, and their results. Certain new methods of procedure were also discussed, with a view to their uniform application to the whole district. The idea was taken up in other districts. In the year 1869 Mr. Corbett, a poor law inspector, called a meeting of the guardians of the eastern districts of London, in order to consider the general measures to be adopted for East London, with regard to the then existing distress.

From the very first, the Central Board recognized the value of meetings of this kind, as a means of securing greater uniformity in the administration of relief and common-sense treatment for particular branches of the poor law. To its initiation was due the assembling of the first Central Conference in London in 1871. At this conference an advance was made by the formation of a Central Committee of the Poor Law Conferences. The new institution made more and more progress year by year, and gradually formed a complete organization of its own. There were in time twelve district conferences in various parts of England, and since 1875 the poor law officers of the metropolis have had a distinct conference for themselves. Representatives, either guardians or clerks to the guardians, are sent by particular unions to the district conferences; such conferences in turn choose delegates for the central conference, which is usually held in London. The district conferences have also been held annually since 1878. At the central conferences the subjects are settled which, during the current year, are to be treated by the district conferences and also by the next central conference. The proceedings of both district and central conferences have been published since 1875, and these publications, after the reports of the Local Government Board, are the best source of information as to the present poor law system.[1]

The Central Board shows its appreciation of the institution by sending to each District Conference at least one and frequently several inspectors, who ordinarily take an active part in the debate. The Minister in person occasionally attends. The subjects of discussion are frequently referred to in the reports of the Local Government Board. In this way, without any intervention of the legislature, is secured a co-operation of the Central Board with representatives of the local authorities, which is more effective than any Act could have brought about.[2]

[1] 'Reports of the Poor Law District Conferences,' Knight & Co., and King & Son.

[2] This co-operation is significant in another way. I am informed that some

The conferences have not only occupied themselves with questions of carrying out existing Acts, but have also discussed suggested alterations of the law. The Casual Poor Act, 1882, above mentioned, is directly founded upon the conclusions arrived at by such conferences.[1]

The subjects mainly treated by the conferences were (1) Treatment of the casual poor, including that of beggars and vagabonds; (2) The formation of larger districts, by which the relief system generally or particular branches of it may be more suitably dealt with; (3) The administration of outdoor relief; (4) The education of pauper children, and (5) Poor law medical relief. Some of these matters were, as we have seen, the subject of legislation during this period. To others public attention was directed by the Board.

We may supplement these remarks with a brief statement of the proceedings of the Central Board during the latter period here referred to.

SECTION XV.

PROCEEDINGS OF CENTRAL BOARD.

In December 1868 the successor of the Earl of Devon as President of the Poor Law Board was the Right Hon. George Joachim Goschen (now Viscount Goschen), who is the author of a new departure, in more than one particular, of the English poor law system, and to whom its further development is in great measure due.[2] Although Mr. Goschen, who resigned in March 1871, was unable to carry out the measures which he had introduced with the object of securing a better relief administration, his successors in office followed in his footsteps and proceeded with the work which he had begun.

Next to Mr. Goschen came the Right Hon. James Stansfeld, who, after the Poor Law Board had been merged in the Local Government Board, was the first President of the new department. In 1874 he

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appointments made by the Local Government Board have been due to the part taken at these conferences by the persons selected. It is also understood to be a fact that the constitution of boards of guardians has been improved under their influence. Formerly, candidates for the office of guardian were mainly small tradesmen, but now persons of ability and position are willing to take the office, as a stepping-stone to higher public positions.

[1] Mr. Albert Pell, who has especially advocated these proposals at the conferences, introduced into the House of Commons a measure based upon them. The then President of the Local Government Board, Mr. Dodson (afterwards Lord Monk Bretton), supported the Bill in the House of Commons, while Lord Carington had charge of it in the House of Lords; and it was passed into law without substantial alteration.

[2] We may specially mention the 22nd Annual Report of the Poor Law Board, which was issued under Mr. Goschen's presidency. This report is distinguished not only by the fulness of the matter treated, but also by the highly scientific mode of treatment and the formulation of important principles. Especial attention is given to statistics, a favourite subject of Mr. Goschen's.

was succeeded by the Right Hon. G. Sclater Booth, who in his former position as Parliamentary secretary of the Poor Law Board had acquired experience in poor law work. From 1880 till 1882 Mr. Dodson was president of the Board, and subsequently the position was occupied by Sir Charles Dilke, who had already made a name in another sphere of politics.[1]

It is remarkable that all these presidents, no matter what their political party, pursued the same policy as to the administration of relief, so that changes of ministers had no effect on the department. The principle which Mr. Goschen first adopted was recognized by all political parties as the right one. By it the English system has been thoroughly transformed without the aid of any important legislation. Good points have been developed, and as to the defects with which the system has often been charged, and which are still insisted on by foreign writers, it has been shown by abundant evidence that they are not inherent on the system, but depend on the way in which it is carried out. With improved administration they have for the most part disappeared.

Special circumstances in the metropolis gave the first impetus to the intervention of the Central Board in relief administration. The commercial crisis, which began in 1866 and lasted till 1868, had produced, especially in the east of London, an amount of distress[2] which engrossed public attention. The existing accommodation for paupers was absolutely insufficient for the reception of all the applicants. It was thought possible to aid the poor and afflicted East of London by private charity and by grants from the numerous charitable foundations of the metropolis, but the Central Board recognized the great danger to a sound system of relief which would result from affording assistance by private benevolence in addition to, but independently of, relief by the guardians.

With the want of organization in private charity there would be a danger that, owing to false representations, which could not be thoroughly investigated either by individual donors or by benevolent institutions, help would be received by persons in no need of it. It was also probable that, through private charity, persons already in receipt of assistance from the rates would obtain further sums to such an extent that the position of those relieved would be made better

[1] In succession to Sir Charles Dilke were Mr. A. J. Balfour (1885), Mr. J. Chamberlain (1886), Mr. J. Stansfeld (1886), Mr. Ritchie (1886), Sir Henry H. Fowler (1892), Mr. G. Shaw Lefevre (1894), Mr. H. Chaplin (1895), and Mr. Walter H. Long (1900). The Permanent Secretaries, whose influence on current administration and poor law legislation is always very weighty, have been Sir John Lambert (1871–82), Sir Hugh Owen (1882–98), and Sir S. B. Provis (1899), the present holder of the post. Two other names are especially prominent, those of the late Sir Henry Longley, formerly general inspector for the metropolitan district, whose reports upon poor law administration in London are masterpieces, and give a clear impression of the position and proceedings of the inspectors (see Appendices to the 3rd and 4th Annual Reports of the Local Government Board), and Mr. (now Sir) J. T. Hibbert, who from April 1880 to April 1883 was Parliamentary Secretary.

[2] This distress was aggravated by the outbreak of cholera in the summer and autumn of 1866, and by the hard winter of 1866-7.

than that of the independent artisan. The country had already had unfortunate experience as to this. People still remembered the demoralizing influence caused by the misapplication of relief which had taken place before the Act of 1834, and which operated not only on the recipients but also on the entire working population. Further, the principle of the workhouse test, upon the importance of which the Royal Commissioners had especially insisted, was undermined and compromised by the extended operation of private charity.

The Central Board considered that these dangers could only be averted by drawing a hard and fast line between private charity and public relief. It appeared of great importance to recall the principles introduced into the English poor law system after the Act of 1834 as regards the grant of public assistance. The then general inspector of the poor, Mr. Corbett, with the Parliamentary Secretary of the Poor Law Board, Mr. Sclater Booth, had first of all to carry this out in the metropolis. It was the fortune of these two officials, in the most difficult circumstances, to succeed admirably in this direction. It was in the poor districts of the east of London that it was found possible to establish a judicious combination of public and private relief, making charity the complement of the poor law, and thus to set a good example to other districts.

This experience, acquired at a time of exceptional distress, induced the Central Board to make enquiries how relief was administered elsewhere. At the same time it was necessary to instruct public opinion as to the dangers associated with unorganized charity, and as to the necessity of rigidly adhering to the principles of the workhouse test as laid down by law.

With this object, Mr. Goschen issued a circular on November 20, 1869, to the metropolitan relief authorities.[1] This declares that "it is of essential importance that an attempt should be made to bring the authorities administering the poor laws, and those who administer charitable funds, to as clear an understanding as possible, so as to avoid the double distribution of relief to the same person, and at the same time to secure that the most effective use should be made of the large sums habitually contributed by the public towards relieving such cases as the poor law can scarcely reach." It is therefore necessary "to mark out the separate limits of the poor law and of charity." A recognized principle of the poor law is that enunciated by the Royal Commission of the year 1834, that "relief should only be given to the actually destitute, and not in aid of wages." In particular instances, rigid adherence to this principle might appear not only harsh, but also wasteful, since it is certainly cheaper to give a subsidy to a person who can himself earn part of his maintenance than to admit him into the workhouse. But from considerations of public policy, it is necessary to disregard what might be the proper

[1] Minute of the Poor Law Board, printed in the Appendix to the 22nd Annual Report, p. 9. It appears to be a corollary that the workhouse test should be strictly maintained; only by this means is it possible to obtain certain proof that the applicant is really destitute. And only by relief in the workhouse is it possible completely to avoid the danger of making relief an aid to wages.

treatment for this or that individual case. Not only for the entire working population, but also, in the long run, for the ratepayers, nothing is more dangerous than to make up insufficient wages from public funds. Only by a rigid adherence to principles would it be possible to lessen the dangers which the legal provision of public relief brought with it. From these principles the province in which charity can act effectually is at once apparent. Private charity can in the first place most easily deal with those who are not entirely helpless, but yet stand on the border line of destitution. It can prevent them from coming on the rates. Private charity can also deal with those destitute persons who have been brought to poverty by no fault of their own, and deserve special consideration; but for these latter cases there must be co-operation with the bodies which administer public relief. In all circumstances, it is necessary with regard to persons who receive public relief to avoid giving money, or such form of assistance as is already provided by the guardians. On the other hand, it may be useful to buy or to redeem clothes or tools for such persons, or to pay their rent. If private charity is to interpose in a judicious fashion, it must itself be organized. Charitable institutions must be brought into relation with each other. In every district a general register should be kept of the names of persons who have already received relief from public institutions or private charity.

So much for this circular, in which the boundary between public relief and private charity is defined in a way which deserves consideration outside England. For the practical carrying into effect of the circular, Mr. Goschen issued a further instruction. The inspectors were directed to afford every help in order to introduce in their districts a cordial understanding between the guardians and the private charitable institutions, so as to bring about a systematic plan of relief. It was pointed out that the paid relieving officers were specially suited to act as intermediaries between the guardians and the charities. The relieving officers could indicate to the institutions the persons who deserved special consideration, or might yet be saved from pauperism, and the charities could, on the other hand, inform the relieving officers of those requiring public relief. Mr. Goschen issued this circular to all the great charitable institutions and boards of guardians, with a request that their views and proposals might be communicated to the Central Board.

The suggestion fell on fruitful ground. The local bodies were almost unanimous; the charitable institutions for the most part assenting.[1] Public opinion had occupied itself with the subject for some time. In 1863 the Rev. W. G. Blackie, at the Social Science Congress in Edinburgh, in a paper on "The Collisions of Benevolence and Social Law,"[2] had strenuously contended that in many places charity was doing too much, and often worked in a way which did more harm than good. He therefore insisted on the necessity that "the men

[1] See 22nd Report of Poor Law Board, p. xxxii., and Appendix, p. 13.
[2] Transactions, 1863, pp. 707-712.

with warm hearts" should unite with the "representatives of social laws." In 1868 Dr. Stallard, at the Social Science Congress at Birmingham,[1] also insisted on the necessity of regulating private charity, which expended far more than public bodies on the poor. Such regulation was certainly necessary, for the classified directory of London charities for 1868 gave 1059 charitable societies, with a yearly income of £4,114,845, the real income being estimated at a still higher figure, and reaching no less than £7,000,000 a year.[2] The Social Science Congress at Bristol, in 1869, passed a resolution to the effect that a committee of charitable societies should work with the board of guardians, and that thus the system of making house to house inquiries should play an important part in the granting of relief.[3]

One result of Mr. Goschen's circular was the formation of the London Charity Organization Society, for which public opinion was now prepared. Men of note placed themselves at the head of the movement, which had for its object the establishment of a connecting link between the public and the charities on the one side, and the poor law administrators on the other. The society, whose president for several years was the late Duke of Albany, began its successful and useful career in 1870. At the present time it has branches in many of the larger towns of England and Scotland. The Charity Organization Society has become one of the most important elements in the relief system.

The object of the society is to be a nucleus for private charity, and for all charitable efforts. It is to be the centre for all individual charitable institutions. It aims at directing charity into proper channels, and thus supplementing public relief, with the administrators of which it is in constant connexion. In contradistinction to the poor law, which only has to relieve actual distress, the society regards the prevention and the cure of poverty as being within the province of charity. Cases which appear incurable, and which

[1] Transactions, 1868, pp. 593–602.

[2] See the speech of Mr. Forsyth, already quoted, at the Social Science Congress at Aberdeen in 1877. In order to avoid misunderstanding we may say that under the word charities are comprised benevolent institutions of various kinds, hospitals, and other places for the relief of those in need, and, after these, educational institutions and almshouses. (But see p. 317.)

[3] With regard to this point the importance of searching inquiries into the personal circumstances of applicants was repeatedly insisted on by the Board. At the conference of guardians summoned by Mr. Corbett in the year 1871, the necessity of an increase in the number of paid relieving officers was urged, and it was thought that no relieving officer ought to have more than 250 or at most 300 paupers on his list, so that he should be able to keep himself informed of the circumstances of those relieved. The Royal Commission on the Aged Poor (Report of 1895, §§ 58–61) urged the necessity for an adequate staff of relieving officers, and quoted the opinion of Mr. Fothergill, Superintendent Relieving Officer at Birmingham, to the effect that even in a thickly populated area 150 cases were sufficient for one officer. But in many unions, especially in the country, from 500 to 800, or even more, cases are under the care, or rather subject to the neglect, of a single relieving officer, with disastrous results as to economy, and, what is worse, without security for preventing the poor from being half-starved without the knowledge of the guardians.

cannot be permanently helped by temporary relief, must be left to the poor law. The connexion with the boards of guardians is carried out by district committees, some members of which often take part in the meetings of boards of guardians in order, on the one hand, to report to the committee as to the cases suitable for charitable institutions, and, on the other hand, to inform the guardians as to any cases in which it has appeared that relief is necessary, but not from private charity. By a searching investigation through special district-visitors of all the cases brought to its knowledge, the committee endeavours to obtain complete information as to the character and circumstances of each individual applicant for help. As to the organization and principles of administration in particular cases, we shall speak in detail in discussing the poor law system of the present time. Here we only aim at giving the general characteristics of this new portion of the English machinery of relief, which may be described as a sort of clearing-house of charities.[1]

The object of the circular of Nov. 20, 1869, was not only to secure the organization of private charity, but to induce Boards of Guardians rigidly to insist upon the main principles of the English poor law, especially the workhouse test. In order to see how far this was carried out, Mr. Goschen called upon the general inspectors to make detailed reports on the subject.[2] These reports showed that there was a great difference among boards of guardians as regards the principles observed in the administration of relief, and that scarcely any rigidly enforced the workhouse test. In consequence of this, Mr. Goschen's successor, Mr. Stansfeld, issued a fresh circular on the 2nd Dec., 1871, in which the question of the grant of outdoor relief was specially discussed, and the principles were laid down upon which, in the opinion of the Central Board, it should be administered.[3]

We must here point out that, as regards the administration of outdoor relief, the Central Board had sanctioned a system for certain of the larger towns, differing from that of the rest of the country. In most districts the Outdoor Relief Prohibitory Order[4] of 21 Dec., 1844, is in force, by which outdoor relief for able-bodied paupers was only permitted on account of sudden and urgent necessity, of illness, and, with certain restrictions, in the case of widows. If the guardians grant outdoor relief in cases other than those expressly mentioned (where, indeed, the expression "sudden and urgent necessity" gives a very wide scope), they are to report to the Central Board within fifteen days the reason for this departure from the regulations, and that Board may approve the relief, or may disallow it.

[1] See Appendix I., also Charity Organization Papers, published by the Society for organizing charitable relief and repressing mendicity. Longmans, London.

[2] The reports are published in the Appendix to the 23rd Annual Report of the Poor Law Board, pp. 32–239; that of Mr. Wodehouse being especially practical and thorough.

[3] The circular is published in the 1st Report of the Local Government Board, Appendix, p. 63.

[4] See Glen, 'Poor Law Orders,' p. 488.

As regards the metropolis, and a number of the other larger towns,[1] the Board considered it impracticable to enforce this strict rule. For these districts it issued the Outdoor Relief Regulation Order of 14 Dec., 1852, providing that the guardians, in the grant of outdoor relief to other than adult able-bodied males, should only be so far restricted as to be prohibited from giving relief except weekly, and from devoting it to certain specified objects, such as the purchase or redemption of tools and trade implements, or the establishment of the applicant in business. As to able-bodied men, their relief outside the workhouse is absolutely forbidden as long as they are employed for wages or other remuneration. If relief is granted outside the workhouse to any able-bodied male person, at least half must be given in food, fuel, or other articles of absolute necessity. Men must also, if relieved out of the workhouse, perform a prescribed task under the superintendence of some person appointed by the guardians. Within thirty days a report must be sent to the Central Board as to the character of the task imposed, and the supervision that has been maintained. Exceptions to these general principles may be made in a number of cases, *e.g.*, of sudden and urgent necessity, and of assistance afforded in consequence of illness. If in particular cases the guardians depart from the regulations for some special reason, they must, within twenty-one days, furnish the Central Board with a statement of the grounds of their decision, and that Board may either give its sanction or disapprove.

The circular of 2 Dec., 1871, declared that these regulations constituted the basis for a rational system of relief, and that, through the different treatment of the great towns and of the rest of the country, sufficient regard had been shown to all the special circumstances demanding consideration. But the regulations must be strictly carried out. The circular proceeds expressly to set forth in what manner, on this basis, particular classes of applicants are to be treated, and instructs the inspectors to lay these considerations before the guardians. After the receipt of their reports as to the steps taken by the guardians, the Central Board would be able to determine whether it is necessary to make further regulations, or to amend the law in order to carry out a well-organized system of outdoor relief.[2]

[1] Thus Manchester, Liverpool, Newcastle-on-Tyne, and other towns, especially in the manufacturing districts.

[2] In February, 1878, the Local Government Board issued a new circular relating to the administration of outdoor relief. See 7th Report of Local Government Board, Appendix, p. 217. In this circular stress is laid upon the favourable results which followed the issue of that of December, 1871, the chief practical points of which are recapitulated in order to secure the attention of those unions which had not yet adopted its recommendations. It may here be mentioned that the fashion in which the annual reports of the Central Board repeatedly commended those boards of guardians by whom a judicious treatment of outdoor relief had been adopted, acted beneficially in consequence of the great fondness of the English for being publicly praised. The Local Government Board expressly directed the inspectors with regard to those unions in which no improvements had been carried out, "to call the particular attention of the guardians to the unfavourable light which the statistics throw on their management, as compared with

This circular, also, was attended with the best results.[1] The Poor Law Conferences,[2] in particular, exercised a beneficial influence on the administration of individual unions by placing outdoor relief foremost among the subjects of discussion at the yearly meetings, and thus throwing all possible light upon the system. From year to year the proportion of cases in which outdoor relief was granted became less, and with the decrease of outdoor relief there came (apart from the cost of maintaining pauper lunatics) a very considerable diminution[3] of pauperism.

Large expenditure was, however, incurred in connexion with indoor relief by the erection of many costly new institutions; and we may refer briefly to the new methods introduced. The tendency of the legislation of this period was, as already stated, to remove from the workhouses to special institutions three classes of paupers. For the sick, infirmaries and asylums were provided; for the pauper

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that of neighbouring unions" (2nd Report, p. xviii.). The carrying out of the improvements is mainly due to the admirable and laborious action of the inspectors. Of the numerous reports of inspectors as to the administration of outdoor relief in their districts, we may mention those of Sir Henry Longley (certainly the most brilliant), Mr. Wodehouse, Mr. Andrew Doyle, and Sir Walter Sendall (see Appendix to the 1st Report of the Local Government Board, p. 88; 2nd Report, p. 56; and 3rd Report, p. 66).

[1] The 2nd Report of the Local Government Board, p. xvii., expressly states that the main principles laid down in the circular have received a general assent.

[2] See especially the speech of Professor Bryce at the South Midland Conference, 1876. The late Professor Fawcett also pronounces very strongly in favour of strict adherence to the workhouse test (see Fawcett's 'Pauperism, its Causes and Remedies,' London, 1871, and the pamphlet 'Labour and Wages,' already quoted). He maintains (p. 71) that the extent to which outdoor relief is permitted exerts more influence than any other circumstance in determining the amount of pauperism. So too the fourth Report of the Local Government Board, p. xviii., states that "the beneficial results which invariably follow steady adherence to the workhouse system are no longer a matter of conjecture, but have been proved by long and continuous experience." It is significant as showing the altered attitude of boards of guardians, that in many places where the Outdoor Prohibitory Order was not in force, its principles were voluntarily adopted. A regulation of the Manchester guardians as to the grant of outdoor relief deserves special mention, because in many respects, particularly as regards the relief of widows, it goes further than the Outdoor Relief Prohibitory Order. At the Poor Law Central Conference in London on Dec. 6, 1876, it was resolved that the last-named order should be made universal. The Local Government Board answered a memorial to this effect by promising that the proposal should be taken into consideration, and saying that the Central Department was fully in accord with the memorialists in the desire to place the administration of outdoor relief on a sound and proper basis throughout the country.

[3] The statistics of paupers will be given in Appendix II. Here we need only mention the fact that in 1871 the number of able-bodied men in receipt of indoor relief was 24,700, and of outdoor relief was 147,760, and that these figures in the year 1900 were 34,387 and 59,268 respectively. The number of able-bodied men relieved outside the workhouse for whom the workhouse test had been specially devised has thus in 29 years diminished by much more than one-half. And although the number of indoor paupers classed as able-bodied has increased, most of these are so handicapped by physical or mental infirmity as to be unable to compete in the labour market on equal terms with the average labourer. The percentage of able-bodied paupers to population fell from ·77 in 1871 to ·30 in 1900.

children, district schools; for the temporarily homeless, casual wards. The casuals were to be subjected to stricter discipline, and in their case police regulations were to be more rigidly enforced. As regards the pauper children, the main principle was to bring them up so as to secure the improvement of the future generation. The treatment of the sick was to be altered, from considerations of humanity, and also on account of the danger entailed on the community by the existing system, especially in cases of infectious diseases. By removing these from the workhouses, it would be possible to introduce better discipline and administration among the remaining inmates.

In order to carry out these measures, it appeared desirable to constitute larger districts over which might be distributed the cost of providing these special institutions. In the first instance, the Act of 1867 authorized the formation of such districts for the metropolis; and that of 1879 provided for the combination of extra-metropolitan unions for particular branches of the poor law. This, however, was not limited to the separation of the three classes above named, but generally authorized the combination of unions so as to make a workhouse available for any particular class of paupers.

This exclusive appropriation of a workhouse to a particular class was thought especially desirable in the case of the able-bodied, in order to secure more suitable and profitable occupation for them. The combination of several unions for this last object was in the first instance carried out in the metropolis, where in particular one of the Kensington workhouses is exclusively used for able-bodied men. As the Central Board has, in its Annual Reports, repeatedly advocated the provision of a special workhouse for the able-bodied, it may be anticipated that the practice of combining unions for this purpose will be further extended.

With regard to the three classes of paupers above mentioned, the Central Board endeavours to secure the provision by the guardians of separate buildings, on the cell system, for casual paupers. This system is not prescribed by law; but wherever it has been introduced, especially in the metropolis, it has given such good results as to make its extension desirable. Its effect is to supplement the police regulations against mendicancy, which are in many respects ineffective.

With regard to the treatment of sick paupers, the new system has hitherto been adopted only in the metropolis and in some other large towns. Its introduction throughout the country is hindered, in the first place, by the costliness of separate infirmaries, and further by the difficulty of providing one such establishment, for several unions, that would not be too distant from some of them to allow of the convenient conveyance of sick persons to it. The Act of 1879 therefore empowered the guardians, with the approval of the Central Board, to subscribe to asylums for the blind, deaf, and dumb, and to any other institutions from which help in the administration of relief may be expected, in order to acquire the right of using such

institutions for poor law purposes.[1] In this way, unions without special infirmaries are authorized to make provision for particular classes of their sick poor apart from the workhouse.

With regard to other improvements in medical relief, the Poor Law Conferences, at which this question has been largely discussed, have done much. A suggestion from them, which was readily adopted and put forward by the Central Board, has resulted in means being taken throughout the country to obtain better medical officers. These officers are paid better than formerly, and have smaller districts. An attempt was further made to arrange that every union should, so far as its means permit, have its own dispensary. In London, under the special provisions as to this matter in the Act of 1867, the system is now universal. Each metropolitan union has its own dispensary.[2]

On the whole, the treatment of the sick poor in London was organized in model fashion. The legislation which in 1867 gave the first impulse to improvement in this respect has achieved complete success, owing to the intelligent intervention of the Central Board. Between 1867 and 1883 there were established twenty-two infirmaries or sick asylums, four asylums for imbeciles, five hospitals for fever patients, and one hospital and several hospital-ships for small-pox cases; and the development of the system during the last eighteen years is still more striking.[3]

The treatment of pauper children has also occupied the Central Board's attention in a conspicuous degree. Opinions are still much divided as to the best method of bringing up such children. The district schools, which at first were regarded, if not as perfection, at any rate as a marked improvement on workhouse education, have been the subject of keen attack. It was thought that the collection of a large number of poor children, often neglected in body and mind, like those in district schools, involved great danger both as regards health and morals. An endeavour was made to substitute

[1] An Act of 1851 (14 & 15 Vict. c. 105, s. 4) had already permitted the guardians, with the approval of the Central Department, to subscribe to hospitals and infirmaries devoted to the reception of the sick and disabled, or of persons suffering from chronic complaints. The Act of 1879 thus merely extended a power previously granted. It had, however, the further object of providing training institutions for male and female nurses, so that skilled nursing might be obtained for the sick poor. These institutions, which have been extraordinarily developed of late years, have exercised a powerful influence in the improvement of the treatment of sick paupers. Nurses have been appointed everywhere, and the Central Board has latterly endeavoured to secure, so far as possible, the appointment of such as have gone through a special course of training and have obtained a certificate of proficiency. But hitherto, especially during the war in South Africa, the demand for trained nurses has been far in excess of the supply. And as in workhouse sick wards there are comparatively few acute, and therefore "interesting" cases, while a chief part of the nurse's duties is to feed and keep clean a number of old people who are slowly dying from the infirmities of age, the work is by no means popular.

[2] Particular success in carrying out the dispensary system in London is due to Dr. Bridges, who was specially entrusted with this duty by the Central Board.

[3] See p. 293.

the system of boarding children in labourers' families. This plan also met with much objection. The great difficulty was to find suitable foster-parents, and to exercise adequate supervision over the children. It was also urged as objectionable, from an economic point of view, that the children of paupers were thus placed in a better position than those of needy but independent labourers.[1] In addition to the workhouse school, the district school, and the boarding-out system, a number of other schemes were started, the chief of which was to promote the emigration of pauper children, and to bring them up abroad especially in Canada; and this for a time found favour. But here, too, difficulties were at first found to exist, not only as regards cost, but also as regards the necessary supervision of the children in a distant country. The Dominion Government has however established a system of inspection which now seems to answer well.[2]

With these differences of opinion as to which method was most suitable and most practicable,[3] the Central Board adopted what in the circumstances was the best course, by favouring no particular one, while giving each a fair trial, and at the same time, by successive reports as to the results of the different systems, providing the public with the material for forming a judgment as to their relative advantages. The inspectors reported annually as to the experiences of their districts in this respect.[4] In 1869 Mr. Henley was sent to Scotland, in order to report on the working of the boarding-out system in operation there.[5] In 1874–5 Mr. Doyle was sent to Canada, in order to obtain information as to the condition of the pauper children sent there under the care of Miss Macpherson and Miss Rye.[6]

The Central Board interposed with regulations only in order to remedy particular defects which the system brought to light. On the 25th of November, 1870, and the 10th of November, 1877, boarding-out orders[7] were issued, in which were laid down definite

[1] This is the special contention of Professor Fawcett, who was a strenuous opponent of the boarding-out system. Fawcett, 'Pauperism,' p. 80.

[2] In the 26th Annual Report, p. 129, were published the results of inspections made by the Dominion Government, from which it appears that most of the children sent out by guardians were doing well and bade fair to make good colonists.

[3] As to the different views, see the speech of Mr. Tufnell at the Social Science Congress of 1878. 'Transactions,' p. 638.

[4] A specially valuable report by Mrs. Nassau Senior on the "Education of girls in pauper schools," is printed in the 3rd Annual Report of the Local Government Board, Appendix, pp. 311–395. Something like a rejoinder to it is contained in the report, in the following year, of Mr. Tufnell, contradicting Mrs. Senior in particular points, and strenuously advocating the erection of large district schools. Beside those of Mr. Tufnell and Mrs. Senior, detailed reports were made by Messrs. Doyle, Murray Browne, Bowyer, and Mozley. Like the opinion of the public, the views of these inspectors were much divided as to the advantages of the different systems.

[5] The report is in the 22nd Annual Report of the Poor Law Board, Appendix, p. 71.

[6] The report is referred to in the 4th Annual Report of the Local Government Board, p. xxxii., and is among the Parliamentary Papers of 1875.

[7] These orders were superseded by those of 28th May, 1889, referred to at p. 233 (see Glen's 'Poor Law Orders,' pp. 1097 and 1118).

rules as to the bringing-up and supervision of the children. On the 3rd of December, 1873, the Board addressed to the Metropolitan Boards of Guardians a circular recommending that every child, before being sent to a district school, should be examined by the medical officer, to ascertain whether he is free from infectious disease, and "in such a state of health as will permit of his taking part at once in the ordinary discipline and occupations of the school."

In this way the Central Board took the surest means of arriving at definite conclusions and effecting real improvements in the education of pauper children.[1]

Indeed one hesitates whether to praise most the activity of the Board in energetically pursuing the object which it had set itself to attain, or its painstaking and comprehensive efforts to form an impartial judgment upon doubtful points. Undoubtedly the present excellent system owes as much to the action of the Central Board as to the legislation which, operating gradually, and effecting improvements bit by bit, has built up and developed the English poor law.[2]

SECTION XVI.

POOR LAW ADMINISTRATION SINCE 1884.[3]

In the period which has elapsed since the publication of the first edition of this work, the English Poor Law System has been exposed to more frequent and keener attacks than any other branch of the Home Administration, and these have been directed, not only to particular points, but to the fundamental principles of the Act of 1834.

For a considerable time there was a doubt whether it could hold its ground against the assaults both in the Press and in Parliament. The radical reform of the Poor Law was made an electioneering cry, and an entirely new class of persons were brought into the practical administration. They had held out to the electors the prospect of a

[1] It is to Mr. Goschen that belongs the credit of having first adopted this line of policy. He pronounced the main task of the Central Board to be the supply of a basis for impartial judgment in detailed reports by experts. See the passage on this subject in the 22nd Report of the Poor Law Board, p. lii.

[2] The Board has not restricted itself to the experiences of England, but has also, partly through the Foreign Office, partly by inspectors sent abroad, collected accurate information as to the systems in vogue in foreign countries. Reports on 'Poor Laws in Foreign Countries,' were edited by Mr. Doyle, and laid before Parliament in 1875 (Parl. Papers C. 1255 of 1875). Mr. Sendall (afterwards Assistant-Secretary of the Local Government Board) reported on the relief system of Holland, and Mr. Henley on that of the chief towns of North America (Parl. Papers C. 1868 of 1877). Mr. J. S. Davy, too, has reported on the relief system of Elberfeld and Dusseldorf, as well as (on behalf of the Select Committee of 1899 on 'Aged Deserving Poor') that of Denmark.

[3] This section is translated from an article written by Dr. Aschrott for a Russian version of his work, and published in Schmoller's 'Jahrbuch für Gesetzgebung, Verwaltung und Volkswirthschaft.'

complete revolution in the system, and appeared to be determined to carry out their intention with an avowed leaning towards socialistic tendencies.

The storm has subsided, and though it has led to manifold changes in particular branches of administration, the foundations of the Poor Law have remained unshaken; it may even be said that now, after a fiery trial, they are firmer than ever. All sensible people have been convinced of the impracticability and danger of experiments conflicting with the system hitherto in force. But, on the other hand, it has been recognized that while the old principles are maintained intact, there is room in different directions for improvements in accordance with the spirit of the age.

I propose to devote the following pages to the agitation already referred to, and shall endeavour, as shortly as possible, to show what influence it has had in successive years, what has been attempted, and what has been done, in the field of the poor law.

In my original work, I have endeavoured not only to describe the present condition of the system, but also its gradual development; and similarly, in this supplement I propose not only to show the alterations in its practical working, but to give an idea of their origin.

The winter of 1885–6 was extraordinarily severe, and at that time there was a considerable depression in many branches of industry, so employment was diminished and wages were reduced. The consequence was great want among the labouring classes, who claimed relief to an extent long previously unknown.

The rigid principles prescribed by law with regard to the able-bodied, under which their relief outside the workhouse is either entirely prohibited, or is only permitted, with various restrictions, under a Labour Test (see p. 165), were disquieting to many warm-hearted persons who regarded as cruel such treatment of hardworking men reduced to destitution for no fault of their own. Protests were general when particular unions, especially in London, showed themselves unequal to dealing with the crisis which, to some extent, continued through the winter of 1886–7. Their workhouses were overcrowded, and the tests offered for out-relief were unsuitable.

Then came the notorious meetings of the unemployed in Trafalgar Square. With the unemployed were associated, as generally happens, a large number of bad characters, who had never thought of doing honest work at the best of times; and it was these loafers who were loudest in complaint.

The well-to-do classes began to apprehend violent attacks on their property by these crowds of real or supposed unemployed, incited by socialist orators. In many quarters the removal of the existing restrictions on relief was advocated. Then the Lord Mayor of London started a subscription. A considerable amount for the assistance of the unemployed was raised under the name of the Mansion House Relief Fund. But, just as some of the Boards of Guardians had proved unequal to their task, so the organization of private charity by the Mansion House Committee resulted in an ignominious

fiasco; the ample means of the Fund were distributed without any searching inquiry as to the necessities of the applicants; and from every part of the country there came to London a stream of candidates for charity. It was not until the particular crisis was past, and until there was work for all willing to earn an honest living, that it became evident what a demoralizing influence had been exercised upon the working classes by indiscriminate almsgiving.

At the suggestion of Mr. Francis Peek, President of the Howard Association, a committee was now formed of persons with experience both of poor law administration and of charitable work. Its chairman was Mr. Albert Pell, who had frequently brought forward questions of poor law in the House of Commons, and was regarded as a specialist in its administration. This committee was to show the mistakes which had been made, and to advise how they could best be avoided in future.

But was it a case merely of errors committed by individual persons or boards, or, as was asserted in various quarters, did not the evils which had been brought to light afford proof of the impossibility of maintaining a system mainly based on the condition that the able-bodied should be relieved within the workhouse only?

The Local Government Board strenuously defended the position that the rigid principles of the poor law must be strictly upheld.

In the winter of 1885 the Board had caused the republication of the celebrated Report issued by the Royal Commission in February, 1834; and in this way those attacking the Act of 1834 were furnished with a picture of the consequences likely to result from abandoning the principles of that Act. On the other hand, it was recognized that there had been abuses, especially in London; and a circular (16th Report, p. 5) advised the guardians upon the discharge of their duties in reference to the unemployed.

And when the irrational interference of philanthropists in London directed attention to the Elberfeld system, which combined public relief and private charity, the Board, in the spring of 1887, despatched to Germany one of their most experienced and ablest inspectors, Mr. J. S. Davy, in order to acquire information on the spot as to this system. With him were associated the Secretary of the London Charity Organization Society, Mr. C. S. Loch, and the Secretary of the Liverpool Charity Organization Society, Mr. A. Hahnewinkel. In the course of their inquiry the three experts visited not only Elberfeld, but several other towns in which the Elberfeld system had been adopted, and each of them made a separate report. In these reports the bright side of the Elberfeld system was not ignored, but on the other hand its drawbacks were pointed out. It was specially remarked that the system in the various towns had produced entirely different kinds of relief administration, that there were a want of uniformity and a need of a Central Department. All three reporters came to the conclusion that although much was to be learned from what they had seen, the general introduction of the Elberfeld system in England would be impracticable. The Local Government Board

laid the reports before Parliament, and they were published as a blue-book (Parl. Papers, No. 5341 of 1888).

The abuses which had come to light in the matter of poor law relief were repeatedly brought forward in Parliament. In March, 1888, the Earl of Aberdeen proposed the appointment of a Select Committee of the House of Lords "to inquire as to the various powers now in possession of the Poor Law Guardians and their adequacy to cope with distress that may from time to time exist in the metropolis and other populous places; and also as to the expediency of concerted action between the Poor Law Authorities and Voluntary Agencies for the Relief of Distress."

This commission, of which the Earl of Kimberley was chairman, sat from April to July, 1888, and took the evidence of a large number of witnesses. The selection was excellent, and embraced men who had acquired practical experience in various branches of poor law and philanthropic work, and were able to speak with authority. Besides Messrs. Peek, Pell, and (especially) Loch, who have been already named, I may mention Sir Hugh Owen, who as permanent secretary of the Local Government Board became responsible for the administration of the Central Department in 1882; Messrs. Davy, Henley, and Hedley, general inspectors; Dr. Bridges, the Board's experienced expert in medical and hygienic questions; Mr. William Vallance, clerk to the guardians of Whitechapel, unquestionably the best managed of the London unions; Mr. John Jones, relieving officer in Whitechapel during nineteen years; the Rev. Brooke Lambert and Mr. W. M. Mackworth, both being guardians of the poor and well known, the former as an active clergyman, the latter as having arranged for the employment of the able-bodied in the Wandsworth and Clapham Union; a large number of ladies, such as Miss Mason, who has rendered good service as inspector of boarded-out children; Miss Octavia Hill, conspicuous for her labours on behalf of the improvement of the condition of the working classes; and Miss Louisa Twining, one of the first women to fill the post of guardian. The report of the evidence fills 605 folio pages, and is a mine of information.

It may be fairly said that the result of the labours of the Committee of 1888 deserves a place by the side of the Report of 1834. The early report showed the condition of affairs before the passing of the New Poor Law; the later one produced materials indispensable for understanding the development of the system.

On the 30th July, 1888, the committee reported [1] on the evidence which they had taken. They recommended various improvements, but it is noticeable that none of these were in conflict with the

[1] Parl. Papers of 1888, No. 363. In this connexion another report may be mentioned. At the beginning of 1895, when a further period of industrial depression seemed probable (though it did not come), the House of Commons appointed a Select Committee upon Distress from Want of Employment. Its report (Parl. Papers, No. 321 of 1896), or rather its three successive reports, are perfunctory productions of small value, and it is unnecessary further to refer to them.

principles of the Act of 1834. They evidently recognized the importance of adhering strictly to those principles in future.

To carry out the recommendations of the committee would require no inconsiderable expenditure, and the realization of their projects would have been seriously jeopardised if the cost had been thrown on individual unions probably very unwilling to tolerate the necessary increase of the poor rate.

It was therefore particularly fortunate that a new County Government Bill for England and Wales was then under consideration, and afforded opportunity for extending the financial obligations of the larger areas to the expenses of local relief.

Previously, the poor law authorities had been allowed contributions from the exchequer, called Grants in Aid, for particular objects, especially for the maintenance of pauper lunatics and the salaries of medical officers. These amounted in 1888 to £661,045. They were now considerably increased by the Local Government Act of 1888 (51 & 52 Vict. c. 41), but with the condition that they should no longer be charged upon the General Revenue, but out of certain receipts placed at the disposal of the newly-formed County Councils.

This was in accordance with the general scope of the Act which was designed to create workable relations between the Central Government and the local authorities. With this object, the then existing counties, which had become too large for practical administration, were divided. London was made a county by itself, and other large towns were removed from the jurisdiction of the counties and made independent county boroughs. In place of the fifty-two counties there were sixty-two administrative counties and sixty-four county boroughs.

To these new administrative bodies were assigned two-fifths of the Probate Duties together with the proceeds of certain Local Taxation Licences with the obligation of repaying to the local authorities, including the guardians, certain specified expenditure, the application of the balance being left more or less to the discretion of the authorities subject to the special provisions of the Act with regard to particular objects. Of these, the most important as regards the Poor Law is the provision that metropolitan guardians should receive a contribution of fourpence daily for each of their indoor poor, while to other guardians grants were assigned for the salaries, &c., of officers.

During the consideration of the Bill it was assumed that the contribution paid through the County Councils would amount to nearly two million pounds annually. As a matter of fact, it considerably exceeded that sum. Moreover, the Customs and Inland Revenue Act, 1890, and the Local Taxation (Customs and Excise) Act, 1890, caused a further increase. The proceeds of the revenue handed over amounted in the year 1896–7 to £6,276,911,[1] while the total of the Parliamentary grants before the Act of 1888 had amounted in the

[1] In the year 1899–1900 the amount was £7,145,018.

year 1887–8 only to £2,602,508, so that the additional contributions of the Exchequer to the local authorities was £3,674,403.

The guardians participated largely in this additional amount. The new grants assigned to them in 1896–7 amounted to £967,362 for the salaries and pensions of poor law officers, in addition to £326,806 to the metropolitan guardians for the indoor poor. Altogether the contributions to poor law expenditure in that year reached £2,034,171. As the gross poor law expenditure was £10,215,974, nearly a fifth was thus raised, not from the local communities, but from a wider circle. If we deduct from the poor law expenditure the sums which the guardians received from the sale of articles produced in workhouses and from the contributions of persons towards the maintenance of their pauper relations, we find that the balance to be raised from the rates in 1896–7 was £7,637,227.

While the guardians had thus the opportunity of effecting some costly improvements without making heavier demands on the ratepayers, there was another influence favourable to the erection of new institutions, namely, the additional facilities afforded by the Local Government Board for the grant of loans for such objects. At p. 82 I have specified the terms previously in force for the grant of loans to boards of guardians, and have also mentioned the discretionary powers conferred on the Local Government Board as regards their sanction. The Board has year by year made a more liberal use of its powers in this respect.

The Poor Law Act, 1889 (52 & 53 Vict. c. 56), made it a condition that the total amount of loans should not exceed one-fourth of the annual rateable value of the union, but at the same time gave the Board the power of raising this proportion to one-half of the rateable value.

Borrowing for poor law purposes consequently increased steadily, and while the gross amount of loans approved by the Local Government Board in 1889 amounted to £438,794, in 1896 it had reached £1,681,081.[1] Thus in the last decade a large number of poor law institutions have been erected, and there is scarcely an urban union in England in which during that time there have been no such additions.

[1] Similarly, other loans to local authorities have extraordinarily increased. The following table showing the indebtedness of the local authorities as compared with the National Debt will be interesting :—

	In 1874-75.	In 1887-88.	In 1898-99.
	£	£	£
A. The Local Debt . .	92,820,100	192,222,099	276,229,048
B. The National Debt .	768,945,757	705,575,073	627,562,585

The indebtedness of the local authorities has thus increased much more than the National Debt has diminished. [But it has to be remembered that the local loans to municipal corporations and district councils are largely reproductive, as

In this way provision was made not only for the accommodation necessary to satisfy special demands in order to carry out the principles of the Act of 1834, but also for a large number of structural and other improvements in the new buildings, the plans of which were submitted to searching criticism by the Local Government Board. The old buildings were for the most part still used, but were devoted to classes of paupers to whom their antiquated construction was of little consequence.

In this way a strong impetus was given to the efforts, already mentioned, to remove particular classes from the general workhouse and to place them in separate institutions. The Central Board has warmly supported the principle of specializing the institutions, and in the case of unions too small and with means insufficient for the erection of special buildings of their own, has promoted combination for the joint provision of such buildings—a course which has been often successful. Finally, it may be affirmed, as regards the defects in the poor law system referred to as existing in early days, that improvements have everywhere been made, especially as regards indoor relief, through the employment of the powers placed at the disposal of the guardians by the legislation of 1888, 1889, and 1890.

A succession of commissions appointed at this time to report on particular questions also promoted such improvements. I may specially mention the Royal Commission of 1889 upon the treatment of the blind, deaf, and dumb, and the Committee of the House of Lords appointed in 1890 to inquire into poor law infirmaries and dispensaries.

Special mention must here be made of the Royal Commission on the Aged Poor which was constituted at the end of the year 1892.

The origin of this commission is interesting. I have elsewhere referred to Canon Blackley's scheme for a general compulsory insurance for old age and sickness. In 1885 a Parliamentary Committee was appointed to inquire into this scheme, and made its Report after taking the evidence of a large number of witnesses, among whom I was included. The report showed little favour to the scheme, and the introduction of compulsory insurance against sickness was particularly deprecated. With regard to the proposal to introduce insurance for old age, the view of the commission was less decided. The objections to it were mainly as regards the practical feasibility of carrying out Canon Blackley's proposals. He himself now dropped the compulsory insurance against sickness, and, in view of the adverse criticisms made upon the actuarial bases of his original scheme, he urged that there should be a contribution from the Exchequer in aid of old age insurance.

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they include sums expended in gas-works, waterworks, harbours, markets, &c.] Facilities for borrowing by the local authorities have been given by an arrangement under which the counties (which naturally can obtain credit more easily and on better conditions than the small local bodies) advance to the latter loans approved by the Local Government Board. See Circular Letter of L. G. B., 6th November, 1895. (25th Report, p. 100.)

His new proposal attracted public attention still more than the earlier one. The Press, practical administrators, and politicians of all parties took it up energetically. Two facts specially accounted for the extraordinary interest aroused. First, the example of what had been done in Germany by the law with regard to insurance for sickness and old age; and, secondly, the change which had taken place in England in public opinion as to the sphere of action of the State, and its interference in matters of social economy.

The operation of the German law was observed with a surprising amount of interest. Experts were sent to Germany to inquire into it, and in the reports published in the Press by way of contrast, there were pathetic pictures of the condition of English workmen when old and unable to labour. Statistics appeared according to which in England one-fifth of the entire population over sixty-five years of age was in receipt of relief. The accompanying hardships were vividly depicted. The poor old people had to break up their home, to be separated from relations and friends, and to go into the workhouse, where they would have to labour as long as they were capable. Many of them had been members of Friendly Societies, from which they had not received the benefits to which they were entitled,[1] but they were now classed with loafers and ne'er-do-wells, and were subjected to the same treatment as that meted out to worthless scamps, which differed little from that of prisoners in gaol.

It availed little that these exaggerations and mis-statements were exposed by experts, above all by Mr. C. S. Loch, in his 'Old Age Pensions and Pauperism,' which appeared in 1892. To the supporters of the more or less socialistic views, represented by the Fabian Society (founded in 1893), the movement came opportunely as one out of which capital might be made. The cue was given by Mr. Sidney Webb;[2] the contention being that the present poor law with regard to old people is a cruelty, and no scheme of insurance

[1] This frequent reproach against Friendly Societies induced the Local Government Board on the 31st March, 1891, to obtain statistics (Parl. Paper, No. 366 of 1891), showing how many paupers relieved in workhouses on that day had previously been members of friendly or other benefit societies. The number reached the decidedly high figure of 14,808, of whom 10,215 had ceased to be members owing to their failure to pay their contributions, or other grounds of exclusion, and 4,593 in consequence of the breaking up of such societies. I may take this opportunity of mentioning an Act bearing on friendly societies (57 & 58 Vict. c. 25), which provides that boards of guardians in settling the amount of relief to be granted to any member of a friendly society may disregard the sum received by him from such society. An old subject of dispute was thus set at rest. Most boards of guardians had been previously of opinion that they were obliged by law to take into account the entire allowance from the society as well as the other means of the applicant; and the friendly societies had energetically protested against this view. [In the Session of 1901, a bill carrying this principle still further, by requiring, instead of merely allowing, boards of guardians to ignore the allowance, passed its Third Reading in the House of Commons, but was rejected by the House of Lords on the ground that the discretion ought to remain with the guardians, who could not fairly be compelled to favour this particular form of thrift at the expense of others.]

[2] See his article in the *Contemporary Review* for July, 1890.

for old age can be satisfactory which rests on the contributions of the persons to be relieved. The provision of a pension sufficient for the aged must be made at the cost of the community as a collective charge. It is the requital of those of the aged who have done good service, and have paid taxes when capable of work.[1]

Accordingly, the demand was not for a contribution from the State Exchequer, as Canon Blackley, holding to his principle of insurance, had proposed, but the imposition of the entire charge upon the State. Intermediate between these two schemes were a number of others. I may mention those of Mr. Booth (the author of the voluminous work, 'Life and Labour of the People in London') and of Mr. Marshall, Professor of Political Economy in the University of Oxford; also of Messrs. Bartley, Wilkinson, Paine, Beavan, and others. In fact, schemes sprang up like mushrooms.

At the instance of Mr. Chamberlain, the well-known politician, who is now Colonial Secretary, a number of members of Parliament took these schemes into consideration, and in 1892 Mr. Chamberlain published his own project of Old Age Pensions. Owing to his position, his support gave the matter a more serious form. Henceforth people were not satisfied to point out this or that defect in a scheme, or simply to put it aside as utopian; but the question whether it could be brought into harmony with the existing poor law had to be examined.

On the part of the experts this question was emphatically answered in the negative, and it was stoutly asserted that the acceptance of any one of the schemes must bring about an alteration of the existing Poor Law, and that such alteration was the less justifiable because, according to the existing law, administrative modifications, fully satisfying all reasonable demands, might be made with regard to the relief of the infirm.[2]

In this position of affairs the Government decided on the appointment of the Royal Commission on the Aged Poor for a thorough inquiry of the subject. In 1893 and 1894 the Commission examined sixty-nine witnesses, and issued one of those comprehensive blue-books which afford indispensable material for the study of English social questions.

On the 26th April, 1895, the Commission issued its Report. It rejected the various schemes for provision by the State for old age, but at the same time recommended various changes in the regulations of Post Office Savings Banks and Friendly Societies in order to facilitate voluntary insurance for the purpose. It also warmly advocated

[1] See Fabian Tracts, No. 54.

[2] On the subject of this blue book (Parl. Paper, No. 7684 of 1895) Mr. Geoffrey Drage, M.P., has published a very comprehensive and well-written work entitled 'The Problem of the Aged Poor,' London, 1895, which may well be consulted by those who wish to spare themselves the by no means easy task of mastering this extensive blue-book, especially since, for want of room, I can only briefly treat the questions raised. Indeed, there is a good deal worthy of study which is almost outside the range of this work, and upon which I can scarcely touch.

an extension of Charity Organization Societies, and the clos co-operation of the poor law authorities with the administrators c charitable relief. It proposed improvements in the treatment c the aged in workhouses, and directed the attention of poor la guardians to various other points of administration which appeare to need reform. But the Commission pronounced decidedly tha the principles of the Act of 1834 must be rigidly maintained. "W are of opinion that no fundamental alterations are needed in th existing system of poor law relief, as it affects the aged, and tha it would be undesirable to interfere either by statute or order wit the discretion now vested in the guardians as to the manner in whic such relief should be given."

Thus an attack on the foundation of the poor law was repelle for a second time.

But, like the earlier attack, this had the good effect of giving a impetus to various improvements in administration. Of these, s far as they are now in operation, I shall presently treat in discussin the alterations which have been made in particular branches of th poor law.

Here I need only mention one point. The extension, desire by the Royal Commission, of Charity Organization societies, an their co-operation with poor law authorities, is in course of beir carried out: the number of such societies rose from 68 in 1888 t 96 in 1896, and kindred associations have also sprung into existence Their scope of activity is constantly growing wider; they a becoming the recognized leaders of a rational system of benevolen which assumes the duty of dealing with necessitous persons deservi something better than to be left to the hard-and-fast rules of po law relief. The Charity Organization societies are constantly brin ing into operation a reasonable division between the work of tl poor law and that of private charity.

The refutation, by such an authoritative body as the Royal Cor missioners, of the charges against the existing poor law, came at very opportune time. The Local Government Board Act, 189 56 and 57 Vict. cap. 73, had materially lowered the franchise for tl election of the guardians, and the Fabian and other societies, wi socialistic tendencies made strenuous attempts by means of the ne franchise to secure the election of persons who would revolutioni previous legislation, and carry out their own views.

A few words as to the Local Government Act, 1894. It w designed to continue the administrative reform, initiated by the A of 1888, as regards County and District Councils, and to extend th

[1] At the head of these is the London Charity Organization Society, whc operations are described in Appendix I. of this book. The able secretary of tl society, Mr. C. S. Loch, now publishes annually a "Classified Register Charities in or available for the Metropolis," which also furnishes in an intı duction the chief legal and administrative provisions to be observed by persc who take part in the respective provinces of poor law and of charity. This is admirable publication which all who desire to introduce some similar system ir Germany may well take as a model.

orm to the parishes as the units of administration. It was the nost universal opinion that useful action on the part of parochial dies could only be secured by introducing new life through an tensive lowering of the franchise. The tendency of the age was us followed. The reform legislation of 1884 had raised the mber of Parliamentary electors by two millions and a half. Under e County Electors Act, 1888, the county councillors, to whom was ıtrusted the administration of the new counties, were to be elected y practically all independent ratepayers. It was supposed that the uffrage in parochial elections would be general.

But in the country there were the parish councillors as well as the guardians, and it was necessary to introduce the same franchise or both.

Nobody could doubt that this would entirely revolutionize the boards of guardians. Previously (see p. 40) candidates had to possess certain qualifications; there was also a classified franchise which gave owners multiple votes up to the number of six, and besides those elected there were the *ex-officio* guardians, who frequently had in practice an overwhelming influence. The consequence as that in some unions the members belonged almost exclusively the well-to-do classes, and it has been said that "the gentleman no occupation preponderated." After the new Act there were no *-officio* guardians, nor in London were any nominations of guardians ıde by the Central Board. There was the same right of voting owners or occupiers, and this was given to all occupiers who had en resident in the district during a year, were in possession of rgess rights, and were not in arrear with their rates. In this way was made possible for the working classes to choose guardians m their own number, and in many districts they could easily mmand a majority on the board, and, according to the threat of r. Oakeshott, "make their will felt."

The further provision that the elected boards of guardians, whose m of office was legally fixed at three years,[1] might elect their chairan, vice-chairman, and two other "additional guardians" (the persns chosen being qualified) operated in two ways. It was thus made ssible to introduce men of weight who might be unwilling to pose themselves to the disagreeables of a contested election, or ıo had perhaps been defeated in the contest, and especially those ıo had previously been *ex-officio* guardians with practical experience ıich would be of value to the new boards. On the other hand, e choice might fall on persons distinguished, not for experience, ıt for their extreme opinions.

It was generally recognized as an advance that sex was no longer bar either to voting or to being elected, and that women were igible to be placed under the same conditions as men. Previously ıe number of female guardians had been insignificant. The first had en elected in Kensington in 1875, and until 1882 it was a very

[1] Most unions have adopted the plan recommended by the Local Government ard of having an election of one-third of their number each year.

doubtful question whether and under what conditions women wer eligible. Subsequently the number increased from year to yea mainly in consequence of the establishment, in 1882, of a speci society for promoting the return of women as poor law guardians but it was only under the franchise specially given by the Act o 1894 that women obtained a firm position in the boards of gua dians such as they had very advantageously assumed in the Charit Organization societies.

What was the result of the first elections in 1895 under the ne Act? Canvassing for votes had been extraordinarily active. E deavours were made by means of the "Fabian" electioneering cr of "humanizing the poor law" to bring extreme elements on th boards of guardians. It was suggested that certain cases whic had been really exceptional were of general occurrence, and the were gross exaggerations of the cruelties of the poor law syste which it was declared had been administered by the well-to-d classes in their own interests in order to keep down the rates; whil it was urged that the position of those relieved would be entirel changed if the administration were transferred to those who ha their own experiences of destitution, and who would always hav before their eyes the possibility of themselves becoming applican for relief.

But only in a few localities, mostly in large towns, were th extremists able to command a majority in the new boards. Els where a large number of the old and experienced guardians wer re-elected, and people welcomed the introduction of new elemen among which was a surprisingly large proportion of women. It w thought that the new-comers would bring fresh blood into the board and that if they held extreme views, the practical experience of th old guardians would soon convince them of the impracticability an the danger of giving effect to their opinions.

Those boards in which the extremists actually held the upper han were not interfered with, and the Local Government Board did n intervene even when some of them freely granted out-relief in enti disregard of the principles of the Act of 1834.

In many quarters the Central Board was blamed for not makin use of its legal right of intervention, and yet its action, or rather i inaction, was certainly most judicious in the circumstances of th case. Its view was this. Having regard to the existing agitatio for the entire overthrow of the principles of the poor law hitherto force, it is desirable that in particular localities the extremists shou be allowed to put their opinions into practice; they will soon s where they would thus be led; and if, after the failure which wi be sure to come in the long run, they voluntarily revert to th old principles, more will be done in this way than would b possible to suppress the agitation by any exercise of compulso powers.

The result has, as we have already stated, shown the justice of th reasoning. In certain unions where the new policy of relief wa

introduced there was a large increase in expenditure; the costs of the poor law institutions grew as well as those of outdoor relief. Then a cry of indignation at the amount of the rates soon made itself heard, and there was a revulsion of opinion. The guardians at first decided to reduce the allowances of relief; but when there were complaints of inadequacy, they decided to afford relief (apart from the exceptions legally authorized) only in the form of admission to the workhouse.[1]

This drama was played sooner or later in various unions, but everywhere there was eventually a return to the old principles.[2] Mr. John Burns, a well-known leader of the working classes, in a large assemblage of artisans raised a warning voice against laxity of administration, and against the policy of granting outdoor relief otherwise than according to law.

But if the Local Government Board abstained from interposing its controlling power, it by no means ignored the new conditions which had been created. It was aware that the newly-elected bodies, in order successfully to perform their duties, had to make themselves acquainted with the legal powers entrusted to them, and yet this was made difficult by the fact that laws and regulations were much scattered and not easily accessible. It fully recognized the obligation of intimating to guardians the principles which had to be observed. In a detailed circular of 29th January, 1895, the Board set forth in a clear and easily intelligible form the principles of workhouse administration, and specially discussed the points demanding the attention of the guardians. Soon were issued similar circulars as to particular branches of administration, *e.g.* in June, 1895, on the Duties of Visiting Committees, and on the 25th February, 1896, on the Treatment of Vagrants. The spirit in which these were framed may be indicated by the following passage which concludes the circular of 29th January, 1895: "The work is often arduous, and the constant attention to small details, which is absolutely necessary for efficient administration, may impose a heavy tax on the time and patience of the guardians; but the Board feel sure that they may rely on those who take upon themselves the office of guardian, discharging their duties with a due sense of the responsibility which the position involves."

And the confidence of the Central Board was justified. The Reports of the General Inspectors which, especially in 1896 and 1897, are in great detail, are unanimous in declaring that the new

[1] A very vivid description of these proceedings is given in a small work called 'Looking Back,' by Miss Mary Calverley, a member of the Brixworth Board of Guardians.

[2] See the Report of Mr. Lockwood, General Inspector of the Metropolis. "Those who were new guardians in 1894 have come to realize that the methods which they thought to revolutionise and reform are not so wholly evil as hearsay had led them to believe, and that the administration of relief on sentimental principles, however soothing to the emotional dispenser of other people's money, is not only unfair to the contributory public, but demoralizing to the recipients themselves." (26th Report of L. G. B., p. 76.)

boards of guardians, though they may have made mistakes of various kinds, have on the whole done well. We are told that interest in poor law administration, as in local administration generally, has sensibly increased, and that, especially in rural unions, a large number of persons of capacity have obtained seats on the Boards, and have soon done good work.[1]

The activity of the female guardians is a subject of special commendation. On my recent visits to England, I have everywhere—not only in official circles—found the general opinion to be that women guardians are the most valuable creation of the Act of 1894. Many of the women elected were for the most part better prepared than the men for their new work, because they had previously served their apprenticeship in the Charity Organization Society. Besides, they usually had more leisure, and, above all, had more knowledge and interest for the small details which, in the Local Government Board's words just quoted, are so important for good administration. In particular, the beneficent influence of the female guardians has been shown in the management of the workhouses, as regards cooking, purchases of provisions, supplies of clothing and linen, and many similar details which men do not understand, or think too trivial to trouble themselves about—to all these things the boards of guardians gave more attention than previously. In the same way, many improvements in bringing up the children are due to the sensible influence of the female guardians.[2]

In the ordinary divisions of current business among standing committees of the guardians, the usual plan is that no committee should consist exclusively of women, but also as far as possible that there should be a woman in each. Thus, in varying proportions, men and women work together on committees whenever the number of female members is sufficient to allow of this arrangement.

The Local Government Board has given its official recognition of the part taken by women in the poor law system, and by the General Orders of 27th January, 1893, and 30th November, 1894, has authorized boards of guardians to appoint women who are not members as regular visitors of poor law institutions. In this way,

[1] In the words of Mr. Davy, General Inspector, "Many men of business capacity will be introduced into the governing body, and the apathy of the ratepayers in the matter of voting, which is in all countries the curse of local government, will be lessened. . . . There are many grounds for believing that, so far as the honesty and capacity of the administration is concerned, the future is full of promise of good."

[2] In order to prepare women for the post of guardian, lectures are often given, for the most part by ladies who have themselves had practical experience as guardians. I may mention specially a collection of three essays by Miss Sophie Lonsdale, 'The English Poor Laws, their History, Principles, and Administration' (King and Son, London, 1897). I may further mention an exceedingly instructive work by Miss Gertrude Lubbock, 'Some Poor Relief Questions, with the Arguments on both Sides' (John Murray, 1895). In this book the principal points which present difficulties in the practice of poor law administration are clearly stated and discussed. On the question of pauper education, Miss G. M. Tuckwell has published a good treatise entitled 'The State and its Children' (London, 1894). The total number of female guardians is now about a thousand.

besides the female guardians, a large number of women have come to take part in the poor law system, and regularly inspect this or that institution, whether school, infirmary, or workhouse, for which they have been appointed visitors. The supervision thus exercised by persons not belonging to the elected Board is regarded by the Local Government Board as very useful, and the guardians are urged to extend it so that in this way the confidence of the public may be increased in the administration of institutions which are subjected to a certain external control.[1]

The final result of the agitation above referred to was to introduce reforms by the erection of numerous institutions satisfying modern requirements; and it is also necessary to mention the improvements effected in the personnel.

In addition to the changes already mentioned as having been made as regards the unpaid guardians, reform was introduced with respect to the paid officials.[2] Among these the chief place is taken by the relieving officer who is specially charged with the duty of inquiry into applications for relief, the payment of the sums granted, and the supervision of the paupers (see p. 224). Upon the way in which these duties are performed it largely depends whether the poor law administration is good or bad. In the Report of the Royal Commission on the Aged Poor it was pointedly stated that the number of these officers was quite inadequate, and that the work of many of them was so great that with the best will in the world they could scarcely perform it. Upon this point the Report mentioned the number of cases of neglect which had been brought before them. By a circular of 11th July, 1896, the Local Government Board pointed out the importance of the work of relieving officers, and urged boards of guardians to increase their number, while at the same time it issued a clear statement of their duties, with recommendations as to particular points. This suggestion was well received by boards of guardians, and a further increase in the number of these appointments may be confidently expected.[3]

But the Local Government Board did not ignore the fact that the question was not solely of the number of paid officers, but of their quality; that they must, in the phrase of the Poor Law 29th Commissioners of 1842, above all, possess "good temper, joined to

[1] The Local Government Board has urged the importance of making "surprise visits," *i.e.* without previous notice.

[2] In 1886 Miss Mason was appointed as inspector of boarded-out children, and there has since been a movement in favour of the appointment of other women as poor law officials, both as inspectors under the Local Government Board and as relieving officers under the guardians.

[In 1897 Miss Ina Stansfeld was appointed as assistant-inspector for the metropolis, and in the following year Miss Chapman was appointed as a second inspector of boarded-out children. But the duties of Miss Mason and Miss Chapman are restricted to children boarded outside the limits of the union to which they belong, and there is no central supervision of the much larger number of children boarded-out in their own unions.]

[3] In the year 1896 the number of relieving officers was 1,623, and has since, without doubt, increased. (See p. 193.)

firmness and self-command," and that, in order to obtain suitable persons, their material position must be assured and improved.

With this object was passed the Poor Law Officers Superannuation Act, 1896 (59 & 60 Vict. c. 50), which gave all paid poor law officials the right to a pension. The pension (on incapacity through illness or age) begins after ten years' service, with ten-sixtieths of the remuneration, and then rises annually by one-sixtieth to a maximum of forty-sixtieths, and for this the officer has to contribute 2 per cent. of his emoluments, a contribution which is calculated as covering one-third of the cost of the pension, while the rest falls on the rates.[1]

We thus see that improvements in the poor law system during the last twelve years have been effected in many directions. The attentive observer cannot ignore the predominant part which the Central Board has played in bringing about this result. Not only has it exercised a watchful supervision over the administration, has framed the new legislation, and has issued the regulations necessary for carrying it out, but also, in the recent critical period, has exercised an instructive and wise influence by the collection and publication of material and experiences both English and foreign, has welcomed improvements, and has avoided false steps. At the head of the Local Government Board during this period there has been a succession of eminent men whose names are even known abroad.

I now proceed briefly to discuss the alterations made in particular branches of the poor law system, and I shall adhere as much as possible to the arrangement adopted in my book by treating the subjects under the following headings:—

(1) The workhouse principle and the granting of out relief.
(2) The management of workhouses.
(3) The bringing up of pauper children.
(4) The care of the sick.
(5) The treatment of the casual poor.[2]

§ 1.

The workhouse remains, in the place it has taken since the year 1834, as the foundation of the poor law system.

This is not, as has been asserted in German publications, because relief is ordinarily given in the shape of admission to a workhouse or other similar institution. It is therefore unjust to cite the undoubtedly considerable number of outdoor paupers as a proof that a system of indoor relief is not possible in practice. The principle of restricting relief to the workhouse applies only to the

[1] See p. 195.
[2] The paragraphs on this subject have been transferred to p. 284.

able-bodied; in the large towns, where the Outdoor Relief Regulation Order of 14th December, 1852, takes the place of the Prohibitory Order of 21st December, 1844, the principle applies only to able-bodied men, not to able-bodied women. Otherwise, it rests with the board of guardians to decide, at their discretion, what kind of relief shall be granted.

Undoubtedly the spirit of the poor law is in favour of indoor relief. And, in direct opposition to the attacks which have been made upon that principle, are the reports of two great Commissions (on Poor Relief and on the Aged Poor), which have strongly upheld the workhouse principle and indoor relief generally. The utterances of those reports in favour of indoor relief may be shortly stated from the following points of view :— [1]

1. *The Interests of the Poor.*

Indoor relief alone affords security that the applicant shall receive all that is required for his maintenance. In the case of outdoor relief, as experience has shown, the assistance granted is often inadequate; it has, therefore, to be supplemented by private charity, which there are no means of regulating, and which, on that account, may be attended by serious drawbacks. Moreover, by admitting applicants for assistance to an institution, boards of guardians discharge their legal duty in all circumstances, and there can be no dispute as to the sufficiency and character of the relief.

2. *The Educational Point of View.*

The restrictions on personal freedom in an institution are calculated to induce people, while they are prosperous, to provide for hard times, and in this way thrift and industry may be promoted.

3. *The Economical Standpoint.*

With outdoor relief there is the danger that the pauper may be a competitor with the free and independent labourer in the general labour market, and, in consequence of the payment which he receives from the rates, may be able to accept work at less wages. In this way the level of wages is unfairly depressed. With indoor relief, on the other hand, all disadvantageous competition with free labour is avoided.

This point is especially important in exceptional cases of need, such as arise in industrial crises or strikes. With regard to these, it is clear that a policy of lax poor law administration has the effect of maintaining the strikers by supporting them out of rates levied for the most part from the employers, and thus the men are helped to

[1] These points of view are tersely summed up by Sir Henry Longley in the striking words "they combine the maximum of efficiency in the relief with the minimum incentive to improvidence." Professor Bryce insists on the third point when he says, "Kindness to the individual is cruelty to the class."

prolong the strike. If the Trades Unions in many cases attack the prevalent poor law system, this may be based on the desire to create a reserve fund for strikes in the event of the alteration of that system.[1]

It has been suggested that, in the case of extensive want of employment, three classes of necessitous persons should be discriminated: (1) industrious workmen who have saved something; (2) workmen who have not saved, but who have decent homes, and (3) the remainder (of whom there are a large number) who are glad to be idle. The last class should be relieved only in workhouses. The first class alone should be dealt with by private charity. For the second class it is recommended that they should be relieved by employment on public works, a moderate remuneration for their labour being paid in money and kind.

As regards relief works, on the occasion of a general want of employment in the winter of 1885–6 many boards of guardians opened stone-yards, and occupied the applicants for relief with stone-breaking, a plan which was rightly regarded as insufficient. The then President of the Local Government Board, Mr. Chamberlain, in the above-mentioned circular of March, 1886, recommended boards of guardians to place themselves in communication with other local authorities in order to provide suitable public work, as, for example, the laying out of new streets, open spaces, cemeteries, public gardens, etc., and, at the same time, he stated that loans for works or improvements of this kind would meet with the approval of the Local Government Board. Both in that and the following winter a number of such public works, streets, etc., were taken in hand as relief works.

Still more successful was the establishment of special Test Houses in Birmingham, Liverpool, West Derby, and elsewhere. Particular buildings were hired in which the unemployed were occupied with different kinds of work. What had been regarded as impracticable in other relief works was secured, namely, strict discipline and rigid supervision of labour, with the punishment of those who showed themselves recalcitrant or lazy. The consequence was that in these towns the unemployed set themselves energetically to find other work, and then the Test Houses were soon emptied.

Moreover, the Commission on the Aged Poor maintained the necessity, in spite of all objections, of giving indoor relief to many of those who had become destitute on account of their infirmities. In particular it was pointed out that, for the most part, old people were much better cared for in workhouses than by the grant of outdoor relief; at any rate, where they had no relations or friends to look after them. Mr. Lockwood aptly remarks, "The vast majority of aged inmates of workhouses are there, not because of a harsh and undiscriminating administration by guardians, but because it is impossible to relieve them adequately in any other way," and the

[1] "It would be well if those responsible for strikes could come and see at the guardians' table the widespread misery that is inflicted by the stoppage of an industry."

questions whether of the workhouse inmates over sixty, 2 per cent. could be properly provided for outside.[1] It is further pointed out that, where there are relations, they are often induced by the threat that relief will only be given in the workhouse to provide for the old folk themselves.[2]

The Commission recommended, however, that persons received in the workhouse on account of age and infirmity should, if properly conducted, receive various privileges. This recommendation was carried out in various unions, and has materially aided the efforts, to be presently described, to secure special treatment for the old folk.

Though it cannot be contested that the widespread agitation in favour of the restriction of indoor and the extension of outdoor relief[3] has led in particular unions to a relaxation of the rules already mentioned, and to an easier practice, recent Annual Reports of the General Inspectors are unanimous in the view that boards of guardians are steadily coming back to the old principles. The newly-elected guardians become more and more convinced, the longer they serve, of the advantages of indoor relief, and consider that life in a workhouse is very much better than inadequate relief outside it.

The proposal has been often made, as an inducement to the grant of indoor rather than of outdoor relief, that the cost of in-maintenance should be imposed on a larger area, such as the counties, and that the charges for out relief only should be defrayed by the unions. But the unprejudiced and experienced officials of the Central Department have pronounced against this proposal. It was rightly contended that the interest of the local guardians in a great proportion of their poor would thus be lost, and also that the greater district, for the sake of economy, would have a tendency towards making the institutions as large as possible. This would produce the result of sending inmates to a greater distance from their homes, and thus they would be cut off from their old friends and relations, a separation which must be regarded as causing unreasonable hardship to many of them, especially to the aged.[4]

[1] See 24th Report of L. G. B., p. 17.

[2] A Bill laid before Parliament to extend the obligation of maintenance to nephews and nieces, and to facilitate the enforcement of contributions (at present very difficult), has not yet been passed. Recently, boards of guardians have been energetically taking proceedings against relations who repudiate their liability.

[3] In an article entitled 'Outdoor Relief' in the *Contemporary Review* for March, 1894, Sir William Hunter, M.P., advocated the entire abolition of the workhouse, and the London Reform Union has in most points adopted his views. On the other hand, this question has been dealt with in a particularly trenchant fashion by Mr. C. S. Loch, in his 'Statistics of Metropolitan Pauperism' (1894), and by Mr. W. Chance, in an article in the *National Review* for July, 1895. See also Mr. Chance's 'Better Administration of the Poor Law' (Swan, Sonnenschein & Co., 1895), in my opinion the best recent book on poor law in the English language.

[4] One of the inspectors, Mr. J. W. Preston, well says that "guardians require education in their duties as do members of any other profession, and I am glad to

§ 2.

I have pointed out in my book that there has been a departure from the old notion, which found expression in the Act of 1834, that all indoor paupers must be concentrated in the workhouse, and efforts have been made in the direction of excluding three classes, in order to place them in separate institutions. These classes are the children, the sick, and the vagrants. (See p. 268.)

Such efforts have been, to a great extent, realized of late years. The number of special buildings recently erected for these classes is considerable.

But more than this has been done. Even where these three classes have been removed from the general workhouses, the inmates are of variegated types. Besides those who are able-bodied, but owing to laziness or lack of energy have come on the rates, there are many inmates who, through illness, infirmity, excesses, age, etc., are quite unfitted for regular or hard work, and who cannot be expected of their own accord to undertake the struggle for existence. It was very difficult to secure appropriate treatment for each of these elements under the same roof. There was, therefore, the alternative either of making the discipline and the work light, and therefore unsuited, from the educational point of view, to the able-bodied, or of incurring the reproach of subjecting the infirm or feeble to inhuman treatment.

On this account steps were taken in some unions, mostly in large towns, for a further classification of institutions. The able-bodied were removed from the general workhouse and placed in a special establishment, where they were made to work hard, disused workhouses being generally chosen for the purpose. But owing to the smallness of the number of the able-bodied, this plan was only made possible by the combination (which was much encouraged by the Local Government Board) of several unions for this particular object.

Even then there were often difficulties in selecting suitable occupation for the inmates. The trades unions were keenly on the watch lest workhouse labour should compete with independent

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say that I already see a greater desire in the new guardians to hold the balance more equally, and to consider with greater care both sides of a question."

As examples of unions in which there has been a sensible diminution of outdoor relief, with the result of lessening both the number of paupers and the expenditure, I may mention Whitechapel, Stepney, S. George in the East, Birmingham, Manchester, and, above all, the rural union of Bradfield, where one of the highest authorities on the poor law, Mr. Garland, has long been chairman. [Mr. Garland has now a worthy successor in the person of Mr. H. G. Willink.] In some of these model unions, such as Birmingham and Manchester, there is a paid official, the inspector of out relief, who supervises the relieving officers and their cases. This plan, which has been found to answer well, has also been adopted in Liverpool and elsewhere.

industry, and the principle was laid down that the inmates should work solely for the needs of their own or other public institutions.[1]

The proposal, which had been often made, that they should be employed only in agricultural labour, could not be carried out in practice, because in urban unions the workhouses were usually in the middle of the town. Some unions endeavoured to cope with these difficulties by sending their able-bodied paupers to the farm colony established at Hadleigh, in Essex, by "General" Booth of the Salvation Army, in 1891, where they were received on payment of 5*s*. a week. The experiment was not successful. Most of the people were unfitted for the work required from them, and as there was no legal power to detain them, they went back to their union, which was not inclined to repeat so costly an experiment.[2]

Some very important urban unions considered the plan of establishing outside their towns a workhouse of their own for the able-bodied, after the model of Booth's farm colony, in order to occupy the inmates with agricultural work, and to transfer the workhouse from the town to the country; but this method (which, so far as I am aware, was only carried out in a single instance, namely, at Kirkdale, in the Liverpool Union) is only likely to answer if some legal limitation is imposed on the right of workhouse inmates to discharge themselves at pleasure.

The Act now in operation (34 & 35 Vict. c. 108) prescribes that inmates may discharge themselves at twenty-four hours' notice, and in no case are to be detained more than three days thereafter. Consequently, the number of the so-called ins-and-outs who, without reasonable ground, leave the workhouse, and soon return to it, is very considerable. There has been a generally expressed desire that this legal provision should be altered, and this amendment of the law will doubtless soon take place.[3]

[1] In October, 1888, the Local Government Board was driven, by complaints of the unfair competition of workhouse labour with free industry, expressly to warn guardians by circular against such competition, and to forbid the employment of machinery in workhouses, or the conduct of any manufacture on a large scale. Even wood-chopping, if carried out to any large extent, was deprecated as unfair competition. (18th Report, p. 104.)

[2] The establishment of this farm colony, which in many points resembles our German "Arbeiterkolonien," was the result of "General" Booth's widely circulated pamphlet, 'In Darkest England and the Way Out' (London, 1890). As to the success of the colony and of the shelters for the homeless under the same management, opinions differ. The figures given by Booth are imposing, but their accuracy has been much questioned.

[In the 29th Report of the Local Government Board (p. 65), Mr. Lockwood writes as follows: "Some of the Metropolitan boards of guardians continue to send 'likely cases' to the Salvation Army colonies and farm, and to the farm colony at Lingfield, with, so far as I have been able to learn, but moderate results in rehabilitation; it would be unfair to regard the small percentage of success as reflecting on the methods adopted in either colonies or farms, it is due rather to the, for the most part, hopeless character of the material. My experience leads me to believe that nine-tenths of workhouse inmates under 50 have drifted into chargeability owing to mental or physical flabbiness (often congenital), of which a complete and lasting cure is, in the great majority of cases, impossible."]

[3] [An alteration of the law in this respect has been effected by the Poor Law

While in the special establishments for the able-bodied the workhouse has again become what its name implies, in ordinary workhouses, especially in the new ones, a number of improvements have been introduced, and a higher standard of comfort has been secured. Something was done in this direction by the Order of the Local Government Board of 1892, which empowered guardians to supply tobacco and snuff to the old and infirm, and that of March, 1894, which authorized them to give dry tea, with milk and sugar, to the old women. It may be also mentioned that, under the presidency of the Countess of Meath, an association of ladies has been formed, under the name of the Brabazon Employment Society, with the object of teaching inmates of workhouses easy and interesting work, and thus introducing some variety in the monotony of institutional life.

Special efforts have been made to improve the condition of the old and infirm inmates. In a circular of the Local Government Board of 31st July, 1896, it is suggested that where practicable a separate day-room should be provided for the old inmates of the better class of each sex; that they should have additional liberty, both to be visited, and to go out in order to see their friends; also that cubicles should be provided for them in the dormitories. In the newer workhouses separate rooms are often provided for the old people, and sometimes even small cottages are built for them, which Mr. Oakeshott, of the Fabian Society, despite his discontent with the poor law establishments, describes as "cosy little places, cheerful, with an individual homelike air about them."

Besides the establishment of special institutions or departments for particular classes of inmates (classification by workhouses) there has been a demand for classification within the workhouse according to the good or bad character of the inmates.[1] But against such a division the objection has been raised by the inspectors that there is great difficulty in carrying it out, because there are, in many cases, no means of deciding whether the destitution has been culpable or unavoidable, and that a judgment on the subject, no matter by whom pronounced, must give rise to hardship and to discontent. It is also said that practical experience shows that, in many instances, persons whose past has certainly been unsatisfactory behave excellently in the workhouse; while others, whose previous life has been blameless, constantly rebel against the management, and cause much annoyance. Already some classification of this sort is carried out in all well-managed workhouses, by the separation of persons likely to have a depraving influence from others, and by placing those of good character in particular positions of trust. More than this cannot properly be done.

Act, 1899, which provides that if any inmate has, in the opinion of the guardians, discharged himself frequently without sufficient reason, they may require him to give 168 hours' notice of discharge.]

[1] The Sheffield guardians have gone furthest in this direction, by their plan of creating four classes of inmates with a view to the better treatment of those who are of good character. (Drage, *op. cit.*, pp. 356–363.)

§ 3.

branch of the poor law system which has, of late years, given
o much discussion, is the treatment of pauper children.
ıe chief systems previously in force were—
) That of lodging the children in the workhouse, where, how-
according to the present practice, they do not usually receive
ıction. For this they are generally sent out to a neighbouring
c elementary school, so that they may mix, as much as possible,
the children of the independent poor.
) That of bringing them up in district schools (established by a
›ination of several unions) or separate schools (for the pauper
ren of a single union).
) The boarding-out system.

I have expressly pointed out, each of these systems has its
ntages and drawbacks. The first [1] is the cheapest, but has the
ıvantage that the children grow up in an atmosphere which is
suited to make them strong and self-reliant, confident of their
rs, or likely to become proud of their independence as men and
ɛn. But this system cannot be entirely dispensed with con-
ing the large number of children who are only under the charge
ɛ guardians for a short time, especially the ins-and-outs [2] already
ioned. And this first system is that which is at present most
oyed.[3] The district and separate schools almost universally
de an excellent education, and the physical development of the
ren is amply provided for by gymnastics, games, etc. The dis-
ntage is that the children are cut off from contact with the outer
l, are apt to become hot-house plants, and when they leave the
›l are unfitted for the new conditions of life before them.
e is another objection, not necessarily part of the system, but
found in practice, namely, that the institutions are too large to
sufficient regard to be paid to the individuality of the particular
. Finally, the third system has the advantage of bringing up
ren under more natural conditions, and of giving them a sort
mily life; but there is the difficulty that really suitable foster-
ıts are not easily found in sufficient numbers, and that the close
ɔvision necessary in the case of children thus brought up is
not exercised with sufficient care. Moreover, this system is
legally applicable to orphans and deserted children.

late years there has been a fierce struggle between the

ı this direction the Elementary Education Act, 1891, has had a good effect,
ıas done away with school fees. The fees payable by boards of guardians
hus been reduced by from £28,679 in 1891 to £1,194 in 1896.
nly a few rich unions, like Kensington and Chelsea, have established special
s for these ins-and-outs. However desirable this plan may be, its costliness
ıts its being widely adopted.
ı the year 1899, 508 unions sent their children to public elementary schools,
exclusively poor law schools (including 53 workhouse schools), while 7,359
ɛn were boarded out. The number of children sent to poor law schools has
from 35,335 in 1883 to 19,826 in 1899.

supporters of district and separate schools and those of boarding-out. On one hand the most favourable characteristics of a system have been put forward as its ordinary results, while, on the other hand, exceptional and slight defects have been treated as general and overwhelming.

This want of a judicial frame of mind in estimating the value of different methods was visible in the proceedings and the conclusions of the Departmental Committee, appointed in 1894, with Mr. Mundella for its chairman, "to inquire into the existing system for the maintenance and education of pauper children." To outsiders there appeared good ground for the appointment of a committee, owing to various unfortunate occurrences in some of the great schools of London, which had strongly aroused public attention—such, for example, as the fire at the Forest Gate School in 1889, the cases of ptomaine poisoning at the same school in 1893, and the epidemics of ophthalmia at other establishments. The committee, which restricted its inquiries to the metropolis, was composed entirely of violent opponents of the district schools, and the chairman conducted the examination of the witnesses with such an obtrusive prejudice against those institutions that the Press stigmatized it as a public scandal. The conclusions of the committee, of course, allowed no credit whatever to the district schools, while the boarding-out system was lauded to the skies.

The issue of this Report[1] at the beginning of 1896 provoked a storm of opposition, and meetings of protest were held which denounced the proceedings of the committee in scathing terms. It will be readily understood that the defects of the boarding-out system were ruthlessly exposed. While the opponents of the district schools had dared to say, "The better the school the worse for the child," the antagonists of the boarding-out system declared that foster-parents were mainly to be found in places where the maintenance of pauper children was carried on as a "staple industry," and that boarding-out had introduced a new kind of child slavery.[2]

Despite these fierce conflicts of prejudiced opinion, the Local Government Board endeavoured to get at the real facts of the case, and called on its inspectors to report on the institutions established in their districts for the reception of pauper children, and on the success or failure of such institutions.

[1] Parl. Papers, No. 8027 of 1896. The Report is so seriously defective that it is not necessary further to discuss it, especially as there is no prospect of its recommendations being carried into effect. This particularly applies to the proposal to transfer the supervision of pauper children from the Local Government Board to the Education Department, and to establish a central authority for the care of pauper children of the metropolis. Mr. Chaplin, when President of the Local Government Board, expressly stated in the House of Commons, in August, 1896, that the Government had no intention of carrying out this recommendation, which from various quarters had been assailed with vigorous objections.

[2] See 'Pauper Children: An Open Letter to the Hon. Viscount Peel' (London, 1897); also 'Poor Law Schools: A Criticism of the Report of the Departmental Committee' (London, 1897). The Poor Law Conferences in 1896 and 1897 occupied themselves almost entirely with this question.

d on the 30th May, 1896, there was a special enumeration of dult inmates of London workhouses and infirmaries in order to tain how many of them had been educated in pauper schools. result was to show that, among 37,969 inmates, only 435 had brought up at pauper schools, and of these 232 had again ne chargeable to the rates in consequence of illness or infirmity. e were thus only 203 persons whose pauperism could be con- d with their education in pauper schools.[1] This showed in a ng fashion how exaggerated was the assertion of the Depart- al Committee, that education in pauper schools produced men ed to maintain themselves by ordinary work.

ong the inspectors' reports the most interesting is that of Miss n, who for a good many years has been charged by the Local rnment Board with the supervision of boarded-out children. e result of her long experience, she declares that "profit is the reason why the great majority of foster-parents receive the ren," and that "the supply of really suitable homes is not iful" (26th Report of L. G. B., p. 146). She considers that the ling-out system gives excellent results if the children and the -parents are well selected and constantly supervised; but that frequently, owing to the want of these precautions, it shows the worst of all systems. She thinks that children should be led out when young, and that the system is better suited for han for boys.[2]

her inspectors dwell on the very great success of by far the est number of district schools, though their success may be rdized by the enormous growth of particular establishments. originally the normal number of a school was regarded as between 300 and 500, some have been built to accommodate or more children, and have thus become what opponents are of calling "barrack-schools."

system is perfect; the chief element of success is good gement. In Pope's words, "Whate'er is best administered is It is upon this view that the Central Department has acted; favoured no one system exclusively, but has promoted reforms practical administration of each.

us, on the 28th May, 1889, the Board issued new General rs regulating the boarding-out system, repeating the previous s of 25th November, 1870, and 10th September, 1877, and ribing various new conditions.[3]

e total number of children boarded out on the 1st of July, 1896, ,316, of whom 4,426 were lodged within their own union, and outside it. The expenditure for the year ending Michaelmas, was £62,392. There were 347 boarding-out committees, in

rl. Paper, No. 308 of 1896.

e preference which has long existed for the boarding-out system seems to inishing. At the Poor Law Conference of the West Midland district in Mrs. Browne stated that, "it is curious to see the change which is creeping eople with regard to boarding-out."

e p. 257.

which ladies were especially active, and exercised a real and increasingly active supervision over the children and their foster-parents.

With regard to the district schools, the Local Government Board has arranged that the specially large ones, such as those at Sutton,[1] should be separated into several blocks; that in all cases where necessary there should be sanitary improvement; and that particular schools, as, for example, those at Forest Gate, in which special defects had been found, should actually be closed.

The Central Board has also intimated to the boards of guardians that they stand in *loco parentis* to the pauper children (on whom has been bestowed the attractive name of Children of the State), and are therefore responsible for the care of the children in a suitable fashion after their discharge from school.

An institution called the Metropolitan Association for Befriending Young Servants (or more familiarly the M.A.B.Y.S.), which was founded in 1875, has done excellent work in this direction with regard to the girls. This philanthropic society has established special training homes for girls who intend to earn their living by domestic service, and in these homes they are received immediately on leaving school, and are supplied with practical instruction for their future employment. Each girl, on going out to service, is placed under the care of some one lady, who looks after her up to the age of twenty. If the girl is temporarily out of a place she is received in the lodging homes established by the society. Similar philanthropic associations have been formed in other large towns. Others have been established for the "after care" of poor boys, for whom training homes have been set up, in which they are prepared for their future occupation, while the guardians contribute to the cost of their maintenance.[2]

The Central Board also endeavours to secure that those children who, in consequence of physical or mental deficiency, require special attention, shall be removed from the large schools, and placed in

[1] [The Sutton schools have lately been purchased by the Metropolitan Asylums Board.]

[2] I must not omit to draw the attention of the reader to this characteristic example of the co-operation of poor law relief and charity. This has been carried out excellently in England, and, as the statements in the text will show, is being constantly developed. It rests upon the reasonable consideration that, on the one hand, the general establishments of the poor law system are not suited for the special care of those in need, and that, in consequence of the small number of the classes in question, the boards of guardians cannot provide institutions of their own for them; while, on the other hand, the philanthropic societies by the contributions of the guardians to their establishments, not only receive direct financial help, but are also recommended to the public by the fact that they undertake this work.

Excellent institutions for the blind are now provided by the London School Board. Admirable results have also been obtained by the British and Foreign Blind Association and the Royal Normal College and Academy of Music for the Blind. While in the year 1851 there was one blind person to every 979 inhabitants, the figure fell in 1861 to 1037, in 1871 to 1052, in 1881 to 1138, and in 1891 to 1235.

utions specially adapted to them.[1] This applies especially to
ly, crippled, and backward children. Special societies have
founded, foremost of which is the Invalid Children Aid Asso-
on, which specially concerns itself with these poorest of the
. Under an Act of 1879 (42 & 43 Vict. c. 54) boards of
lians may contribute to such societies, and thus acquire the
of sending pauper children to fill the vacancies in the institu-
.
ie Elementary Education Act, 1893, carries out a recommenda-
of the Royal Commission for the Blind, Deaf, and Dumb
9), by imposing on school boards[2] the duty of providing for the
entary education of such children, and extends the period of
ulsory education of such children to the age of sixteen. Pay-
s made in respect of a blind, deaf, or dumb child are not treated
or law relief, and the parent is not deprived of the franchise.
sides the three chief methods already mentioned of educating
er children, there are several others which are either applicable
rticular classes of children or have only been adopted in a few
ns.
o the first category belongs the education on a training ship of
suited for seafaring. On the *Exmouth*, which has been pro-
d for this service by the Admiralty, there are on the average 520
. The plan has answered well, and there is now a movement
vour of establishing a similar training ship. Meanwhile, boards
ardians send boys suited for sea service to various other ships.
nother plan, only adopted in the case of a small number of
er children, is to send them to Canada, and to commit them to
harge of foster-parents. The Local Government Board issued
ial regulations in 1887 and 1888 with regard to this system, and
ired that the children should previously be, for at least six months,
me school establishment, where they should be prepared for
ration; that there should be a medical certificate that each child
a suitable subject for it; and that the girls sent out should ordi-
y be not more than ten years old, and in no case over twelve.
ision is made for close supervision of these children in the
ny. But the number of children sent out in recent years has
dled down pretty steadily from 596 in 1888 to 85 in 1897.[3]
special form of separate school is the cottage (or grouped
es) system, which was first introduced in the year 1878 by the
ingham guardians in the Marston Green homes, and afterwards
further developed in the Kensington and Chelsea village homes
anstead. This system has of late years been comparatively little
nded. The reason probably is, not only the great cost of
lishment, but the consideration that in such homes established

[1] See Order of 2nd April, 1897 (Glen's 'Poor Law Orders,' p. 730), transferring charge of certain children to the Metropolitan Asylums Board.
A similar provision is made with regard to mentally deficient and epileptic ren by the Education Act, 1899 (62 & 63 Vict. c. 32).
[3] See p. 233.

in the country there is scarcely any possibility of the children m with the general population, and that in these cottages filled pauper children there can be no approach to home life. objection is obviously emphasized when the number of chi received in each cottage is for the sake of economy considerable

But the Sheffield guardians, at the instigation of two of members, Messrs. Ashberry and Wycliffe Wilson, have trie entirely new plan. They have hired various houses in the out of Sheffield, in which they have lodged a number of pauper chil sixteen being the maximum, under the care of a foster-mother, attend the local school, play with other village children, and mix with the independent poor. There is an organizatio managing these scattered homes under a general paid superinten and part of the provisions, dress, etc., is bought by this officer supplied to the different houses. There is a special committ the guardians for the supervision of the homes, and its mem make frequent visits without previous notice.

This system, established at the end of the year 1893, was base the notion of "home life under concentrated supervision," "distribution of groups of little children so that they be merg the population." It was excellently carried out, and has spicuously attracted public attention. Articles upon the 'She System of Scattered Homes' are to be found in all the newsp and periodicals of recent years.

At the beginning of the year 1896, the Local Government B appointed a Commission, consisting of their chief general inspect medical inspector, and their architect, in order to visit and r fully on the homes. A Report of May, 1896, specifying a nu of faults and deficiencies which the Commissioners considered they had found to exist, was submitted to the Sheffield guard and was published, with their exceedingly trenchant rejoinde March, 1897.[1]

In August, 1896, the Local Government Board issued a m randum,[2] specifying the general conditions to be complied wit the introduction of this system in other unions. Various boar guardians have since adopted it.

The system is not specially costly, and at any rate is much ch than that of grouped homes. It appears satisfactorily to mee demand which has been prominently put forward for a metho which "to dilute the pauper element with as large a proportio possible of the non-pauper." In my opinion, its success will de on two conditions, first, on the possibility of finding suitable trustworthy foster-mothers, and, secondly, by the exercise, on the of the guardians or a committee, of a really careful supervision; this is not very easy when the homes are distributed over a siderable number of villages. The fact that these conditions at present carried out in Sheffield does not make it certain this will be the case everywhere, and at all times. The She

[1] Parl. Papers, No. 113 of 1897. [2] See p. 226.

ıs, as pioneers of this movement, have naturally a special in the success of the experiment. They have a watchful all the details of administration, and are ready to sacrifice d money for the purpose. Whether this will be the case with ɔards of guardians who may adopt the system only the future w.

§ 4.

considerable improvements in the treatment of sick paupers ːen carried out of late years.

ıarticular, there has been a very large increase of separate ries, for the reception of the sick, apart from the workhouses, ese new infirmaries fulfil all the requirements of modern ː. Even in the larger provincial workhouses it is becoming ːeption for persons requiring continuous medical treatment to ːed in the workhouse sick wards. Such wards are mostly ed to chronic cases requiring little medical attention.

her, there has been quite a revolution in nursing, which is no performed—or neglected—by inmates, but is to a large extent ːompetent hands of trained nurses. This great advance is due to the efforts of a number of ladies, among whom may be ly named Miss Louisa Twining, the Countess of Meath, and archioness of Lothian. The Local Government Board has supported the movement. In April, 1892, the board's ıl expert, Dr. Downes, wrote a very comprehensive report on ɔject of the duties of nurses, and came to the not unreasonable sion that there should be one skilled nurse to every ten, or at ɔ every fifteen, beds.[1]

ıough this standard has not yet been generally reached, active ss is being made, in proof of which may be cited the Report Jenner Fust, general inspector for Lancashire and Westmore- The number of paid nurses in his district increased in the ːears 1894 to 1898 by 126, and amounted on the 1st January, to 591,[2] of whom 466 were employed on day and 125 on night here being thus one nurse to nineteen patients by day and to y-two patients by night, or, taking the day and night nurses er, one nurse to fifteen patients. On the other hand, the number ıpers employed in nursing in his district has been steadily shing, and on 1st January, 1897, was only 250, of whom 188 ːmployed by day and 62 by night. These inmates do not act ːndently, but under the direction of the paid nurse. Of the , all but 35 had gone through a course of training, and the

is Report was issued with the Circular of 29th January, 1895, already ned, to the newly elected board of guardians. In the Report of the L. G. B. 6, p. 442, the number of paid nurses is given as 3,874. [In the Report for is 5,244.]

ı the 1st January, 1901, this number had increased to 755 (or one nurse to ı patients), while the number of pauper attendants had further diminished

inspectors generally are agreed that in most unions there is prospect of the number of trained nurses being increased.

The Local Government Board also endeavours to secure improvement in the salary and treatment of the trained nurses. In particular unions there has been much friction of various kinds between the nurses and the matron, and it has been sought to avoid this difficulty by the appointment as matron of a trained nurse with long practical experience. For all the larger institutions, in which there are three or more nurses, it is now expressly required that a special superintendent nurse shall be appointed. At many infirmaries a separate dwelling-house with suitable rooms for the nurses has been erected.

Despite these improvements in the position of the nurses, and notwithstanding the efforts of a large number of societies which have been formed of late years to promote and facilitate their training, there are many unions, especially in country districts, where it is difficult to obtain suitable candidates for the vacant posts. Complaint is made that in consequence of this lack of suitable applicants, it is necessary to appoint nurses of insufficient age and experience.[1]

By an order of the 27th January, 1892, boards of guardians are empowered to appoint district nurses to attend upon sick paupers at their homes. In a circular of 1st February, 1892 (22nd Report of L. G. B., p. 8), the Local Government Board recommended such appointments, and described in detail the duties of the so-called district nurses.[2]

Various societies—particularly the Metropolitan and National Nurses' Association—have laid themselves out to provide nurses. This association has established central homes in which women desiring to devote themselves to the work go through a preliminary course, are then sent as probationers for practical training in one of the larger hospitals, and then return to the central home for six months' theoretical instruction. After passing their examination they are qualified to act as district nurses. With a similar object, Queen Victoria's Jubilee Institute for Nurses has been established, having been endowed by her late Majesty with £70,000 from the Women's Jubilee Fund.

Many boards of guardians which have not appointed district nurses, subscribe to some of the numerous private nursing associations on condition of their supplying trained nurses for particular cases among the outdoor paupers.

Special attention has been paid of late years to the judicious treatment of infectious diseases, and a strict system of notification has been introduced. Many isolation hospitals have been erected,

[1] It was lately pointed out in the *Times* that, while, on the one hand, there is a demand for new careers for women, on the other, there is a complaint that the supply of suitable women for nursing is insufficient.

[2] [The power of appointing district nurses is scarcely at all utilized by boards of guardians, partly because it has been thought that in country districts the areas to be covered would be too wide for efficiency while in towns temporary nurses can easily be engaged, partly because in many places parish nurses are supported by voluntary subscription.]

sometimes by the combination of several authorities for the purpose. And in large towns a system of ambulance stations has been organized.

Lately there have been several combinations of unions for providing asylums for epileptics and imbeciles.[1] On the other hand (see report by Mr. Preston, 26th Report of L. G. B., p. 83), there is a demand that the county councils should provide institutions for these classes.

Particular mention must be made in this connexion of the excellent work of the Metropolitan Asylums Board. It now controls eleven large hospitals for infectious diseases in addition to several hospital-ships for small-pox and three asylums for imbeciles. These admirably arranged institutions have served as models for various smaller establishments in the provinces. At present the Board is contemplating the erection of special institutions for children with infectious maladies of the eyes and skin. It has also erected two large convalescent homes for patients who have been discharged from its hospitals.[2]

Convalescent homes of this kind have recently been established in considerable numbers. A few have been set up by Poor Law authorities, but the greater part by charitable societies, to which the guardians subscribe in order to obtain admission for their cases. In the Charities Register already referred to, Mr. Loch mentions 326 convalescent homes, of which 180 are at the seaside and only 146 are inland. Some of these are exclusively for children, others for women and children together, others for all classes.

Special convalescent homes have also been established for the temporary reception of persons discharged from lunatic asylums as cured, and with this object an After-Care Association has been formed, which also usefully devotes itself to the task of bringing this class back to ordinary life by finding them suitable occupation.[3]

The number of pauper lunatics,[4] as of lunatics generally, has been

[1] The National Association for promoting the Welfare of the Feeble Minded has been formed for the establishment of institutions for that class. There has been also a movement for establishing houses for the cure of destitute drunkards. The number of retreats for inebriates is at present small, and in particular is insufficient for women, among whom the vice of intemperance has extraordinarily increased. [The Inebriates Act, 1898, appears from the official report issued in Oct., 1901, to be working with marked success, and various county councils have established reformatories for habitual drunkards.]

[2] For a fuller account of the Metropolitan Asylums Board and its work, see p. 292.

[3] It is properly held to be of great importance to give "a helping hand for a fresh start" to persons discharged from lunatic asylums. See on this point an instructive article by Dr. Richard Dewey in the *New York Charities Review*, vol. vii. p. 666.

[4] The total number of lunatics in England and Wales is given by the Lunacy Commissioners as 36,762 in 1859, and as 96,446 in 1896; thus there were 1,867 lunatics per million of population in 1859, and 3,138 in 1896. The figures, as the census has shown, are not quite trustworthy, and do not adequately represent the actual facts. The alterations made by legislation have to be taken into account with regard to the increase, particularly the comprehensive Lunacy Act, 1890 (53 Vict. c. 5), which was amended by the Act of 1891. On these Acts the Local Government Board issued to boards of guardians two instructive circulars of 23rd April, 1890, and 18th September, 1891 (20th Report, p. 33, and 21st Report, p. 95).

constantly increasing. I need add only a few figures to those given in the body of this work. The number of pauper lunatics maintained by the counties at the cost of the poor rates, was 31,782 in 1859; 41,634 in 1866; 52,241 in 1871; 62,059 in 1879; 71,370 in 1885; 80,845 in 1893; 90,074 in 1897. Recent investigations demonstrate the important fact that from year to year the number of pauper lunatics under 25 has somewhat diminished, and between 25 and 45 has only slightly increased, so the chief rise is in persons over 45 years of age.

The increase has been restricted to the lunatics received in county asylums. In these, in 1859 there were 14,236 inmates; in 1885 there were 45,392, and in 1897 there were 63,815 pauper lunatics, while the number of pauper lunatics with friends or relations has remained practically unaltered (5,798 in 1859, and 5,821 in 1897). The number in registered private lunatic asylums has at the same time diminished, being 2,106 in 1859, and 1,807 in 1897.[1] The opinion has been spreading that the excellently managed public asylums afford the best prospect of recovery for the patients. During the last decade the proportion of cures in these institutions is reported as 39 per cent.

Of late the number of sick persons who have come upon the rates has considerably increased.[2] This is specially due to two causes: first, to the Medical Relief Disqualification Act, 1885 (48 & 49 Vict. c. 46), which provides that medical relief shall not entail the loss of the franchise; and secondly, to the great improvements made in many institutions for treatment of the sick poor, which have quite lost the brand of pauperism, and are regarded generally as State hospitals.

The danger inseparable from these innovations is not ignored by sensible people, and is expressly pointed out in the report of the Lords' Committee of 1888. It is that the receipt of medical relief may be the first step towards permanent pauperism, that the reluctance to help "from the rates" may be overcome, and that people will be discouraged from making provision for themselves by subscribing to some of the numerous Sick Clubs and Provident Dispensaries.[3]

See also the circular of 1st June, 1896, in which the guardians are reminded of the importance of a thorough medical examination of lunatics on admission and discharge (v.).

[1] 26th Report of L. G. B., p. 328.

[2] The number of persons receiving only outdoor medical relief was 16,498 on 1st January, 1897, and the expenditure during the year was £380,511, as against £315,482 in 1882.

[3] This danger is disregarded or designedly ignored by the Fabians, who propose "to remove all provision for the sick from any contact with poor law administration" (Tract No. 17, p. 14), and "to treat the sick poor merely as sick, and not as paupers" (Tract No. 54, p. 15). On this point see the striking dictum of Dr. Bridges, late Poor Law Medical Inspector of the Local Government Board, "Medical relief is one of the most frequented gateways into the state of pauperism;" and of Mr. Davy, General Inspector, "Experience seems to show that these new infirmaries are attracting a class of patients who would never have had recourse to the old workhouses, and who would have been kept by their friends" (26th Report of L. G. B., p. 78).

In London the risk is accentuated by the presence of a large number of private dispensaries and hospitals which receive patients gratuitously, without regard to

'o counteract this evil, it has been suggested that medical relief ıld be given only on loan, and that repayment should be strictly ›rced. In some unions this course is already taken, and with d results.[1] In one union, after the introduction of this plan of ng all medical relief on loan, the number of local sick clubs has eased by 152 per cent. in a few years, while applications for lical relief have considerably fallen off.

SUMMARY.

f we review the alterations which the English relief system has ergone since the first great poor law statute of Elizabeth in 1601, are met by the astonishing fact that the greater part of that statute till in force after the lapse of nearly three centuries. And yet, ing this long period, legislation on the subject has not stood still. the contrary, the number of Acts dealing with relief is so great a complete survey is made impossible by their very multiplicity, in the foregoing sketch we have had to restrict ourselves to a e abstract of the main provisions of the most important statutes. lere, in the province of the poor law, is illustrated the general it of English legislation, on which we have already taken occasion e than once to remark. Legislation only advances very cautiously ıe direction of novelties. Almost every reform of importance is :eded by an experimental measure, in which the innovation is in first place gradually introduced for a limited time, or in respect of particular places, or its adoption is left optional with the orities. Then, after it has been tried, the next step is to apply :nerally. But if once embodied in a general Act it is carried out ıe end with what seems to be nothing less than obstinacy. No ›t the changed circumstances of the time and the necessity for ›ovements are duly regarded; but nevertheless it is the old Act :h constitutes the foundation, and while a new spirit is introduced ıe provisions added, the form of the existing law is left as far as ible unaltered.

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means and only seeking "interesting" cases. On the competition thus l between public and private institutions, Mr. C. S. Loch, Secretary of the . S., has specially dwelt. At a meeting of this society in 1897 the notion Central Hospital Board for London was started. See also Steele's 'Charitable cts of Medical Relief' in the Journal of the Statistical Society for 1891, 3.

[1] The legal recovery of the cost of relief given on loan is, however, complicated e fact that (see p. 142) most district medical officers are paid by salary. Some is therefore adopt the plan of payment by fee per case, while guaranteeing tain minimum. Mr. Chance remarks (p. 123), "The great advantage of the fee system is that it shows that medical relief does cost something, and has ood effect of curbing the generosity of those guardians who think that it costs ng." [But the case-fee system, which was at one time recommended by the ral Authority and extensively adopted, has now been almost universally dropped, ly because it was found largely to encourage unnecessary applications for cal relief.]

The Act of Elizabeth had provided for the appointment in every parish of overseers, who by levying a special rate were to supply the means of supporting pauper children, of setting to work persons out of employ, and of maintaining the infirm. This provision remains unaltered at the present time. These three classes of persons with whom the relief system has to deal are still treated separately; by the provision of simple relief for the infirm, of employment for the able-bodied, and of maintenance and education for pauper children. The necessary funds are still raised by a special poor rate. The levying of this rate is still in the hands of the overseers of the individual parishes. And yet how manifold are the changes which the English relief system has experienced in the long period since 1601, and how different has been the spirit in which in the course of centuries it has been administered.

In the separate treatment, under the Act of Elizabeth, of the three classes of paupers, it is clear that there were three different points of view. Considerations of humanity demanded the relief of the infirm; the interests of public order made it necessary to deal with the needs of the able-bodied; and those of education with the pauper children. Before the passing of the Act of Elizabeth, the enactments as to poor relief were almost entirely of the nature of police regulations. In the eighteenth century, benevolent motives had a paramount influence in the relief system. In the reaction which followed in the year 1834, it was hoped that the introduction of the workhouse principle would not only remove the drawbacks which, while mere benevolence was supreme, had crept into the administration of relief, but would also provide a means for satisfying the respective interests of humanity, of public order, and of education. The subsequent development of the system has resulted in a higher degree of attention being paid to the suitable education of pauper children, and in the effort again to remove from the workhouses the particular class of paupers, namely, the sick, in whose treatment it is fitting that considerations of humanity should have the greatest weight.

The relief system as a whole having thus been formerly swayed in turn by repressive and by humanitarian motives, it is now the practice mainly to have regard to the question of the particular treatment most suitable to each particular class of paupers. The children are educated so as to fit them to become useful members of the community; the sick are placed in hospital so as to cure them as effectually and as expeditiously as possible, or, if they are incurable, to make their existence tolerable; while, as regards other classes of the poor, the main object is to repress pauperism. If, instead of supporting themselves, they claim relief from the public, this relief, according to modern ideas, must not be refused, but it is to be given in such a form as to prevent the community from being exposed to the danger of reliance on public assistance being substituted for a sense of the necessity of labour and the importance of saving. Here the workhouse comes in. The classification of paupers, as established by the Act of Elizabeth, is at the present day the basis for the different

ethods of dealing with them. Centuries of experience have served
show the wisdom of this classification, and to carry out its principles
y applying a different treatment to each class.

Let us turn from the question of relief to that of rating. The Act
f Elizabeth had imposed the burden of the poor rate upon the
dividual parish, on which, under the previous system of Church
harity, the charge had practically fallen. The new system was thus
erely an amendment of the old one, but an amendment by which
e character of the charge was completely altered. When the State
llowed the parish to levy a special rate for the provision of relief, it
ansformed what had previously been a duty, undertaken from
otives of humanity by the Church, into a public business to be
onducted in the interests of the community. The work was to be
one by the parish because it was the parish that had previously
dministered relief.

No real ground for this connexion between the pauper and the
articular parish is visible in the Act of Elizabeth. It was an Act
f Charles II. in 1662 that first established an intimate connexion
etween the poor and the parochial area by the association of the
uty of relief with the possession of a settlement. This duty appears
n the Act as a result of the legal relation in which the pauper stands
owards the district of his birth. The connexion between relief and
ettlement was attended with so many drawbacks as regards the com-
unity at large, and especially the working classes, that the legislature
epeatedly took action in the matter of the Law of Settlement. But
he general tendency of these amendments in the law was diametrically
pposite to what was required, and to what might have been antici-
ated from the changed economic conditions and from legislation on
ther subjects. While in general a constant effort was being made to
ncrease individual freedom, the presumed amendments of the Law of
ettlement tended to bind down the individual more stringently to
he place where he had obtained a settlement. The acquisition of a
ew settlement was made harder by each successive Act. The
rounds upon which a settlement could be obtained, as fixed by the
cts of 1662 and 1691, in what appeared a comprehensive fashion,
ere practically diminished, until at last only birth and apprenticeship
ere in fact left to the working classes as constituting a claim to
ettlement. The close connexion which had originally subsisted
etween the place of relief and the person to be relieved (since relief
epended on settlement) has thus lost its real justification. To make
t depend on the chance of a person having been born in this place
r in that, whether a particular district should be bound for ever to
provide for one who perhaps had given up, or had never had, any
practical connexion with his birthplace, must have appeared all the
more unfair and uneconomical in consequence of the general tendency
owards a free circulation of labour.

But it was not until the passing of the Act of 1846 that a reaction
took place. This Act severed the connexion between relief and
settlement, as it had previously existed, by providing that a prolonged

residence in one place involved the legal right of being relieved by a district other than that of the person's birthplace without the liability to be removed. The development of this principle after the passing of the Act of 1846 gave poor law relief more and more the character of an abstract duty, the fulfilment of which had been entrusted, merely for the sake of convenience, to local districts with defined boundaries.

After this acceptance of the view of relief as a duty delegated by the State, it became more easy to settle the local area on which the burthen was to fall. It was transferred from parishes to larger districts, so that the poor rate might be equalized, and means for its better administration might be secured. It was in 1865 that this transfer took place. Succeeding legislation established still larger areas (combinations of unions, or the metropolis itself) for special branches of the relief system. This resort to larger districts was designed to secure the erection of better institutions for the education of pauper children and the treatment of the sick poor. Thus the principle was established that the question of the particular local districts to which the administration of relief and the burthen of poor rates should be delegated by the State should be solely determined by considerations of what was most suitable to the special object, what would secure the best administration, and how the burthen of the charge might best be equalized.

Poor law relief had now become a matter not merely of local, but of imperial concern. The first step was taken in 1601 by the levying of a poor rate to provide means for the relief which was recognized as a public duty. The second step was under the Act of 1834, which established a Central Board for the control of local administration. Subsequent legislation has strengthened the connexion of the local bodies with the Central Board by the appointment of independent government officials, such as inspectors and auditors, and has at the same time steadily enlarged the scope of the board's action. And so at last the question to what local bodies the administration and the burthen of relief should be committed was settled in accordance with the view of the State.

The development of the relief system as a matter of State concern was thus gradually effected, and culminated in the establishment of a supervising Central Board with extensive powers. The recognition of a duty by the State affects the levying of the poor rate, and constant efforts are made to secure its equitable apportionment. Finally, it is from the point of view of the State that the poor law administration is controlled, so that due regard is paid to the respective questions of humanity, of order, and of education. England may thus be regarded as the classical land of State relief.

In the road which the English legislature has pursued to obtain this result, three stages may be distinguished. In the first place, the only object was the repression of mendicancy. After it became plainly necessary that positive means should also be adopted for providing for the poor, the Act of Elizabeth prescribed relief as a statutory duty, and at the same time authorized the levying of a special rate to supply

the necessary means. Finally, the last period was marked by the tendency of the legislature to give more prominent expression to the imperial character of the system, by regulating the form in which relief should be afforded. Precautions were taken to bring the method of relief into accordance with the general interests of the community.

By the strict formulation of the principles upon which public relief is to be granted, it becomes possible to define the limits within which private benevolence may usefully act as complementary to it. On this basis there has recently been some co-operation of public and private action in the field of relief, while at the same time private charity has been organized. England is not only the classic ground of State relief, but is also in advance of all other countries in the judicious regulation of private charity.

PART II.

THE EXISTING RELIEF SYSTEM.

INTRODUCTION.

IT has often been described as characteristic of the English poor law that it recognizes a right to relief. This statement requires qualification.

In a strictly legal sense, no right to relief is recognized. If such a right existed, it would be enforceable by law, and proceedings would lie for damages for the improper refusal of relief. But this is not the case. We should rather say that the obligation of relieving the poor is imposed by the State on certain local bodies, and that this obligation has the character of a public duty. It may be permissible to speak of a right to relief as consequent on the obligation thus imposed, though it is necessary to add that the word "right" is not used in a strictly legal sense.[1] But an accurate statement of the case is that there is an obligation to relieve, but that a right to receive relief is nowhere recognized by the English poor law, which merely regulates its grant.

The mode of formulating this proposition, however, is less important than its real significance. Even if it were more or less accurate to speak of a right to relief, such right would be without any real value. The meaning of a right depends on the possibility of enforcing it. If the circumstances of the case prevent such enforcement, the assertion of the purely theoretical proposition that a right exists is of no great importance. Now this would seem to be so in the case of a "right to relief." A really destitute person is not in a

[1] Mr. E. Lee Hamilton quotes the expression that "no one has a right to public relief, but the bestowal of such relief is a duty incumbent on the State." See the 'Report on Poor Laws in Foreign Countries' (already cited), p. 137. See, too, pp. 5 *et seq.* of the same report, where the same view is taken as in the text. "It is not quite accurate to speak of the English system as giving a right to relief. . . . The English law imposes upon certain authorities the duty of relieving destitution, and will under certain circumstances punish the neglect of that duty. But the applicant for relief can under no circumstances claim it as a 'right,' cannot enforce it by any process of law, or recover for the withholding of it as he could if a legal 'right' existed. It may not perhaps be easy to distinguish the effect of imposing an obligation to relieve from the result of giving a legal 'right' to relief."

to avail himself of this right, because he cannot afford the
provide the costs that would be involved in its enforcement.
without any means is unable, if he is refused relief, to wait
decision of a court of law. Moreover, having regard to the
extent to which a pauper can avail himself of legal procedure
and, it would be absolutely impossible for him to have
to it. The proposition that the pauper has a right to relief
leprived of all practical significance, and may be classed with
stract rights of man.

distinctive character of a State system of relief does not
upon a theory of this kind, but upon the mode in which
measures are taken for securing that relief shall be given,
n the extent to which it is provided by law. These are the
its in which different countries differ most from each other;
form the best basis for a classification of relief systems. The
e between compulsory and voluntary charity, and the popular
on between countries in which a special poor rate is levied,
se in which the funds for relief are otherwise provided, do
h the root of the matter. In France, the classic land of
y relief, particular branches of the system, namely the care
ns and lunatics, are dealt with under compulsory enactment;
erence between France and countries with an obligatory
consists only in the fact that having regard to the rich
s arising from charitable endowments which have been
ated to the relief of the poor, and also having regard to
t development of private charity, the obligatory system has in
been restricted to a small class of the destitute.

his difference cannot serve as the sole basis for the classifica-
systems, since there is no uniformity in this matter among
s where relief is compulsory. For instance, the Scotch
which is the same as the English in most essential points,
rom it in that very particular which has been of most im-
as regards the administration of the English system; it
s no regulation for the relief of the able-bodied. On the
and, according to English law, the Elberfeld system, under
elief is afforded to persons who are not entirely without
in order to save them from becoming wholly pauperized,
e inadmissible and illegal.

to the question of the scope of relief, the most important
comparing different systems, is to see what are the securities
eing duly given. This depends on two different points, first,
machinery for relief; secondly, on the means adopted for
he necessary funds.

irst question is what security for the carrying out of the relief
s afforded by the agents through whom it is administered.
cessary to enquire whether the officials are paid or unpaid;
re paid, whether they are appointed by the State or by local
whether there is more than one agency to which the destitute
ly; finally, whether there is a Central Department which

supervises the local administration of relief, and, if so, what are its powers and how are they exercised. On the character of this organization depends the question whether the duty of relief is effectually carried out, and unless this is the case, it is idle to speak of a practical and real right to relief.

Next in importance to an effective organization is the security for providing funds to meet the expenses incurred. Whether they are derived from a special poor rate, or from general taxation, or partly from voluntary contributions and partly from rates, is unimportant in forming a judgment upon a relief system. What is essential is to see whether the provision of means is assured for supplying whatever relief is necessary; or whether the grant of relief depends on what means are available, so that the amount of relief is not regulated by any fixed principle, but by the funds which can be devoted to it.

The following are the special points embraced in this account of the English system. Chapter I. treats of the scope of the poor law, and of rights and duties in connexion with relief; Chapter II. deals with the expenditure and the mode of raising the funds; Chapter III. with the organization of the system. The general principles of the English poor law being thus stated, Chapter IV. describes particular branches of relief; and, finally, by way of appendix, some account is given of private charity and its co-operation with the poor law.

CHAPTER I.

THE POOR LAW—RIGHTS AND DUTIES.

SECTION I.

THE LAW REGULATING RELIEF.

ıct of Elizabeth specified three classes of persons whom it ɔublic duty to relieve :—
Poor children ;
[nfirm adult paupers, whether their inability to work arose from ness, or other infirmity ;
\ble-bodied persons without means, who "use no ordinary and ade."[1]
unnecessary to attach special significance to the fact that in ɜe of the last-named class the Act employs the expression g no means to maintain them" instead of the word "poor." destitution is, in the case of all these classes, a condition of This has been explicitly stated in later Acts.
ın Act of 1848[2] it is expressly provided that any person in ıion of money, or other means, who applies for public relief e punished as "idle and disorderly," if he fails to "make correct ɔmplete disclosure" on being questioned by the guardians or fficers on this point. By two Acts[3] of 1871 and 1882 this ' is extended to all persons who, in order to obtain relief to lves or others, make any untrue statement, or give a false name. ıe guardians discover that the person relieved by them has ty, or if he subsequently acquires property, they have a claim h property to an amount equal to the relief granted within the ıs twelve months. Similarly, in case the property is discovered ıe death of the pauper, they are entitled to deduct from it the ɔf burial as well as that of the relief granted during twelve ; before such death.[4]
too, the guardians may recover the costs of relief from those elations who are liable to maintain the pauper; namely, ;, grandparents, and children. The obligation of the relations, ɛr, is restricted to the case of public relief given in consequence , illness, or infirmity; and does not apply to the receipt of

Eliz. c. 2, s. 1.
& 12 Vict. c. 110, s. 10.
& 35 Vict. c. 108, s. 7, and 45 & 46 Vict. c. 36, s. 5.
& 13 Vict. c. 103, ss. 16 & 17; 39 & 40 Vict. c. 61, s. 23; and 42 & 43 12. In the latter enactment special provision is made with respect to the ' of sums due to the pauper from a Friendly or Benefit Society.

relief by the able-bodied. If a person threatens to become chargeable to the rates, the guardians may obtain from the magistrates in petty sessions an order requiring the maintenance of the destitute person by the relative, or the payment of a specified sum for the purpose. If this order is not obeyed, there is a penalty of 20*s.* for each month during which the maintenance order is disregarded.[1] The guardians may also proceed against a husband in order to compel him to maintain his wife who has come upon the parish.[2]

If a person, able to maintain himself and his family by work or by other means, wilfully refuses or neglects to do so, and if he or she, or any of his or her family whom he or she is bound to maintain, thereby become chargeable to the parish, such person may be punished as idle and disorderly. Any person running away and leaving a wife or child chargeable to the parish may be punished as a rogue and vagabond.[3] In the former case the penalty is imprisonment with hard labour for a period not exceeding one month, and, for a second offence, two months. In the latter case the imprisonment may be for three months. In accordance with the general provisions as to the punishment of idle and disorderly persons, and of rogues and vagabonds, the incorrigible may be imprisoned for twelve months. Those idle and disorderly persons who have been already twice convicted, and those rogues and vagabonds who have been once previously convicted, are held to be incorrigible.

If a parent has wilfully neglected or ill-treated a child under sixteen in a manner likely to cause unnecessary suffering or injury to health, he is liable to two years' imprisonment.[4]

If the parent has not the means of providing proper food and nourishment for children incapable of taking care of themselves, and neglects to apply for poor law relief, he may be indicted for manslaughter if the death of the child is caused by such neglect.[5]

In the case of illegitimate children, the mother has to maintain them up to the age of sixteen. She may, by an Order of Affiliation, obtain an allowance from the putative father. If the mother dies, and the child becomes chargeable to the poor rate, the guardians may enforce the claim against the putative father. The guardians may also proceed independently against him in case poor law relief is obtained for the child. On the marriage of the mother of an illegitimate child, the husband is bound to maintain it up to the age of sixteen years, or until the death of the mother.[6]

Poor law relief given to a wife is considered as given to her husband. If relief is given to a child under sixteen, being neither

[1] 43 Eliz. c. 2, s. 6; 59 Geo. III. c. 12, s. 26; 4 & 5 Will. IV. c. 76, s. 78; 31 & 32 Vict. c. 122, s. 36.

[2] 31 & 32 Vict. c. 122, s. 33. If a wife possesses separate property of her own, it is applicable to the maintenance of her husband and her children. 33 & 34 Vict. c. 93, ss. 13 & 14; 45 & 46 Vict. c. 75, s. 21.

[3] 5 Geo. IV. c. 83, ss. 3 & 4.

[4] 57 & 58 Vict. c. 41, s. 1. See also s. 23 (2).

[5] *Reg.* v. *Mabbett* (5 Cox, C. C. 339).

[6] 4 & 5 Will. IV. c. 76, s. 57; 35 & 36 Vict. c. 65, s. 8.

blind, nor deaf and dumb, it is considered as given to the father or mother.[1] Special provision is made with regard to pensioners of Greenwich and Chelsea Hospitals. Only a prescribed proportion of their pensions—one-half or two-thirds—is chargeable for the maintenance of wife or children.[2]

If relief is claimed on behalf of a wife or of a child under sixteen, the application is to be treated as made for the husband himself, or for the father or mother, as the case may be.[3] If the grant of outdoor relief to the latter is prohibited, relief can only be granted to the wife or child by admission, with the husband or parent, into the workhouse.[4] But this condition does not apply to the payment of school fees. If the guardians are satisfied that the parent is unable, by reason of poverty, to pay the school fee, they are to pay such fee, not exceeding 3*d.* a week for each child of school age, and their doing so is not to create a ***status pauperis*** for the parent.[5]

Up to 1885, the receipt of medical relief disfranchised any person who had removed it for himself or any member of his family; but an Act of that year (48 & 49 Vict. c. 46) removed the disqualification, except[6] as regards the election of guardians.

Apart from these two cases, every grant of public relief involves the loss of the franchise, both for parliamentary and for local elections, for one year. The Act provides that a person who has received poor law relief in the twelve months before the 31st July, shall not be inserted in the list of electors.[7]

In granting relief to any person over the age of twenty-one years, or to his wife and children, the guardians may declare that such relief is afforded as a loan, and its repayment may be required, not necessarily within the period of twelve months, but at any time when the pauper comes into possession of means.[8] Repayment may be

[1] 4 & 5 Will. IV. c. 76, ss. 56 & 57.

[2] 19 Vict. c. 15, s. 8.

[3] Before the passing of the Act of 1834, this point was left doubtful in districts in which a kind of workhouse system had been set up under 9 Geo. I. c. 7. See *R.* v. *North Shields* (1 Douglas 330; Cald. 68). In this case, which was argued in three courts, the judges of the Appeal Court were divided in opinion whether a wife whose husband was in prison, and who applied for relief for two children but not for herself or for her other child, could be compelled by the guardians to take the whole family into the workhouse. The parish officers had refused to grant relief out of the workhouse, but they were forced to grant it by the final decision, from which, however, one of the judges expressly dissented. In another similar case, the Court of Appeal had given judgment to a contrary effect (*R.* v. *Carlisle*, cited in *R.* v. *Haigh*, 2 Nol. P. L. 357).

[4] An exception is made in the case of a wife whose husband lives apart from her, is at sea, or is in a lunatic asylum.

[5] 39 & 40 Vict. c. 79, s. 10. This provision, however, has become practically obsolete since the general (though not quite universal) abolition of school fees by the Elementary Education Act of 1891.

[6] This exception, though not expressly repealed, has disappeared under the operation of the L. G. A., 1894.

[7] 2 Will. IV. c. 45, s. 36; 30 & 31 Vict. c. 102, s. 40; 39 & 40 Vict. c. 61, s. 14.

[8] 4 & 5 Will. IV. c. 76, s. 59; 11 & 12 Vict. c. 110, s. 8. See also the instructional letters with reference to the Outdoor Relief Prohibitory and Regulation Orders printed in Glen's 'Poor Law Orders,' p. 505 (note 1), and p. 517 (note 2).

enforced in a summary manner, and there are special provisions with regard to the recovery of arrears of wages. In practice, the power of giving relief on loan is in some unions largely exercised and this course is pursued with regard to medical assistance.[1] In this case, where there is no compulsion to enter the workhouse, it is considered that on general principles the required relief ought not to be delayed for exact investigation of the circumstances of the applicant; and the grant of relief in the form of loan has a practical effect in preventing an improper application of the poor rates.

SECTION II.

CONNEXION OF RELIEF WITH DOMICILE.

The Act of Elizabeth[2] required the respective parishes to give relief, but did not precisely indicate the persons for whom each parish was responsible. The parish was bound to afford aid to all the destitute within its boundary. It was by the Act of Charles II. in the year 1662 that this obligation was limited by making the parish liable for the relief only of those settled in it, while other destitute persons were to be sent back to their own homes.

The duty of relief in case of destitution was thus made dependent upon domicile. Thenceforth the Law of Settlement and Removal constituted an essential part of the relief system.

The disadvantages, especially as regards the working classes resulting from this association of the poor law with the laws of settlement have been discussed in the first part of this volume, where we have mentioned the successive legislative amendments which were introduced in order to remove or to lessen these disadvantages. Here we need only briefly trace the development of which the present system has been the result.

The Act of Settlement of Charles II. had prescribed as qualifications for obtaining a settlement:—(*a*) birth; (*b*) property as householder; (*c*) residence, service, or apprenticeship, for a period of at least forty days.

Removal from a place in which a settlement had not been acquired was permitted not only in cases of actual destitution, but also if there was a probability that the person would become chargeable to the rates. This particularly harsh enactment was repealed in 1795,[4] when it was provided that the removal of a person not having a settlement should be allowed only on his becoming actually chargeable. But in spite of this amendment, the disadvantages of the legislation with

[1] A difficulty has however arisen from the fact that with very few exceptions the medical officer gives his attendance for a fixed salary. In this case it is doubtful whether more than the cost of "medical extras" can be recovered, also any special fee payable by the guardians for a confinement or an operation. See note p. 131.

[2] 43 Eliz. c. 2, s. 1.

[3] 14 Car. II. c. 12.

[4] 35 Geo. III. c. 101.

regard to settlement and relief still continued; and as the changed conditions of society led to greater use being made of the right of free migration of labour, the want of economy and the injustice of sending back destitute cases to their place of settlement became all the more manifest. Besides, the acquisition of a new settlement, which the Acts of Charles II. and William and Mary had facilitated, was made more and more difficult; mere residence and service ceased to constitute a title to settlement; and the conditions for obtaining a settlement by ownership of a residence and tenancy of land were so modified as to be practically impossible of fulfilment by a labourer. Birth and apprenticeship remained in effect the only qualifications left.

This aggravation of the difficulty of obtaining a settlement appeared particularly unreasonable, as the parish to which the settlement applied was frequently so small that the poor man might be described as *adscriptus glebæ*, bound to the clod. If we accept the principle that relief depends on settlement, it is necessary, if we are not to run counter to the whole principle of free migration of labour and to modern progress, to facilitate as much as possible the acquisition of a new settlement, and to place the right of settlement on as broad a basis as possible, in order to minimize its influence upon the free movement of labour.

English legislation has been very tardy as to these two points. It was not till 1876[1] that the Law of Settlement was modified to the extent of making three years' uninterrupted residence a ground for obtaining a new settlement. Even now settlement is limited to the parish. It is true that this limitation has lost much of its significance since the Act of 1865[2] substituted the union for the parish as respects the poor rate. The result is that in case of destitution there is no removal from parish to parish, but from union to union, and therefore the only question of consequence is, whether the pauper possesses a settlement in any parish within the union.

But before the last-mentioned alteration was carried out, the poor law discarded the entire principle of making relief dependent on settlement.

This was the result of the Act of 1846.[3] As this Act prohibited removal as regards numerous pauper cases, and imposed a duty of relieving such cases, irrespective of their settlement, upon the place of residence, it destroyed the chief connexion which had previously existed between relief and settlement.

Consequently, as the legislation which followed the Act of 1846 extended irremovability, relief at the place of residence became the rule, and at the place of settlement the exception. The question where the pauper was settled now began to take a subordinate place in the poor law system. At present the first question is whether the particular person is liable to removal from the place in which he becomes destitute. It is only when this is answered in the affirmative

[1] 39 & 40 Vict. c. 61, s. 34.
[2] The Union Chargeability Act, 28 & 29 Vict. c. 79.
[3] 9 & 10 Vict. c. 66.

that the second question arises, to what place is he to be removed. This latter point alone is affected by settlement. Irremovability extends to so many cases that the entire law of settlement no longer exercises an important influence on the relief system. In any further reforms it would have to be decided not whether the law of settlement should be amended, but whether the power of removal in case of destitution should be altogether done away with.

This question has been practically decided in the affirmative. In 1865, when irremovability was allowed [1] to be acquired by a single year's residence, the right of removal was maintained only on the ground that it would be a useful check on vagrancy.[2] An opinion to this effect was expressed by the Committee of 1879 upon the Laws of Settlement and Removal. The Committee recommended the retention of removal only in the case of persons landing at sea-ports, in consequence of the unfair burthen which its abolition would impose on such districts.

Though this recommendation of the Committee has not yet been carried into law,[3] the entire abolition of removal and the consequent devolution of the duty of relief on the place of residence, irrespectively of settlement, is regarded only as a question of time.[4] It is a significant fact that even now in many places scarcely any use is made of the right of removal which exists, and this is especially the case in the larger towns, in which the number of persons who might, according to the Law of Settlement, be removed, in case of destitution, is above the average.[5]

[1] 28 & 29 Vict. c. 79.

[2] See Lumley's 'Poor Removal and Union Chargeability Act,' 2nd edition. London, 1865, p. 10.

[3] In 1882 the President of the Local Government Board introduced into the House of Commons on June 26th a bill based on the recommendations of the committee of 1879. It was, however, withdrawn on August 23rd, "in consequence of the pressure of time." The want of time for dealing with measures not of a political and urgent character afterwards became permanent with the Gladstone ministry.

[4] I have been assured that this is the case by various persons taking a prominent part in the English poor law administration, especially by Messrs. Glen, Hedley and Sendall. The last named thought that the only difficulty lay in the necessity for special provisions with regard to Irishmen becoming destitute in England. To my question whether the change referred to in the text would not impose a heavy burden upon the great towns, I was answered that it was considered unnecessary to have regard to this probable burden, because the great towns derived advantages from the labour of the working classes, and that it was these classes who mainly contributed to the ranks of pauperism. It will be noticed that the Royal Commission on the Aged Poor recommended (1895) that legislation should be introduced enacting that persons over 65 years of age shall not, in general, be liable to removal, and they considered that "the whole law of settlement is in its working exceedingly complicated and costly, and is one of the first questions needing attention in the general arrangements of the poor law."

[5] See the Parliamentary debate of July 2nd, 1878, already referred to on p. 86, and also a speech of Mr. Wright at the Yorkshire Poor Law Conference of 1882 ('Report for 1882,' p. 357). See also G. C. T. Bartley's 'Handbook for Guardians of the Poor,' London, 1876, in which (p. 220) it is stated that having regard to the costs involved in enquiries as to the settlement of a pauper and the measures required for the removal, it is frequently best for the guardians of the place of

The witnesses examined before the Select Committee in 1879 were almost unanimous against the right of removal. It was generally recognized that the principle involved an attack upon freedom of choice of residence, and especially an improper restriction on the working classes in the application of their labour. Stress was also laid on the unprofitable expenditure involved in ascertaining the place of settlement, in carrying out the legal formalities, and finally in removing the pauper.[1] With regard to the frequently expressed apprehension, that if the power of removal were abolished, each union would endeavour to get rid of its paupers by treating them harshly, or otherwise inducing them to settle in another union, it was urged that in Ireland, where the law now makes relief dependent on residence, abuses of this kind are not ordinarily found to exist. Besides, the active control of the Central Board would be sufficient to prevent the too rigorous treatment of paupers. The improper transfer of poor persons is already made penal by an Act which in case of need might be strengthened.[2] Moreover, it was considered that special importance no longer attached to the consideration that particular districts would be overburdened through the abolition of removal, since the poor rate had been spread over greater areas. This danger need only be regarded in the case of the sea-ports, especially those where large numbers of the Irish poor landed.

It is, in fact, only the special considerations in regard to Ireland that present any difficulties in the way of the entire abolition of removal. As early as the year 1854, when the then President of the Poor Law Board, Mr. Baines, introduced his Bill for the entire repeal of removal, it was only the hesitation as to abolishing the right of removal in the case of the Irish, that caused the withdrawal of the Bill. So far as England alone was concerned, public opinion was inclined towards Mr. Baines's proposal. Even in 1848 the result of enquiries addressed to the local authorities by the then President of the Poor Law Board, Mr. Buller, was to show that the majority were in favour of the repeal of the Law of Settlement. In 1850, a majority of the inspectors expressed a similar opinion, on the question being referred to them by Mr. Baines. So, too, the numerous Parliamentary Committees on the question of Settlement and Removal, of 1854–7,

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residence voluntarily to relieve a person whose removal is warranted by the law. In the 'Guardian's Guide,' by "An Official" (Knight & Co., London, 1899), the Law of Settlement is characterized as "the last relic of the old legislation which fettered the poor man in the choice of his place of residence."

[1] The costs of obtaining orders of removal and for removing the paupers to their place of settlement amounted in the year 1881 to £9263. Mr. Wright, from whose address already quoted we take these figures, reckons the further costs for ascertaining the settlement, for clerical work, and for removals carried out without an order (this course being permissible when the union in question agrees to receive the pauper), at an additional £5000.

[2] 9 & 10 Vict. c. 56, s. 6, imposes a penalty of from £2 to £5 upon any poor law officer who, with the intention of transferring the charge to another parish, induces a person by money or any other relief, by promises or by threats, to betake himself to another parish in order that he may there become chargeable to the poor rate.

1858–9, 1860, and 1864, were unanimous in condemning removal in case of destitution.

Public opinion has thus for a long time been ripe for the entire repeal of the right of removal, which is likely to take place shortly. The same practice would thus be established in England which already obtains in Ireland, where it answers satisfactorily. The character of poor law relief as a general duty of the State, independent of the personal connexion of the applicant with a particular place, would thus be fully asserted.

The present position is that the cost of relieving a destitute person falls in the first instance on the place of residence or the union to which such place belongs; but that, if none of the legal exceptions applies, the removal of a person who has not acquired a new settlement may be effected by a magistrate's order.[1]

In this connexion the following questions arise:—

(1) When is it permissible to remove a person who has become chargeable to the poor rate?

(2) To what place is such person to be removed? How is his settlement to be decided?

(3) How is the removal to be effected? How can use be made of the right of removal?[2]

SECTION III.

LAWS OF SETTLEMENT AND REMOVAL.

I. A poor person is to be relieved at the place where he became destitute, and at the cost of the union to which the parish belongs, as long as his destitution lasts:—

(*a*) If legally settled in any parish within such union.[3] (As to the acquisition of a settlement, see II.)

[1] See also pp. 152–153.

[2] The Laws of Settlement and of Removal used to go together. Every pauper was liable to removal if he possessed no settlement in the place where he became destitute. In time, however, the legislature made one exception after another to this principle, so that now the irremovability of the non-settled poor is the rule, and removability the exception; and accordingly it seems proper even in theory no longer to set forth the Laws of Settlement and regard the cases of irremovability as exceptions, but, as in the text, to start with the cases in which relief follows residence, and then, where this is not so, to discuss the Laws of Settlement. On the whole matter see Stephen's 'New Commentaries on the Laws of England,' 8th ed., London, 1880, vol. iii., pp. 52–64; Burns's 'Justice of the Peace,' 30th ed., London, 1869, vol. iv., pp. 316–838; and Archibald's 'Justice of the Peace,' 13th ed., London, 1878, vol. iii., pp. 388–749; also, on the special subject, Vulliamy's 'Law of Settlement and Removal of Paupers,' London, 1895. To these works we must refer for an account of the numerous contested questions which have arisen in connexion with this matter. We here entirely abstain from entering upon the many judicial decisions which have been pronounced on the question of settlement and removal.

[3] In contradistinction to the settled poor, those who have no settlement are designated the casual poor (33 Geo. III. c. 35, s. 3). The expression casual poor or casual paupers is, however, also used for a special class, namely the "destitute wayfarer or wanderer applying for or receiving relief" (34 & 35 Vict. c 108, s. 3).

(*b*) If he is a foreigner and without a settlement in England. An order of removal is only granted on proof that the pauper was born in Scotland or Ireland, or has obtained a settlement in some other part of England. The acquisition of a settlement is independent of naturalization; foreigners may obtain it as well as Englishmen.[1]

(*c*) If before the application for a warrant of removal he has resided without break during a complete year within the limits of the particular union.[2] What is to be regarded as a break is specially discussed in numerous legal decisions. Their effect is that a short absence is not to be considered a break if it is clear from the facts (*e.g.*, leaving part of the family behind, or retaining the house) that there is an intention to return. Admission to a lunatic asylum, or imprisonment in consequence of civil or criminal process, is not a break; but, on the other hand, time which has been spent in prison, in a lunatic asylum, or in hospital, or during which public relief has been received from any source, or the period of service as a soldier or a sailor, is not to be reckoned as part of the year above specified.[3]

(*d*) If the person at the time of destitution is living on his own freehold, copyhold, or leasehold property. This rests on the common law principle, that no man is to be removed from his own land. If such property has been obtained otherwise than by purchase ("by descent, devise, marriage, or gift"), or if the purchase-money has exceeded £30, the owner, if he has at any time resided for forty days in the parish in which the property is situate, cannot in case of destitution be sent elsewhere so long as he dwells within a distance of ten miles from his property.[4]

(*e*) If the destitution is only due to sickness or accident, unless the justices expressly declare that they are satisfied that the sickness or accident will produce permanent disability.[5]

A complication as to settlement has been introduced by the alterations which have taken place in the areas of particular parishes. It was held in *R.* v. *Tipton* (3 Q.B. 215) and *Dorking U.* v. *St. Saviour's U.* (62 J.P. 308) that when a parish was divided, and a pauper had a settlement in that parish before the division, after the division there was no parish in which he could have a settlement. But in *West Ham U.* v. *The London C. C.* (1901), the Court (following *R.* v. *St. Martin's, New Sarum*, 9 Q.B. 241) decided that neither the amalgamation of two parishes nor the addition of part of another parish to an old parish destroyed settlements in an old parish.

[1] See Stephen, p. 60. If the foreigner has not thus obtained a settlement, the obligation to relieve him, so long as he is not sent back to his own country, rests with the place in which he lives.

[2] 28 & 29 Vict. c. 79, s. 8. The period of residence was originally five years (9 & 10 Vict. c. 66, and 11 & 12 Vict. c 111), but was reduced by 24 & 25 Vict. c. 55 to three years, and since 1865 has been one year.

[3] See Stephen, p. 61, note (*a*), and 12 & 13 Vict. c. 163, s. 4.

[4] 9 Geo. I. c. 7, s. 5, and 4 & 5 Will. IV. c. 76, s. 68. Before the Act of 1834 an absolute settlement was acquired by ownership of land. But as it was afterwards provided that such settlement should only be valid so long as the owner lived on his property or within ten miles thereof, it appears proper that this entirely exceptional basis of settlement should be mentioned here, and not among the general grounds of settlement specified below, under II. Stephen calls this "settlement of a temporary kind."

[5] 9 & 10 Vict. c. 66, s. 4.

(*f*) If the destitute person is a child under sixteen years of age, whether legitimate or illegitimate, and dwells with parents, step-parents, or the reputed father, in any case where such last-named relations are not liable to removal.[1]

(*g*) If the destitute person is an orphan under sixteen years of age who resided with the surviving parent up to the time of the death of such parent, provided that such parent had acquired exemption from removal.[2]

(*h*) If the destitute person is a widow who was living with her husband at the time of his death. In this case exemption from removal is limited to the period of one year,[3] and is also conditional on the widow remaining single during that period. If she continues to live in the place for a complete year after the death of her husband, she acquires irremovability of her own right [compare (*c*) above.]

(*i*) If the destitute person is a wife deserted by her husband, she is treated as a widow, and is, after such desertion, exempt from removal after a year's residence.[4]

For the rest, a wife, like children under the age of sixteen, is liable to removal in case the husband or father is removed. The removal of the wife alone to her place of settlement is not permissible.

II. If a person becomes destitute in a place which, according to the rules set forth in I., is not liable to relieve him, such place has only to afford relief provisionally, and may effect the removal of the pauper to his place of settlement. There are seven grounds on which a claim to settlement may be based:—

(*a*) Birth.—Every person has *primâ facie* a settlement in the place where he was born. This settlement, however, only lasts until he has obtained another of his own right. The settlement based *primâ facie* on birth is superseded by—

(*b*) Settlement by parentage, in case the parents have a settlement in some place other than that in which the child was born, or acquire such settlement while the child is under their control. As a matter of fact, settlement by parentage in the case of legitimate children only comes in question so far as the settlement of the parents is non-existent, or is not ascertained. Children, as long as they are under parental control, have the settlement of their father, or, if he is dead, that of their mother. When out of such control, they preserve the settlement by parentage until they obtain a new one of their own right. A child on reaching its majority of twenty-one years is its own master; this is also the case on marriage, on setting up a separate household, or on the assumption of a position which excludes parental control, *e.g.*, entry into the army or navy. Illegitimate children, until the Act of 1834, could not

[1] 9 & 10 Vict. c. 66, s. 3.
[2] 24 & 25 Vict. c. 55, s. 2.
[3] 9 & 10 Vict. c. 66, s. 2.
[4] 24 & 25 Vict. c. 55, s. 3, and 29 & 30 Vict. c. 113, s. 17.

›tain a settlement by parentage; but this rule produced serious ›uses, since each parish systematically expelled pregnant single ɔmen in order that their illegitimate offspring might not become a ırden upon the place of birth. The Act of 1834 therefore provided ₃at the illegitimate child should follow the settlement of its mother ıtil it attained the age of sixteen years, or acquired a settlement of s own right.

(*c*) Settlement by marriage.—The wife has the settlement of her ısband, and continues to have it after his death. If the husband ₃s no settlement, or it is unknown, she preserves her previous ːttlement, viz., that by birth or parentage. So long as the marriage ısts, the wife cannot obtain a settlement of her own right.

The three grounds above-mentioned are described as derivative ːttlements.[1]

On the other hand, there are the following grounds on which an ıginal settlement may be obtained.

(*d*) By apprenticeship.—A settlement is obtained by indenture or ıer deed if the apprentice, in pursuance of the deed, resides forty ys in a particular place. The contract is, in the case of pauper prentices, executed by the guardians. They are not allowed apprentice a child before its ninth year, while in other cases indenture may be entered into when the child is seven years old. is essential that the indenture should provide for learning a ıde, and not for a mere hiring out of labour. The apprenticeship a boy to the sea, or to fishing, is not to constitute a settlement.[2]

(*e*) By renting a tenement.—The tenement must be taken *bonâ fide* ›r at least one year at a rent of not less than £10 annually. The ːnant must actually have taken possession of the tenement in accord- ınce with the lease, and have paid the rent of £10 for the space of ›ne year; he must also have been assessed to the poor rate during he same period, and must have paid the rate. Finally, he must have esided at least fourteen days in the particular parish.[3]

(*f*) By being charged to and paying the public taxes and levies of ıe parish. This ground is not substantially different from the revious one of renting a tenement; here also it is made a condition ıat a tenement is *bonâ fide* rented for at least one year for not ss than £10, and actually occupied, that it is assessed at the ınual value of not less than £10, and that the rates have been

[1] A special provision is contained in 39 & 40 Vict. c. 51, s. 35, by which any ıild under the age of sixteen years, whether legitimate or illegitimate, so long as has not obtained a settlement for itself, is to retain that of its parent. But if e settlement derived from the parent cannot be shown without enquiry into the rivative settlement of the parent, the child is deemed to be settled in the parish which it was born. This provision, intended to remove ambiguities, and settle sputed points, has itself given rise to much litigation in consequence of its want clearness. See Stephen, p. 35, note (*h*).

[2] 4 & 5 Will. IV. c. 71, s. 67; 7 & 8 Vict. c. 101, s. 12.

[3] 6 Geo. IV. c. 57, s. 2; 1 Will. IV. c. 18, s. 1; 4 & 5 Will. IV. c. 77, 66. This ground of claim, originated by 13 & 14 Car. II. c. 12, s. 1, has in e course of time been much altered and limited by legislation and judicial ːcisions.

paid for one year.[1] The main difference between the two grounds is that in the latter case it is of no consequence whether the tenant sub-lets part of the tenement, while in the former case (*e*) sub-letting would do away with the ground of settlement.[2]

(*g*) Residence during three years.—This ground was first introduced in 1876;[3] from that time a settlement has been obtainable by a residence of three years in a parish, subject to the same conditions under which a person is made irremovable according to the existing Acts, namely those with regard to the period of residence and break of residence specified in I. (*c*).

These are at the present time the grounds upon which a settlement can be acquired. Up to 1834 there were two others, viz., by hiring and service, and by filling a parochial office; but these two grounds were repealed by the Act of 1834.

It is necessary here to mention the general principle that an existing settlement is superseded by the acquisition of a new one; till this happens, a settlement once obtained remains in force. It is therefore out of the question (except in certain cases referred to in the note [3] on p. 146) that a person born in England should be without a settlement, though this may be the case as regards foreigners until they acquire a settlement in a place in England. Its acquisition is, as already stated, independent of naturalization.

III. If a place wishes to avail itself of its right to remove a pauper, an order of removal must be obtained. It used to be one of the main duties of overseers to take the necessary steps for this purpose. Now the duty falls on the guardians. By the Act of 1876 the Local Government Board is authorized to give this power also to guardians of parishes having a separate poor law administration.[4]

On the application of the guardians, an order of removal is to be issued by two justices, or, in the metropolis, by a police magistrate, if it is shown (1) that the person in question is in actual receipt of relief, (2) that he is not settled in the place where he became destitute, but in some other place in England, or that his birthplace is in Scotland or Ireland, and (3) that none of the conditions exist which constitute irremovability.[5]

[1] 3 Will. and Mary, c. 11, s. 6; 35 Geo. III. c. 101, s. 4; 5 Geo. IV. c. 57; 6 Geo. IV. c. 37, s. 2; 1 & 2 Will. IV. c. 42, s. 5. With regard to this ground of claim, too, legislation has made many experiments, with the result that it has finally lost all significance as a ground of settlement apart from that of renting a tenement.

[2] The provision for settlement by renting a tenement expressly stipulates that "such house or building or land shall be actually occupied under such yearly hiring by the person hiring the same."

[3] 39 & 40 Vict. c. 61, s. 34.

[4] 28 & 29 Vict. c. 79, s. 2; 39 & 40 Vict. c. 61, s. 25. In pursuance of the latter enactment the Board issued an order on the 22nd Nov., 1876, relating to the parish of Stoke-upon-Trent; and similar orders have since been issued as to other parishes. See Glen's 'Poor Law Orders,' p. 916.

[5] As to the removal of paupers to Scotland and Ireland, there are special Acts: 8 & 9 Vict. c. 117; 24 & 25 Vict. c. 76; 25 & 26 Vict. c. 113; 26 & 27 Vict. c. 89; 61 & 62 Vict. c. 21 (irremovability of English born persons from Scotland after five years' residence), also 63 & 64 Vict. c. 23 (irremovability to Ireland of persons after five years' residence in England).

It should be pointed out that an order of removal is not obtainable
n the case of foreigners who have not acquired a settlement in
ngland,[1] and that in the case of Scotch and Irish not settled in
ngland, proof of their birthplace is required. It should also be
bserved that [see I. (*e*) above] removal in case of illness is only
xceptionally allowed; and, further, that in the case of persons who
nly become destitute when tramping, the so-called casual poor, the
uestion of settlement and removal does not arise, as provision must
lways be made for the reception and relief of such persons in
asual wards.

The order of removal is addressed to the guardians of the place of
ettlement of the pauper, and requires them to receive and provide
or him and his family according to law.[2] The order is to be served
y the guardians of the union which has obtained it, setting forth the
round of the removal and the particulars as to the settlement which
s claimed.

The order may be appealed against within twenty-one days by
ating a case to the quarter sessions having jurisdiction over the
unty, division, or municipal borough. The guardians may, on
tice of the appeal, withdraw the order; but in that case must bear
e costs incurred. The quarter sessions may either confirm or
ash the order, or, at the demand of either party, may grant a case
the determination of any legal question by the Queen's Bench
vision. The decision of the Queen's Bench Division may also be
tained by the party against whom the judgment of the Quarter
ssions has been given, by means of a writ of *certiorari*, if substantial

[1] The main provisions as to the procedure for obtaining an order of removal are
ntained in 11 & 12 Vict. c. 31.

[2] 4 & 5 Will. IV. c. 76, ss. 79–84; 11 & 12 Vict. c. 31; 12 & 13 Vict. c. 45;
4 & 25 Vict. c. 76. The form of the Order of Removal is as follows:—

To the Guardians of the Poor of the Union.

And to the Guardians of the Poor of the Union.

Whereas complaint has been made unto us, by the guardians of the poor of the
rst above-named union that come to inhabit in the said union, and has
come now actually chargeable thereto, although has not a legal
ttlement in any parish or place therein; and has not resided in any part of the
id union for the space of one year next before the application for this warrant of
moval, and not become chargeable thereto in respect of relief made necessary by
ckness or accident.

We, upon due proof of the premises, do adjudge the same to be true: and,
on the examination of witnesses upon oath and otherwise, we do adjudge that
e place of the last legal settlement of the said is the parish of which
comprised in the said union.

We do therefore hereby order you, the guardians of the poor of the union first
ove-named, at the time and in the manner prescribed by law, to remove and
nvey by yourselves or by some person to be employed by you the said
om your union to the union secondly above-named, and there to deliver him
gether with this order, or a counterpart or true copy thereof, unto the guardians
such last-named union, or unto their officer duly authorized to receive such
rson.

And we do require you, the guardians of the union last named to receive
d provide for the said person according to law.

grounds for this course are shown. But the Queen's Bench has only to determine points of law, the facts are decided by the quarter sessions without appeal.

If the order of removal is not appealed against within twenty-one days, or if it is confirmed, the union to which the order was addressed has to bear the cost of relief from the day on which it was served.[1] The costs up to that time and those of removal have to be borne by the union in which the person became destitute.[2]

The removal itself may take place as soon as the guardians of the union which is chargeable agree in writing to submit to the order. Otherwise it is necessary to wait for the period of twenty-one days, during which an appeal may be made, and, if there is an appeal, for its decision. The pauper removed is to be delivered at the workhouse of the district chargeable.[3]

If the pauper is unable to travel on account of sickness or other infirmity, the justices may suspend the operation of the order. The suspended order has to be served within ten days, otherwise no charges for relief or maintenance are recoverable. The amount advanced may be recovered quarterly.[4]

Unions can also voluntarily agree that the pauper shall be relieved at his place of residence at the cost of the place to which he is chargeable. With regard to the administration of this so-called "non-resident relief," a number of provisions and restrictions have been issued by the Central Board. The Board has intimated that on account of the smallness of the supervision which can be exercised with regard to the paupers, it does not regard non-resident relief as generally desirable. There is also the danger that if non-resident relief is given, relations may feel less inclined to help the pauper in order to avoid his removal. With regard to some cases the Central Board has expressly forbidden the grant of non-resident relief, and, with regard to others, has formulated special provisions in order to insure the proper application of the money transmitted.[5]

Besides the legal procedure for removal, there is an administrative method by which it may be voluntarily arranged. Since the year 1851 the guardians or overseers of two unions or parishes are

[1] 4 & 5 Will. IV. c. 76, s. 84.

[2] As to the costs of transport, see 33 & 34 Vict. c. 48.

[3] 9 & 10 Vict. c. 66, s. 7; 14 & 15 Vict. c. 105, s. 13.

[4] 35 Geo. III. c. 101, s. 2; 4 & 5 Will. IV. c. 76, s. 84; 30 & 31 Vict. c. 106, s. 26.

[5] General Consolidated Order of 24th July, 1847, art. 77–80. Outdoor Relief Prohibitory Order of Dec. 21st, 1844, art. 3. Outdoor Relief Regulation Order, Dec. 14th, 1852, art. 4 (see Glen, 'Poor Law Orders,' pp. 257, 498, and 515); see also the minute of the Commissioners of jan. 26th, 1841, on the relief of persons non-resident within their union (7th Annual Report of the Poor Law Commissioners, Appendix, p. 106). Against the argument of the Central Board with regard to the drawbacks of non-resident relief, we may set the fact that the grant of non-resident relief affords substantial assistance in mitigating the hardships associated with the Law of Settlement and Removal. See Wright at the Yorkshire Poor Law Conference, 1882 (Report, p. 357). With regard to the special provisions as to non-resident relief, see below, p. 166.

authorized to agree in writing that any contested questions arising between them with regard to settlement and removal shall be submitted for the determination of the Central Board. The decision of the Central Board is final and without appeal.[1] In pursuance of an enactment of the year 1865, the removal of a pauper is also authorized without an order, if the union against which the claim is made voluntarily consents to receive him. If, however, the pauper refuses to allow himself to be removed under this arrangement, it is necessary to obtain an order of removal.[2]

These provisions show the desire of the legislature to limit as much as possible the unprofitable expenditure caused by the Laws of Settlement and Removal. In this respect, too, the disadvantages of making relief depend on settlement have been recognized and minimized. A few figures may, in conclusion, be given to illustrate the present working of those laws. The number of orders of removal has fallen from year to year. In the year 1849 it amounted to 13,867, and Nicholls reckons that the number of persons affected by these orders was about 40,000. In the year 1882 there were 4,211 orders of removal affecting 6,233 persons.[3] In addition to these, 2,682 paupers were removed without an order, in accordance with 28 & 29 Vict. c. 79, s. 6. The total number of persons actually removed only amounted to 5,922. It thus appears that non-resident relief is extensively granted. The costs of the legal procedure and of the transport of paupers are given as £9,283 2*s*. 4½*d*. In spite of the important amendments in the law, and although many places voluntarily abstain from exercising the right of removal, more than £9,000 annually continues to be thus wasted.

In July, 1875, special figures were given with regard to the effect of the existing Acts upon Ireland on the one side, and upon England and Scotland on the other.[4] It appears that in the period 1870–74 1,286 paupers were sent back to Ireland from England and Wales, and 1,151 from Scotland, the yearly average being 257 and 230 respectively. On the other hand, during the first six months of 1875, 36,266 persons born in Ireland received relief in England and Wales, and 58,474 in Scotland; while, during the same period, only 358 English and 196 Scotch received public relief in Ireland.

[1] 14 & 15 Vict. c. 105, s. 12. According to the 30th Annual Report of the Local Government Board, p. cix., the Board decided ten contested questions of this kind in the year 1900.

[2] 28 & 29 Vict. c. 79, s. 6. Glen, 'Poor Law Orders,' p. 458, where the instructional letter of the Poor Law Board of Feb. 28th, 1866, is included.

[3] Parliamentary Paper, 1882, vol. lviii., p. 587. In the three years 1895–6–7, the law charges in respect of disputed cases of settlement and removal averaged £1569 per annum. Parliamentary Paper, No. 354 of 1897. In 1900 the total expenditure of extra-metropolitan boards of guardians in connexion with settlement and removal was £9250.

[4] With regard to the different legislation in the three kingdoms, see above, p. 86.

SECTION IV.

POOR LAW DISTRICTS.

Since 1865 the district upon which the poor rate is ordinarily charged is a union of parishes. Besides the unions, there is a small number of parishes with a separate poor law administration. As regards some of them, this is based upon local Acts passed before 1834, which the Act of that year left untouched, but the repeal of which has been facilitated by subsequent legislation.[1] Moreover, certain parishes (especially in the metropolis) which, in extent, population, and rateable value, are sufficiently large for an independent administration of the poor law, have been detached from other parishes by the Central Board. Out of the 647 districts for the relief of the poor in England and Wales, twenty-seven consist of single parishes, while the rest are formed by a union of several parishes.[2] There are also ten "out-relief unions," which administer out-relief independently of the unions of which for other purposes they form part.

Notwithstanding the formation of unions, particular significance still attaches to the parish. The respective parishes have their own representatives as guardians, and the poor rate is levied within them by overseers appointed for each. In a description of the existing poor law system, the parish is the starting-point.

The parish had originally an exclusively ecclesiastical significance. It was part of the Church organization. It consisted of the village or district for which a particular priest was appointed for the cure of souls, with the right to tithes and other ecclesiastical dues.[3] At the time when relief was in the hands of the Church, it was the parish by which paupers were maintained, and the effect of the gradual transition of relief from an ecclesiastical function into a legal duty was that the Act of Elizabeth, dealing with the state of

[1] In the year 1870 there were still eighteen places in England where the poor law administration was carried on, under local Acts of this kind (22nd Annual Report of the Poor Law Board, p. lxv.). The repeal of local Acts has since then been made more easy (42 & 43 Vict. c. 54); and the number of poor law administrations under local Acts is now only about half a dozen. We may disregard these districts, since the Central Board has in most cases exercised its legal power of bringing the election of guardians into accordance with the provisions of the Act of 1834, and applying to such guardians the general principles of poor law administration. The significance of local Acts as regards the poor law is thus reduced to a minimum, and it is unnecessary to have regard to them in this statement of the present relief system. The districts in which poor law relief by guardians is administered under the regulations here set forth include practically the entire population of England and Wales, except the Scilly Islands.

[2] See Knight's 'Guardian's Guide' (1899), p. 1, and 28th and 29th Reports of the Local Government Board. In the following pages we shall in speaking of "unions" apply the term to parishes under special poor law administration without particularly distinguishing them from the others. Indeed, under the Interpretation Act, 1889, combinations of parishes and single parishes are alike "unions."

[3] Stubbs's 'Constitutional History,' vol. 1, pp. 85 and 227.

things then existing, made the parish still bear the burden of public relief. The churchwardens were at the same time charged with the duty of looking after the poor. In addition, overseers were appointed for the parish, who, with the churchwardens as *ex-officio* overseers, carried out the relief system, and raised the necessary funds by a rate levied within the parish. Thus by the Act of Elizabeth, the parish became part of the general machinery of local government. Subsequent legislation in giving new duties and functions to local communities has proceeded in the same direction. The poor rate has become the basis for the general district rate, and the machinery primarily established for the administration of the poor law has been utilized on behalf of the district in almost all new branches of local government.[1]

The parish thus constantly invested with new civil functions has gradually lost its original connexion with the ecclesiastical organization. Out of the ecclesiastical parish a civil parish[2] has arisen, which in its extent and in its organization is so different that the same name scarcely appears applicable to both. There are at present in England and Wales about 15,000 civil parishes, while the number of ecclesiastical parishes is estimated at not more than 13,300. Of the 15,000 civil parishes scarcely 10,000 are coterminous with the ecclesiastical parishes of the same name.[3]

This variation has been produced by two causes: in the first place new ecclesiastical parishes have been formed on the erection of new churches in populous districts, under numerous church building Acts, without any alteration in the areas of the existing civil parishes;[4] on the other hand, the civil parishes have undergone alterations by which the ecclesiastical parishes have not been affected.

Here we must mention an enactment of the year 1662,[5] which having regard to the "largeness" of particular parishes, especially in the Northern counties, authorized their division into separate townships or villages for the purpose of poor law administration. Much use was made of this provision, and such small parishes were formed that it was thought desirable in the year 1844 to prohibit further action under it.[6] There also formerly existed a tolerably large number of so-called extra-parochial places, which for various

[1] This holds good not only of the parish and the overseers, but in a still greater degree of the union and the guardians. The guardians are the rural sanitary authority, sometimes also the highway authority; and in country districts they appoint the school attendance committee. The execution of the Vaccination, the Bakehouse Regulation and other Acts, is also entrusted to them.

[2] In 29 & 30 Vict. c. 113, s. 18, is the following definition or rather description of a civil parish. "The word 'parish' shall signify a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed."

[3] See Chalmer's, pp. 35 & 39. The number of civil parishes which in 1896 sent returns to the Local Government Board was 15,093.

[4] The number of ecclesiastical parishes is stated to have been 8,632 in the year 1371; 9,407 in 1520; 10,477 in 1851; 12,628 in 1886; and is about 13,300 at the present time.

[5] 14 Car. II. c. 12, s. 21.

[6] 7 & 8 Vict. c. 101, s. 22.

reasons did not form part of any parish.[1] By two Acts of 1857 and 1868 it was provided that these places (which had previously been exempt from poor rate) should be united with neighbouring parishes, or be constituted separate parishes.[2] Finally, provision has lately been made for obviating the inconvenience arising from a parish being composed of several detached portions at a distance from each other. The number of these divided parishes amounted in the year 1873 to more than 1,300, and the House of Commons in that year considered it desirable to appoint a select committee to consider the question of the simplification of the boundaries of parishes. In accordance with the recommendations of this committee, the Local Government Board was empowered, by three Acts of 1876, 1879 and 1882,[3] to detach isolated parts of a parish from it, and either to add them to neighbouring parishes, or to form them into independent parishes. The latter course is made specially applicable to the case where the separate part contains a population of more than 300 inhabitants; while, if the separate part is entirely surrounded by another parish, it is amalgamated with such parish. The orders of the Local Government Board on the subject, if opposed by one-tenth of the ratepayers interested, are provisional, and require the confirmation of Parliament.

In accordance with these provisions, the areas of parishes have in many instances been altered of late years, and as such alterations have often involved much disturbance of local interests,[4] a good deal of work has been thrown on the Central Board.

Civil parishes differ much in the extent, both of their area and of their population.[5] Parishes of less than 50 acres are side by side with those of 10,000 acres. In 6,000 parishes the population is under 300; in 788 it is actually less than 50; while, on the other hand, in many it is over 10,000. The average population of a parish is about 2,100, but in most parishes it ranges from 200 to 1,000. The Central Board has no power to unite small parishes, but may divide large parishes on the application of one-tenth of the owners and ratepayers.[6] The Central Board may also divide large parishes into wards for the election of guardians.[7]

In the existing poor law system, the union is of much more importance than the parish. The substitution of the larger district of the union for that of the parish as the area upon which contributions for poor relief are to be levied was the result of a long process of development.

[1] For example, the Colleges of the Universities, the Inns of Court, the Royal Forests, &c.

[2] 20 Vict. c. 19, and 31 and 32 Vict. c. 122, s. 27.

[3] 39 & 40 Vict. c. 61; 42 & 43 Vict. c. 54; 45 & 46 Vict. c. 58.

[4] See 13th Annual Report of Local Government Board, p. liii., as to the action taken in this matter.

[5] For details, see the report of the Select Committee on Poor Law Guardians, 1878.

[6] 30 & 31 Vict. c. 106, s. 3. The order for the purpose must be provisional, and subject to confirmation by Parliament.

[7] 39 & 40 Vict. c. 61, s. 12.

The combination of several parishes for the better administration of the poor law dates from a remote period. In the year 1723, in the enactment[1] for the establishment of workhouses, it was provided that parishes too small to have a workhouse of their own, might unite for this purpose with neighbouring parishes. By Gilbert's Act of the year 1782, a common administration of the poor law was so far introduced, that the establishment of a workhouse and the execution of the poor law, including the appointment of paid officers, was shared by the united parishes.

The present unions owe their existence to the Act of 1834, which embodied the principle that the formation of larger districts was the basis of the necessary reform of the relief system. It was considered that this was the only way by which the men and the means could be obtained. The relief system was thenceforth to be carried out by the Board of Guardians, or by the paid officers appointed by such board. The guardians were to be elected by their respective parishes. The Central Board[2] fixed the number of guardians to be elected by each parish, the only limitation being that every parish must be represented by at least one guardian. Each union was to have a common workhouse; the costs of its erection and maintenance, including the payment of the necessary officers (the so-called establishment charges), being borne by the union. On the other hand, each parish had to maintain its own poor both in and out of the workhouse.

The tendency of subsequent legislation has invariably been to transfer charges from the parish to the union. The bond of community was strengthened by the introduction of uniform principles of rating in the union, and finally the Act of 1865 made the entire poor rate the common concern of the union, so that it is now the union which alone bears the burden of poor law relief.[3]

With regard to the formation of unions, the Central Board has a perfectly free hand. It has already been pointed out in stating the general principles on which the board acted in the formation of unions, that it took account of the population, the rateable value, the area, the probable amount of the cost of relief, and finally, of the situation of existing workhouses, or of the most convenient position for the erection of new workhouses.

The circumstance that so many factors had to be taken into account necessarily produced great differences among the newly-formed unions. We have already[4] given examples of such differences. We have set a union with 2,265 inhabitants against another of 529,724; a union of 159,761 acres against another of 244; a union consisting of four parishes against another consisting of ninety-seven; a union with a board of ten guardians against one with eighty-two. It is impossible to give averages with any degree of exactness, but

[1] 9 Geo. I. c. 7, s. 4.
[2] The number is now fixed by the County Council.
[3] Union Chargeability Act, 1865, 28 & 29 Vict. c. 79.
[4] See p. 45.

we may say that the population of the majority of unions ranges from 15,000 to 60,000, and even beyond these wide limits we must remember that nearly thirty unions have more than 200,000 inhabitants, and on the other hand that several unions have less than 3,000. There are similar variations in the rateable value of the respective unions. The city of London, with £4,586,774, contrasts with Catherington (£16,573). The only point in which nearly all unions agree is that each has its own workhouse.[1] Further, the Central Board has comprehensive powers for uniting and dissolving existing unions, and forming new ones.[2]

After the unions we come to the consideration of still larger districts for particular objects. The principle embodied in the Act of 1834, of improving the poor law administration by enlarging areas, has been further applied. In 1844 the Legislature endeavoured to secure improvement in the treatment of pauper children by the combination of several unions into school districts, for the erection of school buildings in common for the reception of children who became chargeable to the poor rate.[3] Similarly the combination of unions was authorized for the establishment of asylums for the homeless.[4] For securing a better class of auditors, the Board was empowered to form audit districts, in which the supervision of accounts for all the unions is entrusted to the district auditor.[5]

Notable progress in this direction is visible in the special Acts for the metropolis. For many poor law purposes the whole metropolis is treated as one district. For others, several unions are combined into one district. Further, there is a partial equalization of poor law charges among the respective metropolitan unions.[6]

The good results which ensued in the metropolis from the assignment of certain branches of the poor law to larger districts led to the Central Board being entrusted by the legislature in 1879 with the general power of combining two or more unions for any purpose connected with the poor law, if such combination appears to be for the advantage of the public or the locality.[7] Up to the present time little use seems to have been made of this power, which was designed specially for the formation of districts for the education of pauper children, and for the erection of poor law infirmaries.

These enactments, however, correspond with the general tendency to entrust poor law administration, or at any rate the indoor relief,

[1] There are at present 650 workhouses, and it may be generally said that they differ like the unions. It appears that the Welsh workhouses have the fewest inmates, six of those in South Wales having on January 1, 1900, averaged only twenty apiece. Most of the workhouses in the metropolis have a large number of inmates.

[2] See above, page 84, and the Acts 39 & 40 Vict. c. 61 ; 42 & 43 Vict. c. 54 ; 45 & 46 Vict. c. 58.

[3] 7 & 8 Vict. c. 101, s. 40.

[4] 7 & 8 Vict. c. 101, s. 41.

[5] 7 & 8 Vict. c. 101, s. 32.

[6] 30 Vict. c. 6 ; 32 & 33 Vict. c. 63 ; 33 & 34 Vict. c. 18. See above, pp. 71 and 77. Details as to the metropolis will be given in Chap. IV., sect. 7.

[7] 42 & 43 Vict. c. 54.

which is carried on in institutions, to larger and more convenient areas.[1] As the parish is gradually superseded by the union, so more and more branches of indoor relief are transferred from the union to larger districts. It would seem desirable to introduce generally the principle adopted in the metropolis, by which only the establishment charges are directly born by the larger districts, while the costs for the maintenance of the inmates are defrayed by the respective unions, and something like equalization of these costs is secured by the fact that a very moderate contribution towards the expenses of maintenance is derived from the common fund of the metropolis. In this way a fair adjustment of the burden of poor law relief would be obtained without involving any danger of a less careful and economical administration.

As regards one branch of the poor law, the burden is partly imposed on the county. It is by the county that lunatic asylums are erected, and the necessary funds are provided from the county rate. Moreover, in the case of pauper lunatics, the State has assumed an important part of the expenditure by paying for lunatics received in county or borough asylums or in registered or licensed houses a contribution of 4*s*. per head per week.

SECTION V.

PRINCIPLES REGULATING RELIEF.

Hitherto we have discussed the questions, Who is to be relieved, and Who is bound to afford relief? We now come to the further question, In what way is the relief to be given?

Under the English poor law, in accordance with the avowedly imperial character of the system, this question has been the subject of stricter regulation than under the poor laws of continental countries. The latter only prescribe the minimum of relief which may be given, while in England the limit is fixed up to which public relief may go.

Here we find an expression of the principle that in regulating relief the State has not only to regard the interests of the pauper, but also those of the community, which are affected in several respects by poor law relief.

In the first place the State, when it imposes on its subjects the pecuniary sacrifice involved in a public relief system, is responsible for restricting the burden within reasonable limits. The exercise of benevolence is not in itself a function of the State. Charity ordered by law loses the voluntary character which is an essential of benevolence. It is the duty of the State, therefore, to restrict poor law authorities in the grant of relief, so that money may not be extracted from the pockets of the ratepayers for objects on behalf of which the State has no right to levy compulsory contributions. There must be regulations to keep authorities in mind of the fact that they are administering public funds, of which they are not to

[1] See above, p. 77.

dispose at discretion and upon impulse, but which are entrusted to them to be used for the public interest. In regulating the relief of the poor the State has no business to encroach on the province of philanthropy, and its duty is to see that its agents are not benevolent at the expense of the public. By the very fact of drawing a rigid line beyond which public assistance is not to go, and taking no account of the merits of the recipient, the State invokes the aid of private charity, and directs it into proper channels.

Public relief is designed to meet destitution, irrespective of the particular person, or of his good or bad character.[1] Voluntary charity has regard to the personal relations existing between donor and recipient, or to the establishment of such relations as are called for by the qualities and circumstances of the latter. The promotion of these personal relations is in the interests of all. They form a bridge between the Haves and the Have-nots. A hand is stretched out to support the needy, and to aid him to gain strength for a further struggle. The man who gives will learn, by personal contact with the poor, not merely to value his own advantages of position, but also to recognize his duties towards those who have been less fortunate than himself, in consequence of their birth, their training, or their qualities of mind or body. Charity blesses him that gives, and him that takes; no effort should be wanting to promote it; but to require it by Act of Parliament would be morally wrong and logically absurd.

The best thing that the State can do for the promotion of charity is to convince people by its regulations that every destitute person, no matter what his deserts, will receive such relief as is necessary; that actual need will be removed by the supply of what is indispensable. If there is a general conviction that this duty of a civilized State will be duly fulfilled, individuals have no occasion to give relief on the ground of destitution alone. The exercise of charity may properly be limited to cases in which the ground of relief is not merely the need, but the personal character of the individual. The man who gives may pick and choose the object of his benevolence, may give freely to the deserving person with the object not only of rescuing him from pressing want, but also of placing him in a position to acquire independence by his labour. But he may leave the undeserving, or those with whose deserts he has no personal acquaintance, to the operation of the poor law.

The more poor law relief is restricted to cases of pressing need

[1] This principle seems, however, to have been abandoned of late years in the case of the aged and infirm. The Royal Commission of 1893 on the Aged Poor, as well as a Select Committee of the House of Commons in 1899, recommended that a distinction should be drawn between the "deserving" and the "undeserving," if aged; that the former should ordinarily not be required to enter the workhouse, and that the inmates of workhouses should be classified according to character, and be treated differentially. In their circulars of 31st July, 1896, and 4th August, 1900, the Local Government Board commended these suggestions to boards of guardians. But there is a difficulty as to the principles upon which the "deserts" should be decided.

d the more it is bound down in this respect by strict rules, the ss will be the danger, inevitably associated with all public relief, at the energy and activity, the providence and the thrift of the opulation will be weakened by dependence upon it.

In the interest of the public safety and of civilization, the State nust take care that all its subjects are preserved from starvation, and hat those who are unable to maintain themselves by honest labour hall be supplied with the necessaries of life from public funds. It rovides for the destitute in the interests of the community, from hich it levies contributions for their support; consideration for the articular individual is not in question. Where such consideration required, it is the pleasing duty of private charity to interpose. It only by this division of the two provinces of public and of private arity that a satisfactory relief system is possible.

Another very significant point must also be noticed. In the lministration of the poor law the State must not pay exclusive gard to the interests of that portion of the population which has ready been pauperized, but must also consider the effect which the ant of relief, and particularly the description of the relief, may ave on the rest. A great part of the population is on the verge of auperism, and can only supply itself with the bare necessaries of fe. If the system places the pauper in a better condition than that f the poor labourer who supports himself, the latter is disheartened i his struggle to maintain his independence, and thus some of the orking classes become demoralized.

But it is not enough to take precautions that the condition of the auper shall not be raised above the level of the poor but indepen-ent labourer. The State must also, in its regulations, aim at exert-ig an educational influence. It must, by the mode in which relief granted, stimulate its subjects, so far as lies in their power, to make rovision for hard times, so that they may not be obliged to apply or poor law relief. The grant of relief must be accompanied by estrictions felt by the applicant and calculated to induce him to rovide for the future, according to his means. But here we are net with the fact that the circumstances of the poor labourer limit im to the bare necessaries of life, so that it seems impossible that his minimum should be reduced. It therefore becomes necessary o associate with poor law relief certain disabilities which are not, ndeed, of a very substantial character, but which are calculated to ct as a deterrent.

The poor law system is accordingly based on the following rinciples :—

1. The right to receive relief must be assured. The public must know that every one, whatever the cause of his destitution, is secure against starvation.

2. Poor law relief must be restricted to the minimum required for the support of life. It is necessary to exclude the possibility that the condition of the pauper shall in any respect be better than that of the independent poor.

3. It is essential to associate with the receipt of relief such drawbacks as will induce the poor, so far as lies in their power, to make provision for the future.

The first is the duty of a civilized State. The second is required in the interest of justice to the ratepayers, and specially to the poorer class of them. The third is a necessity for the State which is conscious of its duty as regards social reforms.

It is these principles which regulate the English poor laws. In proof of this we may quote the following words of the Poor Law Board:

"The fundamental principle with respect to the legal relief of the poor is that the condition of the pauper ought to be on the whole less eligible than that of the independent labourer. The equity and expediency of this principle are equally obvious. Unless the condition of the pauper is on the whole less eligible than that of the independent labourer, the law destroys the strongest motives to good conduct, steady industry, providence and frugality among the labouring classes, and induces persons, by idleness or imposture, to throw themselves upon the poor rates for support; but if the independent labourer sees that a recurrence to the poor rates will, while it protects him against destitution, place him in a less eligible position than that which he can attain to by his own industry, he is left to the undisturbed influence of all those motives which prompt mankind to exertion, forethought, and self-denial. On the other hand, the pauper has no just ground for complaint if at the same time that his physical wants are amply provided for his condition should be less eligible than that of the poorest class of those who contribute to his support."[1] Moreover, "the function of the guardians is to relieve destitution actually existing, and not to expend the money of the ratepayers in preventing a person from becoming destitute, that is to say, they can only expend the poor rates in supplying the destitute persons with actual necessaries."[2]

It is certainly a very remarkable fact that these principles, which are so important in public relief, are expressed so forcibly and practically in England, a country which is far less inclined than continental States to expound general principles and to give directions to local authorities through a central department. The reason for exception in the case of the poor law administration is to be found in the sad experiences, gained before the Act of 1834, of the result of a relief system based merely on humanitarian motives. It is significant that in England poor law relief is extended to one class of persons to whom it would not be afforded in continental States, and in whose case serious danger is caused by an ill-considered system of relief. This class is that of the able-bodied poor. In England the obligation exists to relieve the destitute man who prefers to have recourse to the poor law rather than maintain himself. As regards the

[1] Report of the Poor Law Commissioners on the Amendment of the Poor Laws, 1840, p. 45.

[2] Glen, 'Poor Law Orders,' p. 67.

class of persons unable to work, the sick, the infirm, and the aged, as well as pauper children, who come on the poor rate for no fault of their own, a more indulgent treatment is permissible than in the case of the able-bodied class, who could not be indulgently treated without the exercise of a demoralizing influence on the general working population.

If public relief is required to be given to the able-bodied,[1] the general principle that a civilized State must not allow its subjects to perish for want of the bare necessaries of life, must be taken in connexion with certain considerations relating to public order and economic well-being. The safety of the commonwealth and the danger to the rest of the population of extreme poverty if left to itself[2] must be regarded as well as the economic questions of the maintenance of able-bodied citizens, and the utmost use of their powers of labour. It is necessary for the State in the case of able-bodied paupers to take precautions that the poor law shall be administered in the interests of the community, and shall be governed by considerations other than those of mere benevolence.[3]

[1] The Prussian law also requires the relief of the able-bodied; ii. 19, s. 2, of the general law provides that those who only lack means and opportunity to maintain themselves shall be supplied with work according to their strength and ability. But this provision, which, like the entire 19th section of the Prussian statute, is quite in accordance with the spirit of our great king Frederic II., has, with the altered views of the period after the *roi des Gueux*, never been carried into practical effect, and it has fallen into oblivion so completely that Prince Bismarck was obliged lately to remind Parliament of its existence.

[2] See as to this question of public order, which is frequently given as the main reason for the relief of the able-bodied, Babbage on the 'Principle of Taxation,' London, 1851. "Whenever for the purposes of Government we arrive in any state of society at a class so miserable as to be in want of common necessaries of life, a new principle comes into action; the usual restraints which are sufficient for the well-fed are often useless in checking the demands of hungry stomachs. Other and more powerful means must then be employed; a larger array of military or police force must be maintained. Under such circumstances it may be considerably cheaper to fill empty stomachs to the point of ready obedience, than to compel starving wretches to respect the roast beef of their more industrious neighbours; and it may be expedient in a more economical point of view to supply gratuitously the wants of even able-bodied persons, if it can be done without creating crowds of additional applicants." See also Sir Matthew Hale, 'A Discourse touching the Provision for the Poor,' London, 1683. Hale declares "the relief of the poor to be an act of great civil prudence and political wisdom, for that poverty is in itself apt to emasculate the minds of many, or at least to make man tumultuous and unquiet. Where there are many poor the rich cannot long or safely continue; such necessity renders many of phlegmatic and dull natures stupid and indisciplinable, and many of more fiery or active constitutions rapacious and desperate."

[3] We may here cite some utterances of distinguished Englishmen upon the English principle of the relief of the able-bodied. In the House of Commons on July 24, 1862, Mr. Bouverie said, "It was the glory of England that she was the only country in the world where the able-bodied had a right to relief. That right was so hostile to the maintenance of the property that unless it were guarded in difficult times with the greatest care and vigour, it was not impossible that the poverty of the country might eat up the property." Fawcett says, 'Labour and Wages,' p. 73, "Amongst the advantages associated with the Poor Law, much importance is to be attributed to the influence which the existence of a definite protection against starvation exerts in preventing the feeling of desperation and

Especial care must be taken, in regard to the treatment of the able-bodied, that relief is restricted to bare necessaries, and that everything is avoided which tends to make the population less energetic in providing for itself. It is of special importance that the position of the able-bodied pauper shall not be raised above the level of the poorest independent labourer, and that relief shall be granted only on conditions calculated to deter applicants, and to stimulate them to maintain themselves.

SECTION VI.

THE CHIEF METHODS OF RELIEF.

In England the workhouse is now recognized as the best and most practical means of carrying out the policy of the poor law. In the workhouse, to which all destitute persons can claim admission at all times, it is possible to provide that the relief shall consist only of bare necessaries, and at the same time that the able-bodied shall be compelled to labour; while, on the other hand, the restrictions on freedom and the enforcement of strict discipline tend to repel applicants except in case of real need.

The workhouse also affords a test of the existence of that destitution, which is the only condition of poor law relief. By this "workhouse test," it is possible not only to establish the destitution of the applicant, but also to give an inducement to relations possessed of means to come to the help of the impoverished member of their family. The workhouse, in this way, tends to strengthen their obligation to contribute to his support, for they are induced to do all in their power to prevent the separation from the outer world which would be involved in his admission.

Experiments in workhouse relief were made towards the end of the 17th and in the course of the 18th century in particular districts, and were attended with conspicuous success wherever the workhouse-test was judiciously applied.[1] The Poor Law Commissioners in 1834 were therefore in a position to appeal to satisfactory experience in support of their proposal to concentrate all poor law relief in the workhouse; but the public were nevertheless afraid to accept a strict application of this principle, which appeared to involve too abrupt a change from the indulgence which had previously been the leading characteristic of poor law administration. There was a hesitation in requiring that every district should be provided with a workhouse, and it was left to the Central Board gradually to introduce in particular districts the regulation that relief in general, or that of particular classes of paupers, should be only given in the workhouse.

The Central Board has made use of this power by establishing

despair amongst the poorest classes, and these feelings being to a considerable extent checked, socialistic schemes and theories have never obtained any very great hold in this country upon the masses of the people."

[1] See above p. 16, note 1, and p. 27, note 3.

er two general orders two different systems of relief. Of these under the Outdoor Relief Prohibitory Order, of the 21st of ember, 1844, is stringent; while the other, designed specially for larger towns under the Outdoor Relief Regulation Order, of the 1 of December, 1852,[1] is comparatively lax. Under these two ers, relief outside the workhouse for particular cases is either rely prohibited, or is only permitted under special limitations. regards these cases, the discretion of the guardians is limited as ie kind of relief to be granted; and if what they give is not of prescribed character, they run the risk of having the cost dis-wed by the auditor and surcharged upon themselves personally.

he Outdoor Relief Prohibitory Order, which is in force in most icts throughout England, forbids the grant of outdoor relief to able-bodied of either sex, except in the following cases:—

) On account of sudden and urgent necessity.[2]

) On account of sickness, accident, or bodily or mental infirmity cting the applicant, or any of his or her family.

) For burial expenses.

) In the case of a widow in the first six months of her widowhood.

) In the case of a widow, having legitimate children, being in-ible of earning her own livelihood, and having had no illegitimate ldren during her widowhood.

f) If the head of the family is in prison.

) In the case of the wife or children of a soldier, sailor, or marine His Majesty's Service.

h) In other cases when the husband or father lives separate from wife or family in another union, and they become destitute.

n the cases (*f*) to (*h*) the wife is to be treated as a widow; relief efore is governed by the limitations in (*d*) and (*e*).[3]

he Outdoor Relief Regulation Order, which is in force in London other large towns, especially in the manufacturing districts, is prohibitive of relief to the able-bodied outside the workhouse. It believed that difficulties would arise in strictly carrying out the door Relief Prohibitory Order in these places. The grant of loor relief to able-bodied women is here unrestricted; but as ards men there are the following limitations:—

z) If relief is given outside the workhouse, at least half must be n in articles of food or fuel, or in other articles of absolute necessity.

b) No relief is to be given in aid of wages.[4]

) Relief is only to be granted on condition of the performance

These two orders, as well as the Labour Test Order, which is connected with former of them, are printed by Glen, p. 522.

This expression is not specially defined. It is applicable to a case where int relief is required, and does not authorize permanent outdoor relief. Glen's or Law Orders,' p. 491, note (1).

Relief outside the workhouse to a deserted woman who has had an illegitimate d during the absence of her husband is thus prohibited.

This provision was intended to put a stop to the abuses caused before the ing of the Act of 1834, by the grant of relief in aid of wages, which had luced a very bad effect on the labouring classes (see above, p. 30).

of a task prescribed by the guardians, who must report to the Central Board within thirty days the sort of work prescribed, the time and place of its performance, and the provision made for superintending it. For the latter purpose a superintendent of outdoor labour may be appointed. (Labour test instead of workhouse test.)

Exceptions to (*b*) and (*c*) are allowed in a number of cases corresponding with those under the Outdoor Relief Prohibitory Order, namely, in sudden and urgent necessity, sickness, bodily or mental infirmity, burial expenses, and where wives and children, separated from the head of the family, become destitute.

Besides these special provisions as to able-bodied paupers, there are a number of general regulations as to the relief to be granted. In this respect the two Orders did not differ materially. Chief of them is the prohibition of non-resident relief, *i.e.*, of relief to persons living outside the union to which they are chargeable. Non-resident relief is permitted only in the following cases :—

(*a*) If the person is casually within the union, and destitute.

(*b*) In case of sickness, accident, bodily or mental infirmity affecting the applicant or one of his or her family.

(*c*) In the case of a widow with legitimate children, and having no illegitimate child, who, at the time of her husband's death, was resident with him in some place other than the parish of her legal settlement.

(*d*) In the case of a child under sixteen maintained in a workhouse or school outside the union or parish.

(*e*) In the case of the deserted wife or child of some person residing elsewhere.

Further, relief in money for certain specified objects is prohibited ; under the Outdoor Relief Prohibitory Order for payment of rent or any portion thereof; under the Outdoor Relief Regulation Order also for establishing an applicant in any trade or business, for purchasing or redeeming tools and other articles (except articles of clothing or bedding where urgently needed), or for defraying travelling expenses.

If the guardians, in special cases, deem it expedient to depart from these regulations, they must report such departure within fifteen or twenty-one days,[1] with the grounds thereof, to the Central Board, who may approve or disapprove such departure. In the latter case, the guardians must forthwith alter the mode of relief.

Subject to the above exceptions, it is left to the guardians to decide in what form relief is to be given. The duty, therefore, of restricting relief to maintenance in the workhouse only exists to a limited extent. But the guardians may in all cases select admission to the workhouse as the mode of relief,[2] and the utmost extension of this plan is in accordance with the principles of the English poor law. This has been repeatedly pointed out to the guardians by the

[1] Fifteen days under the Outdoor Relief Prohibitory Order ; twenty-one days under the Outdoor Relief Regulation Order.

[2] The only exception is in the case of an adult entirely incapable of work owing to age or infirmity. See p. 170, note 1.

Central Board; and for many years the proportion of outdoor relief has steadily diminished.[1] The guardians have been constantly learning by experience the correctness of the views taken by the Central Board on the subject. The poor law conferences, too, have specially laboured to obtain the wider application and the better enforcement of this principle.[2]

The workhouse system is the groundwork of the English poor law, inasmuch as the workhouse serves as the normal standard of relief. Applications for relief can always be satisfied by the offer of the workhouse; if this is refused the guardians are under no obligation to afford any other kind of assistance.[3] The guardians thus possess an efficient weapon for disposing of all complaints and objections as to the amount of relief provided. If it is offered in any other form than that of admission into the workhouse, and if the applicant is discontented with its amount or with any conditions imposed, the guardians can offer him the workhouse. There, care is taken that the pauper is provided with the necessaries of life, and beyond this he can claim nothing. In this way, disputes as to the amount and character of the relief offered are prevented. Accordingly relief in the workhouse may be regarded as the general basis of the English poor law.

It was in the workhouse, as to the establishment of which we shall give details further on, that indoor relief was centred under the Act of 1834. The workhouse was for all three classes of paupers: for the children, for the able-bodied, and for the infirm, who were all to be admitted. The later development, however, has been to provide special institutions for particular classes of paupers.

This was first done in the case of pauper children. As early as 1844 the legislature endeavoured to effect the separation of the children from the workhouse by the erection of district schools. After these came other institutions for the education of pauper children outside the workhouse: by means of separate and certified schools, training ships, and, above all, the boarding-out system. The question of the best method of dealing with pauper children has resolved itself more and more into a purely educational one. How best to make them useful members of society, and enable them to shake off the chains of pauperism, has been the main point. No violation of the general principles of the English poor law is involved. These principles are twofold: adequate relief for the destitute, and the provision of this relief so as to avoid the evil results of reliance upon it, and to stimulate the poor to make provision for themselves. In the

[1] Excluding vagrants and lunatics, the proportion of outdoor paupers per thousand of population fell from 44·1 in 1870 to 21·7 in 1890, while that of indoor paupers fell from 6·4 to 5·9 per thousand.

See above, p. 95.

[3] See 9 Geo. I. c. 7, s. 4. In strictness the guardians are relieved from responsibility by an offer of admission to the workhouse and of conveyance to it. But in instances of obstinate refusal to enter the workhouse, the relieving officer is generally ordered to watch the case, and to give such a minimum of necessaries in kind as will prevent actual starvation.

treatment of pauper children, this last object may be left out of the question, since they are not in a position to make provision for themselves, and if they have become paupers the fault is their parents'. But for the sake of the parents it is necessary to take precautions that the relief given to children in case of need should not lead to recklessness in bringing children into the world without making any provision for their maintenance.

It was therefore required that relief given to children should be regarded as given to their parents, and on that account should be attended with the same drawbacks as regards the parents as if it were granted to themselves. Where the Outdoor Relief Prohibitory Order is in force, it follows that if the father or mother is able-bodied, relief can only be granted to children if their parents are admitted into the workhouse.[1] The relief of pauper children outside the workhouse is thus not contrary to the principles of the poor law. The question whether they can be best brought up in the workhouse or elsewhere will be discussed later.

Since 1860 endeavours have been made to remove another class of paupers from the workhouse—viz., the sick. In this case, it is especially desirable that the population should not be allowed to lose sight of the necessity of themselves making provision for illness. But besides this consideration, there are others which are forced to the front. Regard must be had in the first place to the danger of treating diseases, particularly those which are infectious, in workhouses which have not been specially erected for the reception of patients, and cannot be properly adapted to the purpose. Nor must the question of humanity be disregarded in the case of persons who are in suffering. Then comes the economic consideration that it is advisable that those who have hitherto maintained themselves, and have only ceased to be useful members of society in consequence of their illness, should be supplied with the best means of recovering their powers of work as soon as possible. Of all these grounds the sanitary one is the most important. In connexion with the principles of the poor law, regard must be had to the questions how best to treat the sick, so as to avoid infection and to promote recovery, and how best to make their lives endurable if there is no possibility of their cure.

With these objects, endeavours have been made to remove sick paupers as much as possible from the workhouse to institutions specially designed for their reception. In the metropolis, this exclusion of the sick from the workhouse is already thoroughly carried out. There are infirmaries, sick asylums, lunatic asylums, fever hospitals, small-pox hospitals, hospital ships, &c. And in the rest of the country, as far as special circumstances admit, efforts are made to provide such establishments. Moreover, the guardians make ample use of their power of subscribing to private or charitable

[1] The exceptions to this rule have been already mentioned. There are exceptions, (*a*) in the case of blind, deaf and dumb, and idiot children; (*b*) in other cases where the relief is a consequence of illness of the children; (*c*) with regard to the payment of school fees.

spitals, and by this means secure that, at any rate, those sick upers who require competent and careful medical attendance ould be admitted to suitable institutions.

Separation from the rest of the workhouse inmates has also taken ce in the case of the casual paupers, for whom are provided either cial institutions or separate accommodation, called "casual wards," he workhouses. As regards this class of paupers, who claim only porary relief, usually in order to obtain a night's shelter, it has n thought necessary to have regard specially to police considera- ns, and by making the discipline more rigid, and otherwise imposing cial restrictions, to introduce a method of treatment which is nething between relief and punishment.

t was considered that in this way enactments against beggars and rants, of whom the class of casual paupers is largely composed, ght be supplemented in a way which would rectify the recognized iciencies of the existing penalties. As to whether the right course been adopted, we shall have something to say in another place, re we shall discuss the regulations as to casual paupers in con- ion with the penal enactments as to rogues and vagabonds.

m these general principles as to the mode of granting relief, we l proceed, in Chapter IV., to discuss in detail the respective nches of the English system, viz. :—

a) Outdoor relief;

b) The workhouse;

c) The education of pauper children;

d) The care of sick paupers;

e) The treatment of casual paupers, as well as of beggars and rants.

We shall also describe in detail the poor law system of the tropolis, which has various special characteristics.

SECTION VII.

SECURITIES FOR DUE RELIEF.

In order to judge properly of the poor law system, it is necessary know what security exists for carrying out the duty of relief, and adequately applying general principles. These two questions refore arise:

1. In what way is the raising of the necessary funds assured?

2. In what way is the system organized, and what security does the anization afford for carrying out the principles of the poor law?

With these two points, which are treated in detail in Chapters II. d III., it is necessary here to deal only generally.

Let us see what are the main features of the proceedings in nting relief.[1]

[1] See the Consolidated Order of 26th July, 1847 (Glen's 'Poor Law Orders,' 200). Here we need only give the main features; details will be found in equent chapters.

The destitute person has in the ordinary course to apply to the relieving officer of the district, who enters each application in a report book, and must then satisfy himself as to the destitution and the particular circumstances of the case, specially visiting the applicant at home. At the next ordinary meeting of the board of guardians, he must report upon the case in the prescribed form. This meeting is to be attended by the relieving officer in person, and usually the applicant is also requested to be present. The report of the relieving officer must set forth particulars as to the capacity for work, and the health of the applicant, and also as to the existence of any persons who are under an obligation to contribute to his support. On this report, after examining him, the guardians decide whether relief is to be granted, and if so, in what form. They are unfettered in their discretion as to these points, subject only to the limitations already referred to as to the kind of relief.[1]

The decision as to the grant of relief is to be entered by the chairman or clerk of the board of guardians in a special Relief Order Book, and its execution is entrusted to the relieving officer.

Apart from this ordinary procedure, special provision is made for cases of sudden or urgent necessity, in which the relieving officers may afford relief, not in money, but in kind, either by supplying necessaries of food or clothing, or by giving an order for admission into the workhouse. But in cases of urgency the destitute person need not apply in the first instance to the relieving officer. He may apply to the master of the workhouse for admission, which must be granted in any genuine case of sudden and urgent necessity. Further, in case of pressing need, he may apply to an overseer, who may, like the relieving officer, either grant relief in kind, or give an order of admission to the workhouse, but must forthwith report his action in the matter to the relieving officer. If the overseer refuses relief on improper grounds, he may be required by any justice to grant relief to the extent of bare necessaries. He must give effect to the order of the justice under a penalty of £5. The justice may also, at his discretion, order medical relief in cases of sudden and dangerous illness.[2] The district medical officer must then visit the sick person, and supply the necessary medicine. But all these orders applicable to cases of urgency are merely provisional.[3] The decision as to subsequent relief rests with the board of guardians, to whom the relieving officer has to report upon all such cases at their next meeting.

The provision of the necessary funds for relief rests with the

[1] There is an exception in the case of an adult pauper who is incapable of work on account of age or infirmity, in which case two justices are empowered to issue an order for the grant of relief outside the workhouse, provided that at least one of these justices attests such incapacity of his own knowledge. (4 & 5 Will. IV. c. 76, s. 27.) This provision is, however, practically obsolete.

[2] 4 & 5 Will. IV. c. 76, s. 54.

[3] Here it should be again pointed out that these provisional orders are to be carried out irrespectively of the question whether the pauper has a settlement in the particular union or whether he is removable.

ers, who levy the poor rate. The rate is raised in advance at
l periods of the year, generally half-yearly. A supplementary
, however, made at any time when the sum raised is insufficient
: required expenditure. The overseers are personally respon-
:o the extent of their entire property for the provision of the
necessary for the administration of the poor law. The guar-
therefore, in issuing their orders, are not concerned with the
ɔn of funds, which are regulated by their requirements, not the
ɜments by the funds.

'e examine the question, What, in effect, is the security for the
ance of the principles of the poor law? two points have to be
;uished.

What is the security that no really destitute person shall
ı without relief?

What precautions are taken that the relief shall be in accord-
/ith the regulations, and especially that the poor rate shall not
ıandered in a fashion opposed to the principles of the English
ıw, governing the grant of relief from public funds?

relief of the really destitute is, in the first place, practically
d by the poor law organization.

:ase of urgent necessity, the destitute person may apply at his
to three different officials: to the relieving officer, to the
ɔuse master, or to one of the overseers. He is protected
t an improper refusal on the part of the latter by the power of
ing to a justice. With regard to the relieving officers and
ırkhouse master, it must be remembered that they are not only
the control of the guardians, but are paid officers[1] liable to dis-
by the Local Government Board in case of any neglect of duty.

practical exercise of the controlling powers given to the
l Board depends in a great degree upon the inspectors. By
"eyes and ears" the Board is made acquainted with any
of complaint, and orders the requisite remedy. And in the
:e of special complaint a real control is exercised through the
tors, as they periodically attend the meetings of the respective
of guardians of their districts, and are able to ascertain how
ferent officers of the local administration perform their duties.
the elaborate system of book-keeping which is prescribed, and
makes it necessary that each application for relief, however
ıded, should be entered, with particulars as to the whole case,
eglect of duty can be easily discovered, especially by the
ed eye of an inspector.

Central Board remorselessly visits flagrant neglect on the part
paid officers with immediate dismissal, and, on the other hand,
arcely to be apprehended that the elected board of guardians

[1] 5 Will. IV. c. 76, s. 48. The power of the Central Board is absolutely
ɔnary. In a special case, *Tather* v. *the Poor Law Commissioners* (19
. C. 70; 15 J. P. 36), it was decided that the Central Board need neither
officer notice of dismissal nor give him an opportunity of explanation. A
d officer cannot again serve in any branch of poor law administration
the Board's express approval.

will fail to deal properly with genuine cases of destitution brought to its knowledge, since the matter would become public through the Press, and would create a scandal. It follows that the refusal of relief to such cases is almost out of the question.

But relief is still further assured by law. In the first place, an indictment would lie against those through whose neglect a really destitute person is left without assistance, and has been injured by such neglect. If a poor person who has been refused the relief for which he has applied were to die of starvation, the officer in fault would be liable to be proceeded against for manslaughter.[1]

There is also a further remedy at law in the *mandamus* of the English procedure. If a destitute person is refused relief, the case may be brought for decision before the King's Bench by means of an order of mandamus, which requires the guardians concerned either to grant the relief or to show grounds for its refusal.[2]

In practice, as already stated, there is scarcely ever any occasion to make use of this legal remedy; there is in England a well-founded conviction that relief in the case of all really destitute persons is substantially secured, and is in practice never withheld.

As to the other point, what is to prevent improper expenditure,

[1] As I was assured by Mr. (now Sir Walter) Sendall, when Assistant-Secretary to the Local Government Board, and Mr. Hedley, then General Inspector, this is not merely so in theory, but the relieving officer is perfectly conscious of his serious responsibility in this matter. I am informed that in cases in which there is suspicion that a death has been caused by starvation, the Local Government Board inquires whether any application was made for poor law relief, and if so, how it was dealt with. In very rare instances it has happened that an application was made for relief, and that the guardians granted an order for admission into the workhouse, but that nevertheless the applicant, who asked for outdoor relief, would not go into the workhouse, and actually died of hunger. Such cases are instanced by the opponents of the English poor law system as striking proofs of its defects. In my opinion they only show that the system lacks completeness, inasmuch as it should not be left to the option of the really destitute whether he will go into the workhouse or not. (It may be mentioned that a large number of boards of guardians have recently petitioned for the introduction of legislation to this effect.) It would be possible to go a step further, and to make the relief of the really destitute independent of any application from himself by giving the relieving officers the power to bring into the workhouse any such persons who have actually no means of existence, and who are unable to show in what way they can maintain themselves. It should be stated that the number of cases in the Metropolis in which a coroner's jury gave a verdict of death from starvation or death accelerated by privation amounted in the year 1898 to 41, and in the year 1899 to 48. In most of the cases either an application was not made for poor relief, or was only made when the persons were in a dying condition. In no instance did it appear that the cause of death was attributable to any neglect on the part of the guardians or their officers.

[2] Only a single case is known in which this particular procedure has been actually employed. This happened in the year 1864, in the case of the Newton and Llanidloes Union. In this case the then Lord Chief Justice Cockburn remarked: "No doubt there ought to be some remedy if a poor person is refused relief, and an indictment, although a means of punishment, is hardly a remedy. An indictment will not give relief to the destitute person. The remedy by mandamus may be a long way off, but if there is no better it must be resorted to. We cannot say that the guardians are arbitrarily to refuse relief to a destitute person without just cause, and we must see what that reason may be."

equate means have been adopted in the English poor law system, pecially by the establishment of a system of audit. As the relieving ficer is the person who is primarily responsible that every destitute :rson shall receive the requisite relief, so the district auditor is the fficial who has to watch over the expenditure of the poor rates.[1]

It is the duty of the auditor to submit to a searching examination he numerous books, lists, and accounts of the poor law administra-ion,[2] and he must not merely ascertain formally whether these books nd accounts are in accordance with the regulations, whether the ecessary vouchers are produced, and whether the balances are right, but also substantially whether all items of expenditure have been in accordance with the law. If the auditor considers any payment to be illegal or excessive, it is his duty to disallow it.[3]

Every poor law officer is personally responsible for the due expenditure of moneys entrusted to him, and is personally liable for the amount of any payments declared unlawful and disallowed. He is not released from this responsibility by the order of his superior. Every officer is expressly prohibited from carrying into effect any order which is illegal.[4]

[1] The principal provisions as to audit are contained in 7 & 8 Vict. c. 101, ss. 32–39, and 11 & 12 Vict. c. 91; also in the General Order for accounts of January 14th, 1867, also the General Order of April 28th, 1890 (Glen's 'Poor Law Orders,' pp. 577 and 1141).

[2] The Application and Report Book, the Outdoor Relief List, and the Receipt and Expenditure Book, which are to be kept by the relieving officer, the Indoor Relief List by the workhouse master, the Relief Order Book, the Pauper Classification Book, and General Ledger by the clerk to the guardians, and finally the Rate Book and Book of Receipts and Payments, by the overseers, are the principal of these, but there are a great number of others. The master of the workhouse has to fill up no less than 19 different books and accounts, and this number has been temporarily increased by the Dietaries Order of 10th October, 1900. It would really seem that the clerical work is somewhat excessive, and must occupy in account-keeping time which had better be devoted to practical administration. The Board have lately (May, 1901) appointed a Departmental Committee with a view of simplifying the book-keeping.

[3] The district auditor controls and supervises, as to each item of expenditure, he execution of the enactments of the poor law and the instructions of the Central oard. In the year 1883, the number of disallowances amounted to 3,893, and these only 124 were reversed on appeal to the Board; see 13th Annual Report the Local Government Board, p. lvi. and p. 424. But the Local Authorities xpenses) Act, 1887 (50 & 51 Vict. c. 72), materially lessened the number of allowances by providing that expenses sanctioned by the Local Government oard shall not be disallowed by a district auditor. In this way the Board could alise expenditure occurred either inadvertently or equitably, but without legal thority. But (see 17th Report, p. lxix.) they "do not regard the Act as intended supply the want of legislation or other authority for particular expenditure or ases of expenditure and as justifying them in giving prospective sanction to curring expenses." In the year 1899 sanction under that Act was given in 951 ses and refused in 116 cases. In that year there were 1,899 disallowances, of which 57 were appealed against; 33 of these were reversed, 24 were confirmed and not mitted, and the rest were mostly remitted (see 29th Report, p. 652).

[4] 4 & 5 Will. IV. c. 76, s. 96, and the instruction in the order of March 1, 1836. As the accounts of every officer may be disallowed, so every officer, whilst he is bound to obey all orders which are legal, is equally bound to disobey all orders which are illegal, and is personally answerable in either case.

The audit, which is facilitated by the particularly elaborate system of accounts and the precise regulations as to book-keeping, supplies a complete means of control over all poor law expenditure, and is a security that only legitimate items will be passed. The audit takes place regularly twice a year. Extraordinary audits may, however, be ordered at any time by the Central Board. The ratepayers are enabled to exercise control at the audit, as each ratepayer may inspect the books and accounts laid before the auditor. The audit itself is public; any ratepayer may object to the whole of the accounts or to particular items; and the auditor must decide upon the points in dispute.

Against the decision of the auditor there is an appeal to the King's Bench Division (by *certiorari*) or to the Local Government Board. The latter is ordinarily chosen, as the Board has power to exercise an equitable jurisdiction,[1] by sanctioning payments disallowed by the auditor, while the Court has no such power.[2]

Through the introduction of the appeal procedure, the Central Board, by whom the auditors are appointed and paid, is enabled to exercise an important control over the local bodies. The centralization of the poor law system is largely increased by the provisions as to audit. The Board thus obtains an important means of exercising a substantial influence upon the course of local administration.[3]

[1] With regard to the principles upon which the Local Government Board act in this matter, it is stated in the 13th Annual Report, p. 28, that a disallowance is always remitted when the guardians or the poor law officer concerned were *bonâ fide* of opinion that the payment was legal. Full credit on this head is given to the assurances of the persons concerned, but remission is refused where the illegality or excess of the charge in question has been already decided, and this decision must have been known to them. In this connexion it is to be noted that the Board expressly and in detail set forth the cases in which important points have been decided. See *e.g.*, 13th Report of the Local Government Board, p. lvii.

[2] As regards the choice of the mode of appeal there is also the consideration of the serious cost of an appeal to the King's Bench, while an appeal to the Local Government Board costs little or nothing. The number of cases submitted for the decision of the Board is very large, and they are dealt with by a special department. In 1899 the Board had to decide upon 1,221 disallowances and surcharges. Of these, however, only 467 were under the poor law, while the rest concerned the accounts of Rural and Urban County Councils, School Boards, Parish Councils, Parish Meetings, Highway Boards, &c. In the accounts of these various authorities coming under audit, there were altogether 3,676 disallowances in 1899, so that the proportion of appeals is about 33 per cent. Out of these 1,221 appeals, in 1,022 cases the disallowance was confirmed but remitted, in 53 cases it was confirmed, in 111 cases it was reversed, and in 35 cases it was otherwise dealt with. See 29th Annual Report of the Local Government Board, p. 652.

[3] The great importance of the audit will be perceived from the following weighty words of Nicholls, vol. ii., p. 444: "The audit is indeed the bridle by which the various local administrators can with the greatest readiness and certainty be guided to what is right and restrained from what is wrong, and its importance therefore can hardly be overestimated." In the Annual Report of the Poor Law Commissioners of 1837, it is stated that "the negative duty not to apply a tax for an unauthorized purpose is more peculiarly fit to be enforced by an audit and account; when re-enforced by an efficient remedy for the recovery of balances, and when the responsible party is in solvent circumstances, it is the most simple, ready and self-acting of all expedients for the security of public property, and no other administrative inquisition and no judicial proceeding either of a remedial or penal character can be compared with it."

CHAPTER II.

THE POOR RATE.

SECTION I.

SOURCES OF RECEIPTS.

of Elizabeth provided that the necessary funds for relief obtained by means of a rate levied within each parish by

This is the case now. The cost of relief is defrayed poor rate which is raised in the individual parish by the

The principles of the Act of Elizabeth with regard to ıg of the rate are still in force, but their interpretation has le more precise, and their application has been restricted, ɔns of the Courts of Law.

onsistency in enactments ranging over a period of three is very remarkable. While the parish, as regards its own ation of relief, has been superseded by the union, and while has taken the place of the parish as the area of chargeability, parish and its officers that actually raise the required con-

. And although particular branches of relief have been d from the union to still greater districts—embracing the tropolis or the county—it is only the local expenditure that stion, not the levying of the rates. All these large areas ıe funds from the contributions of the individual parishes; too, the county rate is merely an additional tax which is vied on the basis of the poor rate. Now, as formerly, it is aised in the individual parish that furnishes the means for nistration of relief.

are, however, besides the poor rate, two other sources which ıms for relief purposes, viz., loans and State contributions. se we may say—

the attempt to improve the poor law system, especially by ısion of indoor relief, it was found necessary to lighten the burden caused by the erection or alteration of workhouses. ıvements of this kind were to be made at once, without undue hardship on the ratepayers, it seemed requisite that te such expenditure as would supply a particular want for a able period should not fall exclusively on the ratepayers for being, but should be spread over a term of years.

complement to the provisions of the statute[1] of 1819, the

eo. III. c. 12, s. 14. Similar power had previously been given to ncorporations by 22 Geo. III. c. 83, s. 20; and by 52 Geo. III. c. 54. equer Bill Loan Commissioners were empowered, on the application of o issue loans to a certain amount from the Consolidated Fund on the f the rates, and to secure their repayment in the prescribed periods.

Act of 1834[1] authorized the raising of loans for the building or enlargement of workhouses, for the purchase or hire of buildings to be used as workhouses, or of sites for their erection. Loans might also be raised for the further object of emigrating paupers to British colonies. This, too, was on the principle that permanent advantage would be secured from an outlay made once for all.[2]

In the course of time, other objects for loans were added, such as the improvement or alteration of existing workhouses, the erection of district schools, and of metropolitan asylums.[3] Finally, under the Poor Law Act, 1889, loans may be raised "for any permanent work or object or any other thing, the costs of which ought, in the opinion of the Local Government Board, to be spread over a term of years."[4]

The strictest precautions have been taken with a view to prevent abuse from the power of transferring the burden of expenditure to future generations. With this object very extensive authority has been given to the Central Department. The sanction of that department must be obtained in the case of each loan, and not only the amount, but the period of repayment, must be approved. The Local Government Board, in accordance with the District Auditors Act, 1879, is annually furnished with returns of those outstanding in the respective unions. These so-called loan accounts,[5] which are appended to the statutory financial statement, are to be passed by the auditor before being sent in; and they supply the Central Board with the means of ascertaining the indebtedness of the respective local bodies.

With regard to repayment, previous enactments have been superseded by the Poor Law Act, 1897, which provides that loans raised after the passing of that Act shall be repaid "within such period not exceeding sixty years as the guardians or managers, with the sanction of the Local Government Board, may determine, either by equal yearly or half-yearly instalments of principal or principal and interest, or by a sinking fund.[6]

[1] 4 & 5 Will. IV. c. 76, ss. 23-26.

[2] 4 & 5 Will. IV. c. 76, s. 62. The provisions on the subject are extended by 12 & 13 Vict. c. 103, s. 20, and 13 & 14 Vict. c. 101, s. 4.

[3] 7 & 8 Vict. c. 101, s. 30; 14 & 15 Vict. c. 105, s. 16; 32 & 33 Vict. c. 45; 35 Vict. c. 2; 42 & 43 Vict. c. 54.

[4] 52 & 53 Vict. c. 56, s. 2. This section does not, however, apply to the managers of the metropolitan asylum district.

[5] The form of these loan accounts is given by Glen, 'Poor Law Orders,' p. 1162.

[6] 60 & 61 Vict. c. 29. As to the term of loan, the Local Government Board have thus (up to the limit of 60 years) an absolute discretion. See letter of 18th January, 1898 (reaffirmed in 1901), to Mr. Sidebotham, M.P., printed in 27th Report of L. G. B., p. 53. The term practically depends on the relative permanency of the object. Thus, if land has to be bought, the term may be 50 or even 60 years; if a new workhouse or infirmary is to be built, the term is 30 years; if additions are to be made to existing buildings, it is generally 15 or 20 years; if steam boilers or machinery have to be purchased, it is perhaps 10 years. Considerable pressure has often been put upon the Local Government Board to extend the term of loans, but has hitherto been resisted. On the 16th July, 1901, Mr. Walter Long, President of the L. G. B., said that the Board were in this matter "the

e security for the loans raised consisted originally of the poor of the respective parishes, and subsequently of the Common poor rates of the union, or, for school districts and the metro- the rates of still larger areas.

e total amount of loan is not to exceed one-fourth of the total ıl ratable value of the union, or in the case of school districts eventeenth, and of the metropolitan asylum district one-tenth, of ıtable value of the district. But this maximum may be extended e Local Government Board by provisional order so as to double mount above stated in the case of any union. With regard to netropolis there are a number of special provisions on this ct.

e whole matter is dealt with very comprehensively in the :sts both of the existing and of future generations. The carrying f the enactments on the subject is assured by the strict control ised by the Central Department.[1]

e aggregate amount of loans raised by poor law authorities ınding at the end of the financial year 1898–9 was £10,264,695, ıich boards of guardians owed £7,517,459, the metropolitan ns board, £2,345,961, and managers of district schools and ısylum districts together owed £327,867. The sum total of oor rate in 1898–9 was £9,273,805; and thus the charges ɔuted over future years only slightly exceeded the poor rate for ;le year. In 1898–9 fresh loans were raised by guardians to the t of £1,165,517, by the Metropolitan Asylums Board to that of ;,904, and by other authorities to that of £138,710, making ıer the sum of £1,547,131.

late years the loans for poor law purposes have considerably ısed. In 1876–7 the amount outstanding was £3,893,771, and ıas in twenty-two years nearly tripled itself. More than half of ebt falls on the metropolis, where the proportion of loans to the poor rate is far larger than in the rest of the country.[2]

order to estimate rightly the charge thrown on future ratepayers, desirable to add to these figures the sum which the counties ve by way of loan for the lunatic asylums erected and main- l by them. It is not clear from the official returns what amount : county debt was incurred specially for this purpose. It would, ver, be necessary, if this amount were ascertained, to take into

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s of posterity," a dictum which Sir William Harcourt declared "ought to tten in letters of gold." After all, the charge for repayment of principal terest for a loan for 30 years is only about 5 per cent.

he legal provisions are contained in 4 & 5 Will. IV. c. 76, ss. 23-26, and 1 & 2 Vict. c. 25; 30 & 31 Vict. c. 106, s. 14; 32 & 33 Vict. c. 45, and c. 37; 35 & 36 Vict. c. 2, s. 3; 38 & 39 Vict. c. 83, and c. 89; 42 & 43 c. 54; 45 & 46 Vict. c. 58, ss. 12–16; 52 & 53 Vict. c. 56, s. 2; 60 & 61 c. 29. See Circular of L. G. B. of Oct. 29, 1897, and letter of Jan. 18, to Mr. Sidebotham, M.P., as to periods of repayment of loans (27th Report,) and 53).

ee 29th Report of L. G. B., pp. 397 and 409.

consideration the fact that the county lunatic asylums admit not only paupers, but persons whose maintenance is paid for by their relations.[1]

2. Next to loans, in the matter of poor law expenditure, come Parliamentary grants.[2] Before the passing of the Local Government Act, 1888, they were not relatively very important, amounting in the financial year 1888–9 to £684,010,[3] of which £495,641 alone was in respect of the maintenance of pauper lunatics, for each of whom was paid, out of the Consolidated Fund, a contribution of 4*s.* a week to the district responsible for his maintenance. The remainder of the Parliamentary grant consisted in contributions towards the payment of teachers in poor law schools (£36,284), and of poor law medical officers (£152,085).

But the Act of 1888 (51 & 52 Vict. c. 41) enormously increased the contributions of the State towards the expenses of poor law administration. Out of the proceeds of duties and licences which it assigned to the county councils then created, it provided that they should make payments to boards of guardians not only corresponding with those above mentioned as previously paid from the Exchequer for pauper lunatics and the salaries of school teachers, but also in respect of the salaries and superannuation allowances of all other officers of the unions, and of the cost of drugs and medical appliances. The sum to be allotted for this purpose was not to vary from year to year, according to changing circumstances, but to be a fixed amount, equivalent to that certified by the Local Government Board to have been expended by the guardians of each poor law union during the financial year ended the 25th March, 1887, on such salaries, allowances, and appliances. Thus in the financial year 1898–9,[4] the grant paid through the county councils to boards of guardians was, for lunatics, £671,209; for medical officers, drugs, &c., in the metropolis, £44,310; for school teachers, £29,114; for other officers (extra metropolitan), £963,329; for school fees, &c., £298; making a total of £1,708,260. There was also a grant to guardians under the Agricultural Rates Act, 1896

[1] In the year 1900–1901, out of the loans of £971,646 sanctioned for counties, about two-thirds was for lunatic asylums.

[2] In order accurately to ascertain the extent to which the State shares the poor law expenditure of this kind, it is necessary to take into account the costs for the Central Board, the inspectors, and the auditors. But here the difficulty arises that the Board and its officers are concerned with a mass of business unconnected with the poor law. An accurate estimate of the poor law expenditure in respect of the Board is therefore impossible.

[3] This is the highest figure reached up to 1889; for previous years the amounts were as follows:—

	£
1883–4	638,422
1884–5	654,556
1886–7	664,938
1887–8	671,619

The increase is mainly attributable to the sum paid in respect of pauper lunatics. These figures are taken from the Annual Reports of the Local Government Board which, however, unaccountably omit those for 1885–6.

[4] 29th Report of L. G. B., pp. 393, 394.

59 & 60 Vict. c. 16), of the amount of the deficiency caused by the reduction of the rates on agricultural land by one-half, such amount being calculated on the rates for the year 1895–6. This grant for the year 1898–9 was £506,900,[1] and the gross amount paid from the Imperial exchequer in relief of the guardians' expenditure in that year was thus £2,216,373,[2] or more than three times that of the Parliamentary "grants in aid" in 1888–9.

It is worth while to examine the nature of the charges thus partly paid by the State.

The contributions towards the payment of the school teachers do not specially concern the relief system. They are in accordance with the general principle of the English educational system, that part of the costs of education should be paid for by the State in the form of contribution to the pay of the teachers. With regard to the partial payment of the salaries of the medical officers, it is enough to say that in many countries the appointment and payment of medical officers is not treated as within the province of relief administration, but as a matter of State concern. The question by whom such officers should be appointed and paid has in fact very little to do with the principles of poor law relief, and it is only an incidental circumstance that in England their remuneration is at present derived partly from local rates and partly from imperial taxation.

It is somewhat different as regards the heavy contributions towards the maintenance of pauper lunatics. In this case part of the actual cost of relief is really borne by the State. But no great stress must be laid on this fact, for the persons dealt with are an exceptional class, and the fact that they are paupers is of much less importance than the fact that they are lunatics. The economical considerations applicable to the treatment of ordinary paupers yield to the necessity of placing these unfortunate persons in suitable institutions where they may be cured, or, at any rate, may be prevented from being

[1] This sum will be augmented by the operation of the Tithe Rent-charge (Rates) Act, 1899 (62 & 63 Vict. c. 17), which in effect extends to the rent-charge attached to a benefice the provisions of the Act of 1896 as to the rating of agricultural land.

[2] If the recommendations of the latest Royal Commission on Local Taxation are adopted, this sum will be nearly doubled. In their final Report, issued in June, 1901 (Parl. Paper, No. 638 of 1901), they propose that the grants from the Exchequer in aid of poor law expenditure should be as follows:—

	£
Union officers grant:	
Provincial	1,250,000
Metropolitan	625,000
Pauper lunatics and epileptics:	
Maintenance grant	1,000,000
Accommodation grant	500,000
Maintenance and education of poor law children	450,000
Sick and infirm in infirmaries and workhouse wards	470,000
Teachers in poor law schools and school fees of pauper children sent from workhouses to public elementary schools	29,000
Total poor law relief grants	4,324,000

dangerous to themselves and to the community. These reasons may be held to justify the contributions by the State towards the cost of maintenance of pauper lunatics. But it must be admitted that the annual grant of nearly a million sterling in aid of the remuneration of persons (other than medical officers and school teachers) who are engaged in the work of poor law administration is a perceptible advance in the direction of the transfer of the cost of relief to imperial funds. To such a transfer there has always been much disinclination in England. This is a noteworthy fact, since the general tendency of the English poor law is strongly in favour of centralization. The State, or more precisely the Central Board, has been invested with more extensive powers of interference as regards poor law administration than it possesses in any foreign country. It would therefore seem likely that the character of relief, as an obligation of the State, would be recognized through the provision of the necessary funds by a general tax. But though English legislation has progressively given more and more of a State character to relief, this suggestion has heretofore been always met with the answer, "*principiis obsta.*" It has been thought that the effect of a transfer of the poor law expenditure to the State would be the administration of the poor law system by Government officials. And the drawbacks thus involved have been held to outweigh the gain that would result from the fairer and equal apportionment of the burthen if a general tax were levied by the State. This simple and obvious solution of the question—how best to remove the inequalities and hardships produced by the localization of the cost of relief—has not met with general approval, although much has been done to reduce these inequalities to a minimum by increasing the contribution from the exchequer as well as by spreading poor law charges over larger local combinations of districts.

SECTION II.

THE POOR RATE.

The Act of Elizabeth [1] provides, with regard to the poor rate, that it shall be raised "by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes propriate or impropriations of tithes, coal mines, or saleable underwoods"; and further, that it shall be "according to the ability of the parish."

Thus the ratepayers are, according to the Act, to be of two classes: (1) the inhabitants of the parish, and (2) the occupiers of certain specified hereditaments. As to the apportionment of the rate, the Act contains no detailed provisions. The only expression employed which could give a basis for such apportionment is that it is to be according to "ability."

From this incompleteness of its provisions there arose in practice consequences which led to an interpretation scarcely to be expected

[1] See p. 7.

from its language. Judicial decisions construed the expression "according to the ability," as meaning that the rate should be equally levied according to the amount of income. But as regards the assessment of this income, detailed rules were laid down in reference only to real property; the rate was to consist of a percentage of that sum for which the premises, &c., could be let, after deduction of the rates and taxes which according to law are payable by the tenant.

As to the assessment of personal property, no principle was enunciated. The result was that personal property was in general not rated, because the principles of equality of rating, as laid down by the Courts, could not be applied to it without special enactment, and without its being settled in what proportion the rating of personal property should stand to that of the proceeds of real property.

This exemption of personal property was indeed not very important so long as the amount of personal property was small in comparison with that derived from land. It may have been due to this fact that the Courts did not attempt to decide the then specially difficult questions of the mode of ascertaining and valuing personal property. Yet there was the fact that the amount of personal property steadily increased, and its exemption became of greater consequence. Here, then, was an illustration of the tendency of English Courts to interpret the legal liability to taxation in the narrowest possible sense.

The result of this tendency in the case of real property was that only the particular kinds specified in the Act of Elizabeth were rated. From the special mention of underwoods as liable to rating, it was concluded that timber was exempt, and, from the mention of coal mines, that all other mines were exempt. The same tendency was shown as regards the rating of personal property. From the mention of the parson and vicar among those to be rated, and from the context, it was inferred that personal property, to be liable to the rate, must be visible, must be locally situated within the parish, and must be profitable. In consequence of these principles, the only personal property subject to be rated, besides the parson's benefice, was the stock in trade. But its assessment presented great difficulties, and much doubt existed as to what amount of this stock, in proportion to the freehold, should be assessed.[1]

The solution of all these questions was effected in a fashion simple enough, but appearing very marvellous to a foreigner. In connexion with a then recent judicial decision, it was provided by an Act of 1840 [2] that for the next year the inhabitants, as such, should not be

[1] These questions were discussed in detail in a number of judicial decisions; see especially *R.* v. *Ambleside*, 16 East, 380; *Reg.* v. *Lumsdaine*, 10 A. and E. 157. Ample material in reference to all points concerning the poor rate is also afforded by two Parliamentary Reports of 1843 and 1850, 'Report of the Poor Law Commissioners on Local Taxation,' and 'Report on the Laws Relating to Parochial Assessment,' and, more recently, by the Reports of the Royal Commission appointed in 1896, with Lord Balfour of Burleigh as Chairman. (Final Report issued in June, 1901.)

[2] 3 & 4 Vict. c. 89.

rated, except in the case of any parson, vicar, or occupier of lands, houses, tithes, &c. The preamble simply states that whereas, under the provisions of the Act of Elizabeth, it has been held that stocks in trade are liable to be taxed for the relief of the poor, it is expedient that this liability should be repealed. This Act was continued from year to year.[1] And thus, if we except the rating of the parson or vicar, which was unreasonably continued, personal property in England is exempt from the assessment to the poor rate.

Thus real property appears to be alone subject to assessment. We have, however, already mentioned that special exceptions have been made by the judicature, viz., with regard to timber and to mines other than coal mines. As regards sporting rights, the Court was divided in opinion as to whether they were ratable.[2] These exceptions and doubts as to ratability are, however, done away with by the Rating Act of 1874,[3] which provides that woods, sporting rights, and mines other than coal mines, shall, like other real property, be liable to the poor rate.

Churches, chapels, and other buildings devoted to divine service,[4] are exempted, and so is Crown and Government property, *e.g.* courts of law, police courts, prisons, &c.[5] As regards the property of charitable institutions, the House of Lords decided in 1864 that it is liable to rates in case and in so far as it yields a profit.[6] The House of Lords came to this important decision, which put an end to an old dispute, on the ground that, as regards the liability to the rate, it was immaterial for what object the property was employed, and that therefore, apart from express statutory exemptions, every property was ratable, provided that it yielded a profit, no matter whether this

[1] There may be some legal doubt whether the yearly renewal of this Act of Parliament is required in order to exempt the inhabitants, as such, from being rated. The provisions of 25 & 26 Vict. c. 103, s. 36, may be interpreted to mean that all exemptions existing at the date of that Act are to be regarded as permanent, and that a special Act would be required for their repeal, but not for their continuance. But Stephen (*ubi supra*, p. 66) seems to be of a different opinion.

[2] Against their being ratable, it was argued that, according to the Act of Elizabeth, only the occupier was liable, and that it was impossible to regard as an occupier a person who enjoys only a right in land distinct from the occupation.

[3] 37 & 38 Vict. c. 54. See Lumley's edition (London, 1875). Lumley also gives an account of the new provisions which had been passed into law only after many fruitless attempts. The rating of mines in particular had been before Parliament since 1854, and could only be carried with difficulty.

[4] 3 & 4 Will. IV. c. 30.

[5] This exemption does not extend to buildings used by urban and other authorities for public purposes (4 & 5 Vict. c. 48). For instance, workhouses are ratable. Repeated attempts have been made in Parliament to secure the repeal of the exemption of Government property, but have always been opposed by the Government. Upon the occasion, however, of a proposal of this kind in 1873, it was agreed that the Government should annually pay to those parishes in which such property is situate a proportional contribution to the rates, and thus an alteration of the law would be rendered unnecessary. The amount thus paid in lieu of poor rates in respect of non-ratable property in the occupation of the Crown amounted, in the year 1898–9, to £189,756. (29th Report of L. G. B., p. 393.)

[6] *Jones* v. *The Mersey Dock and Harbour Co.*, 11 H. L. Cases, 443; 35 L. J. (N.S.) M. C. 10.

profit went to a particular person or to a particular object. In consequence of this decision, many charitable institutions, especially hospitals and schools, which had before been held exempt, were rated if their income exceeded the costs of repairs, insurance, and other necessary expenses. A special Act,[1] however, authorizes the exemption of Sunday and ragged schools in which the instruction is gratuitous; but it is left to the Rating Authority to decide whether they shall be rated or not. The exemption is here permissive, not compulsory.

As already mentioned, the Agricultural Rates Act, 1896, provides for the reduction by one-half of the rates on agricultural land, and the Tithe Rentcharge (Rating) Act, 1899, effects a similar reduction as regards tithe rentcharge attached to a benefice; a grant to make up the deficiency being paid from the Exchequer. These Acts were temporary, and would have expired on April 1, 1902, but were continued for four years by an Act of 1901.

As regards the person to be rated, the Act of Elizabeth provides that this shall be the occupier, viz. the beneficial possessor of the ratable property (whether lessee, tenant, or owner); and it is thus immaterial whether he resides within the parish or not.

An exception to this rule, by the rating of the owner in place of the occupier, has, however, been made in the case of small tenements and those which are only rented or leased for a short time. This so-called compounding was intended to facilitate the overseers' work of collection, which was often impossible when the rate had to be levied on persons who were tenants only for a brief period, and had perhaps left the rates of their previous dwelling unpaid. Under old statutes [2] and local Acts, this system of compounding the rate had been introduced in many districts in different fashions, which gave rise to much litigation; and eventually uniformity was secured by an Act of 1869, which has since been amended in some small points.[3]

The effect is that when the annual ratable value of any hereditament does not exceed £20 if situate in the metropolis, £13 if in Liverpool, £10 if in Manchester or Birmingham, or £8 elsewhere, the overseers may, subject to the control of the vestry, agree with the owner that he shall pay the poor rate, whether the hereditament is occupied or not, and may thereupon allow him a deduction not exceeding 25 per cent. The vestry may also order generally, in respect of all such hereditaments, that the owner shall be rated instead of the occupier, but in such case a deduction of 15 per cent. is allowed, which may be raised to 30 per cent. if the owner undertakes to be rated whether the dwelling is occupied or not. Payment of the rate by the owner is to be reckoned, so far as the right of voting is concerned, as payment in full by the occupier. The owner is required, under penalty, to give a list of the occupiers to the overseers, who are to insert the

[1] 32 & 33 Vict. c. 40.
[2] 59 Geo. III. c. 12, s. 19; 13 & 14 Vict. c. 99. See above, p. 80.
[3] 32 & 33 Vict. c. 41; 41 & 42 Vict. c. 26, s. 14; 42 & 43 Vict. c. 10; 45 & 46 Vict. c. 20. These provisions are in a few places varied by local Acts.

names of the occupiers in the rate-book; and if this is omitted the occupier is entitled to every qualification depending upon rating, on proving his right to have his name entered. If the owner liable to the rate is in arrear, notice is to be given to the occupier, who may be able to preserve his qualification by paying.[1] The occupier is liable for arrears in proportion to his rent. If the occupier in this case pays the rate, he may deduct the amount from his rent. He may do this at any time when the tenancy is for a shorter period than three months. In this case the rate is not to be levied on the tenant in respect of a period longer than three months.

It will be seen that the system of compounding the rates is entirely a question of collection.[2] It does not materially affect the general principle that the occupier is the person ratable.

Before describing the mode of collection, it will be convenient that we should discuss the principle of the poor rate.

SECTION III.

INCIDENCE OF THE POOR RATE.

It is impossible to class the poor rate in any ordinary category of imposts, since it differs according to locality, and is not of a uniform character. In towns, where it is in effect an addition to the house-rent, it may be classed as a tax on expenditure; in rural districts, where the dwelling only represents a small part of the rent paid by the occupier, and where such rent is generally determined by the produce of the land farmed, it must be looked upon as a tax on revenue.[3]

The poor rate must be regarded in these two aspects.

[1] Before the Act of 1869, the system of compounding the rates had been productive of much doubt and dispute as regards the Acts in which the franchise depends upon rating or upon the payment of rates, and the chief object of the new measure was to obviate this difficulty.

[2] Another point may be mentioned—that if the occupier is changed during the year, or if an occupier takes up his residence in a house not previously inhabited, the new occupier is to be entered in the rate-book, and (in the former case) the liability for the rate is to be divided proportionately between the old and the new occupier. This question was definitely settled by 45 & 46 Vict. c. 20.

[3] We may explain, for the benefit of those who are not acquainted with English matters, that in England the soil belongs to a comparatively small number of owners, and that the large proprietors let their land, or the houses erected upon it, for long terms. (The ordinary term of a ground lease in London is ninety-nine years.) The only exception is when the owner is himself the occupier. Our observations apply to the ordinary case, in which the owner and the occupier are different persons. It does not follow that the charges on the occupier fall upon the owner, and are to be regarded merely as a burthen on the property. Doubtless the rent obtainable by the owner would be higher if the rates were not payable by the occupier. But owing to the length of the term of lease, it is impossible to calculate the amount of rates that the occupier will have to pay in the course of years. The poor rate cannot therefore be regarded as affecting the owner in the way of a deduction from the rent. See 'Report on Parochial Assessment,' 1850, p. 15: "Any sudden or unexpected increase of the parochial expenditure which leads to the enhancement of the rate, which was not foreseen, would, until the contract between the landlord and the tenant was readjusted, fall entirely upon the tenant."

As a tax on revenue, it appears unfair, since it only applies to the returns from real property. There can be no justification for imposing on the rich farmer, who holds a little land at a low rental and invests the rest of his property in Consols or in commerce, a less rate than on the farmer whose whole capital is invested in his farm, and who has to live on the income which it produces after payment of rent and other expenses.

As a tax on expenditure, the poor rate may be looked upon more favourably. Stuart Mill characterizes a house tax (and as such the poor rate may be regarded) as one of the imposts least open to objection, mainly because the rent of a man's dwelling is the fairest index of his means.[1] To this rule Stuart Mill suggests two exceptions (which, however, he does not regard as material); (1) When the ratepayer has a large family, and is therefore obliged to expend a disproportionate amount of his income on house accommodation: and on the other hand, (2) When he is a miser. As to these two exceptional cases, he remarks that the former has no ground of complaint, as it has been his choice to have a large family, and as on general principles this inclination ought rather to be discouraged than strengthened. With regard to the miser, it is to be observed that by reducing his own expenditure he makes a larger capital available for remunerative production, and consequently increases the national resources, and therefore the funds from which taxes are paid.

It may be doubted whether these arguments, in answer to objections which may be raised against any tax on expenditure, are in themselves conclusive, and whether there are not other objections which ought to be held in view. Here we are only concerned with the question to what extent it is reasonable that the burthen of pauper relief should be thrown upon a house tax. We must admit that it appears fair that the cost of relieving the destitute should be borne by their fellow citizens according to the proportion in which the latter are in a position to incur expenditure for themselves.[2] But there is another consideration. Where the duty of relieving the destitute is regarded as a national obligation—and this is the case in England, where it is only devolved on local unions on the ground of convenience—the provision of the necessary means must be so contrived that the whole country shall contribute as far as possible on an equal footing. Is this secured by a house tax?

House rent, on which the poor rate is levied, consists, as pointed out by Adam Smith, of two parts, viz. building-rent and ground-rent.

[1] Stuart Mill, 'Principles of Economy' (ed. 1883, Longmans), p. 501: "It is one of the fairest and most unobjectionable of all taxes . . . no part of a person's expenditure is a better criterion for his means, or bears on the whole more nearly the same proportion to them."

[2] If a sufficient amount could be obtained from taxing luxuries, much might be said in favour of raising the funds for relief in this way. It is impossible to deny that those who allow themselves luxuries should to a corresponding extent contribute towards keeping their necessitous neighbours from starvation. The French plan of levying taxes for the relief of the poor on theatres, public performances, and other entertainments, is thoroughly justifiable from this point of view.

If it were possible to separate these two, little could be said against a tax upon building-rent. The cost of house-building varies only to a small extent, and there would be a fairly uniform basis for the rate throughout the country. But the existence of the ground-rent alters the case. Not only does this vary in different parts of England, but also in different parts of the same district; and the proportion which it bears to the house-rent varies also. In small places the building-rent, in large places the ground-rent, constitutes the chief part of the house-rent. In this way the house-rent paid in district A for a mansion in the best position may not be higher than that for a modest residence in an inferior situation in district B. With regard to this difference in the basis of the rate, it cannot be urged that it rests with the particular individual to choose whether to live in A or in B, for a man's residence usually depends on his occupation, this being especially the case with officials. Even the choice of residence within the same district is often similarly restricted, particularly in London, where not only those engaged in business, but the majority of medical men, lawyers, and members of other professions, have houses in special quarters.[1]

It is impossible to approve the plan of raising funds for what is recognized as a duty of the State, by means of a house tax, which, for the above reasons, is not uniform in different places, and by which the ratepayers are unequally affected. There is much to be said against the fairness of the poor rate, whether regarded as a tax on expenditure or as one on income. It must not be forgotten that this consideration has lately become of importance, although at the time of the introduction of the poor rate by the Act of Elizabeth there was no objection to a tax of the kind. The amount of personal property, as compared with realty, was then so small that its immunity from rating was of no great consequence; and moreover, the proportion of house rent which was really paid in respect of the site was unimportant, and varied little in different parts of the country. In both respects the development of trade and the rise of great towns have altered matters considerably. And while repeated attempts have been made, since 1834, to abolish inequalities in the poor law expenditure of different districts, and thus to take account of the national character of the obligation of relief, sufficient regard has not been paid to the question of making the incidence of the tax fair and uniform. On the contrary, the growing differences in the basis on which it is levied have been unheeded.

The unfairness of the impost has been further accentuated by the fact that a number of new charges have been placed on the poor rate,[2] and that it has been made the basis of contribution for other rates.[3]

Even those who think that the right principle is to rate real

[1] The fact that residence often depends on occupation exhibits the rate imposed on houses in a new light, viz., as a tax on profits.

[2] For instance, the expenses of registration, vaccination, police, &c.

[3] Especially the county, highway, and sanitary rates.

through the occupier must admit that the constant increase
nal property throws some doubt on this system of raising
r the various national and general functions which the State
to local authorities. It may be doubted, however, whether
tion in rating can be carried out without an alteration of
: fiscal system of the country. This is, in fact, the reason
objections frequently made against a system of rating
ows personal property to escape [1] have not found expression
tion.

SECTION IV.

ASSESSMENT AND RATING.

)ceed to examine the poor rate in detail.[2]
sessment is carried out by the overseers, under the direction
ıion Assessment Committee. The levying of the rate takes
:n it has been allowed by the justices, after due notice by
:eers. Finally, it is the overseers who have to keep the
and books relating to receipts and payments in respect of
when raised. Thus the whole poor rate mainly depends on
n of the overseers. The occupiers of this honorary post,
are assisted in the main part of their duties by the paid
overseers and collectors of poor rates, whose appointment
zed by statute.
nount of the rate is regulated by the probable expenditure
tent sums of money"). The rate is thus levied in advance,
year has to bear its charges separately. According to the
:lizabeth, the rate was to be raised "weekly or otherwise."[3]
:e, it is usually raised either quarterly or half-yearly. It is,
expressly provided that the rate may be estimated for a
:riod, up to one year, and thereupon it may be made payable
nents.[3] If, however, the sum required is in excess of that
the original rate, an "additional rate" may be levied.
location of the required contributions among the ratepayers

)ecially the speech of Mr. W. E. Sackville West at the North Wales
)nference, 1881 (Rep., p. 243); also Chalmers's 'Local Government,'
ıalmers suggests, as the one reason in favour of the present system, that
ıys convenient to use existing machinery."
ıstrict ourselves, as in the case of the Laws of Settlement and Removal,
ıeration of the chief points. Detailed information will be found in
stice of the Peace,' p. 844, Archbold's 'Justice of the Peace,' p. 749;
h Owen's 'Poor Rate Assessment and Collection Act, 1869,' 7th ed.,
882; Lumley's 'Union Assessment Committee Act, 1862 to 1880,'
ondon, 1881; and Lumley's 'Rating Act, 1874,' London, 1875. See
)randum which Mr. (now Sir John) Rotton, Q.C., Legal Adviser
:al Government Board, laid before the Royal Commission on Local
ı 1897, and which is published with other evidence taken by them. It
whole field of the statutory provisions bearing on the machinery and
valuation. Their comprehensive Report was, as already mentioned,
ıne, 1901.
3 Vict. c. 41, s. 15.

is secured by assessment of the ratable value and an estimate of the sum (in shillings and pence), which is "a fair and equal pound rate."[1]

As regards this fixing of the basis of the rate and the persons to be rated, the overseers are under the control of the Union Assessment Committee.[2] This committee is appointed by the board of guardians, and must consist of between six and twelve members. The quorum is one-third of the number of members, subject to the condition that it shall not be less than three. The duty of the committee is to settle a uniform and correct basis of assessment throughout the union.

The committee is not empowered to give directions to the overseers with regard to the assessment, but may order the preparation of new or supplemental valuation lists. For this purpose it may appoint or employ skilled surveyors or valuers, and must hear and determine objections. After deposit of the valuation lists, such objections may be made by any overseer[3] who considers that his parish is aggrieved by the valuation list of any other parish within the union. An individual ratepayer may also, apart from his right of appeal, object to the valuation list on the ground of unfairness or incorrectness, or of the omission of any ratable hereditament; and the objection must be heard and determined by the committee. The valuation list, as settled after the objections have been determined, must be signed by three members, and be deposited in each parish. Thenceforward it is binding on the overseers, unless altered by the Union Assessment Committee or by judicial authority.

The assessment is based on the above-mentioned principle, that the poor rate shall be raised on the net annual value of visible profitable property situated in the parish. The "net annual value" is defined as "the rent at which the same might reasonably be expected to let from year to year free of all usual tenant's rates and taxes and tithe commutation rent-charge, if any, and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent."[4] With regard to the amount of deduction,

[1] 59 Geo. III. c. 12, s. 19.

[2] 25 & 26 Vict. c. 103; 27 & 28 Vict. c. 39; 31 & 32 Vict. c. 122, ss. 38-40; 43 & 44 Vict. c. 7.

[3] But this power of the overseers has, by the Local Government Act, 1894 (s. 6), been transferred to the parish council, if there is one. And the county council may give a parish meeting the powers of a parish council in this respect (s. 19).

[4] 6 & 7 Will. IV. c. 96, s. 1. Besides this "ratable value" should be mentioned the "gross estimated rental" (gross value), which is equivalent to the above rent *without* deduction of the probable annual cost of repairs, &c. (the so-called "rack rent," 25 & 26 Vict. c. 103, s. 15). In the Metropolitan Valuation Act (32 & 33 Vict. c. 67, s. 4) the "gross value" is defined as "the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for a hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rent-charge, if any, and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent." All these definitions have given rise to a large number of disputes. See 3rd Report of the Poor

great differences. A number of assessment committees pted fixed scales for the different classes of property (agri- manufacturing, and residential), but these, though reasonable hole, may be unfair in individual cases, and have given rise appeals. For the metropolis a scale of the maximum is allowed has been prescribed by statute as regards the criptions of property.[1]

ondon, there are a number of special enactments, of which the endency is to secure the uniform assessment of all ratable within the metropolitan area.[2] With this object, apart from igs before the petty sessions of the several divisions, any ay appeal against the rating of any other parish to the general nt sessions, which consists of justices appointed by the Courts ıl or quarter sessions of Middlesex, Surrey, and Kent, and ourt of the mayor and aldermen of the City of London.

overseers have to make the rate in accordance with the ı list, in the prescribed form. This must be submitted to ces in order that they may "allow" the rate. The rate is l to be made on the day when it is allowed by the justices."[3] valid unless notice of it is posted by one of the overseers on wing Sunday on the church doors, or on some other "public spicuous place or situation in the parish."[4] Alterations in can only be made by the Union Assessment Committee or al decision given on appeal. To this rule there is only one n. If any person assessed is shown to be unable on account ty to pay the rate, the justices in petty session are empowered, consent of the overseers, to excuse such person from pay- d to strike out his name from the rate.[5]

peal against the assessment to the poor rate may be made ecial or the quarter sessions. The appeal to special sessions oduced in 1836.[6]

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missioners, p. 92, and 2nd Report of the Poor Law Board, p. 41, and ientaries, already quoted, by Owen and Lumley.

Abstract of the Scale of Deduction for different counties (Parl. Paper, . 116, vol. lxvi.); and for the respective boroughs in the report upon tatistics, Parl. Paper, 1866, No. 524, vol. lix. As regards the metropolis, 13 Vict. c. 67, s. 52, and schedule III. We need not enter into further to this question of rating. We may point out, however, that difficulties n as to the above provisions for the assessment of canals, railways, and ertakings which are not usually leased. The judicial decisions on the ed are very numerous. As regards railways, where the assessment is ficulties, a settlement is often arrived at, apart from judicial decisions, agreement, as to the amount between the railway company and the cerned. For details, see Burn (*ubi supra*), p. 971 (Railways), p. 1008 rks), and p. 943 (Canals).

tion (Metropolis) Act, 1869, 32 & 33 Vict. c. 67.

ction of the justices is here purely formal. If the rates are made in the form, the justices cannot refuse their signatures.

16 Vict. c. 20. Every ratepayer may inspect the rate and take copies or ithout charge. 17 Geo. II. c. 3, s. 2, and 6 & 7 Will. IV. c. 96, s. 5.

0. III. c. 170, s. 11.

Will. IV. c. 96, ss. 6 and 7.

In every petty sessional division the justices are to hold at least four special sessions in every year for hearing appeals against the rates, and notice thereof is to be posted on the church doors. Any ratepayer may, after giving notice in writing of his intention, object to the rate "on the ground of inequality, unfairness, or incorrectness in the valuation of any hereditaments included therein."[1] The justices, if they consider the objections valid, may either amend or quash the rate. Their decision is final unless within fourteen days notice is given of appeal to the quarter sessions.

Objections to the rate may also be brought before the quarter sessions without previous recourse to the special sessions. The quarter sessions have the wider power, since they may entertain objections to the effect that any person should be put on or left out of the rate, or that any assessment to the rate is erroneous or illegal (*e.g.* that the rate has not been made in the proper form, or by the proper persons, or is not for legal objects). The quarter sessions may confirm, amend, or quash the rate.[2] They may, if an important question of law or of principle arises, state a case for the decision of the High Court, which has also the power, in urgent cases, of requiring questions in dispute to be brought before it on *certiorari*.

Not only may the quarter sessions entertain objections from individual ratepayers, but they are also empowered, under the Act of 1862, to decide appeals from overseers who have reason to think that their parish is aggrieved by its own excessive valuation, or by the unfairly low valuation of other parishes within the union.[3]

In order thus to appeal, overseers must obtain the consent of a parish meeting specially summoned for the purpose. The quarter sessions may require the preparation of a new valuation list for the particular parish or for the entire union.

The levy of the rate is the duty of the overseers; but this branch of their functions is now ordinarily undertaken by the paid collectors of rates. If the rate is not paid, a distress is levied. The person in default must be summoned before two justices, who, if they think fit, may issue a warrant of distress for the seizure and sale of goods to the amount of the rate in arrear, and of the costs incurred. In default of sufficient goods and chattels to satisfy the distraint, the person against whom it is levied may be committed to gaol by two justices, for a period not exceeding three months.[4] If the seizure is made illegally, an action of replevin lies; but not as regards merely formal errors in the rate or the warrant.

[1] As already stated, ratepayers may in the first instance submit objections on these grounds for determination by the Assessment Committee. 25 & 26 Vict. c. 103, ss. 18–19.

[2] Any excess may be applied for purposes of a future rate (41 Geo. III. c. 23), but in any case of entire exemption the rates paid have to be refunded.

[3] 25 & 26 Vict. c. 103, s. 32. In every parish having a parish council the former powers of the overseers, with respect to appeals, have been transferred by s. 6 of the Local Government Act, 1894, to the parish council (see note 3 on p. 188). Special provisions as to the metropolis are contained in 32 & 33 Vict. c. 67; also in 47 Vict. c. 5.

[4] 43 Eliz. c. 2, s. 3; 12 Vict. c. 14, s. 3.

The overseers have to hold the amounts collected, and to pay the ums required for the purposes of the common fund of the union on eceiving a "contribution order" from the guardians.[1] The overseers ave to insert particulars of all receipts, payments, and arrears in the rescribed books (rate book, and book of receipts and payments). They must be balanced half-yearly, on 25th of March and 29th of September, and be open to the inspection of the ratepayers at least seven days before the audit.[2]

[1] As to the form of Contribution Order, see the Order of the Poor Law Board of 26th Feb., 1866 (Glen's 'Poor Law Orders,' p. 571). As regards the procedure in the event of non-compliance with such order on the part of the overseers, see 2 & 3 Vict. c. 84, s. 1; 7 & 8 Vict. c. 101, s. 63; 12 & 13 Vict. c. 103, s. 7.

[2] 7 & 8 Vict. c. 101, s. 33; 42 Vict. c. 6, s. 3. See Duties of Overseers Order of 22nd April, 1842, and General Order for Accounts of 14th Jan., 1867, Glen, 'Poor Law Orders,' pp. 1265 and 577. The forms of Rate Book, Book of Receipts and Payments, and half-yearly balance sheet, are printed by Glen, pp. 993-999.

CHAPTER III.

POOR LAW ADMINISTRATION.

SECTION I.

LOCAL ORGANIZATION.

IN the preceding chapter we have had to express some doubts as to the wisdom of part of the English poor law, especially as regards the incidence of rating; but we come now to a matter in which the English system is a model one. The local administration is the subject in which the legislature has experimented most, and in which, in the course of time, the greatest changes have been made. After persistent attempts, the legislature has succeeded in creating an organization which affords full security that those principles of relief which are admittedly reasonable shall be carried into practical effect. This result is obtained by the co-operation of paid and honorary officials in the local administration, and by the establishment of a Central Board, which not only takes care that uniform principles shall be rigidly adhered to, but also helps and stimulates the entire machinery of relief. It has been successful, to quote Kries, in blending with the centralization necessary in the interests of administrative uniformity the independence of local administration necessary for the healthy life of the community.

The Central Board lays down the general principles which are to be carried out. It possesses, in its inspectors and auditors, suitable agents for superintending their application; and through audit, and through its power to approve or disallow expenditure, it has the means of compelling their observance.

The guardians have an absolute discretion in applying enactments and principles to the particular case, and are free to determine, in each instance, whether relief shall be given, as well as how it shall be given. They have, therefore, ample scope for independent action, and are not fettered in the exercise of their powers. In the local administration, it is the honorary members with whom the decision rests, and who have to supervise the paid officers whom they have chosen. It is the paid officers who, by laborious efforts, prepare the materials for the decision, who have to carry it out, and who may be dismissed by the Central Board for any delay or neglect in the performance of their duties.

Paid officers thus subject to the control of the Central Board

tituted in 1899 an army of nearly 21,000 persons (not including rdinate assistants), over whom were about 24,000 guardians as unpaid functionaries immediately responsible for the poor law nistration.[1] While the guardians are a changing body, and thus ially represent local interests, the paid officers are the permanent ts responsible for carrying out the administration with due regard e law and the regulations. They are, to a certain extent, bound ith local interests, as they are chosen by the guardians; but, on ther hand, they are independent of the guardians, because when they are appointed, their continuance in office and their re-eration do not depend on the guardians, but on the Central

ee 29th Report of the L. G. B., p. 492, and return dated July, 1896. Of uardians enumerated, 23,161 were elected, and 570 *co-opted*. Among the er of paid officers are not included the subordinate officials whose appoint-do not come under the Central Board. The following table relates to the 1899–1900 :—

Office.	Number.*
Clerk	671
Assistant Clerk	427
Treasurer	667
WORKHOUSE, INFIRMARY, ASYLUM, OR SCHOOL—	
Chaplain	585
Medical Officer (including Assistant Medical Officer)	913
Dispenser	57
Master, Steward, or Superintendent	787
Matron	796
Schoolmaster and Assistant Schoolmaster	180
Schoolmistress and Assistant Schoolmistress	275
Porter	707
Superintendent Nurse	235
Nurse and Assistant Nurse	4709
DISTRICT—	
Medical Officer	3676
Dispenser	75
Superintendent Relieving Officer	12
Relieving Officer (including 37 General R.O.'s)	1673
Assistant Relieving Officer (including 279 for Vagrants)	380
Pay Clerk, Relief Distributor, or Storekeeper	33
Vestry Clerk	164
Other Officers and Assistants	3917
Total	20,939

1899 the sum of £1,971,614 was spent on salaries and pensions. This item nanent, and of late years has much increased. In 1874 it was £909,231, in it was £1,023,197, and has since nearly doubled. See the 29th Annual t, p. 436.

owing to several officers holding more than one appointment, and to a ual change taking place, this number rather represents so many *offices* than dual officers. It does not include subordinate officers employed by the ians or managers to whose appointment the approval of the Board is not ed. The number of "Other Officers and Assistants," however, is inclusive rge number of subordinate officers in the metropolis, to whose appointments ard's sanction is only required for the purposes of the Metropolitan Common Fund.

Board. It is the Central Board which confirms the appointments made by the guardians, has the power of fixing or adjusting the salaries of the superior officers, and alone can dismiss them without appeal. The guardians have the power only of suspending such officers if in default, and it is left to the Central Board finally to dismiss them or to reinstate them.[1] Every additional grant to a paid officer also requires the approval of the Board. But the Board ordinarily deals with these officials only at the instance of the guardians, or at any rate only after previously hearing them. Thus the paid officer is supervised in the performance of his duties by the guardians, but is nevertheless subject to the Central Board. He is thus likely to exert himself to fulfil the requirements of the latter, and to do nothing to deserve its censure. This division of authority as regards the appointment and dismissal of officers between the Central Board and the guardians has been a very valuable means of obtaining efficient officers who co-operate with the local representatives, but are free from that subservience to local interests which is disadvantageous to the community.[2]

The duties of paid officers are prescribed in detail by orders of the Central Board.[3] Almost every one has to keep a special register or other book, so that both the guardians, who are his immediate employers, and the Local Government Board, can satisfy themselves as to the way in which his work is done.

[1] 4 & 5 Will. IV. c. 76, s. 46, and the General Consolidated Order of July 24th, 1847, Articles 153–197.

[2] I was personally informed by Mr. (now Sir Walter) Sendall, Assistant Secretary of the Local Government Board, that these provisions as to the appointment, payment, and dismissal of officers are generally recognized as reasonable, and seldom give rise to serious differences of opinion between the Board and the guardians. As a rule, the Board approves the choice of the guardians (see p. 201, note 3). So, too, with regard to the power of dismissal, which is never exercised without a searching inquiry on the part of the inspector who is acquainted with the local circumstances. There seems to be no danger of any abuse of the power. Differences of opinion most frequently arise with regard to the salaries, as to which the guardians, at any rate in London, are sometimes inclined to be more liberal than the Board considers proper.

[3] The General Consolidated Order (Articles 201–217) prescribes the duties of the following thirteen classes of paid officers; Clerk to the Guardians, Treasurer of the Union, Medical Officer of the Workhouse, District Medical Officer, Master of the Workhouse, Matron of the Workhouse, Chaplain, Schoolmaster, Schoolmistress, Nurse, Porter, Relieving Officer, Superintendent of Outdoor Labour. Under subsequent orders there are many additions, *e.g.* as to Collectors of the Guardians, the General Order of October 7, 1865, and as to Superintendent Nurses, that of August 6, 1897. As a general rule the principle is laid down that all officers are to perform their duties in person, and not by deputy; but in the case of the medical officer some delegation of duties is provided for, as he is allowed to nominate a deputy to the guardians on his appointment (Articles 198–200, Gen. Cons. Order). If an officer is kept from duty by sickness, accident, or other sufficient reason, the guardians may appoint a paid substitute, but must report the fact to the Central Board. Another general provision is that the guardians may require all paid officers to give security. The Treasurer, the Master and Matron of the Workhouse, the Collector, the Relieving Officer, and the Clerk must give a bond with two sureties (Articles 184–186). With regard to the securities of Collectors and Assistant Overseers, a special order was issued on Feb. 2nd, 1872 (Glen, 'Poor Law Orders,' p. 831).

Measures are thus taken to secure due performance of duty on part of the paid officers, and to subject them to adequate control; l, on the other hand, their position is an assured one, and is so ich sought after, that suitable candidates are never lacking. The at attraction is that the appointments are permanent. The office acated only by death, lunacy, resignation, compulsory superannuan, or dismissal.[1] Moreover, under the Poor Law Officers' Superannuation Act, 1896,[2] every officer and servant of the guardians is itled to pension after ten years' service, provided that (1) he has come incapacitated by reason of permanent infirmity of mind or dy; or (2) has attained the age of sixty years, and has completed aggregate service of forty years; or (3) has attained the age of ty-five years. A person who has served for ten years but less n eleven years is entitled to an annual allowance equal to tenieths of the average amount of his salary or wages and emoluments ring the five preceding years, and receives an addition of one-sixtieth

The power of dismissal by the guardians without the assent of the Central rd is limited to persons performing duties of a menial character, and in the e of porters and nurses the ground of dismissal has to be reported to the Central rd. An officer dismissed by the Local Government Board cannot be reointed in any other district without their express consent. 4 & 5 Will. IV. 6, s. 48, and G. C. O., Art. 188.

59 & 60 Vict. c. 50. Until the passing of this Act it was not compulsory n boards of guardians to grant superannuation allowances, and in most cases y could only do so if an officer had devoted his whole time to their service. der the new Act all officers (except female nurses, who, under 60 & 61 Vict. 28 may, by notice within two months after appointment, exempt themselves n its provisions) are required to pay the contributions and are entitled to sion, subject to the above conditions. The Local Government Board have n advised by the Law Officers of the Crown that only the emoluments of the ces or employments actually held at the time of retirement can be taken into ount in calculating the average emoluments to be reckoned for pension. Any oluments incidental to such offices or employments received by him at any time ing the previous five years should be included, but not the emoluments of inct offices which he had ceased to hold. It has also been decided that the s amount of the salary or wages and emoluments must be taken into account, iout any deduction in respect of disbursements which the officer is required nake either by statute or by the conditions of his employment. Thus even wances for deputy and for office-rent have been regarded as proper to be uded. The Board may (sec. 18) decide any dispute between the guardians an officer as to the right to or the amount of a superannuation allowance. y hold that a person occupying more than one post under a board of guardians not receive a pension in respect of one of them while continuing to draw salary another. He must be superannuated in respect of all or none. The guardians empowered (sec. 2) to require the retirement, on superannuation allowance, of officer or servant who has attained the age of sixty-five, if they consider such rement to be expedient in the interests of the public service. All service under orities to whom the Act applies is to be aggregated whether continuous or , and whether the officer's whole time has been engaged or not (sec. 4). In e of a joint appointment where one officer has to vacate his or her office owing he death, resignation, or insanity of the other, he or she (unless, in the case of band and wife, such resignation is caused by misconduct) is entitled to superuation if either fifty years of age or having served not less than twenty years (sec. 8). officer who is dismissed or resigns in consequence of any offence of a fraudulent racter or of grave misconduct forfeits all claim to a superannuation allowance, the guardians may return to him his contributions under the Act (sec. 7).

for each additional year until the completion of forty years, when a maximum allowance of forty-sixtieths is to be granted. With the consent of the Local Government Board, the guardians may in consideration of peculiar professional qualifications or of special circumstances add, for computation of pension, a number of years not exceeding ten, to those actually served.[1] In certain circumstances a person who has not become entitled to a superannuation allowance, if he ceases to hold office from any cause other than his own misconduct or voluntary resignation, is entitled to have his contributions returned to him, and the guardians, with the Local Government Board's assent, may grant him a gratuity not exceeding twice the amount of his remuneration during the previous year. As a contribution towards the pension there is a deduction of 2 per cent. from the salary or wages and emoluments of each officer.

The position and functions of the more important paid officers will be described presently. Here it need only be said that as a rule the candidate must be at least twenty-one years old, and able to read and write, and that each person appointed is bound under penalty to give at least a month's notice before resigning his office.[2]

It will be seen from the above that the Boards who administer poor law relief consist of two separate classes.

1. The Central Board with its staff. Special mention must be made of the inspectors and auditors.

2. The local authorities, as regards whom a distinction must be drawn between—

(*a*) The unpaid functionaries, viz. the guardians and overseers.

(*b*) The paid officers, chief of whom are the clerk, the relieving officer, and the workhouse officials, especially the master.

Next comes into consideration another class of persons who belong to neither of these categories, and whose functions we therefore proceed to state in the first instance, namely, the magistrates.

In the first part of this work we have explained how, until the year 1834, the entire business of relief was in the hands of the justices, or at any rate was directed by them. According to the Act of Elizabeth, the current administration had to be carried on with the approval of two or more justices. The accounts had to be audited by the justices, who thus had control over the proceedings of the overseers.

Up to the year 1834, the legislature had steadily increased the powers of the magistrates, and the whole relief system was directed

[1] The Local Government Board do not regard efficiency in the performance of the duties of an office as, by itself, adequate reason for an addition of years; there must be professional qualifications or other special grounds outside the ordinary range of such duties. But the resignation of a relieving officer to facilitate alterations in the relief districts has been treated as a "special circumstance:" also ill-health brought on by a nurse's work. And if the amount of pension, under the ordinary scale, would fall short of 10*s*. a week and the guardians make such an addition of years as would raise it to an amount not exceeding that sum, the Board are in the habit of giving their sanction.

[2] See Arts. 162 and 163 of G. C. O.

1. We have stated above (p. 33) the grounds upon which the 1834 materially diminished these powers, and entirely altered ition of the justices in relation to the poor law. We need ly enumerate the existing powers of the justices, which are as :—[1]

s regards actual relief, the justices still possess—

The power of ordering, in cases of urgency, relief in kind (so far only as regards absolute necessaries), or in medicine and medical attendance. It is the primary duty of the overseers to give relief in cases of urgency. If this is refused by the overseers, it may be ordered by any justice, and the overseers are required to comply with this order under a penalty of £5.[2]

The power of *two* justices usually acting for the particular district to order relief outside the workhouse in the case of entire inability to work, owing to age or infirmity. But in the order it is necessary that such inability should be certified by one of the justices of his own knowledge.[3]

s regards supervision of the local administration, the justices ll the right at any time to inspect the workhouses in order to hemselves whether the lawful orders and regulations of the Board are duly observed. If any infringement is discovered, son offending is to be summoned before two justices, who lict penalties after due inquiry.[4]

ith regard to the poor rate, the justices are concerned to the hat—

Overseers in urban districts, except where the power of appointment has been transferred under the Act of 1894 to the Urban Council, are appointed by two justices.[5]

Each poor rate has to be allowed by two justices before becoming valid.[6] But, as already mentioned (p. 189), this has become a mere formality.

their judicial capacity the justices are concerned with the v as follows :—

As regards objections to the poor rate and claims for exemption (pp. 189 and 190).

As regards orders of removal (p. 150).

As regards the recovery of contributions from relations, and proceedings for the repayment of relief granted (pp. 139–141).

former powers of the justices have thus been considerably d, and it must be confessed that several of the statutory

may here repeat that in this account of the poor law system as it now : entirely omit reference to the few local bodies who still administer relief al Acts. See above, p. 154, note 1. We are speaking in the text only w administration as carried out under the Act of 1834.

; Will. IV. c. 76, s. 54.

; Will. IV. c. 76, s. 27.

; Will. IV. c. 76, s. 43; 30 Geo. III. c. 49; 12 Vict. c. 13, s. 8.

). 180.

liz. c. 2, s. 1; 12 & 13 Vict. c. 64.

provisions just mentioned have become obsolete. Moreover, the fact that since the passing of the Local Government Act, 1894, justices are no longer *ex-officio* guardians, has practically abolished their direct participation in poor law administration.

We now proceed to discuss the different bodies by which the poor law system is administered, first taking the Central Board, which, through its position and its powers, gives a special character to the whole organization.

SECTION II.

THE CENTRAL AUTHORITY.

The most important and most difficult step in the reform of the poor law in 1834 was the establishment of a Central Board, invested with extensive powers. The new Board, consisting of three Poor Law Commissioners, appointed by the king, for England and Wales, had, in the first place, to create a new poor law organization. When single parishes were too small for proper administration, it was necessary to unite them into unions, for which a board of guardians had to be elected under the commissioners' regulations, and a workhouse in common had to be established. The commissioners were further empowered to require the appointment of paid officers for these unions, and to prescribe their duties and remuneration. When the agency for carrying out the reform was thus created, another function of the commissioners came into play. The Act had given them the duty of issuing orders and regulations, suited to each district, for the care and maintenance of the poor, and in this way they controlled the local administration of relief. The quasi-legislative power was given them. They were to issue such orders in accordance with the existing Acts as they considered required by circumstances of time or place. In order further to secure the observance of the prescribed principles in the respective unions, the commissioners were invested with extensive rights of control over the local administration, with far-reaching powers as regards the paid officers, and with ample authority to deal with any disregard of the regulations on the part of the guardians.

The whole poor law system was thus placed under the direction and control of the Poor Law Commissioners,[1] who regarded it as an essential part of their duties to induce the guardians by information and advice to effect improvements in the system, or to second their efforts in this direction.

There are five main heads under which the numerous functions of the Central Board may be classified at the present time, though in the course of years the relative importance of particular branches has altered.

They are as follows :—

1. The organization of poor law authorities.

[1] 4 & 5 Will. IV. c. 76, s. 15.

2. The issue of orders and regulations as a supplement to legislation.

3. The supervision of current administration.

4. An appellate jurisdiction.

5. The preparation for improvements in the poor law by the collection of information and experience, and by the publication and circulation throughout the country of the materials thus accumulated.

The two first-named functions of course mainly occupied the Central Board in the early days of the poor law, while now, when reform has been accomplished, the Board is more concerned with the latter. Legislation has been constantly extending the powers of the Board, especially as a kind of Court of Appeal.

In the course of time, the constitution of the Central Board and its position in the general machinery of the poor law have also altered, as has been explained in the first part of this book.

The Poor Law Commissioners were appointed for a limited time, and were only indirectly represented in Parliament by the Home Secretary. In 1847,[1] the so-called Poor Law Board was introduced as the Central Department in the general organization of the English poor law administration. It was made an independent Board under a president sitting in Parliament, and receiving a ministerial salary of the second class. In 1867,[2] the new Board was in this shape constituted a permanent department, of which the continued existence was no longer dependent on the renewal of its functions by Parliament. In 1871,[3] the Poor Law Board was united with the Medical Department of the Privy Council Office and the Local Government branch of the Home Office under the name of the Local Government Board.

As a part of the general organization therefore we have to describe the Local Government Board. Within that Board, so far as a separation of particular departments is possible, we have only to regard its poor law division.

The Local Government Board consists of a president appointed by the King and the following *ex-officio* members: the Lord President of the Council, the principal Secretaries of State, the Lord Privy Seal, and the Chancellor of the Exchequer. In practice, however, it is no more a board than is the Board of Trade. The functions of the *ex-officio* members are purely formal. The Board has never met. The president, with his secretaries, has the sole responsibility for the whole of the current administration. This is indeed recognized by law. It is provided that all orders and regulations of the Local Government Board shall be valid if signed by the president *or* by one of the *ex-officio* members, and countersigned by a secretary or assistant-secretary, of the Board. Every other act or instrument of the Board requires for its formal authentication only the signature of the president or of one of the secretaries or assistant secretaries, so far as the latter are authorized by general

[1] 10 & 11 Vict. c. 109. [2] 30 & 31 Vict. c. 106.

[3] 34 & 35 Vict. c. 70.

order.[1] As a matter of fact, it is the president alone who is entrusted with the extensive powers of the Central Board.[2]

The Parliamentary responsibility for the exercise of these powers is secured by the fact that the President or Parliamentary Secretary has to represent the Board when the Estimates are brought before Parliament, and an opportunity is afforded for the discussion of the annual reports.[3] Apart from this general control, the Local Government Board, as regards the orders issued by it, is governed by special enactments, to which we shall refer in treating of its special functions.

The President of the Local Government Board receives the small salary of £2,000. There is no legal requirement that he should have a seat in the Cabinet; this depends on personal considerations.[4] Besides the President there are two secretaries, of whom one (whose salary is £1,200 a year) is the Parliamentary and the other (with a salary of £1,500 rising to £1,800) the Permanent Secretary. The Parliamentary Secretary, like the President, vacates his appointment on a change of ministry, while the Permanent Secretary is the constant element in the Board, and neither has, nor can have, any relation with politics. The Central Board has also a legal adviser and five assistant secretaries, with salaries from £1,000 to £1,200. There are fourteen general inspectors, two medical inspectors, five assistant general inspectors (including one lady), two inspectors of poor law schools, two female inspectors of boarded-out children, one inspector of audits, and one inspector for local loans, with salaries varying from £200 to £1,000. There are also fifty district auditors, with salaries from £500 to £800 a-piece, and seven assistant auditors at £300 to £450.[5]

We now proceed to the functions of the Central Board as regards the different matters above enumerated.

I. The Board's powers with regard to organization have, as already

[1] 34 & 35 Vict. c. 70, s. 5.

[2] The Presidents of the Local Government Board have hitherto always been members of the Lower House, but there is no reason why a peer should not hold this office. The representation of the Board in the House of Commons would then fall to the Parliamentary Secretary.

[3] The Poor Law Commissioners had to report at least yearly to the Home Secretary. Since 1847 the Annual Reports have been addressed to the Sovereign, and since 1872 they have not been confined to the poor law. The Annual Report is now divided into five separate parts:

i. The Local Government Act, 1888, and County Councils.
ii. The Local Government Act, 1894.
iii. Relief of the Poor and the Poor Rate.
iv. Public Health and Local Administration.
v. Local taxation and valuation.

The total number of Annual Reports of the Poor Law Commissioners was fourteen. The Poor Law Board issued twenty-five, and the Local Government Board has issued one annually since its constitution in 1871.

[4] As a matter of fact most of the presidents have had seats in the Cabinet, though Mr. Sclater Booth, in the last ministry of Lord Beaconsfield, was not a Cabinet Minister. Nor was Mr. Balfour in the Cabinet when he held this office, nor Mr. Ritchie on his first appointment.

[5] Since 1879 the payment of auditors has been entirely borne by the State.

stated,[1] been much extended by recent legislation, and it has now practically a free hand as regards the boundaries of unions as well as their constitution and dissolution. It can alter the areas of existing unions or dissolve them and create new ones, and may form outlying parts of parishes into independent unions, or add them to other neighbouring unions. As regards measures of this kind, the Central Board is only restricted by the fact that, in cases under the Divided Parishes Acts, if a tenth of the ratepayers object its order must be provisional, and requires the approval of Parliament. Since 1879 the Board has also been empowered to combine several unions for any object connected with the Poor Law if it considers this course to be for general or local advantage. Though the Board is very guarded in making use of these powers, and proceeds with great tenderness towards the numerous local interests involved, it has absolute power in settling the limits of poor law areas.

The powers of the Board as regards poor law organization also extend to the appointment of paid officers. Under the Act of 1834 the Board may require the guardians to appoint such paid officers as it shall think necessary for carrying out the requirements of the law. It may fix the qualifications of candidates, their duties, their salaries, and the security to be given by them. In pursuance of this enactment the Board has issued in the General Consolidated Order of July 24th, 1847,[2] the general regulations already mentioned as to thirteen classes of paid officers. The Board may dispense with these general provisions in individual cases. By its power of fixing or approving salaries, and of rejecting or dismissing persons chosen by the guardians, it has a paramount influence as regards all the more important appointments under the poor law. But in this respect, too, it uses its powers very cautiously,[3] though their existence gives the Board much influence on the guardians with regard to the appointment of officers.[4]

II. A second branch of the functions of the Central Board consists in supplementing existing statutes by its orders and regulations. The legislature, instead of laying down stringent and precise requirements by statute, has, in many instances, preferred to entrust the Central

[1] See above, p. 84, also the following Acts, 39 & 40 Vict. c. 61 ; 42 & 43 Vict. c. 54 ; 45 & 46 Vict. c. 58.

[2] Arts. 152–217.

[3] See 22nd Annual Report of Poor Law Board, p. lxiii., from which it may be inferred that in effect the Central Board, as a general rule, approves the proposals of guardians as to the appointment and payment of officers unless there are very special reasons to the contrary, because the guardians are the best judges of the personal fitness of candidates as well as of the amount of remuneration which persons in similar positions obtain in the locality.

[4] In addition to the powers of the Board already mentioned, it possesses that of controlling the erection, enlargement, or alteration of workhouses. The Board has to obtain the consent of a majority of the guardians, or of the owners and ratepayers. It is only when the cost of enlargement or alteration is not more than one-tenth of the average amount of the yearly poor rate that this approval can be dispensed with : 4 & 5 Will. IV. c. 76, s. 23 ; 29 & 30 Vict. c. 113, s. 8 ; 31 & 32 Vict. c. 122, s. 8. With regard to the metropolis, the powers are more extensive. 33 & 34 Vict. c. 18, s. 1.

Board with the power of issuing, at its discretion, such special regulations as may be suitable to the circumstances of the time or place. In this way it was thought that the different local conditions which make a uniform administration of the poor law difficult, if not impossible, might be satisfactorily dealt with. At the same time the slow and cautious introduction of novelties was made possible, and the danger involved in sudden and radical alterations was avoided.[1] This consideration has found expression in the provisions of the Act of 1834 with regard to outdoor relief. It is there stated that—

"Whereas difficulty may arise in case any immediate and universal remedy is attempted to be applied in the matters aforesaid, . . . it shall be lawful for the said commissioners by such rules, orders, or regulations as they may think fit, to declare to what extent and for what period the relief to be given to able-bodied persons in any particular parish or union may be administered out of the workhouse."[2]

The ground here assigned as justification for a special provision with regard to outdoor relief has been the key-note of the Board's action in exercising the power of making rules, orders, and regulations in its discretion, in order to carry out the statutes, and also in repealing or altering the regulations issued.[3] The only limitation imposed on the Central Board in the matter is, that it shall not interfere in any individual case of relief by the issue or alteration of such regulations.[4]

The regulations issued by the Central Board may be divided into two classes: general rules and orders, and particular orders. A general order is one applicable to more than a single union, with the exception of orders which relate to the constitution or dissolution of unions, and which thus concern questions of organization rather than of administration.[5]

[1] Nicholls, *ut supra*, vol. ii., p. 457, recognizes the value of this power in the following true words: "Without it the administration of relief under the continually varying circumstances of the times could not be well and efficiently conducted, but would be apt to occasion undue hardship and suffering to the poor, or to become lax, indiscriminating and burthensome to the ratepayer."

[2] 4 & 5 Will. IV. c. 76, s. 52.

[3] 4 & 5 Will. IV. c. 76, s. 15, specifies a number of branches of relief as to which the commissioners are empowered to prescribe regulations, "from time to time as they shall see occasion to make and issue all such rules, orders, and regulations for the management of the poor, for the government of workhouses and the education of the children therein," &c., and concludes with the *clausula generalis*, "and for carrying this Act into execution in all other respects as they shall think proper."

[4] Besides these general limitations there are two special ones, viz.:

(*a*) No regulation may require the inmate of a workhouse to attend a religious service contrary to his principles, nor may pauper children be educated in any religious creed other than their own: 4 & 5 Will. IV. c. 76, s. 19.

(*b*) If old married couples above the age of sixty years are received into a workhouse, they must not be compelled to live apart: 10 & 11 Vict. c. 109, s. 23. See the modification in 39 & 40 Vict. c. 61, s. 10.

[5] 10 & 11 Vict. c. 109, s. 15; 31 & 32 Vict. c. 122, s. 1. There is a further exception that certain orders relating to several or all the unions of the metropolis are not to be regarded as general orders. The metropolis is here treated as one district: 30 Vict. c. 6, s. 4.

With regard to these general orders there are a number of special provisions.[1] Such orders are to be published in the *London Gazette*, and to be forthwith laid before both Houses of Parliament. His Majesty, by and with the advice of his Privy Council, may at any time disallow a general order in whole or in part. Such disallowance, however, does not affect the validity of any action previously taken under the order.[2]

A further guarantee for the legality of the orders of the Board[3] consists in the fact that any person interested may, on entering into a recognizance for £50, after previous notice to the Board, obtain a decision of the King's Bench Division as to the validity of such rules, orders, and regulations by writ of *certiorari*. If the High Court quashes the order as being *ultra vires* on the part of the Board, the judgment is to be notified in all unions or parishes affected by the order, which thereupon becomes null and void.[4] But it is worthy of notice that the High Court has only to do with the question of legality, not with that of expediency;[5] and that, owing to the extent of the powers entrusted to the Central Board, this provision is of little effect in practice. The power of issuing orders extends, as already stated, over the whole province of the poor law. Provided that the orders are restricted within these limits, and do not contain provisions contrary to the common law, they are unassailable.

In addition to the general authority to issue orders under the Act of 1834, such power is given by statute in respect of a number of specified subjects.

This is especially the case as regards the adjustment of the boundaries of unions, as to which a number of orders have been issued. Formerly the Central Board had to obtain the assent of the persons interested, while now, as already stated, such persons can only oppose the orders in Parliament.

So, too, the Central Board may, by a Provisional Order, alter or repeal local Acts under which the poor law administration is carried out in particular places in a manner differing from the ordinary system. Formerly it was necessary to obtain the consent of those interested before issuing such orders.[6]

The chief province for the exercise of the powers of the Central Board as regards the issue of orders is that of the administration

[1] 31 & 32 Vict. c. 122, s. 1; 35 & 36 Vict. c. 79, s. 48; 38 & 39 Vict. c. 55.

[2] 10 & 11 Vict. c. 109, s. 17.

[3] The orders come into force on a copy being sent to the overseers, guardians, and clerks to the magistrates. The seal of the Board must be affixed. Copies of the order are legal evidence fourteen days after its appearance, if printed by the King's printers: 4 & 5 Will. IV. c. 76, s. 20; 7 & 8 Vict. c. 101, s. 71; 10 & 11 Vict. c. 109, s. 14.

[4] 4 & 5 Will. IV. c. 76, ss. 105–108.

[5] See Frewin and Lewis (4 M. and C. 249), where it was laid down that "the Court will not interfere to see whether any alteration or regulation which they (the commissioners) may direct is good or bad, but if they are departing from that power which the law has vested in them."

[6] 30 & 31 Vict. c. 106, s. 2; 31 & 32 Vict. c. 122, ss. 3–4; 42 & 43 Vict. c. 54.

of relief. The General Consolidated Order of 24th July, 1847, is almost more important in practice than the Act of 1834 itself. Next to it in importance are the two Orders with regard to outdoor relief (Outdoor Relief Prohibitory Order of December 21st, 1844, and Outdoor Relief Regulation Order of December 14th, 1852), also the General Order for Accounts of January 14th, 1867, the Orders as to the Election of Guardians of January 1st and 21st, 1898, and the Workhouse Regulation (Dietaries and Accounts) Order of October 10th, 1900.

III. As regards the powers of supervision of the Central Board we may say that it exercises an administrative as well as a financial control over the guardians. In both respects this control is made operative by the special institutions of inspection and audit, by which a permanent relation between the local and the central authority is established and maintained.

The inspector periodically attends the meetings of the guardians of his district in order to satisfy himself that the acts and orders are duly carried out. He also periodically inspects the workhouses. All complaints against the guardians pass through his hands, and he advises the Central Board as to them. He also deals with all applications of the guardians whether with regard to measures which they can only adopt with the consent of the Central Board (*e.g.* for the emigration of paupers), or for approval of deviations from the existing regulations (*e.g.* as regards the prohibition of outdoor relief to the able-bodied). While the inspector is thus the medium for administrative control,[1] the auditor deals with the finance. All the expenditure of the guardians has to come under his audit. He determines not only whether the charges are lawful, but also whether they are reasonable, and thus controls the entire finance of the guardians.

Besides this control of current expenditure, it is with the Central Board that the decision rests whether charges shall be thrown on future generations by raising loans, and if so, to what extent, in what way, and under what conditions. The Central Board possesses ample powers to secure the execution of its orders. The auditor disallows illegal expenses, and makes the persons concerned personally responsible for them. Every local officer who is guilty of disobeying a rule, order, or regulation of the Central Board, or of any other "contempt," is liable to a penalty not exceeding £5 for the first offence from £5 to £20 for the second offence, and to a fine of not less than £20 or imprisonment for the third offence.[2] The Central Board is, moreover, empowered, in order to make its control of officials

[1] The Central Board may, apart from the reports of Inspectors, take cognizance of the circumstances of particular unions. For this purpose it has the power of summoning all persons who take part in poor law administration, and of requiring from them evidence on oath as to the administration of the poor law, either on general or particular points. So, too, it can require information as to the property of charitable foundations and other institutions for the poor: 4 & 5 Will. IV. c. 76 s. 85; 10 & 11 Vict. c. 109, ss. 11, 12, and 26.

[2] 4 & 5 Will. IV. c. 76, s. 98.

more complete, to dismiss any paid officer without the assent of the guardians and without previous notice, if the Board considers such officer unfit for the fulfilment of his duties, or if he refuses or wilfully neglects to carry out any of the rules, orders, and regulations.[1] It will be seen that the superior Board's control is well organized, and that adequate means are provided for its exercise.[2]

IV. Next to this power and others supplementary to it, we have to mention another sort of jurisdiction exercised by the Central Board. It has to determine complaints against the guardians, and these are ordinarily investigated through a special inquiry made by the inspector of the district.

Here we come to the quasi-judicial powers which the Central Board exercises at its discretion.

In the first place, as regards matters of account, it is left to those interested to choose whether they will appeal from the decision of the auditor to the King's Bench or to the Central Board. As a matter of fact, the latter course is almost always taken, because the Board has the power, which the Court has not, to exercise an equitable jurisdiction and to pass charges not warranted by statute,[3] and because also the appeal to the Board is attended with much less expense and trouble.

So, too, those interested may refer to the Board for decision questions in dispute as to settlement and as to the repayment of the costs of relief, instead of bringing these questions before a court of law.[4] It is provided that two or more unions may enter into a binding agreement in writing that any disputes arising between them as to settlement, removal, or chargeability, shall be referred to the Board for determination.[5] The decision of the Central Board under seal is final, and cannot even be brought by *certiorari* before the High Court.

V. While the above-mentioned functions of the Board are strictly defined by law, and their scope does not depend on how the Board happens to be composed at a particular time, the case is different as regards the duty of the Board as to the collection of information and the communication of advice and instruction to the guardians for the improvement of the poor law administration. It is obvious that the extent to which this branch of its functions is carried out depends in a large degree upon the President personally. In our account of the development of the poor law system we have mentioned a number of presidents who have done good service in this direction. We have referred particularly to the important work of Mr. Goschen and

[1] 4 & 5 Will. IV. c. 76, s. 8.

[2] As regards the metropolis, the Central Board has still greater powers of requiring the execution of its orders; as in this case it may suspend or entirely withhold repayment of the contribution from the common fund in the case of a district which neglects to comply with any important order: 33 & 34 Vict. c. 18, s. 1, subs. 4.

[3] 11 & 12 Vict. c. 91, s. 4. See above, p. 174.

[4] 11 & 12 Vict. c. 110, s. 4.

[5] 14 & 15 Vict. c. 105, s. 12.

his successors,[1] especially as regards the introduction of co-operation between public relief and private charity, the judicious regulation of outdoor relief and the improvement of medical relief, &c. It has been mentioned that the Central Board has endeavoured, with regard to other questions, especially the treatment and education of pauper children, to collect ample and unbiased information upon which the guardians could base their action.

From the description there given, to which we may here refer, it will be also seen how the Central Board seeks to discharge the task of instructing the guardians.[2] The Central Board has reports from its inspectors as to the proceedings in specially interesting matters in the various unions, and on occasion it sends out suitable persons to foreign countries in order to obtain information as to what is done there. The Board discusses these matters in its Annual Report, or, if the question is ripe for action, issues a circular letter, in which it advises how some new principle may be carried out. The inspectors, too, disseminate the information throughout the country and supervise the action taken.

The proceedings of the Central Board of late years illustrate the truth of Stuart Mill's words :[3]

"Power may be localized, but knowledge, to be most useful, must be centralized; there must be somewhere a focus at which all its scattered rays are collected, that the broken and coloured lights which exist elsewhere may find there what is necessary to complete and purify them. . . . The central authority ought to keep open a perpetual communication with the localities; informing itself by their experience, and them by its own, giving advice freely when asked, volunteering it when seen to be required."

This duty has been admirably performed by the Poor Law and Local Government Boards, and by their action the English poor law system has been brought to its present pitch of excellence.

We proceed to treat of the agency through whom this function is mainly carried out, namely the inspectors.

SECTION III.

THE POOR LAW INSPECTORS.

It was in 1847 that the inspectors took the place of the assistant commissioners.[4] Their function, like that of the assistant commissioners, is, in the main, to represent the Central Board in their

[1] See above, p. 88.

[2] It may be observed that the Central Board in its Annual Reports gives a description of the legislation of the year, and also habitually explains to the guardians, by instructional letters, the new statutory provisions which are often obscured by the language of English Acts of Parliament.

[3] J. S. Mill, 'Representative Government,' chap. xv. Sir Henry Longley, in the report already quoted, also describes the chief work of the Central Board as being "to supply individual boards of guardians with the results of the wide and varied experience which a central authority must inevitably acquire."

[4] 10 & 11 Vict. c. 109, ss. 19-22.

districts, and thus to be the medium between it and the local authorities. The number of inspectors, as of assistant commissioners, has fluctuated. It is not fixed by statute, and requires the assent of the Treasury. At first there were nine assistant commissioners, but this number was found insufficient, and eventually was raised to twenty-one.

The number of inspectors was for a long time twelve. England and Wales were divided into eleven districts, while the twelfth inspector supervised the audits. There are still eleven divisions of the country, of which the metropolis is one, but particular divisions have been subdivided for purposes of inspection; others, in consequence of the increase of business, are no longer under a single inspector; while in others the inspector has an assistant. At present there are fourteen inspectoral districts, and that of the metropolis alone has three assistant inspectors, including one lady. There are also, besides the inspector of audits, an inspector of local loans, two poor law medical inspectors, and two inspectors of workhouse schools.[1]

We need not deal here with these special inspectors, and may proceed to enumerate the functions of the general inspectors of the poor. These functions may be divided into two classes, viz. those which are ordinary and periodical, and those which are only exercised on special occasions and in special circumstances.

I. The inspectors have to satisfy themselves that the administration within their district is carried out in accordance with the existing Acts and regulations. With this object they must attend a meeting of each board of guardians within their district at least once or twice a year.[2] The inspectors have to report upon any irregularity which they observe. They may take part in the discussion, but have no right of voting. They must also visit and make a thorough inspection of every workhouse[3] and other poor law establishment (including certified homes and asylums) in their district at least once a year. Each inspector annually makes a general report to the Central Board on the poor law administration of his district.[4] It is also their practice frequently to visit London in order to make oral reports.

II. The inspectors have to supply material for the decision of the Central Board as regards all representations made to the Board from their districts, and also as to any regulations to be issued by the Board for a particular union. They do this by reports, and if necessary after special local enquiry. Every communication to the Central Board is referred in the first place to the inspector, with any papers that relate to it. Owing to his tours of inspection and his consequent acquaintance with all local and personal circumstances of the district, the inspector is in the best position to form a judgment as

[1] There are now (1901) also two lady inspectors of boarded-out children.

[2] The number of unions included in an inspector's district varies much, and depends on the population and other circumstances. On an average an inspector has between forty and fifty unions. The metropolitan district contains thirty-four.

[3] The result of inspection is reported in the form of answers to certain prescribed questions.

[4] These Reports are published in the Annual Volume of the Local Government Board.

to these communications. If he thinks fit, he may, in the instance, place himself in communication with the persons concer and thus obtain information on the subject, or, when the B directs the holding of a formal enquiry, he may summon and exar witnesses on oath. In this case he reports the evidence to the L Government Board with an expression of his own opinion. communications which are thus dealt with by the inspectors ar very varied kinds. In the first place, there are questions as to appointment of officers, complaints against local officials, applicati from the guardians for approval of particular measures, for which approval of the Board is necessary (*e.g.* structural alterations the workhouse buildings, loans, expenses for emigration, exceptio grant of outdoor relief contrary to the provisions of the Outd Relief Prohibitory or Regulation Order, &c.). Enquiries with reg to paid officers against whom complaints are made, or who suspended by the guardians, often take up much of the inspect time. Here his knowledge of local and personal matters stands l in good stead; he knows the various paid officers, upon whose appo ment he has had to report, or can easily inform himself on the subj In all these cases the intervention of inspectors between the Boar London and the guardians, of whom that Board has no persc knowledge, is of the greatest value.

In addition to these main duties of the inspectors, there are o occasional ones, which have been mentioned in the previous chap The inspector furnishes the agency by which the Central Bo collects the information it requires, and by which again it disse nates the information thus collected among the boards of guardi It is he who helps the guardians in the first place with his adv explains to them the principles which the Central Board lays do and aids them in every way in carrying out those principles.

The relation of the guardians to the inspector is thorou satisfactory; they regard him less as a person set over them thar one who represents local interests before the Central Board.

The social position of the inspector[1] is such that there can be suspicion of personal interest in the advice which he gives a local administration. The guardians are all the more inclined to heed to his injunctions because he can bestow praise or blame a the administration of particular districts in the Annual Report wl is often locally circulated, besides being laid before Parliament.[2]

[1] When I asked what was the main point as regards the selection of inspec I was told at the Local Government Board, "they must, above all, be gentle who, on account of their previous occupation and their position in life, enjoy sideration and are accustomed to exercise authority. Stress is laid on a ce talent for organization, and they must already have shown some interest in welfare of the poor." No special qualification is prescribed. The result is the inspectors are taken out of various professions. The post of assistant inspe is a step towards that of general inspector. In consequence of the position o inspectors, the salary is of course a high one, being generally either £900 or £1,c year, with allowances for travelling and personal expenses and for clerical assista

[2] We have stated above (p. 94, note 2) that the effort to introduce improvem in the system of outdoor relief was much aided by the way in which the inspec

It is the inspectors, above all, who preserve the connexion etween the guardians and the Central Board, and realize what tuart Mill, in the words already quoted, regarded as the Board's ask of "informing itself by their experience and them by its own, iving advice freely when asked, volunteering it when seen to be equired."

SECTION IV.

THE AUDITORS.

The second agency by which the Central Board exercises control ver the guardians is that of the auditors. The system of audit has xisted since 1834, and the legislature has since constantly en-leavoured to improve the position of these officers, and to enlarge heir functions.

Up to 1834 the audit of accounts and expenditure for poor law urposes rested with the justices, whose audit was regarded as little nore than a formality. The Royal Commission, therefore, regarded change in the whole system of poor law accounts as an essential ondition of the necessary reform. In the Poor Law Act of 1834 he appointment of paid auditors was not provided for, but the Poor aw Commissioners, under their general power of requiring the ppointment of paid [1] officers, were enabled to secure the nomination f auditors for particular unions.

In 1844 the legislature went a step further.[2] It was found that he auditors appointed by the unions, who only devoted a part of heir time to the work, were not possessed of the independence equired for an effective audit. The Central Board was therefore mpowered to combine several unions for the appointment of an uditor in common. The powers of the district auditors were at he same time extended, and the concurrent jurisdiction of the ustices as regards audit was abolished.

As regards the constitution of districts, the Central Board even-ually pursued the policy of giving the districts so extensive an area hat the audit required the entire services of one officer, devoting is whole time to the work.[3] The number of districts is now fifty, of hich the metropolis contains three, apportioned among the accounts f (*a*) the County Council and School Board; (*b*) the Poor Law uthorities and Metropolitan Asylums Board, and (*c*) the Metropolitan orough Councils. The influence exercised by the Central Board n the auditors has grown steadily larger. Since 1868 the appoint-nent of auditors has been made by the Board without the guardians

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1 their published reports singled out particular boards of guardians for praise, and amed others as having shown themselves remiss.

[1] 4 & 5 Will. IV. c 76, s. 46.

[2] 7 & 8 Vict. c. 101, ss. 32, 37, 49.

[3] This point was made especially prominent in the report of the Select Committee of 1864.

having anything to do with it.[1] Since 1879 they have been paid *by* the State;[2] and have thus become civil servants.

The functions of the auditors are of the greatest importance as regards the entire poor law system. We have already stated that almost all poor law officers have to keep detailed books, registers, or accounts, in accordance with the prescribed forms, and it is the duty of the auditor, to whom all these books and accounts are submitted twice annually, to satisfy himself that they are duly kept, that they agree with each other, that they are arithmetically correct, and that they are supported by the necessary vouchers.[3] The auditor has to decide with regard to each item, whether it is warranted by law and is reasonable in amount.[4] He disallows all excessive payments, and surcharges the person by whom the improper expenditure has been made or authorized.[5] The order of a superior does not relieve from responsibility the person who makes an unlawful payment.

The auditor has thus perfect control over the current poor law administration. So far as expenditure is concerned, the accounts of every union in his district must be audited twice a year, usually soon after March 25th, or September 29th, on which days all books and lists are to be made up. He must give notice of audit at least fourteen days previously to the clerk to the guardians, who is to notify the same throughout the union. At least three days before the audit, the books and accounts must be open to the inspection of the ratepayers and owners of the district. At the audit the officials concerned have to appear and to bring their vouchers. Any ratepayer, or other person who considers himself aggrieved by the accounts, may make objection at the audit, and the auditor must give his decision thereupon. He may summon persons and examine them, and require the production of documents. He must also, before making a poor law officer personally responsible for a charge, give him an opportunity of explanation. At the close of the audit its result is to be certified, and an abstract is to be sent to the Central Board.

Appeals against the decision of the auditor, as already stated, may be made, not only to the Courts of Law, but also to the Central

[1] 31 & 32 Vict. c. 122, s. 24.

[2] 42 Vict. c. 6. The contributions of the guardians towards the expenses of audit are raised in the form of stamp duty. See General Orders of April 28 and December 12, 1890 (Glen's 'Poor Law Orders,' p. 1141).

[3] By the General Order for Accounts of January 14, 1867 (Glen, 'Poor Law Orders,' p. 577), the whole system of accounts is systematically regulated. A further Order of October 10, 1900, deals with workhouse accounts in reference to dietaries. The functions of the auditors are laid down in Articles 38–67 under the heading "Auditing of Accounts." See also the enactments in 7 & 8 Vict. c. 101, ss. 32–39, and 11 & 12 Vict. c. 91.

[4] An order of March 1, 1836, specially laid down the particular charges which in accordance with the law then in force, might be paid from the poor rate. See above, p. 173, note 3.

[5] With regard to legal steps for recovering amounts thus due from officials, see 7 & 8 Vict. c. 101, s. 32. As to the number of disallowances and surcharges with reference to the poor law, see note 3, p. 173.

Board, which may reverse or confirm the decision, and has also the power to confirm and remit the charge in the exercise of its equitable jurisdiction.[1]

Besides the usual half-yearly audits, extraordinary audits may at any time be ordered by the Central Board.

By this constant supervision of all expenditure, a control is established, which effectually supplements that exercised by the inspectors.

To make the audit efficient and thorough, it is necessary to appoint an expert. He must not only possess knowledge and impartiality, but must also be master of the statutes and authorities,[2] and this, owing to the mass of material, is no easy task. In the metropolis, besides three auditors there are three assistant auditors and six clerks. To two other districts assistant auditors are also attached, while there are two assistant auditors (in addition to the fifty auditors) whose services are available wherever specially required. It is to be remembered that the auditor has not only to examine the poor law accounts, but the system of audit has worked so well that it has been extended to a number of other branches of local administration, for which rates are raised, *e.g.* to the accounts of County, District, and Parish Councils, School Boards, and Metropolitan Borough Councils.

SECTION V.

THE OVERSEERS.

We now proceed to describe the local authorities, referring first to the overseers, who were practically entrusted with the whole poor law administration up to the year 1834.

Under the Act of Elizabeth, from two to four overseers had to be annually appointed in each parish by the justices,[3] whose duty in conjunction with the churchwardens it was:

(1) To raise the necessary means for poor relief by taxation of the inhabitants.

(2) To undertake the entire work of relief; and

(3) To carry out all other measures necessary for executing the Poor law.

Under the last head may be reckoned, especially since the Act of

[1] See above, p. 173, note 2, and p. 174, notes 1 and 2.

[2] See the Instructional Letter of the Poor Law Commissioners (Glen, 'Poor Law Orders,' p. 616, note): "It is necessary that he should have a complete knowledge of the statutes and authorities by which the expenditure of the poor rates is regulated, and the Poor Law Commissioners' rules, orders, and regulations, and be able to make sound and legal inferences from these authorities, so as to determine their effect in special cases. Some acquaintance with the law of contracts is necessary, and above all, a large experience of the nature of the pecuniary transactions of the guardians, overseers, and other accountable officers, without which it is impossible for him to exercise his important function of ascertaining—as he is bound to do in every case—the reasonableness of every item."

[3] But see 56 & 57 Vict. c. 73, ss. 5 & 33.

Charles II., the very troublesome duty, with which the overseers were largely occupied, of removing non-settled paupers.[1]

Of these three functions of overseers, practically only the first remains, the two others having since 1834 been for the most part entrusted by the legislature to other authorities. The present duties of the overseers in the unions created under the Act of 1834 are specified in a general order (Duties of Overseers) of April 22, 1842.[2]

Since 1834 the work of relief has been undertaken by the boards of guardians. The only remnant of the overseers' former duties in this respect is the power which they still have in cases of sudden and urgent need of providing relief in articles of absolute necessity, but not in money. The overseer may be required to do this by an order of the justices. He has, however, to report every case to the relieving officer concerned, and the decision as to the treatment of the applicant rests with the board of guardians.[3]

So, too, the other duties of overseers under the poor laws now mainly rest with the guardians. This is particularly the case as regards orders of removal, which now are obtained by the guardians of the district from which the pauper is removed upon those of the district liable for his relief.[4]

The duties of the overseers under the poor law are at the present time practically limited to raising the necessary funds by the poor rate. But even in this respect their powers have been reduced since they have been placed under the control of the Union Assessment Committee;[5] and with regard to the administration and disposal of the funds raised, they are subject to the check of the auditors. The overseers must keep the rate-books in the form prescribed by the Central Board, and must submit them to the district auditors, with all vouchers and authorities.[6]

During their continuance in office the overseers are regarded as representatives of the property of the parish. On entering office they have to settle the balances with their predecessors; they must take over the sums raised and receive the books and other documents. Any outstanding arrears are to be collected as soon as possible. The overseers have to levy rates of sufficient amount to meet the poor law charges,[7] to collect arrears, and to represent the interests of

[1] See above, Dr. Burn's effective picture of the former duties of overseers.

[2] Glen, 'Poor Law Orders,' p. 1265.

[3] 4 & 5 Will. IV. c. 76, s. 54. If the overseers do not comply with the order of the justices, they are subject to a penalty not exceeding £5.

[4] 28 & 29 Vict. c. 79, ss. 2, 3; 30 & 31 Vict. c. 106, s. 24.

[5] See above, p. 187.

[6] Besides the rate-book there are also a book of receipts and payments, and balance sheets of the receipts and payments. All these have to be made up half yearly to the 25th of March and 29th of September, and must be open to the inspection of the ratepayers at least seven days before the audit. See General Order for Accounts, January 14, 1867, Art. 26.

[7] The means of estimating the amount probably required is furnished by the parochial list of the indoor and outdoor poor, which is prepared by the clerk of the union, with a statement of the account of every parish within the union, and

he rate in any legal proceedings. The required sums have to be paid out of the rate so collected on the contribution orders[1] of the guardians, who have to give due vouchers. The overseers are personally responsible for the necessary sums; any deficiency may be made good out of their own property.[2]

Moreover, if the overseers are guilty of any neglect, in procuring he necessary amounts, and if any relief ordered by the guardians as in consequence to be delayed or withheld during a period of even days, they are liable to a penalty not exceeding £20.[3] If the verseers disobey any lawful order of the guardians or the magistrates, or contravene a regulation of the Central Board, they may be ined £5.[4]

It will be seen that the office of overseer is very responsible, though s duties are not of themselves of engrossing interest. It is, therefore, open to doubt whether, as the main functions of the office have een transferred to other persons, it is worth retaining as an honorary appointment which a parishioner is bound to accept.

The Act of Elizabeth provides that two or more justices shall nually appoint for each parish,[5] according to its size, two to four bstantial householders as overseers.[6] But by the Local Government Act, 1894, the appointment of overseers was transferred in ral parishes to the parish council or parish meeting, and it was so provided that in urban parishes the power of appointment of ch officers might be transferred by the Local Government Board, application, to the town council or urban district council. The sumption of the office, which lasts for a year, is compulsory by w. A refusal would subject the recalcitrant person to indictment id to penalty. In the course of time, however, a number of emptions have arisen on the ground of special privileges, or of gal decisions. These include members of the Upper or Lower ouse, barristers and solicitors, doctors, clergymen, officers of the my and navy, various State officials and others. For a small parish e appointment of a single overseer has been authorized.[7]

Moreover, paid assistant overseers may be appointed in like anner, and this is done in almost all large parishes, where the

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made over to the overseers by the relieving officer. See General Order for ccounts, Art. 46.

[1] The contribution orders must be in the prescribed form. See General Order February 26, 1866 (Glen, 'Poor Law Orders,' p. 559).

[2] 2 & 3 Vict. c. 84, s. 1; 12 & 13 Vict. c. 103, s. 7.

[3] 7 & 8 Vict. c. 101, s. 63.

[4] 4 & 5 Will. IV. c. 76, s. 95.

[5] 13 & 14 Car. II. c. 12, s. 71, allowed the division of parishes and the appointment of overseers for single townships, &c.; by 7 & 8 Vict. c. 101, s. 22, this power as abolished as from the year 1844.

[6] 56 & 57 Vict. c. 73, ss. 5, 105 (1), 19 (5), and 33 (1). The appointment is to e made at the annual meeting of the parish council, and must be forthwith otified to the guardians. If they do not receive notice of the appointment within ree weeks after the 15th of April, they are required (s. 50) themselves to make ie appointment.

[7] 29 & 30 Vict. c. 113, ss. 11, 12.

duties are, in fact, almost entirely performed by them.[1] Paid collectors of poor rates may also be appointed.[2]

As a matter of fact, the honorary office of overseer, which was so important before 1834, has now little left but the name.

SECTION VI.

THE GUARDIANS.

Since 1834 the board of guardians has been the most important local authority for the administration of relief, and has exercised the functions previously discharged by the overseers.

I. A board of guardians must be elected for each union. If the Central Board makes use of its power to create a separate poor law administration for a single parish, a board of guardians is elected for that parish.[3]

Up to the year 1894 the franchise upon which the guardians were elected was graduated according to the ratable value of the electors, but the Local Government Act of that year introduced a new and democratic franchise, abolished *ex officio* and nominated guardians, and gave the county councils certain powers, previously vested in the central authority in reference to the elections.

Guardians are elected by the respective parishes comprised in the union. The county council is empowered [5] to fix or alter the number of guardians to be elected for each parish, and also to add small parishes to each other,[6] and to divide large parishes into wards,[7] for the purpose of election.

If the union is in more than one county, the power of fixing or altering the number of guardians and of combining parishes rests with a joint committee of the councils of the counties concerned, subject, however, to a proviso that if objection is taken by one of the county councils, the order shall require confirmation by the Local Government Board.[8]

[1] 59 Geo. III. c. 12, s. 7; 2 & 3 Vict. c. 84, s. 2; 42 & 43 Vict. c. 54, s. 1. The assistant overseers occupy the position of a collector and book-keeper. At the present time the duties of an overseer consist of little more than calculations and book-keeping.

[2] 7 & 8 Vict. c. 101, s. 62. See Collector of Poor Rate Orders (Glen, 'Poor Law Orders,' pp. 762 and 1066). In the 28th Annual Report of the Local Government Board, p. 486, the number of collectors of poor rates appointed under the Board's order is given as 2010. But under the Order of 7th September, 189[illegible], the Board's approval of the appointment or dismissal of collectors of poor rates is not required (29th Report of L. G. B., p. 36). See Guarantee Securities and Collectors and Assistant Overseers' Order (Glen, 'Poor Law Orders,' p. 831), with regard to the security to be given by these officers.

[3] 4 & 5 Will. IV. c. 76, s. 39.

[4] See p. 40.

[5] 56 & 57 Vict. c. 73, s. 60.

[6] 4 & 5 Will. IV. c. 76, s. 32; 7 & 8 Vict. c. 101, s. 66; 30 & 31 Vict. c. 106, ss. 3 and 15; 31 & 32 Vict. c. 122, s. 6; 33 Vict. c. 2, s. 1.

[7] 39 & 40 Vict. c. 61, s. 12; 45 & 46 Vict. c. 58, s. 8.

[8] 56 & 57 Vict. c. 73, s. 60.

Besides the elected guardians there are those co-opted under section (7) of the Act of 1894, which provides that the guardians may ct a chairman and vice-chairman, or both, and not more than two ıer persons from outside their own body, but qualified to be ırdians; and such persons become additional guardians and mbers of the board.

The total number of elected guardians in England and Wales in)6 was 23,166; and there were 570 co-opted guardians.[1]

I.[2] As regards the election[3] of guardians, we need here only ntion the chief points.

The voters are the parochial electors of the parish, namely, the sons (including women) whose names are on the Local Government gister and the Parliamentary Register of electors relating to the ish.[4] If it is divided into wards, the electors for each ward are se who are registered in respect of qualifications within the wards. elector may give one vote for each of any number of persons not eeding the number to be elected.

'o be qualified for election as guardian,[5] a person must either be a parochial elector of some parish within the union, or (2) e resided in the union during the whole of the twelve months :eding the election, or (3) in a borough, be qualified for election councillor for that borough.[6]

. person is disqualified[7] from being a guardian if he (*a*) is under ıty-one years of age, or is an alien who has not been naturalized; has within twelve months before his election, or afterwards, ived relief[8] or medicine at the expense of the poor rate; or (*c*) within five years before his election, or since it, been convicted ny crime and sentenced to hard labour without the option of a or has within such time been adjudged bankrupt or made a position with his creditors; (*d*) holds any paid office under the 'd of guardians; or (*e*) is concerned in the profits of any bargain ontract with them.

he elections are conducted in accordance with the Local

.ocal Government Board Return.

The following paragraphs are taken (by permission) from "The Guardian's e" (Knight & Co.).

3y s. 48 of 56 & 57 Vict. c. 73, each county council was empowered to ribe a scale of expenses for electors, and if it did not do this, the L. G. B. was rized to frame a scale. The L. G. B. Order on the subject was issued on mber 20, 1894 (see Glen's 'Poor Law Orders,' p. 185).

6 & 57 Vict. c. 73, s. 20.

ee ss. 20, 44, and s. 48; also L. G. B. Orders of January 1, 1898 (outside on), and January 21 (London), embodying rules for election (Glen, 'Poor Orders, pp. 1, 131).

a woman, a clergyman, or a dissenting minister, cannot possess the last-oned qualification, but is eligible if qualified under either (1) or (2). But sec. 43 a woman is not disqualified by marriage from being an elector, but nd and wife cannot both be qualified in respect of the same property.

ec. 46. If any person acts as guardian when disqualified he is liable to a f £20.

reatment in a hospital of the Metropolitan Asylums Board is excepted by 47 Vict. c. 35, s. 7.

Government Board's Order of January 1, 1898, embodying the following rules:—

Not later than the second Friday in March (or, if the first Monday in April is Easter Monday, the first Friday in March), the clerk to the guardians, who acts as returning officer, and under whose direction the whole proceedings are carried out, has to give public notice of election, with particulars as to the number and qualifications of the persons to be elected, and this notice must be duly affixed to the door of the workhouse and elsewhere. Before noon on the following Thursday any two parochial electors (as proposer and seconder) may send to the returning officer a written nomination of a candidate, in the prescribed form, and he is required to prepare and placard a statement of the nominations and of his decision as to the validity of each. If the number of valid nominations[1] does not exceed the number of guardians to be elected for the parish, the persons nominated are simply elected, and notice to that effect is given. But if the number of persons duly nominated is greater than that of the persons to be elected, the returning officer must, five days at least before the day of election, give notice of a poll. This takes place on the first Monday in April (or, if that is Easter Monday, on the last Monday in March). Voting is by ballot,[2] and the hours may be fixed by the county council, but so that the poll shall be open between 6 and 8 p.m. The returning officer declares the result[3] of the poll and gives notice of it to the candidates elected.

Every qualified person elected to the office of guardian must, unless exempt, accept the office by making the requisite declaration within one month after notice of election, otherwise he will be liable to pay to the guardians a fine of such amount, not exceeding £50, as the guardians by regulation determine; if they make no regulation, the fine is £20.

If, however, a person is disabled by mental incapacity or permanent bodily infirmity, he is exempt from the necessity of accepting office or paying a fine. Moreover, if a person has been elected without his consent to his nomination having been previously obtained, he is not liable to a fine for non-acceptance of office. A person who acts as guardian without having made the declaration, renders himself liable to a penalty of £20. The declaration must be subscribed before two guardians of the union, or before the clerk. Failure to accept office within a month creates a casual vacancy.

Under section 20 (6) of the Act of 1894, the term of office of a guardian is three years; and one-third, as nearly as may be, of every board of guardians is to go out of office on the 15th day of April in each year; but the county council (or the joint committee, if the union is in two counties), on the application of a board of guardians, may direct[4] that all its members shall retire together on the 15th day

[1] If there is no valid nomination, the retiring guardians are deemed to be re-elected.

[2] Disputed elections are dealt with under 47 & 48 Vict. c. 70.

[3] 35 & 36 Vict. c. 33.

[4] An Act of 1900 (63 & 64 Vict. c. 16) authorizes the county council to rescind such directions and to make other provision as to retirement of guardians.

of April in every third year; and in cases where this arrangement is already in force, under an order of the Local Government Board, it will continue, unless the county council or joint committee, on an application from the board of guardians, otherwise direct.

The plan of one-third retiring annually is found in practice to work better than the other. It provides for continuity of administration, whereas the appointment of a board mostly composed of new members may produce a sometimes undesirable revolution in the conduct of business.

Under section 60, the county council or joint committee may, where one-third of the guardians retire annually, direct in which year or years of each triennial period the guardians for each parish, ward, or other area in the union, shall retire.

If any guardian desires to resign his office, it is necessary that he should tender his resignation to the Local Government Board, who may, under section 11 of 5 & 6 Vict. c. 57, accept it "for any cause which they may deem reasonable;" such, for example, as ill-health, or any special change of circumstances since the date of the original election. Where, however, no such cause can be shown, it is the practice of the Board to refuse to accept the resignation. This course is taken in order to save the parish the expense of repeated elections without adequate grounds.

If a guardian is absent [1] from meetings of the board for more than six months consecutively (except in case of illness or of active service [2] with militia or volunteers, or for some reason approved by the Board), his office becomes vacant; the vacancy must be declared by the Board.

On the occurrence of a casual vacancy, the person elected goes out of office at the time when the guardian in whose place he is elected would have gone out of office.

The chairman or vice-chairman, if elected under sub-section (7) of section 20 of the Act, will retire at the annual meeting in the following April. If not re-elected as chairman or vice-chairman, he ceases to be an additional guardian. The term of office of any other persons elected as additional guardians under the sub-section referred to is three years.

III. After the board of guardians are constituted, they have at their annual meeting, held as soon as convenient after the 15th of April,[3] to elect a chairman and a deputy chairman. Seven members are a quorum or one-third of the full number of members if less than twenty-one. All resolutions are decided by the majority. In cases

[1] Sec. 46.

[2] 63 & 64 Vict. c. 46, s. 2.

[3] The Local Government Board hold that the outgoing chairman is entitled to preside and exercise the right of giving a casting vote until the election of his successor, unless he was one of the guardians who went out of office on April 15; but if the outgoing chairman is no longer a member at the opening of the first meeting after April 15, a member has to be chosen as provisional chairman until the election of the chairman. Such provisional chairman has a second or casting vote if there is a tie for the chairmanship.

of equality of members present and voting, the chairman has a second or casting vote. The meetings, which take place on a fixed day (in towns generally weekly, in rural unions fortnightly), are not necessarily public, but reporters are in fact almost universally admitted.[1]

The course of procedure is regulated in detail by the regulations which the guardians are empowered to make as Standing Orders for the transaction of their business, and which supersede the provisions of Articles 28 to 41 of the General Consolidated Order of July 24, 1847. The clerk takes minutes of the proceedings, which are submitted for approval of their correctness at the next meeting. Extraordinary meetings are usually summoned on special requisition of two members, a provision to this effect being in Article 34 of the General Consolidated Order. But Standing Orders framed by the guardians may make whatever provision is considered desirable as to the conditions under which extraordinary meetings may be called together.

The board of guardians appoints committees of its members for certain specified objects, *e.g.* the Assessment Committee,[2] for purposes of valuation; the Visiting Committee, for supervising the workhouse;[3] the School Attendance Committee and the Finance Committee. And if any parish lies more than four miles from the place where the meetings are held, a district committee may, with the approval of the Central Board, be formed for such parish, to receive all applications for relief, to examine them, and to report to the board thereon.[4]

IV. The functions of the guardians may be divided into three classes.[5] It is the duty of the guardians—

(1) To decide upon all applications for relief and to take the necessary measures to carry out such decisions;

(2) To exercise a constant supervision with regard to the administration of relief, and the establishments in which paupers are maintained;

(3) To provide, as far as necessary, for the appointment of paid officers.

[1] See section 59 (1) of the Local Government Act, 1894, and the rules in the first part of the Schedule of the Public Health Act, 1875, empowering the guardians to make Regulations "with respect to the summoning, notice, place, management, and adjournment of their meeting, and generally with respect to the transaction and management of their business."

[2] 25 & 26 Vict. c. 103. See above, p. 187.

[3] 10 & 11 Vict. c. 109, s. 24, Arts. 148 and 149, of General Consolidated Order of 24th July, 1847. In the metropolis a dispensary committee has also to be elected: 30 Vict. c. 6, s. 39.

[4] 5 & 6 Vict. c. 57, s. 7, and District Relief Committees' Order (Glen, 'Poor Law Orders,' p. 1300). Such committees now exist in only about half a dozen unions. But in many others the guardians divide their board into two or more committees for the purpose of dealing with applications for relief, these latter committees being usually formed under a Special Order (Glen, p. 1296).

[5] We are here regarding the guardians exclusively in their poor law capacity. They have, however, a number of other functions. In rural districts they are, as district councils, the sanitary and the highway authorities; they have important duties as regards elementary education; they administer the Vaccination Acts; they appoint the registrars of births and deaths.

On these three functions, which we discuss elsewhere in detail, we ay here say a few words.

Undoubtedly the most important duty of the guardians is that of eciding upon individual applications for relief. They have in the rst place to determine whether the applicant is destitute, and, if so, hat kind of relief ought to be granted. In both respects, the report f the relieving officer affords the materials for a judgment. The lieving officer, to whom the application is generally made, and ho has also information as to any case in which the overseers have fforded relief either on their own account or under an order of the stices (see above, p. 212), must inform himself of the position and ircumstances of the applicant, and must report to the guardians ereon, both by filling up a prescribed form of queries and by ersonal attendance at the meeting of the guardians. As a general le, the applicant must also attend the meeting, in order that the uardians, by verbal inquiry, may satisfy themselves as to the correct- ess of the relieving officer's report.

In consequence of the strict enactments of the English poor law, nder which relief may be granted only to persons who are entirely stitute, there ought to be comparatively little difficulty as to the estion who is to be relieved. The more important question is at of the form of relief, since in this respect the guardians are free choose. It is only for certain specified cases, particularly as gards the able-bodied, that they are tied by fixed rules. Their scretionary powers with respect to the description of relief are tensive. They have to determine whether relief should be granted admission to the workhouse in cases where this is not expressly escribed. As regards relief outside the workhouse, they have to cide whether it shall be in money or in kind. Finally, they have equently to settle whether the person relieved is to be sent to this that establishment—a question which, especially in the case of ildren, often presents difficulties.[1]

When relief has been granted, the guardians have the further nction of supervising its administration. In the case of indoor lief, this duty falls on the visiting committees, who are appointed r schools, infirmaries, &c., as well as workhouses. The reports of l such committees are presented and read at the meetings of the ards of guardians, and are discussed as regards any points in the anagement of the workhouse or the treatment of the paupers hich may require alteration, or as to which directions are necessary. ith regard to outdoor relief, a constant supervision is exercised, wing to the fact that it is granted only temporarily, and, as a rule, for ot longer than three months. All such cases are therefore brought efore the board periodically, and the relieving officer has to report fresh as to the destitution and circumstances of the applicant.

Finally, the board of guardians has the important duty of appoint- ng the necessary paid officers. We have already pointed out that lthough the Central Board has the right to reject the nominees

[1] See below, chapter iv., s. 4.

of the guardians, and therefore to control the appointments, yet in practice this right is rarely exercised; and the selection of the paid officers, on whose efficiency and capacity the character of the administration mainly depends, is in effect left to the local authorities.

To this account of the duties of boards of guardians we may add a few observations as to their composition.[1]

Of what elements is the board of guardians composed?

In our historical account of the development of the poor law, we have pointed out that a large proportion of the abuses discovered by the Royal Commission of 1832 was due to the fact that the upper classes held aloof from poor law administration, which was then exclusively in the hands of the overseers, and that it was consequently controlled by unsuitable persons, such as small shopkeepers. It is therefore important to know whether this is still the case.

It is true that if the composition of a local authority is bad, the result is much less important than it was before 1834. The guardians are bound by stringent orders and regulations to observe the prescribed rules, and compliance is secured by the establishment of auditors and inspectors and by the powers of the Central Board, so that there is little scope for maladministration. On the other hand these restrictions on the local authorities may involve a danger which is not to be disregarded, that the best men may hold aloof even more than when the discretionary power was almost unlimited. This danger is intensified by the fact that the honorary office of guardian is entirely voluntary, while scarcely anybody is exempted from serving that of overseer.

From all these considerations, it might possibly be inferred that the board of guardians, limited in its powers, fettered by its numerous paid officers, and elected under a franchise which, if no longer irrationally restricted to a privileged few, is open to the different objection that it may be controlled by the very classes of whom the applicant for relief form part, would be inferior to the overseers (as they once existed), who were appointed at the discretion of the justices.

But this is not so. It may indeed be said that while the composition of the boards of guardians elected under the Act of 1834 was

[1] I am quite aware that general observations are dangerous, because they are often only true to a limited extent; and it is always possible to find particular instances which controvert them. Moreover, I cannot pretend, in this case, to base my opinion on a knowledge of the whole of the English poor law organization. Of course the 647 boards of guardians are variously composed, and there are corresponding differences as to the estimation in which the position of guardian is held. Nevertheless, I believe that my conclusions are of value as giving a correct notion of a foreign institution. They are based on personal information from officials of the Local Government Board and others who have had practical experience in poor law administration. Moreover, I have endeavoured to form an independent judgment by attending the meetings of the board of guardians of a very poor but admirably administered metropolitan union. I avail myself of this opportunity to express my thanks to the guardians of the Whitechapel Union for the permission which they were kind enough to give me to attend their meetings and have access to their books and papers.

surprisingly satisfactory, it has not deteriorated since the extension of the franchise in 1894. In rural districts the bulk of the members are usually tenant farmers of repute, in towns they are partly respectable tradesmen, who sympathize with their poorer neighbours, partly young and energetic men who desire to take part in public life. In addition to these there are generally some special representatives of the working classes, with a fair sprinkling of clergymen, retired officers, and men of leisure and independence.

These good results are mainly due to two causes; in the first place to the organization of private charity, which has been steadily progressing of late years; in the second place, to the transfer to the board of guardians of a number of other important functions. It is owing to this latter circumstance that the post of guardian affords the most suitable and efficient training for high political offices. It has sometimes been known to lead the way to a seat in Parliament.[1] And while men are thus attracted who take an intelligent interest in general politics, the Charity Organization Society and its disciples supply guardians whose special interest lies in the application of proper principles to poor law administration. That society, in order to bring about a co-operation of private charity with public relief, has taken pains to secure the election, as guardians, of men who, by their strict adherence to the principles recognized as properly governing public relief, define the field for private charity, and thus indirectly act in its interests.

It was through the efforts of the Charity Organization Society that one special class of persons, whose aid in poor law administration is of the greatest value, originally obtained admission to boards of guardians. It was in 1875, in the metropolitan district of Kensington, that a woman was first elected as guardian. In 1877 there were three female guardians in the metropolis, and two in the provinces. In 1881 a society was formed in London "for promoting the return of qualified women as poor law guardians," and similar societies were soon established in Bristol, Birmingham, and Brighton. Owing to this movement the number of female guardians rose to 44 in the year 1884, of whom 14 were in London, 5 in Birmingham, and 4 in Bristol.

But the legal impediments to the election of women as guardians, especially the requirement of a separate assessment of not less than £40 to the poor rate, practically shut out most of them from becoming candidates under the old system, and it was not until the passing of the Act of 1894 that they were returned in considerable numbers. At the present time (1901) there are about 1,000 female guardians, the proportion being thus approximately 4 per cent. of the whole.[2]

[1] See the speech of Sir Charles Dilke, when President of the Local Government Board, at the Poor Law Conference at Macclesfield in 1884, in which he describes the post of guardian as supplying "the best possible training of a man for the service of the State in its highest capacities" (*Times*, 10th October, 1880).

[2] Three hundred and fifty-five unions have (1901) elected women, and 292 unions are solely represented by men. In London 28 out of 31 unions have returned 111 women as against 97 at the previous election.

Their co-operation in poor law administration has every been most valuable, and the Reports of the Local Govern Board bear ample testimony to their usefulness.[1]

SECTION VII.

PAID OFFICERS.

Of the large class of paid officers, there are two who de special mention, on account of the importance of their duties the clerk and the relieving officer.

I. Every union must have a clerk. In many large districts is also an assistant clerk. The duties of the clerk may be clas as follows:—[2]

1. The clerk makes minutes of the proceedings at the meetir the board, all letters go through his hands, and he has to k number of prescribed books and accounts. He is the secret the board, and conducts the entire correspondence; his atten at their meetings is absolutely necessary; and all accounts, retu the Central Board, &c., must be countersigned by him. The important books which he keeps are the General Ledger, in

[1] On this subject Mr. Preston-Thomas writes as follows (30th Report of L. p. 125) in deploring that the social climate of his district in the West of E appears to be "unfavourable to this particular flower of administration:—'

"I should like to see several ladies on every board of guardians. The of their work can scarcely be over-estimated, especially with regard to the cl and the sick. For girls brought up in the workhouse, it is of the g importance, not only that they should have somebody to see that they get training, but that they should in their general friendlessness have some o will look into their grievances and sympathize with their troubles, will s pains in getting them suitable places, and will continue to take an interest i when they go out into that world of which most of them know so little. too, often give a helping hand to the unfortunate young women who com workhouse for child-birth, and who, though not as yet beyond reclamati likely to sink to the lowest depths for want of friendly aid. The wor officers, again, who in many instances are somewhat secluded from the world, heartily welcome tactful visitors who frequently show them little atte enter into their difficulties, and cheer them in their monotonous work. E in the ordinary business, there are many matters as to which it is desirable t the woman's point of view, and female guardians often exercise a very s influence on the tone of the proceedings of their board. Of course, if, as times happens, a woman gets elected from motives of personal vanity, if gushing, impulsive, without much ballast, and with no care to instruct he the principles and practice of poor law administration, she may give a gre more trouble than a man. A man generally has his own avocation, a devote a comparatively small time to his public duties, but ladies ofte infinite leisure, which when judiciously employed is most valuable, bu misapplied may do much harm. The wrong sort of woman has some terrible capacity for adding acrimony to debates by inflicting pin-pricks precise psychological moment when they are most irritating."

[2] See Glen's 'Poor Law Orders,' General Consolidated Order of 24t 1847, Art. 202; Amendment Order of 26th Feb., 1866, Art. 3; General O Accounts of 14th Jan., 1867, Arts. 15, 16, and Arts. 25-35; General Order Feb., 1877 (Election of Guardians); and Amendment Order of 14th Jan (Duties of Clerks).

l receipts and disbursements must be entered under the proper eadings; the Relief Order Book, in which are recorded the names of all applicants for relief, with the decision of the guardians on each case; and the Order Check Book, which contains all orders given by the guardians for provisions, stores, repairs, and the form of invoice relating thereto. The clerk has also to enter half-yearly, in a Pauper Classification Book, the number of persons relieved during the half year, classified in the prescribed form. The information for this purpose is to be derived from the special books kept by the other paid officers, especially the relieving officer and the master of the workhouse, viz. Outdoor Relief List, Indoor Relief List, Non-resident Poor Account, Medical Relief Book. It is also embodied by the clerk in the half-yearly statistical and financial statements which he has to forward to the Central Board. He also has to transmit to the general inspector for the district a weekly return of the indoor and outdoor pauperism.

2. The books to be kept by the other paid officers, especially by he relieving officer and the master of the workhouse, are to be submitted to the clerk before each meeting of the guardians, who has to heck them, and thus exercises some supervision over the accounts nd book-keeping of such officers.[1] This is particularly important as gards the relieving officer's Outdoor Relief List, and Receipt and xpenditure Book, and the workhouse master's Day Book and eceipt and Expenditure Book, which have to be compared with the ooks kept by the clerk, especially the Relief Order Book, and the rder Check Book. The clerk has to certify the accuracy of the ntries, and to report thereupon to the Board. He has also to make e necessary preparations for the half-yearly audit, and to take care at all books subject to audit are balanced in due time, are produced nd are open to the inspection of the ratepayers.

3. The clerk is the legal adviser of the Board, and as such has to present it at the sessions. He has to take the necessary steps obtain Orders of Removal or Orders of Maintenance; and to osecute persons who have deserted their families, &c.[2] He has frame contracts and other instruments, and to draft the communications sent by the guardians to the Central Board. For these duties can only charge his expenses out of pocket, and is not entitled receive any special remuneration,[3] except for proceedings at the Sizes, or quarter sessions, or in the superior courts.

4. The clerk conducts the election of the guardians. He has to epare the list of voters, to distribute and collect the voting papers, nd to declare the result.

5. He also acts as clerk to the Assessment Committee, and receives r his services in that capacity special remuneration which is annually

[1] All books, accounts, and papers of the board are in the custody of the clerk.
[2] 7 & 8 Vict. c. 101, s. 68. It is a special part of the clerk's duties to ascertain e settlement of paupers, to advise the guardians on the question of removal, and conduct the correspondence with the unions liable.
[3] 25 & 26 Vict. c. 103, s. 10.

voted by the committee but receives the sanction of the Local Government Board.

It will be seen that the clerk has very important duties, for the performance of which some legal knowledge is specially necessary.[1] It is therefore a general, though by no means universal, practice to appoint a solicitor.

The salary varies considerably in different unions. In the metropolis it averages from £300 to £450, in the provinces it is of course smaller.[2] The office of clerk is not only important as regards his prescribed functions, but is made more so by the circumstance that he represents the permanent element, while the board of guardians is a changing body, so that his greater legal knowledge and experience of the business enable him to exercise a powerful influence.

II. The relieving officer occupies an entirely different position, but one which is scarcely of less importance. While the clerk is required to give the guardians authoritative information as to the requirements of Acts and Regulations, it is essential that the relieving officer should be able to form a correct judgment on the actual circumstances of each case, and investigate it with skill and energy. It is the relieving officer who stands in direct and permanent relation with the poor, and it is therefore of importance that he should be able to understand their circumstances, and also that he should occupy a position of authority with regard to them. While the clerk is by preference selected from the rank of solicitors, the relieving officers are often recruited from the class of pensioned soldiers who come from a stratum of the population not very far removed from that which supplies most of the paupers; who have in their military training become accustomed to the exercise of authority, and to the precise performance of duty. It is necessary that they should have acquired a certain amount of education; for every relieving officer must be able to read, write, and keep the rather complicated accounts which are prescribed.[3]

The duties of the relieving officer are as follows:[4]—He has to receive all applications for relief made to him within his district, to examine into the circumstances of every case by visiting the house of the applicant, and to make inquiry as to his means, his ability to work, and his state of health. In cases of sudden and urgent

[1] The general qualification for the post is that the clerk should be at least twenty-one years of age, and should give two sureties for the performance of his duties.

[2] But in most cases the clerk holds other offices, viz. such as that of Superintendent Registrar, which add very considerably to his emoluments.

[3] As I was informed by Sir Walter Sendall, when Assistant Secretary to the Local Government Board, it is the general opinion that ex-soldiers make the best relieving officers. As the post is very attractive, not only on account of the salary, but also because it is permanent, and dismissal is only possible with the assent of the Central Board, there are always plenty of candidates.

[4] See General Consolidated Order of 24th July, 1847, Arts. 164, 215, 216, and General Order for Accounts of 14th Jan., 1867, Arts. 23, 24. At the General Poor Law Conferences of 1884, the chief subject of discussion was the "Duties and Practice of Relieving Officers."

cessity, he is to afford such relief as may be requisite, either by an der of admission to the workhouse or by relief in kind, but not in oney. In any case of sickness or accident he must procure medical sistance. He attends all ordinary meetings of the guardians, and ports all applications for relief, and the relief granted. For this irpose he has to submit to them his Application and Report Book, which must be entered, in the prescribed form, every application r relief, and all particulars with regard to it. The relieving officer ust be prepared to make suggestions to the guardians as to the rm and amount of relief which may appear suitable. He has to ve his opinion on the important question whether the applicant is be regarded as able-bodied, and must report whether there are lations who can be required to maintain him.

When the guardians have decided on the relief to be granted, the lieving officer has to take the necessary steps to carry out their cision. If outdoor relief is allowed, the case must be entered on the outdoor relief list. All persons upon this list must be visited him at their dwellings at proper intervals, and he must ascertain ether their circumstances have changed, and, if necessary, report the guardians on the subject. He must pay all money allowances the prescribed manner and at the proper periods,[1] and must keep account, in the Receipt and Expenditure Book, of all moneys ceived and disbursed by him.

The above are the most important duties of the relieving officers.[2] ey are not only laborious but of a very responsible character. In s latter respect it must be remembered, on the one hand, that the ieving officer is liable to criminal proceedings if he refuses or ays relief to a person to whom it ought to be given, and on the ier hand that he is personally responsible for any expenditure ich is contrary to the Acts or Regulations. It is his duty to amine all orders of the guardians, and only to carry out those ich are in accordance with the law.

It is the practice for the guardians to appoint "pay-stations," at which plicants may attend at a fixed time (usually once a week) to receive relief (see cular of Poor Law Board of 9th Dec., 1868, Glen, p. 456). The system has n attended with many drawbacks, although the so-called "pay-tables" are no ger allowed to be in public-houses. The best plan would be to give the ief in the house of the pauper, since an effective control over the person relieved uld thus be established. If this course were not practicable everywhere, it ght at any rate be adopted without difficulty in thickly-populated unions, and rtainly in towns. There could be no objection in this case to the co-operation benevolent organizations, especially the Charity Organization Society; for if e payment of relief were entrusted to voluntary helpers, they would often have opportunity of aiding the pauper by advice and information, and would thus do re than merely pay over to him a certain sum. In my opinion, there is here a ovince in which the co-operation of public relief and charitable societies might fully be secured.

[1] The relieving officers have many other functions besides those enumerated. y have to look after children apprenticed and boarded-out within the union the guardians; to take the necessary steps as to lunatics not suitably cared for; elp the clerk in the conduct of elections; and generally "to execute all lawful rs and directions of the guardians."

The relieving officer is, in fact, the person on whom rests the largest share of responsibility, and whose work exerts the most influence for good or evil on the poor law administration. For this reason it has of late been considered proper both to increase the remuneration of these officers, and, by augmenting their number, to secure a more thorough performance of their duties.[1] The ordinary salary of a relieving officer in the metropolis is now £150, rising by £10 quinquennially to a maximum of £200.[2] The total number of relieving officers is 1,685,[3] and there are 380 assistant relieving officers, of whom, however, 279 have only the small function of issuing orders of admission to casual wards. On an average there are two or three relieving officers in each union. The number varies according to the size, population, and other circumstances of the particular unions; Islington has 11, Hackney 13, St. Pancras 9, while in the country some unions have only a single relieving officer. It is calculated that each officer has on an average from 250 to 300 cases upon his outdoor relief list.[4]

With regard to the appointment of a second relieving officer in a union, there were at first some doubts and differences of opinion whether the second officer should be made the assistant of the first, or should have a separate district of his own. It has now been decided that the best plan is to give each officer a separate district, for which he is solely responsible.[5]

III. As regards the other paid officers, it is unnecessary to say anything here.[6] We have already discussed the duties of some of them, *e.g.* the assistant overseers and the collectors, and in our account of special branches of the poor law we shall refer to others, such as the workhouse officials, the workhouse medical officer, and the district medical officers, who dispense outdoor medical relief.

A list of paid officers, with the number of each class, has been already given (p. 193). The total number of those whose appointments come under the cognizance of the Local Government Board

[1] In a recent case in the Redruth Union, where the L. G. B. held the number of relieving officers to be insufficient, and where the guardians refused to increase it voluntarily, an order was issued (October 19, 1901) requiring the appointment of an additional officer. This order (which is made under sect. 46 of the Poor Law Act, 1834, and is enforceable by *mandamus*) is interesting as affording the first instance of compulsion being exercised in this matter.

[2] 12th Annual Report of the Local Government Board, p. xxxviii.

[3] Of this number twelve are superintendent relieving officers, and many others, in large unions, are charged with the general supervision of the relief staff, and are not assigned to particular districts.

[4] See p. 92, note 1.

[5] See Longley (p. 200) in the Report already quoted.

[6] The treasurer of the union occupies an intermediate position between a paid and an unpaid officer. All sums due to the guardians by overseers and others are paid to him. He has to bank this money, to honour their cheques, to keep a book of receipts and disbursements, and to submit the accounts to the auditor. He is usually not directly paid, but has the use of the funds placed in his hands, and is remunerated by the interest. (See General Order of 24th July, 1847, Arts. 174 and 203.) In some instances, indeed, he undertakes to pay interest to the guardians for any sum which he may hold in excess of an amount agreed upon.

amounts to nearly 21,000; and the remuneration of the whole (including subordinates) to nearly two millions sterling. At first sight this is alarming, according to German notions. But it is necessary to remember the difference between the two countries as regards money and the general height of salaries. In Germany the same number of officers, with corresponding qualifications, might be obtained for much less. Moreover, in any comparison, it should not be forgotten that voluntary sacrifices of time and labour in the province of poor relief represent a considerable money value, and must be taken account of. But even if, after making allowances of this kind, we find that the English system costs more for administration than any other, too much importance should not be attributed to this fact. If the poor law system is regarded as a public matter to be dealt with in the interests of the State and the community, the main question in estimating its value is, how far does it accomplish the objects which are recognized as those of efficient relief administration. The consideration how we can most cheaply purchase immunity from the evils attending pauper relief, belongs to a period antecedent to the establishment of the present system. The more the system is based on wise principles, and the more it rests on considerations of the welfare of the community, of the importance of preventing additional pauperization, and of lessening the number of paupers in future generations, the more will the mere question of the cost of the current administration be thrown into the background.

Notwithstanding the steady decrease of out-relief, there has been, on the whole, an augmentation of the total poor law expenditure. All the modern improvements, the introduction of which we have mentioned in our account of the historical development of the poor law, had for their immediate result an increase of the costs of administration. This was so as regards the new establishments for the sick and those for children. Indeed, it is in the best administered establishments that the costs of administration are the highest; that the staff of nurses for the sick and of attendants for the imbeciles is most ample, while the children are brought up in such manner as to give them the best chance of quitting the ranks of pauperism. Additional expenditure for such objects as these may do more than absorb the saving effected by the reduction of outdoor relief. But the community gains by becoming dispauperized.

CHAPTER IV.

PARTICULAR BRANCHES OF THE POOR LAW.

SECTION I.

OUTDOOR RELIEF.

HAVING previously stated the principles of the English poor law, we may now describe the chief branches of relief, in order to give an idea of the practical working of the system. Relief is of two kinds, indoor and outdoor, in institutions or at home. Indoor relief is granted in workhouses, infirmaries, asylums, hospitals, schools, and training-ships;[1] everything else is outdoor relief.

We proceed to specify the different kinds of outdoor relief.[2]

[1] Here it is necessary to mention one fact which must be again referred to in discussing statistics of pauperism, viz. that in the general statements as to the English poor law system, the lunatics, if in special asylums, are classed as out-door paupers, while they appear as indoor paupers if received into the workhouse. It seems clear that this classification is unreasonable. Although Mr. Goschen commented on the fact in the Report made by him in 1870 as President of the Poor Law Board (24th Annual Report, p. xiv.), no alteration has yet been made. The difficulty of employing the statistics of pauperism is thus sensibly aggravated. We shall have to mention other circumstances which also show the need of great caution in deducing any conclusions from the figures published. England, which produces a larger quantity of statistics than any other country, has no central statistical department for their collection and verification. They are compiled by particular branches of the administration in accordance with traditional methods, frequently with a view to their employment for parliamentary purposes. There is no guarantee for a really scientific treatment of the subject. We do not for a moment deny, however, that among English parliamentary papers there is a great mass of excellent statistics; and with regard to the poor law we have already mentioned that Mr. Goschen, as President of the Poor Law Board, gave us much to be thankful for in this particular, while very substantial improvements have been made of late years.

[2] By way of elucidation of the text, we may here mention certain points in addition to the details given elsewhere on this subject. Outdoor relief can be granted to an able-bodied person only in exceptional cases, or under specified limitations (Outdoor Relief Prohibitory Order, and Outdoor Relief Regulation Order, see p. 165). Relief is distributed by the relieving officer either at the houses of the paupers or at appointed pay-stations on specified days, generally once a week (see p. 225, note 1), and the relieving officer has to keep an Outdoor Relief List of paupers relieved outside the workhouse. The persons entered in this list have to be periodically visited by the relieving officer. Outdoor relief is afforded only temporarily, ordinarily for not more than three months, so that the respective cases may be periodically brought to the knowledge of the board of guardians (see p. 219). Finally, all outdoor relief may be granted by way of loans, for the recovery of which there are special provisions, and this method is frequently employed (see p. 141).

Relief outside the workhouse may be in money or in kind. There is no general legal enactment as to which alternative should be adopted, or as to the relative proportion of these two kinds of relief. The practice varies much in different districts, and in the north of England the amount spent on relief in kind is insignificant. The Central Board in its Annual Report has frequently drawn attention to the advantage of giving relief in kind rather than in money. But of late years the tendency has been in the opposite direction, and whereas, in the year 1882–3 the total value of relief given in kind was about 13 per cent. of that given in money, in 1898–9 the proportion was only 7 per cent.[1]

There are only two cases in which there is any legal restriction on the grant of relief in money: (*a*) when in pressing cases temporary relief is given outside the workhouse by the relieving officer or by an overseer, before the definite decision of the board of guardians, it must be in kind or by the provision of medical assistance; (*b*) in districts in which the Outdoor Relief Regulation Order is in force, if relief outside the workhouse is given to able-bodied men, at least half must consist of food or firing, or other articles of absolute necessity other than money.

As regards this last case, there is, as already stated, a special condition as to the grant of outdoor relief to able-bodied men. The pauper has to be set to work by the guardians,[2] and to be kept employed as long as he receives relief. The guardians of the union concerned are required within thirty days to report to the Central Board the place where the able-bodied men relieved outside the workhouse are set to work, in what way they are employed and supervised, what are their hours of labour and the amount of their task. For the supervision of the work a special official, the Superintendent of Outdoor Labour, may be appointed, who, unlike most other poor law officials, is only appointed for a limited time, and may be discharged, if no longer wanted.[3] It is to be remarked that the introduction of the labour test,[4] in place of the workhouse test, was mainly due to the necessity of providing for exceptional periods of widespread destitution, in which the workhouse would be insufficient for the reception of all the able-bodied (*e.g.* when there is a labour crisis in the manufacturing districts or in the metropolis).[5]

[1] See 29th Annual Report of L. G. B., pp. 438 and 445.

[2] If the pauper refuses to perform the prescribed task, or wilfully neglects it, or wilfully destroys the material entrusted to him, he is to be treated as an idle and disorderly person, and to be punished in accordance with 5 Geo. IV. c. 83, 7 & 8 Vict. c. 101, s. 59, and 29 & 30 Vict. c. 113, s. 15.

[3] See Seventh Report of the L. G. B., where (App. p. 217) are stated the conclusions of the Manchester Guardians as to this matter. See also in the same report, p. 51, the L. G. B.'s answer to the application of the Poor Law Conference for the issue of more stringent regulations as to the grant of outdoor relief.

[4] See also the Labour Test Order (Glen, 'Poor Law Orders,' p. 522), under which some unions where the Outdoor Relief Prohibitory Order is in force may grant relief outside the workhouse to able-bodied men.

[5] See Circular of the L. G. B. of November 14, 1892 (Glen, 'Poor Law Orders,' p. 214), suggesting the mode in which, in times of acute depression of trade

In fact, if we except extraordinary circumstances in which the strict application of the workhouse principle is impossible, very little use is made of the labour test. Of late years those districts in which the Outdoor Relief Prohibitory Order has not been introduced have for the most part voluntarily adopted its principles, and have refused relief to the able-bodied except in the workhouse. Thus the provisions as to the labour test mainly apply to exceptional cases of necessity where special measures are demanded. In such cases some public work is ordinarily taken in hand, and where possible the co-operation of the municipalities and district councils is secured, so that boards of guardians may be able to refer to them, for employment on such undertakings as may be set on foot under their control, such able-bodied applicants for relief as it is desirable to save from the stigma of pauperism.

A special poor law charge, analogous to outdoor relief, used to consist in the payment of school fees for poor children. By the Education Act, 1876, parents unable to pay these fees on account of poverty were authorized to apply to the Board of Guardians to do so; and relief of this character did not pauperize them, nor limit their choice of school. But the passing of the Education Act, 1891, under which fees in public elementary schools have been generally (though not universally) abolished, has almost entirely put an end to these grants.

There is an increasing charge for the children who are boarded out instead of being lodged in the workhouse or placed in separate establishments. This boarding-out system will be described in detail in connexion with the other modes of dealing with pauper children. It is only mentioned here because it is included in the statistical accounts as a branch of outdoor relief.[1]

With regard to the cognate matter of apprenticeship, we may conveniently say something in this place.[2]

The apprenticeship of pauper children was formerly much more

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and want of employment, this co-operation between guardians and other local authorities can best be arranged. (This circular merely expands that issued by Mr. Chamberlain when President of the L. G. B. in 1886.)

[1] In the year ended Michaelmas, 1899, the charge for children boarded out was £74,111.

[2] Under the General Order for Accounts of June 14, 1867, Article 63, expenditure for the apprenticeship of pauper children is treated as in-maintenance, though the apprentices are outdoor paupers. Consequently, in-maintenance is not entirely included in the costs for the indoor poor, nor outdoor relief in those for the outdoor poor. This again shows with what caution the English poor law statistics must be used. We may also mention another provision of the same Article 63, under which the burial of paupers is charged as in-maintenance. The guardians may, under 7 & 8 Vict. c. 101, s. 31, pay the cost of burial of any poor person from the poor rate, whether such person has received relief inside or outside the workhouse or not. They are further empowered by 13 & 14 Vict. c. 101, s. 2, to contribute to the cost of obtaining or enlarging burial grounds, and may also, under 18 & 19 Vict. c. 79, secure burial places for paupers by arrangement with neighbouring districts and with cemetery companies or burial boards. With regard to the cost of burial of pauper lunatics, special provisions are contained in 18 & 19 Vict. c. 105, ss. 11-13, and 25 & 26 Vict. c. 111, s. 9.

common, and was a more important branch of the guardians' duties than is the case now. This change is mainly due to the fact that, owing to the introduction of compulsory education, it is no longer possible to apprentice children so early as formerly. It used to be the most simple and ordinary way of relief to apprentice poor children when very young, and this system was encouraged by a legal obligation upon masters to take such apprentices.[1] At present, when this obligation no longer exists, and when school attendance is compulsory, the whole subject of pauper apprenticeship has fallen into the background.

The existing regulations, contained in Arts. 52–74 of the General Order of 24th July, 1847, are as follows:—[2]

Poor children between nine and eighteen years of age may be bound as apprentices by the guardians. If the age is under sixteen, the consent of the parent is necessary; if over fourteen, also that of the child. In the case of a child under fourteen a medical certificate is required that the child is physically suited to the trade in question. The child must also be already able to read and at least to write his name. The indenture of apprenticeship is to be in a prescribed form and for a period not longer than eight years. The person with whom it is entered into must be a householder assessed in his own name to the poor rate, not under twenty-one years old, nor a married woman, and must live within 30 miles of the child's place of abode. If a premium is given by the guardians, part must consist of clothes and part of money, one moiety of which is to be paid on execution of the indenture, and the residue after one year. In the case of apprentices over sixteen years of age, the premium is ordinarily to consist only in the supply of clothes. For apprentices over seventeen the guardians are to provide for the payment of wages by the master to the apprentice. The master is bound to instruct the apprentice in his trade and to provide him with food, clothes, lodging and medical attendance when required. A special register of apprentices is to be kept,[3] and the carrying out of the contract is to be insured by periodical inspections of the apprentices, for which a special officer may be appointed.[4] If the master does not observe the conditions of the indenture, it may be determined by the guardians, and if he neglects the apprentice or otherwise treats him badly, the guardians may institute proceedings for the offence.[5]

But under an Order of the 15th February, 1898, the Local

[1] The fact that a settlement was acquired by apprenticeship, and that by putting out the children as apprentices in other districts the guardians had an easy and cheap way of disburdening themselves, also operated in favour of the apprenticeship system. At the present time, when a year's residence constitutes irremovability, this consideration has lost its force. Compulsory apprenticeship was abolished by 7 & 8 Vict. c. 101, s. 13.

[2] See Glen, 'Poor Law Orders,' pp. 242–249, and 7 & 8 Vict. c. 101, s. 12. With regard to the previous law, see 43 Eliz. c. 2; 2 & 3 Anne, c. 6; 18 Geo. III. c. 47; 42 Geo. III. c. 46; 56 Geo. III. c. 139; 4 Geo. IV. c. 29 and 34.

[3] 42 Geo. III. c. 46; 7 & 8 Vict. c. 101, s. 12; 14 Vict. c. 11, s. 3.

[4] 14 Vict. c. 11, s. 4; 39 & 40 Vict. c. 61, s. 33.

[5] 24 & 25 Vict. c. 100, s. 26.

Government Board have taken power to sanction a departure from any of the foregoing regulations; and it is understood that this power will be freely exercised when necessary so as to adapt the conditions to modern requirements.[1]

Apprenticeship to the sea-service is regulated by the Merchant Shipping Act, 1894 (ss. 105–108), and the same Act (ss. 392–398) makes special provision as to apprenticeship to the fishing-trade.[2] In this occupation many workhouse boys have been successful, and some are even commanding their own vessels. A large number, too, have found an excellent career in the Royal Navy.[3]

An important branch of outdoor relief is the medical treatment of poor persons outside the workhouses, and the supply of medicine to them (Medical Outdoor Relief). We shall hereafter enter into details on this head in discussing the system for dealing with sick paupers.

We must, however, treat here of the relief which is given by the guardians from the poor rates for the emigration of paupers. The guardians were empowered[4] by the Act of 1834, to spend money or contract loans, with the approval of the Central Board, for the emigration of poor persons who had become a burden on the rates. This power, however, was fettered by various limitations. Relief for emigration might only be given to those having a settlement in the district. The expenditure must be sanctioned by a majority of the owners and ratepayers at a meeting specially called for this purpose; the sum expended must not exceed half the average annual poor rate in the last three years, and in case a loan is raised it must be paid back within five years.

Subsequent legislation has diminished these limitations. Relief for the purpose of emigration may now be given, not only to persons settled in the union, but to those who, though not so settled, could not in accordance with the law be removed in case of their destitution;[5] and also to orphans or deserted children under sixteen years who have become chargeable to the union, and whose settlement is unknown or is not in England.[6] Moreover, it is no longer necessary that there should be a preliminary sanction by owners and ratepayers, since the substitution of union for parochial chargeability

[1] Glen's 'Poor Law Orders,' p. 1256.

[2] See Circular of L. G. B. of March 2, 1895, and extract from the Report of Mr. A. D. Berrington and Mr. J. S. Davy on "An Investigation of the Fishing Apprenticeship System" (Glen's 'Poor Law Orders,' p. 255).

[3] With regard to entrance into the Royal Navy, see the regulations in Glen's 'Poor Law Orders,' p. 245, under which boys may be admitted into the Royal Navy from their fifteenth year. The Admiralty endeavours as much as possible to encourage the admission of such boys into the Navy. In the year 1900, 115 boys entered the Royal Navy from the *Exmouth* training-ship alone, in addition to 145 from the same ship who took service in the Mercantile Marine and 93 who joined the Army (30th Report of L. G. B., p. lxxxix).

[4] 4 & 5 Will. IV. c. 76, ss. 62, 63; 7 & 8 Vict. c. 101, s. 29.

[5] 11 & 12 Vict. c. 110, s. 5; 24 & 25 Vict. c. 55, s. 9; 28 & 29 Vict. c. 79, s. 8.

[6] 13 & 14 Vict. c. 101, s. 4.

the effect of removing the restrictions as to cost which were
ily in force.[1]

iere is still the provision in the Act of 1834 to the effect that
or emigration requires the approval of the Central Board,
ius has to decide as to each individual case.

Board has in general required that explicit information (in
ibed form) should be supplied with regard to each person
emigrated, the expenditure involved, and the country of
ion. It is to be specially remarked that the Board, at the
of the United States of America, now refuses to sanction
on to those States at the cost of the poor rate. As regards
ling of pauper children to Canada, there are a number of
regulations. The emigration of pauper children to that
iad, since 1870, attained comparatively large proportions in
ence of the action of two ladies, Miss McPherson and Miss
Accordingly the Central Board thought proper to make
inquiries as to the condition of these children, and in 1875
ir inspector, Mr. Doyle, with this object to Canada. His
vas not very favourable, and specially represented the want
ble and systematic supervision. As a result, the Board
ently assented to the sending of pauper children to Canada
condition that proper measures should be taken for super-
iem, and the Canadian Government now undertakes to make
ispections of the children so sent, and to furnish reports to
rdians, who have, however, to make a preliminary payment
the cost of inspection.[2]

iumber of persons emigrated at the cost of the poor rates
ed much in different years. In 1852 it was 3,271; in 1871
) 893; and in 1878 it was only 23. In 1883 it was 429 (of
133 children and 95 adults were sent to Canada, 105 to
a, and 42 to the United States). But in 1900 it was only
whom all but two went to Canada.

e average about £14 a head was expended for the emigration
:en to Canada; and the whole sum spent from the poor rates
ration in 1900 was £2,639. The general opinion is that
rate should supply funds for the emigration of adults only
)tional cases; as it is thought that such relief may be left to
ial societies for the promotion of emigration, or to charitable
)ns.[3] The persons sent out at the cost of the poor rate are
:xclusively orphan or deserted children.

13 Vict. c. 103, s. 20.

Memorandum of the L. G. B. of April, 1888; 11th Annual Report, p. 50;
ılars of January and April, 1898, printed in 28th Report of L. G. B., pp.
The entire regulation, of which only the main points have been here
is a striking instance of the conscientiousness with which the Board
luties.

matter of fact, much more help to emigration is given by charitable
han by poor law authorities. For instance, the number of persons whose
n was paid for in 1900 by the "board of guardians for the relief of the
or in England" (a purely charitable institution) was 1038, so that from

Finally, we must mention one more kind of outdoor relief, the importance of which we are unable to estimate, as we have not been able to obtain particulars of any case in which it is actually in operation. By some of the older Acts,[1] the guardians, or the overseers and churchwardens, are empowered, for the relief and employment of the poor, to buy or lease land, up to fifty acres, in or near the parish, in order to set the poor to work; for the same purpose waste or common land may be cultivated with the assent of the lord of the manor and of the majority of the commoners. So, too, Crown land may be taken with the consent of the Treasury. The guardians or overseers may let such land to poor persons at a reasonable rent, on condition that it is maintained in proper cultivation; or, on the same condition, allotments from a rood to an acre in extent may be let to poor and industrious persons at a suitable rent, to be cultivated on their own account; but the erection of buildings on these plots is expressly forbidden.

SECTION II.

THE WORKHOUSE PRINCIPLE.

From the above account of particular branches of outdoor relief, it will be seen that it is a mistake to regard it, as many English and German writers do, as merely relief at home by means of a money payment. In English authors we often meet with the assertion that the great number of outdoor paupers, or the large amount spent on outdoor relief, proves that the workhouse principle, laid down by law, is little carried out in practice. Some conclude from this that the principle is generally impossible of application, while others here find reason to demand a stricter legal limitation of outdoor relief.

In the first place, we must remember that in the English laws and regulations the workhouse is prescribed as the ordinary mode of relief for able-bodied paupers only. With regard to others, the guardians are not limited in the choice of the kind of relief to be granted. It is certainly true that the efforts of the Central Board have been directed to extending the use of the workhouse as far as possible to some other classes of paupers also. But there neither has been nor

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this one source means were supplied for the emigration of more persons than from the poor rates in the whole of England and Wales. In the interesting 26th Annual Report of this society there is a statement of the principles upon which it is considered right to act as regards the provision of means of emigration. The first essential is that those sent out should be qualified for emigration as regards their physical condition and their general character; and help is generally given only when the applicant himself, or some relation or friend, contributes to the cost. Ordinarily the assistance granted does not amount to more than half the expense of emigration. Thus in 1900 the emigrants themselves contributed £1,825, out of a total cost of £3,776. This society prefers young unmarried men as emigrants, and sends most of them to America.

[1] 59 Geo. III. c. 12, ss. 12, 13; 1 & 2 Will. IV. c. 42; 1 & 2 Will. IV. c. 59; 5 & 6 Will. IV. c. 69, s. 4; 36 Vict. c. 19.

could be any intention of entirely abolishing outdoor relief. Particular kinds of outdoor relief are indicated as desirable and suited for further extension; for example, the boarding-out system, also certain contributions towards emigration. Nor has the entire abolition of medical outdoor relief ever been suggested. The tendency is, merely, to confine relief at home, so far as it consists in a money payment, to a minimum, and to substitute the workhouse for that particular kind of assistance.

The demand for the abolition of outdoor relief is only to be understood in this limited sense; how far the tendency has manifested itself in practical administration is not shown by the statistical returns of the number of outdoor paupers and the expenditure for outdoor relief, because they lump together the different kinds of outdoor relief, both those which some people want to abolish, and those against which nothing is to be urged. In the item "Outdoor Relief" a money payment at home is doubtless the chief factor, but it is impossible to find any definite figures as to the extent to which such relief is afforded. To the question in what degree does the workhouse principle come into practical application, we can only say that the statistical material supplies no clear answer.

Let us now examine this workhouse principle, and deal with the arguments urged for and against it.

I. In favour of the grant of relief by admission to the workhouse and against relief at home in money [1] it is urged :— [2]

(1.) When a person is admitted to the workhouse, the restrictions imposed on his liberty and his mode of life, and the strict discipline to which he is subjected, render his condition less desirable than that of the poorest independent labourer, and therefore the latter has an inducement to make what provision he can for the time when he may be out of work, or when age or illness may come upon him. But where outdoor relief is granted, not only is there no such inducement,

[1] For the sake of brevity, we here use "outdoor relief" as meaning only that part of such relief which consists in the supply of money or necessaries at home.

[2] The following extract from the Report of the Poor Law Commissioners for the year 1839, printed by Glen ('Poor Law Orders,' p. 264), may be of interest as embracing the different arguments in favour of the workhouse principle, though in form and sequence somewhat different from those employed by us: "By means of the workhouse and its regulations, it is in the power of the guardians and the commissioners to place the condition of the pauper actually at its level - to provide for all his wants effectually—and yet so as to make the relief thus afforded desirable to those only who are *bonâ fide* in need of it. This principle of the workhouse system is very well understood as respects the able-bodied labourers, and with very few exceptions the benefits which arise from its application are admitted and appreciated. . . . If the condition of the inmates of a workhouse were to be so regulated as to invite the aged and infirm of the labouring classes to take refuge in it, it would immediately be useless as a test between indigence and indolence or fraud. It would no longer operate as an inducement to the young and healthy to provide support for their later years, or as a stimulus to them, while they have the means, to support their aged parents and relatives. The frugality and forethought of a young labourer would be useless if he foresaw the certainty of a better asylum for his old age than he could possibly provide by his own exertion."

but there is the danger that by the grant of relief a directly demoralizing influence may be exerted on the rest of the working population. Many of them are obliged to be satisfied with the bare necessaries of life, and as even a poor law system must provide these, there is the risk that the independent labourer, seeing that his own efforts cannot bring him to a better position than that of a pauper, may lose all pleasure and interest in independent work.

(2.) The influence on the working classes also operates in another direction. In the grant of outdoor relief there is always the danger that the allowance may enable the pauper to work for less pay than other men, and that the general rate of wages may be thus unfairly lowered, and the operation of the laws of supply and demand be interfered with. This danger disappears when a pauper is received into the workhouse, where his labour may be employed for the establishment itself, or for other public objects, without exercising an unfavourable influence on the general rate of wages.[1]

(3.) As the admission of the pauper to the workhouse makes his position less desirable, it affords a security that relief will only be claimed in case of real destitution. The workhouse test affords an effective means, that is not available in the case of outdoor relief, of preventing the guardians from being imposed upon with regard to destitution. In outdoor relief there is always a risk that the applicant may by false pretences or by concealment of facts obtain assistance to which he has no right. Moreover, the admission of the pauper to the workhouse is an inducement to any of his relations who are in easy circumstances to fulfil their obligations towards him.

(4.) Admission to the workhouse is the only means of securing with certainty that the pauper shall be kept from starving. In the grant of outdoor relief there is always danger that it may be insufficient, and that if there is no help from any other source, the State may fail to fulfil its duty of preserving its citizens from starvation.

II. The arguments urged against the workhouse principle proceed from two different points of view:—[2]

(1.) Relief in the workhouse is more costly, and involves expenditure for the erection and maintenance of special establishments, which would have been saved under a system of outdoor relief.

(2.) The workhouse principle is inhumane. By admission to the workhouse family ties are dissolved, and the incentive to independence is lessened. There is also the danger of moral degradation by association with the other inmates of the workhouse.

[1] Complaint has been frequently made that in labour disputes the grant of relief to the men on strike is unfair to the masters, who have to pay an additional poor-rate to maintain the strikers. In March, 1900, the Court of Appeal decided in the case of the South Wales Coal Strike (*Attorney-General* v. *Merthyr Tydvil Union*, L. R. 1 Ch. 516) that, if it is shown that the men on strike can get their living on the terms offered, relief to them is unlawful, though not to their families.

[2] See especially Professor Bryce's address to the South Midland Poor Law Conference (Reports 1876, p. 7), also Reports by Mr. Wodehouse (1st Annual Report of the L. G. B., App., p. 88), and Sir Henry Longley (3rd Annual Report of the L. G. B., App., p. 136).

The first objection is purely financial, the second touches the ethical side of the question. The first is one to which we should attach little weight, even admitting its accuracy. It has been often shown that in the case of a poor law system the main question is and must be what kind of relief is most for the interest of the community, for the advantage of the State; and the question of expense is subordinate to this consideration. The objection is in truth very shortsighted. People only ask what expense will be incurred by the relief of a given number of paupers in this or the other fashion, and omit to reflect that the tendency of the workhouse, under a proper poor law system, is to reduce the number of persons relieved. If the workhouse principle, apart from expense, is the right one, it must be assumed that the number of paupers will not be constant, but will steadily decrease. Accordingly, any temporary increase in expenditure will be amply balanced in the course of years by the saving consequent on the reduction of pauperism.[1]

The second objection is much more serious. The simple answer to the statement that the workhouse principle is inhumane is that poor law relief is not based on humanitarian considerations, but is administered in the interests of the community.[2] The assertion that admission to the workhouse is morally injurious to the persons relieved is certainly a formidable argument against the whole principle. But every one who has actually seen English workhouses knows that this assertion represents merely a theory founded on a sentimental overestimate of the real character of the classes of the population who receive poor law relief.

It is only necessary to look at the inmates of a workhouse.[3] If we except the one class who would be better out of the workhouse—the single women who come there to lie in,—we find that the inmates are almost entirely poor people who are either unfitted by nature for the struggle of life or are broken down by their mode of living, or else are incapable of work owing to age or illness; that they stand pretty much on the same footing[4] as regards morality; and that they are

[1] The following passage in the report of the guardians of the Whitechapel union for the half-year ending Michaelmas, 1884, meets the case: "The guardians trust, however, that they will be credited with higher aims than even those of reducing either the number of paupers or the expenditure in poor relief. The conviction having once been forced upon them that the system of relief which prevailed throughout the country was productive of great social evils, and that in their efforts to deal with poverty they were going beyond their legitimate province, and injuring rather than benefiting the poor, the guardians determined by the gradual application of sound principles of relief to do what was in their power to stem the tide of hereditary pauperism."

[2] Professor Bryce in his speech above quoted observes that "kindness to the individual is cruelty to the class."

[3] We assume that the children and the sick are maintained in separate establishments, as is invariably the case in the metropolitan districts.

[4] Inmates may, under Article 99, s. 2 of the General Consolidated Order of July 24, 1847, be subdivided according to character or behaviour, and the L. G. B. in their circulars of May 31, 1896, and August 11, 1900, have suggested to boards of guardians that this sort of classification would be useful in separating respectable

not likely to be deteriorated by intercourse with each other. Is it possible, in connexion with these people, to speak of the beneficent influence of family ties? Most of them, before their admission to the workhouses, have dwelt in tenements which can barely be called homes. The removal of the children from their previous surroundings is a blessing for them; and, as regards the separation of man and wife, a striking and practical proof is to be found in the following facts, showing the small extent to which sentiment operates in this class.

In accordance with an order of the Central Board, up to 1847 the two sexes were completely separated from each other in the workhouses. Public opinion, however, was very strong against this regulation. People painted in strong colours the evil consequences of tearing asunder family ties, and declared that it was barbarous cruelty that old married people who were forced by circumstances to claim poor law relief should be separated from each other in the workhouse. The opposition reached such proportions that the legislature was obliged to deal with the matter, and in 1847 it was enacted that married couples over sixty years old should not be compelled to be separated in the workhouse.[1] But in practice it was found that only an insignificant number of these old married couples were desirous of living together.[2] In those workhouses in which, in consequence of these enactments, special rooms have been erected for married couples, there is great difficulty in getting them occupied, because such couples, for the most part, absolutely refuse to occupy one room.[3]

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old people from those whose habits or conversation may be objectionable (Glen, 'Poor Law Orders,' p. 280). See note 2 on p. 242.

[1] 10 & 11 Vict. c. 109, s. 23. This provision is extended by 39 & 40 Vict. c. 61, s. 10, by which the guardians are empowered to allow man and wife to live together in the workhouse if one of them is over sixty years old or is not able-bodied.

[2] According to the 10th Report of the L. G. B., p. xxviii., the number of married couples who have availed themselves of the permission to live together in the workhouse was in the year 1880, in the metropolis, 117, and about an equal number in the rest of the country.

[3] I myself have come across a characteristic instance of this kind. When I visited the Kensington workhouse with Mr. Hedley, and heard him ask the inmates the usual question whether any one had complaint to make, an old man came forward and complained that he was obliged by the master of the workhouse to live in the same room as his wife, although he had expressly objected to do so. The master answered that he could not make any other arrangements, because the workhouse was full, and only the rooms for married couples were empty. When the man was asked why he did not want to live with his wife, he answered that in the wing devoted to married people, smoking was strictly forbidden, though (now and then) allowed in other parts of the workhouse. Thus the enjoyment of an occasional pipe was considered to outweigh the charms of the society of his better half. The following passage from Mr. Preston-Thomas's Report for 1895 on the Eastern district (25th Report of L. G. B., p. 181), bears on the same subject. "A good deal has been said lately as to the cruelty of separating husband and wife in the workhouse, and there seems to be a notion abroad that the law requiring guardians to make provision for the accommodation of aged couples has been generally disregarded. This is certainly not so in the Eastern district, but I find that the old people often object to live together.

There is no doubt that there are cases in which the breaking up of families is a real hardship, and also some in which association with the other inmates of the workhouse may have an injurious effect on individuals who chance to be morally superior to them. But these are exceptions, and it would be preposterous, on account of them, to alter a regulation which is in general a good one.[1] Such cases may be dealt with otherwise. The guardians have a right, even in the case of the able-bodied, to make exceptions from the general regulations on the ground of special circumstances. And even the most strenuous upholders of the workhouse principle, who demand increased stringency in the regulations on the subject, do not go so far as to demand that relief shall never be given outside the workhouse.

In the poor-law system it is of especial importance to separate rules from exceptions, and not to have regard, in framing general regulations, to objections which only apply to exceptional cases. It should be remembered, too, that such cases, for which general regulations are too harsh, furnish the occasion for private charity. The existence of stringent rules, suited to average paupers, supplies private charity with a proper field for its operations. The English Poor law has always had in view[2] this co-operation of private charity

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Sometimes, possibly, this is out of sheer weariness—like a character in Molière's Amphitryon, they feel that after many years of marriage everything has been said—but more frequently it happens that one of the pair is so infirm as to require help, in the way of nursing, which the other is unable or unwilling to give. I was present when a chairman of a board of guardians, on being told by an old woman that she would not live any longer with her husband, asked, 'Why; does he beat you?' She answered, 'Beat me? Lord bless his heart, no; he treats me more like a friend than a husband' (an illustration of an old-fashioned view of marital privileges), 'but I've tended him as long as I could, and I can't do it no longer.' Thus, in many instances, husband and wife contentedly live on different sides of the workhouse, while in comparatively few cases are the married couples' quarters occupied. This is a fact which should not be lost sight of by the persons who write pathetically as to the hardships of a separation which, in my experience, is commonly the voluntary act of the supposed sufferers."

[1] It is impossible in all cases to prevent injury to individuals from regulations made in the interests of the community. In poor law questions people in many ways seem to be actuated, even now, by humanitarian notions alone, and this explains the fact that objections are raised which would never be thought of if any other matter were in question. Take, for example, the case of the sick man who applies for admission to hospital. He is forced, in the general interest, to submit himself to certain restrictions, to be separated from his wife and family, though in particular cases there is no reason against the admission of his wife also, and indeed this might sometimes be an advantage. The man who claims public assistance has no right to complain if it is granted him in a form which to him personally is a hardship, but which is judged to be fitting in the interests of the community.

[2] See the following passage in the Report of the Royal Commission of 1834, p. 263: "The bane of all pauper legislation has been the legislating for extreme cases. Every exception, every violation of the general rule, to meet a real case of unusual hardship, lets in a whole class of fraudulent cases by which that rule must in time be destroyed. Where cases of real hardship occur, the remedy must be applied by individual charity, a virtue for which no system of compulsory relief can be, or ought to be, a substitute."

with public relief, and it is one of the main advantages of the workhouse system that it draws a distinct line between the two provinces of relief.

Let us proceed from this criticism of the workhouse system to an account of the workhouse itself.

SECTION III.

WORKHOUSE ADMINISTRATION.

As already stated, a workhouse has to be provided for each union. The plans, the building, and any alterations, are subject to the control of the Central Board, which may sanction loans for these purposes. Of course, workhouses differ greatly as to size; the smallest being in Wales, where there are several intended only for 50 or 60 persons, while some of the largest are in the metropolis, where one (St. Pancras) is constructed for the reception of 1,983 persons, and at the beginning of 1899 contained about 300 in excess of that number.[1]

The Central Board has issued uniform regulations with regard to the administration of workhouses. They are very detailed, but may be shortly stated as follows:[2]

I. The Consolidated Order provides for the appointment of a staff of officers for the administration of the workhouse. As regards most of them, such as medical officers, schoolmasters, nurses, porters, &c., their names explain their functions; but the Order has nevertheless prescribed their duties with the utmost minuteness. Here it will be sufficient to mention the duties of the most important of them—viz. the master of the workhouse. With him rests the supervision of the whole establishment; the classification of the paupers, their employment, their food, their clothes, are all matters for which he is responsible; he has to see to the maintenance of discipline, to keep accurate record of all proceedings in the establishment, &c. He is assisted in these functions by the matron, who is generally his

[1] According to a return of the number of inmates of workhouses on the 1st February, 1899, there were twelve containing less than twenty inmates apiece, as against 2,605 in the Liverpool workhouse, which seems to be absolutely the largest in the kingdom. It has accommodation for about 4,000 persons. Among recently erected workhouses that of Ipswich (1899) is a good example. It accommodates 369 inmates, and cost about £30,000. The plans were sent by the Local Government Board to the Empress of Russia in compliance with a request for particulars of a typical English workhouse. The site of the new workhouse for the Wolverhampton Union, now in course of erection at New Cross, Wednesfield, covers an area of 50½ acres, purchased at a cost of £11,128. The building is expected to be ready for occupation during the year 1903, and will accommodate 1,142 officers and inmates. Forty acres of the land will be utilized as airing grounds and for cultivation. The contract for the building was £156,879. The cost of furnishing, road-making, &c., will probably bring the amount up to £200,000.

[2] The more important provisions are contained in the Consolidated Order of July 24, 1847, Arts. 88–152 and Arts. 207–214; Glen's 'Poor Law Orders,' pp. 264 and 402.

wife, and who is specially responsible for the supervision of the female inmates and the children up to seven years old. She also acts for the master in case of his absence.

For the supervision of the establishment there is a special Visiting Committee of the guardians,[1] which has to visit the workhouse at least once a week to receive the reports of the master, the medical officer, the chaplain, the schoolmaster, &c.; to examine the stores in hand, and to inform itself as to the general condition of the workhouse. It has also to afford the inmates an opportunity of making any complaints, and to make any necessary investigations on the subject. The result of the visit is to be entered in a visiting book under fourteen prescribed heads, and this book has to be produced at the next meeting of the board of guardians.

The Local Government Board have stated their opinion that, in addition to the visiting committee of guardians, a committee of ladies should be appointed to visit those parts of the house in which the female inmates and the children are maintained, and to make reports to the guardians on any matters which seem to require attention. The appointment of such committees has been very general, and the ladies' visits have been as welcome to the inmates and the officers as they have been useful to the guardians.

II. Admission to the workhouse is granted—

(*a*) Upon a written order of the guardians, which must be signed by the clerk;[2]

(*b*) Upon a provisional order of the relieving officer or of an overseer, which these officials are empowered to give in urgent cases;

(*c*) Without a previous order, by the master or matron of the workhouse, who may themselves admit a destitute person in case of sudden or urgent necessity.

In cases (*b*) and (*c*) the final decision rests with the guardians, to whom the case has to be submitted at their next meeting.

The new inmate is in the first place examined by the medical officer in a receiving ward. If found to be ill, he is, upon the order of the medical officer, placed in the infirmary or sick ward, or in case of infectious disease or lunacy, in a special establishment.[3] If he is in good health he must, before admission to the workhouse, be thoroughly cleansed and be clothed in the dress provided by the guardians. The dress used ordinarily to be uniform, but the present practice is to introduce variety, and not to make it distinctive. The pauper's own clothes are purified and preserved, and are delivered to him on his discharge.

III. Classification of inmates.—The pauper is taken from the receiving ward into the ward of the workhouse provided for his class.

[1] If the guardians omit to appoint a Visiting Committee, the Local Government Board has the power of appointing a paid visitor under 10 & 11 Vict. c. 109, s. 24.

[2] The order must not be dated more than six days previously.

[3] The detention of lunatics in the workhouse is regulated by the Lunacy Act, 1890. See ss. 14, 21, and 24.

There are rooms separate[1] from each other for the following seven classes:—

(1) Infirm men.
(2) Able-bodied men and youths over fifteen.
(3) Boys between seven and fifteen.
(4) Infirm women.
(5) Able-bodied women and girls over fifteen.
(6) Girls between seven and fifteen.
(7) Children under seven.

Subdivisions of particular classes may be made with reference to the moral character or behaviour or the previous habits of the inmates.[2] The maximum number of persons to be admitted into the respective wards is prescribed by the Central Board.[3] Any excess over this number must be reported to the Central Board.[4]

There is no kind of communication between the respective wards; different classes are kept rigidly separate. Children under seven, however, may be accommodated in the wards for women. The mother is always allowed access at reasonable times to her child under seven years old. Parents in general have the right of seeing their children in separate divisions of the workhouse once daily. Finally, persons in one ward may be employed in a suitable fashion as attendants in another ward.

IV. Discipline and Diet.—The daily routine of the inmates is prescribed once for all. At fixed hours they must rise and go to bed, must take their meals and perform their tasks. Every morning, at the appointed time, the names of the inmates of the respective wards must be called over by the master of the workhouse or the matron.[5] The meals, except in the case of the sick, are taken in the dining-hall or day-room.

[1] With regard to the special provision as to the cohabitation of married couples over sixty years old (10 & 11 Vict. c. 109, s. 23, and 39 & 40 Vict. c. 61, s. 10), see above, p. 238, note 1.

[2] In their circular of the 31st July, 1896, the Local Government Board drew the attention of boards of guardians to this provision as to subdivision with reference to character or conduct [Art. 99 (2) of G. C. O.], and suggested that the power might be exercised in the case of aged and infirm inmates of respectability, who might have special day-rooms, also cubicles, and various privileges. In a further circular of the 11th August, 1900, this subject was again pressed on the guardians. But see p. 237, note 4.

[3] In accordance with the recommendations of a special Cubic Space Committee of 1870, the minimum of room per person in Metropolitan Poor Law Institutions is fixed at 300 cubic feet, but in the sick wards it is 850, and in those for lying-in women 1,200 cubic feet. These figures relate only to the sleeping rooms, but besides these there are in all workhouses dining-halls and workrooms. There are also, at any rate in the wards of the infirm, rooms in which the inmates pass the day. Outside London the scale laid down by the Local Government Board gives 360 cubic feet for the able-bodied and for children, 500 cubic feet for aged, infirm, and imbeciles, 600 cubic feet for the ordinary sick, 960 cubic feet for lying-in and also for offensive cases, and 2,000 cubic feet for infectious cases.

[4] As regards the metropolis, there is a special provision that if the prescribed maximum is exceeded, repayment from the common fund shall be suspended, or even withheld: 33 & 34 Vict. c. 18, s. 1, subs. 4.

[5] This roll-call, however, is nearly obsolete.

Until recently there was a special dietary fixed, with the approval of the Central Board, for each individual workhouse; and every alteration, however trifling, required official sanction. But this cumbrous system, under which some dietaries were too scanty, others were ill-arranged, and a few were unnecessarily lavish, was changed by the Order of 10th October, 1900, which specifies an enormous number of different rations (each having been pronounced by competent medical authority to be of adequate nutritive value), and allows the guardians to select such as they consider suitable. The cost of these may range, on average contract prices, from about 2*s.* to 4*s.* per week, according to the selection made. The rigid regulations which used to render it necessary that each inmate should be fed, not according to appetite, but under a fixed scale, are somewhat modified, especially in the case of the children and of the infirmary patients, and it is anticipated that much of the waste which has been justly complained of, will be avoided in future. For each class there is a dietary table, in which is precisely laid down the kind and quantity of food to be given at breakfast, dinner, and supper.[1] This dietary is to be hung up in the dining-hall, and any inmate who believes that he does not receive the amount due to him, has the right of requiring that his portion shall be weighed out in the presence of two witnesses. In the case of the sick, the medical officer may order special food apart from the dietary (house diet, full diet, low diet, fever diet, extras), and also spirituous liquors. Otherwise, the inmates are only allowed to have the prescribed food. Spirituous liquors are strictly forbidden, and there is a special penalty for their introduction into the

[1] The following dietary is given as an example :—

	Breakfast.		Dinner.										Supper.					
	Bread.	Porridge.	Bread.	Beef.	Vegetables.	Barley soup.	Pork.	Beans.	Fish.	Cheese.	Broth.	Irish stew.	Bread.	Butter.	Tea.	Gruel.	Broth.	Cheese.
	oz.	pt.	oz.	oz.	oz.	pt.	oz.	oz.	oz.	oz.	pt.	pt.	oz.	oz.	pt.	pt.	pt.	oz.
Sunday .	8	*	4	4½	12	—	—	—	—	—	—	—	8	½	1	—	—	—
Monday .	4	1½	6	—	—	1½	—	—	—	—	—	—	6	—	—	1½	—	—
Tuesday .	4	1½	—	—	—	—	4½	12	—	—	—	—	6	—	—	1½	—	—
Wednesday	4	1½	4	—	12	—	—	—	10	—	—	—	6	—	—	1½	—	—
Thursday .	4	1½	4	4½	12	—	—	—	—	—	—	—	8	—	—	—	1	2
Friday . .	4	1½	8	—	—	—	—	—	—	3	1	—	6	—	—	1½	—	—
Saturday .	4	1½	6	—	—	—	—	—	—	—	—	1	6	—	—	1½	—	—

* On Sundays 1 pint of tea and 2½ oz. butter is given instead of porridge.

[An extra meal of bread and cheese is given to certain men employed in work.]

This dietary is designed for men, in that for women the quantities are rather smaller. In the diet for the children, milk takes a prominent part. Of late years in many workhouses an alteration has been introduced by giving fish once a week for dinner. The cheapness of fish has allowed this to be done without increasing the expenses. Medical men regard this alteration as very beneficial to health. See 13th Annual Report of the Local Government Board, p. lii.

workhouses.[1] Exceptions are only permitted at Christmas (and, with the Local Government Board's consent, on public holidays), when the paupers may be regaled with whatever food the guardians or charitable people may provide for them.

Smoking is permitted only in particular rooms. Tobacco or snuff may be allowed to inmates who are not able-bodied or who are employed on work of a disagreeable character,[2] and they often receive gifts of tobacco from friends and relations.

The guardians may[3] (in addition to the prescribed diet) supply dry tea, with sugar and milk, to any of the female inmates; and this privilege, which enables the old women to brew tea for themselves, is highly appreciated.

As regards visitors, the guardians fix a certain day, generally once a week, on which the inmates may receive visits without limitation, but in the presence of an officer of the establishment, in order that he may see that forbidden articles are not introduced. In cases of serious illness, the visits of relatives are always permitted. Moreover, the master or matron is empowered on special occasions to allow visits; and free use is made of this discretionary power.

Not only is the introduction of food and drink forbidden, but also that of books and writings of an improper tendency, or which may be likely to produce insubordination. All books introduced have to undergo the censorship of the master.[4] Card-playing and games of chance are forbidden; but this prohibition is not very rigidly enforced. In some workhouses the infirm inmates pass much of their time in playing dominoes and games of the same sort.

As regards the employment of the able-bodied inmates, it is provided generally that the guardians shall determine the kind of employment, and that in no circumstances is any remuneration to be paid. As regards the work and the principles upon which it is selected, there is much difference in the respective unions; and this is a point on which some detailed observations will be made presently.

Children admitted to the workhouse must be instructed for at least three hours daily in reading, writing, religion, and other subjects, such "as may fit them for service, and train them to habits of usefulness, industry, and virtue."

The question of divine service has given rise to various difficulties and disputes, and is now regulated in the following way.[5]

[1] 4 & 5 Will. IV. c. 76, ss. 91–94.

[2] Order of 3rd Nov., 1892 (Glen, 'Poor Law Orders,' p. 1186).

[3] Order of 8th March, 1894 (Glen, 'Poor Law Orders,' p. 1190).

[4] In the workhouses there is always plenty of literature, newspapers, illustrated journals, religious books, &c. This is procured partly by the guardians; and presents of books and magazines are frequently made by private individuals. Engravings and coloured prints are also often given in order to adorn the walls of day-rooms and sick-wards.

[5] 31 & 32 Vict. c. 122, s. 23, and Creed Register Order of Nov. 26, 1868; Glen's 'Poor Law Orders,' p. 537. See also 25 & 26 Vict. c. 43, and 29 & 30 Vict. c. 113, s. 14.

In every workhouse a special register is to be kept of the religious creed of the inmates. In the case of children under twelve, the religion of the father is to be entered, or, if this is not known, or the child is illegitimate, the religion of the mother. Children over twelve are allowed to choose for themselves in what religion they will be brought up. This register is at all times to be open to the inspection of the ratepayers and of the ministers of each denomination. A minister may, in accordance with the regulations, visit and instruct any inmate inscribed on the register as belonging to his faith, unless such inmate, being over fourteen years of age, raises objection. For every workhouse the appointment of a special chaplain is required by law (though it is not now the practice of the Local Government Board to enforce the requirement against the will of the guardians), and it is his duty to hold divine service,[1] to instruct and examine the children, and also to report upon the moral and religious state of the inmates. If in this way divine service is not provided for an inmate according to the rites of his religion, he may, under certain restrictions, attend service outside the workhouse.

Temporary absence from the workhouse may also be permitted either by the guardians themselves or by the master in accordance with their instructions. Special reasons for such absence must be given, as, for example, in order to visit a near relation or to seek work. Periodical absence at stated intervals is not to be permitted.[2] The master must report regularly to the board of guardians as to the leave granted by him.

Paupers may quit the workhouse for good at any time on giving notice of their intention, and are ordinarily only detained for such a "reasonable time" as may be necessary for carrying out the regulations for discharge (giving up the workhouse clothing, receipt of own clothing, &c.). In accordance, however, with the Act of 1871,[3] the guardians may direct that the discharge shall not be till twenty-four hours after notice has been given, and this period may be extended to forty-eight hours if the pauper has already discharged himself in the same month, and to seventy-two hours if he has done so more than twice in the last two months.[4] Moreover, if any inmate

[1] The consent of the bishop of the diocese to the appointment is necessary. Divine service must be held in the workhouse every Sunday, and must be attended by all the inmates (except the sick), unless they object on religious grounds. Grace is said before and after each meal, very briefly. On Sundays and holidays no work is required or done except the most necessary household duties. A recent Parliamentary return (No. 202 of 1898) shows that out of 643 unions there are paid chaplains of workhouses in 459. Where the guardians refuse to make such an appointment, the incumbent of the parish often acts as honorary chaplain, or the salary is raised by public subscription. In other cases the inmates attend a neighbouring church.

[2] This provision is not very strictly enforced in practice, and cases are not infrequent in which the pauper is allowed to go out for the Sunday once or twice in the month.

[3] 34 & 35 Vict. c. 108, s. 4.

[4] With regard to casual paupers, there are special regulations to be mentioned hereafter, when we come to speak specially of that class.

has, in the opinion of the guardians, discharged himself frequently without sufficient reason, they may, by special direction, require him to give a notice of 168 hours.[1] If he is able-bodied, and other members of his family are also in the workhouse, they are discharged with him unless the guardians make an exception for special reasons.[2] The moot question, whether a married woman may be discharged from the workhouse without her husband, has been settled by the Central Board by the decision that the husband by virtue of his marital authority may forbid his wife to leave the workhouse, but that if he refuses to make use of this authority the guardians cannot prevent the wife from discharging herself, though they may discharge her husband with her.

V. Punishments.—There are very comprehensive penal regulations for the maintenance of discipline. Thirteen minor offences are specified in respect of which the master may punish the pauper as disorderly with a reduction of diet up to forty-eight hours. If the pauper repeats one of these minor offences within seven days, or if he commits one of eight graver offences specially mentioned, he may be punished by the guardians as refractory, with solitary confinement up to twenty-four hours, and this may be accompanied with a reduction of diet.[3] In certain circumstances, the master is empowered himself to inflict solitary confinement up to twelve hours. Corporal punishment is restricted to boys. It must be inflicted not earlier than two hours after the offence, and only with a rod or other instrument previously approved by the guardians or the visiting committee.[4] A report of all punishments inflicted is to be entered in a special book.

So much as to the regulations issued by the Central Board. The Board has itself characterized them as follows in the Report of 1839:

"They will be found to consist of two classes of regulations:—

"(1) Those which are necessary for the maintenance of good order in any building in which considerable numbers of persons of both sexes and of different ages assemble. (2) Those which are necessary not for that purpose, but in order that these establishments may not be almshouses but workhouses in the proper meaning of the term, and may produce the results which the Legislature intended."

Anybody who has seen an English workhouse must admit that the first object is fully secured, for excellent order is maintained. All legitimate wants are amply satisfied without disregard of the necessity for careful and economical administration. The proper mean is preserved between humanitarian indulgence and excessive

[1] 62 & 63 Vict. c. 37, s. 4.

[2] This is in accordance with the principle already mentioned, that relief to any member of a family should be regarded as given to the head of the family.

[3] If the punishment of twenty-four hours' solitary confinement appears to the guardians inadequate for the special case, the delinquent may be taken before the magistrate, who may impose a severe punishment under the general enactments; see 34 & 35 Vict. c. 108, ss. 7, 8.

[4] These provisions are very characteristic of the care with which the smallest details of administration are regulated by the Central Board.

stringency. In this respect the English regulations may certainly serve as a model for other establishments of the kind.

But how as regards the attainment of the second object? To speak the truth, we must admit that in effect the establishments seem more like almshouses than workhouses.[1] This diversion of workhouses from their original object is, however, not to be laid to the charge of the regulations, but is mainly the consequence of the kind of people who are now inmates. On the 1st of February, 1899, a census was taken as to the various classes of inmates of metropolitan workhouses and other poor law institutions (altogether eighty-eight in number), excluding those of the managers of the Metropolitan Asylum District and of the School and Sick Asylum District. In round numbers they were grouped as follows:

	Per cent.
18,800 sick, including lying-in women, and old or infirm persons requiring medical assistance	38
600 imbeciles	1
5,500 children over 2 years of age	11
21,200 healthy old people	42
3,900 able-bodied adults	8
50,000	100

[The above numbers do not include infants under 2 (of whom 857 were enumerated), or vagrants (1,109)].

These percentages include various schools and homes in which most of the children are placed, and particulars for the workhouses are not given separately. Allowance must be made for this fact in considering the figures. But it may be said broadly that in the case of at any rate one-half of the inmates, there can scarcely be any question of doing work. Of the remainder, 42 per cent. are old people (27 per cent. being over sixty-five years of age), and therefore cannot do work, requiring ordinary physical powers. Thus only 8 per cent. are left who are qualified to be inmates of a workhouse in its proper sense.

If we examine these 8 per cent. more closely, however, the case assumes a different aspect. Among them there are not one-tenth of whom it can be said that their bodily and mental powers would enable them to take an independent part in the struggle for existence.[2] Nearly all are people who, although not too old nor too

[1] The separate arrangement in the casual ward will be specially referred to. In our present observations we leave the casual paupers and their treatment out of the question.

[2] In my visits to English workhouses, I have taken special pains to clear up this point. My questions generally received from the master the reply, "We have such and such a number of 'able-bodied men' in the establishment, but we have very few who would have a fair chance in the labour market." On visiting the ward for the able-bodied, I recognized the truth of this statement, and if I inquired as to the circumstances of the really able-bodied men, I found that many of them were not English but Irish. The number of Englishmen in workhouses as to whom it may be said, "Why does not this man support himself by his own

young for work, nor suffering from any malady requiring medical treatment, are nevertheless the residuum of the community. They are persons whose helplessness or degradation is written on their countenances, figures such as are often to be found in prisons, and as to whom any sensible man would say that it is in the interest of the community as well as of the particular individual that they should be kept as much as possible from the outer world.

It is sad that the number of inmates who have fallen through their own faults and vices is so large, and we will not attempt to decide whether the proportion is greater in England than elsewhere. The measures of prevention to be taken with regard to such persons do not belong to the province of the poor law, but must be treated in connexion with an entirely different question, which in our opinion is the most important one for England, viz. preventive measures against drunkenness.[1]

We have specially referred to this class of persons in order to enable a right judgment to be formed as to the treatment of the inmates of the workhouse. For it is quite natural that an establishment in which only 8 per cent. are nominally able-bodied, and of these not one-tenth are up to the average of labourers, should not possess the character of a real place of work.

The fact that the number of really able-bodied is so small must, especially where (as in the metropolis) poor law administration is efficiently carried out, be regarded as a proof that at least one main object is attained, namely, that persons who can maintain themselves, do in fact usually abstain from applying for public relief.[2] The workhouse test has been successful in securing that such persons shall make no use of the so-called "right to relief." In order to appreciate the improvement in this respect, it is only necessary to glance at the condition of affairs which was described by the Royal Commissioners in 1834, and the main points of which have been already given in our account of the historical development of the poor law.

If the present workhouses do not give the impression of being

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labour?" is very small indeed. Of course this is so only in ordinary times; in real crises of trade and manufactures, such as, for instance, existed in some districts in the north of England in the winter of 1884–5, the case is different. But exceptional times, in any relief system, demand exceptional measures, and the only special thing about England in this respect is that such cases of necessity occur more frequently than elsewhere, because the proportion of the population dependent on trade is much larger.

[1] Only a man who has himself been in England, and has made himself acquainted with the life of the lower classes, can understand the movement of the teetotalers with their pledge of total abstinence from spirituous liquors. To Germans it is incomprehensible.

[2] It must be owned, however, that of late there have been some indications, especially in London, that the easy life of the workhouse attracts the lazy. The Wandsworth and Clapham guardians have just (August, 1901) found it necessary to issue a circular warning able-bodied widows against giving up situations in order to enter the workhouse, and a person has been prosecuted and sentenced to imprisonment for this offence.

s of labour, this is due, not to faulty administration, but to the hat now there is not a sufficient number of inmates for a work- : of this kind. A striking proof of this is to be found in the hat in the metropolis a large number of unions have combined ıce all the able-bodied paupers of their districts in a single work- :, and that this workhouse is ordinarily not half full.

.e circumstance that the number of really able-bodied in the ıouses is so small must naturally also have an influence on the of work which the guardians can require to be performed.

is not long since oakum-picking was almost the only occupation ırkhouses. This untwisting and pulling to pieces of old ships' s is senseless from every point of view. If the object is to ɔy labour in the most remunerative fashion in order to meet the of maintaining the paupers, the result is most unsatisfactory. net proceeds of the work are insignificant. If we put aside the ion of profit, and consider only that of the best deterrent (it ; supposed necessary, especially soon after the Act of 1834, to the paupers unpleasant tasks in order to render the workhouse nore stringent), oakum-picking is also unsuited to this purpose, t is irksome only to those who are not used to it. The old hands t, as is generally acknowledged, a very easy employment, though :ertainly disliked, as carrying with it a penal taint, from having the traditional labour in prisons. Recently, however, the Local rnment Board have discouraged it in workhouses, and in 1898 instructed their general inspectors to take every opportunity of g boards of guardians to discontinue it, especially in the case of :n. Its eventual abolition may therefore be looked for, but is considerable difficulty in finding any occupation which is l to the very limited capacity of workhouse inmates, and which t defective in one important point, namely, that an educational :nce ought to be exercised by the work, in order that the man :lf may have pleasure in it, and that a desire for employment be aroused in him. In order to effect this, it is, above all, :sary that the work should be regarded as really useful by those ıre compelled to do it. From this point of view there seems doubt as to the wisdom of the regulation to the effect that the :r is in no case to have an interest in the results of his work.[1] ertainly work like oakum-picking, which is scarcely of any use, be depressing, rather than elevating. Its only advantage, upon ı much stress is laid in England, is that it does not compete private enterprise.

: will not attempt to decide whether this last reason is of

r Henry Longley, who is certainly to be regarded as one of the most tent experts in the matter, pronounced against this provision in his reports : quoted) to the Central Board. He was especially in favour of the grant of liet as a reward for industry and good work, and something in this direction :en done by the Orders of 3rd Nov., 1892, and 8th March, 1894, already d to, as well as by the Dietaries Order of 10th Oct., 1900, which enables ardians to give an extra meal to such of the able-bodied as do work which s to warrant this addition. (See pp. 242–243.)

paramount importance as regards the choice of work.[1] At any rate, there is no objection to occupying the inmates with the manifold duties connected with the establishment or with the production of articles for branches of the public service, *e.g.* the army or navy. In our opinion the chief object should be to make the work as remunerative as possible in the case of those paupers who are little likely to maintain themselves independently outside the establishment, and this is the case with the majority of the inmates. But as regards the really able-bodied, educational considerations should be mainly regarded in the choice of occupation. Here the chief object should be to arouse a desire for regular labour and a love of industry. In the case of many of these people it is their dislike of regular labour that has brought them into the workhouse, and they should be shown the way out by being habituated to hard and regular work, but to work of a useful kind, such as may be performed by reasonable men outside the workhouse. If they see that by the expenditure of the same amount of exertion they can maintain themselves outside the workhouse, this consideration, rather than a task which is useless and merely deterrent, is likely to make them try to be independent of public relief, and to stand on their own feet. Confinement in a workhouse is of itself sufficiently deterrent; no increased severity is required;[2] and it is specially necessary to avoid everything likely to dull those who are susceptible of improvement. Nothing is more likely to do this than useless work. There is no doubt that the choice of an occupation which would be in accordance with these principles is attended with serious difficulties. Here, as in the case of all enforced labour, we have not only to consider a number of general points, as, for example, the question how to supply the necessary supervision, the danger that those employed may destroy the tools or materials entrusted to them, &c., but we must also, in choosing the work to be performed, have regard to the above classification of the inmates. Only a small minority are competent to perform work which requires the use of full bodily powers. The larger number of the persons to be employed are only able-bodied to a limited extent. We must also remember that individual inmates may at any time leave the establishment, and that for this reason, apart from other grounds, the work must not be such as to require much time for learning it. Still, recognizing all these difficulties, we must confess that it would

[1] It should be remembered that labour in workhouses must be differently regarded from that in gaols. Residence in prisons is involuntary, and the work performed there is essentially in contrast with free labour, much more so than that in workhouses, where the inmates have always the option of going back to the open labour market.

[2] Here we find the common English characteristic of rushing into extremes. After coming to the conclusion that it is reasonable so to administer the poor law that everybody, so far as possible, shall be deterred from claiming public relief, people seem to have carried the principle of repulsion beyond reasonable bounds, and to have invested it with undue importance as regards the whole system. The consequence is that the salutary influence which a well-chosen occupation may exert upon the paupers has not been sufficiently appreciated.

be easy to secure something better in this direction than is ordinarily supplied in the workhouses.

The question of the proper kind of employment for workhouse inmates has certainly received too little consideration, and it is very strange that the Central Board, which has done so much in the way of introducing improvements, has left this matter almost untouched. No attempt has been made to collect materials showing in what way the employment of workhouse inmates is regulated by particular unions. It is unquestionable that great differences exist; and no doubt particular unions may have struck out the right line in this matter.[1] But although it may be admitted that there has been some improvement in this respect of late years, in most unions the work still consists mainly of breaking and pounding stones, wood-chopping, oakum-picking and sawing, corn-grinding, and (where there is land) digging and general gardening, of which only the last two can be regarded in any degree educational.[2]

The fact that in this matter the Central Board, contrary to its usual custom, has taken little action, may be attributed to two causes. The first is the fear that the performance of useful and remunerative work will be objected to as competing with private enterprise. This is a very intelligible ground upon which a party ministry may desire to avoid measures which would be unpopular among a large proportion of the population. There is also the second reason, that in the workhouse regulations very little consideration has been given—except in the treatment of children—to the importance of improving the inmates so as to make them useful members of society. All the regulations seem to take it for granted that it is hopeless to think of ameliorating such persons as enter workhouses. It is usual to make much of the deterrent character of the workhouse in order to warn people against entering it, and anybody who has undergone the workhouse test cannot be very confidently expected to take a

[1] Here also the Whitechapel union excels; it endeavours to "render the workhouse educational as well as deterrent." And the Holborn board of guardians have recently (September, 1901) issued a return showing income and expenditure and profits connected with the various industries carried on at their Mitcham workhouse. Gas-making, tailoring, shoe-making, mat-making, oakum-picking, wood-chopping, stone-breaking, and farming are included in the list. Apart from the firewood and stone-breaking, the whole of the goods have gone to the other establishments of the union. On the gas account there was a profit of £1 6*s.* 1*d.* for the year. The price charged by the Mitcham Gas Company was taken as the basis of the account; it was estimated that had the ordinary rates been paid the consumption would have cost £1,816, but, when all charges were met and the value of the labour allowed and £286 received for coke, there was the profit stated. The same with the farm, which provided pork and vegetables for the paupers. This account showed a balance in favour of the union of £264; on the mat-making the profit was £2 0*s.* 6*d.*, on the oakum-picking £1 1*s.* 6*d.*, and on the shoe-making £132 9*s.* 7¾*d.* The tailoring account showed a profit of only £3 1*s.* 0¼*d.* There was a profit of about £170 on the wood-chopping, and £9 on the stone-breaking. So far as possible the guardians have utilized all labour in their establishments, even to bookbinding and the manufacture of matting-pads for official use.

[2] At the Poor Law Conferences of 1883, the subject of employment in workhouses was treated at length. See Report, especially pp. 267 and 519.

satisfactory place in the community on leaving. Such, certainly, is the case with regard to the majority of the inmates, but in this matter even a small minority deserves consideration.

This is the one point as to which objection may be properly taken to the workhouse with its present administration. The regulations are sufficient to prevent claims for public relief from being made by those who are in a condition to maintain themselves; the management of the workhouse is excellent; but there are no regulations which are calculated to enable the inmates to find their way back to independence.[1]

If we except those persons admitted solely on account of disease, we must admit that as regards the rest it is very improbable that their power and their desire to work should be strengthened and improved by their treatment in the workhouse, or that they should in general feel themselves fitted to leave it and to renew the struggle for existence. However deterrent the workhouse may seem to the man who makes acquaintance with it for the first time, it is very probable that after a long stay in it, and with the wearisome monotony of the existence, this feeling may be entirely deadened, and the man may become accustomed to workhouse life.

But, as is the case with a number of objections which have been raised, not without reason, against the English poor law, this has nothing to do with the system itself, but only with the fashion of its administration, and we believe that, through the improvements introduced or already in progress, this reproach may be removed without any alteration of the system, and merely by a change in the practical administration and especially in the selection of work.

[1] In a paper read by Mr. Alsager Hill in 1869, at the Social Science Congress at Bristol (Transactions, p. 519), in which the employment of workhouse inmates in useless labour is strongly condemned, another point is raised which may be noted in this connexion. He says the workhouse authorities might put themselves *en rapport* with the labour market, so that those within the workhouse shall as speedily as possible be put again into the labour market. We do not fail to appreciate the importance of this suggestion, although it obviously applies more to the inmates of casual wards than to those of the workhouse proper. But we believe that the establishment of a connexion with the labour market, the procuring of work outside the workhouse, does not come within the province of the poor law officers, but is a task more suited to private charity. Private charity has already done something in this direction for at least one class of workhouse inmates, viz. the mothers of illegitimate children, by establishing societies for befriending girls, and this has been attended with the best results. But it has been shown that it is not enough simply to procure employment, but that it is necessary that persons brought out from the workhouse into the open labour market should receive further aid in order to preserve their independence. It is requisite that more interest should be taken in such persons than officials can bestow.

SECTION IV.

PAUPER CHILDREN.

lass of paupers whose judicious treatment is attended with :est difficulties are the children.[1] In the first place, the of those upon whom unsuitable treatment exercises a bad is far larger than in any other class. Regard must be he parents, so that the relief may not make them reckless ing children into the world or in the neglect of provision maintenance. Regard must also be had to the children, in at the method adopted may remove them from pauperism ce them useful members of the community. And finally, ıust be had to the labouring poor, and care must be taken pauper children shall not be in a better position than the of the working class. The first point is the one which the most easily dealt with. The poor law generally pro- at relief given to the children shall be regarded as relief parents, and consequently that the latter shall be subject me restrictions as if they had claimed relief for themselves.[2] ıch more difficult to deal with the second and third points. be remembered that here there are divergent considerations garded, and that the one may be neglected in favour of the We must take into account the fact that most of the pauper have not been cared for in mind or body, and that therefore, om the question how far hereditary tendencies play a part in m, special care is required in order to make the children ıen with capacity for success in the struggle for existence. obvious difficulty in securing this without giving the rest of ılation the notion that the poor law provides for paupers out ublic rates better than the independent workman for his own

just this difficulty which has caused the Central Board to in this matter from favouring or recommending any one and to confine itself to the collection of unbiased evidence

ıumber of indoor paupers under sixteen years of age (excluding insane) 1901, was 50,828, distributed as follows :—

rkhouses, infirmaries, or sick asylums	22,982
rict or separate schools or other institutions under guardians	20,062
tified schools (Act of 1862)	6,467
pitals	181
er institutions	1,136

n to these, 7,547 children (classed as outdoor paupers) were boarded out.

ecially the restrictions referred to at p. 165, as to the case in which the ınmarried mother is able-bodied. If outdoor relief is given to the parent between five and thirteen years old, a condition is always made that the ld attend an elementary school : 36 & 37 Vict. c. 86, s. 3.

ıaper by Dr. F. J. Mouat on pauper education ('Journal of the London Society,' vol. 43, p. 184), special stress is laid on the point "that ı and the diseases begotten of it are to a very large extent hereditary."

as to the various systems (see above, p. 99), in order that boards of guardians may determine which it is best for them to choose.

In the account which we proceed to give, we shall see that each plan has drawbacks, and that it mainly depends on the practical administration how far the disadvantages attaching to particular systems are developed or diminished.[1]

I. The Royal Commission in 1834 stated in their reports that the first step was to remedy the evils resulting from the maladministration of the poor laws; and that reforms of a positive nature would be mainly due to the influences of a moral and religious education.

The subsequent measure by which pauper children were to be brought up in workhouses thus seems to have been only provisional. It was an improvement compared with the previous irrational mode of relief, especially that given in the form of head money (see above, p. 30), and was suited to check the recklessness in founding a family which had resulted from the former system. It soon appeared, however, that there would be the greatest difficulty in securing real improvement in the education carried out in workhouses, even if all the regulations as to the instruction to be given were accurately and effectively carried out.

In the case of the pauper children, we are confronted with the fact that, as wide experience shows, instruction alone is not education. Even if it were possible to provide sufficient teaching power in all workhouses (and this would scarcely be practicable in the small unions), the further question would arise, whether the workhouse, containing a large number of persons of low average morals, would be a suitable place for the education of children. Even their separation from the other inmates can scarcely be carried out in small workhouses.

The fact that the household work and the general supervision of the wards devoted to children are often undertaken by other inmates of the workhouse involves constant association of the children with persons whose moral influence is not at all likely to be beneficial. The children must not only be instructed in book learning, but in games and in different sorts of occupations, and the influence necessarily exercised in the time not devoted to books is frequently of the greatest importance.

[1] This is the standpoint adopted by Sir Charles Dilke when President of the L. G. B., and expounded by him in his speech at the Central Meeting of Poor Law Conferences in 1883. He says (Rep., p. 462) that "no one system is the best, or at all events we do not know for certain that any one system is the best, therefore we ought not to bind ourselves by the lines of a system at the present time." And Mr. Long, now President of the L. G. B., spoke to the same effect in the House of Commons on the 16th July, 1901. In their circular of 11th August, 1900, the L. G. B. represented to boards of guardians that public opinion is against the retention of children in workhouses, and pointed out that "by the provision of cottage homes, by the hire of scattered homes, by boarding out and emigration, ample means are afforded by which children may be entirely removed from association with the workhouse and workhouse surroundings." Here again, no preference is shown for any one of the various methods enumerated.

Moreover, the whole atmosphere of a workhouse is little calculated to produce strong and independent men, conscious of their strength and proud of their independence. The crushing monotony, the unsocial uniformity of existence, which are almost inevitable in such establishments, must depress the children and weaken their desire and their power to advance in the world. Everybody knows from his own experience that the impressions of youth are the most lasting, and, whether cheerful or melancholy, are never fully obliterated in the development of the man and in later life.

The risks connected with the education of children in the workhouse are so obvious, and are so hard to avoid, even with the best management, that the few advantages which the system affords scarcely weigh anything in the balance. These advantages mainly consist in one point which must be conceded, viz. that education in workhouses is cheaper than under any other system. The accommodation exists and needs little addition, the staff is there, and thus all the charges are reduced to a minimum. Another advantage is not necessarily associated with this system, but may be secured by good management, at any rate in the larger workhouses. The children may be instructed in work useful to them in after life; they may be brought up to domestic service, and may be taught the various trades which occupy the adults.[1]

But these advantages by no means outweigh the serious drawbacks[2] which we have mentioned above, and it has to be remembered that in small workhouses the advantages are least and the drawbacks greatest. The first measure which was designed to alter the present system naturally had regard specially to these smaller workhouses, and had for its object the creation of greater establishments.

II. In 1839 an inquiry was instituted by the Home Secretary as to the condition of pauper schools, and in the very valuable report published in 1841 the disadvantages connected with the education of children in workhouses were clearly set forth, and it was recommended that several unions should be combined with the object of providing an establishment in common for the reception and education of children.[3] This proposal was approved in Parliament, and in 1844 the Central Authority was empowered to make combinations

[1] See Order as to Industrial Instruction in workhouse and district schools (Glen, 'Poor Law Orders,' p. 1232). See also Report (Parl. Papers, No. 237 of 1899), by Miss Ina Stansfeld, Assistant Inspector of the L. G. B., on the "Industrial Training of Girls in the Separate and District Schools in the Metropolitan District."

[2] These drawbacks have been generally recognized of late years (see Report of Select Committee of the House of Commons on "Cottage Homes in 1899," and circular of L. G. B. of 4th Aug., 1900, already referred to). There are now (1901) only about 50 workhouse schools, whereas in 1878 there were 415, and all will doubtless soon disappear.

[3] The two reports of Sir James K. Shuttleworth and Mr. Tufnell should be specially mentioned. In the report of the latter he says, with truth, "the atmosphere of a workhouse that contains adult paupers is tainted with vice. No one who regards the future happiness of the children would ever wish them to be educated within its precincts."

of unions for the purpose of educating the children in district schools apart from the workhouse.[1]

The new enactment, however, on account of the increase of expenditure involved, met with such strong opposition from the guardians that the Central Board made little use of its power in this behalf. This was doubtless due not only to the disinclination of the guardians on the ground of expense, but also to the fact that the value of the new system was questioned by good authorities.

It was based on the notion of freeing pauper children from the disadvantageous influence of workhouse surroundings, and at the same time of providing for their instruction and education by special establishments with an appropriate staff. In order that this system should not be too costly, it would be necessary to provide establishments of which the general expenses would fall on the combined unions. But the size of the establishments involved new drawbacks. The crowding of a large number of children in schoolrooms, dormitories, and playrooms, has disadvantages from a sanitary point of view. Not only is it impossible for the large number of children of low physique to receive the treatment suitable to them, but there is the further danger that infectious diseases may spread—a danger which has been proved to be real by the frequent outbreak of maladies (especially eye and skin diseases) in the district schools.[2] In this connexion there are also moral considerations opposed to the bringing together of so large a number of children. It is to be feared that children debased by their bringing up may debase others, and this risk is increased owing to the limited extent of the control which can be exercised in large dormitories. Moreover, in case of pauper children, who have often been neglected from their birth, it is most important to pay regard to the characteristics of the individual child, and this is impossible in large establishments.

We see, then, that though the district schools are a decided improvement upon the workhouse schools, they have considerable drawbacks.[3]

III. An alternative method which has found general favour in the provinces, especially in rural districts, is that of lodging the children

[1] 7 & 8 Vict. c. 101, s. 40; 11 & 12 Vict. c. 82, s. 1; 13 & 14 Vict. c. 101, s. 3; 31 & 32 Vict. c. 122, ss. 10, 11.

[2] See Third Annual Report of the L. G. B., pp. 210–245 (Dr. Bridges and Dr. Mouat), and Fourth Annual Report, App. p. 55 (Prof. Nettleship). In consequence of unfavourable experiences in this matter, the Central Board directed, in a circular of Dec. 3, 1873, that all children sent to district schools should be examined by the medical officer to ascertain whether they were free from infectious disease, and were in such a state of health as to be able to "take part at once in the ordinary discipline and occupations of the school" (Third Annual Report of the L. G. B., App. p. 2).

[3] Speaking at the annual meeting of the M. A. B. Y. S. on June 19, 1901, Mr. Walter Long, President of the L. G. B., said that "in his opinion a barrack school was a thousand times a better home for a pauper child than the workhouse, where it was brought into contact with those wrecks of society who must have an injurious effect on the present and subsequent life of those who came under their baneful influence."

in the workhouse, but sending them out for instruction to a public elementary school[1] in the neighbourhood. In this way they mix with the children of the independent poor, with whom they habitually make friends and whose homes they often visit. Children educated in this way escape from an exclusively pauper atmosphere, they gain self-reliance, and their experience of the little world of school outside the workhouse walls is found useful afterwards. The multiplication of voluntary and board schools has facilitated the adoption of this system, and it is noticeable that whereas in 1878 there were 415 workhouse schools, with 20,401 children, in 1900 there were only 53 such schools, with 2,836 children, while the number of unions sending their children out to public elementary schools had increased from 154 to 508. The great drawback is that every Saturday and Sunday, as well as the holidays in summer and winter, have to be spent in the workhouse, where the children either live under rigid discipline, in what is for them a dreary prison, or else, if left to themselves, are likely to come under the depraving influence of adult inmates.

IV. A plan of dealing with pauper children which has long existed in Scotland, and has there admittedly been attended with the best results—the so-called "Boarding-out System"—has of late years found some favour in England.[2]

This system supplies just what is the chief want of the district schools. By boarding out the children in families a home is provided for them in which the necessary attention can be bestowed on their physical or moral deficiencies; at the same time they are completely freed from the fetters of pauperism, and become part of the general population. In the cases of orphans and deserted children, it appears specially desirable to give them the benefits of family life, from which their unfortunate circumstances have shut them out. Here the children are brought up in a way suited to their condition and to the occupation which they are to follow in after life, and they are often not aware that they are paupers.

But practical difficulties have been met with in the adoption of this system;[3] in the first place that of finding suitable foster-parents ready to receive children for a remuneration limited, in the interest of the ratepayers, to a maximum of 4*s.* a week; and secondly, the perhaps even greater difficulty of supplying the necessary supervision.

The Central Board was aware that this system might easily lead

[1] Some difficulty was long caused by the fact that while it often happened that the neighbouring school could not, without enlargement, accommodate the workhouse children, the guardians were not empowered by law to contribute to the necessary expenditure. But the Elementary Education Act, 1900 (63 & 64 Vict. c. 53, s. 2), authorizes them to make contributions in this respect. They may also, in certain exceptional cases, under an Act of 1891 (54 & 55 Vict. c. 56, s. 4 (1)), pay fees for the education of the children.

[2] See as to the Scottish system, the report by Mr. Henley, made in 1869. Parliamentary Papers, 1870, No. 176.

[3] Glen's 'Poor Law Orders,' pp. 1097 and 1118.

to abuses, and deemed it necessary to lay down precise rules in order to avoid them. These are embodied in two Orders of the 28th May, 1889,[1] of which one applies to children boarded out within the union to which they belong, the other to those placed elsewhere under the charge of committees constituted by the Board for the purpose. Under the first of these orders, 5,651 children were, at the beginning of 1901, boarded out within their unions; while under the second order, 1,896 children were sent away to be dealt with by the general committees, of which there were about 180.

The main provisions of both orders are alike. Only orphans and deserted children may be boarded out, and a medical certificate of their state of health must previously be obtained. The sum to be paid is not to exceed 4*s.* a week, exclusive of clothing and medical attendance (for which 10*s.* a quarter may be paid). The foster-parent must not be, or have recently been, in receipt of relief, and must be of the same religious creed as the child. There must be a school within two miles. Ordinarily, not more than two children are to be placed in the same house, this maximum being raised to four in the case of brothers and sisters. Foster-parents must bring each child up as their own, provide it with food and clothing, take care that it goes regularly to school and church or chapel, and must report any illness by which it is attacked to the committee or the relieving officer as the case may be. Further, the schoolmaster is to report quarterly on the appearance, conduct, and progress of each child.

In the case of children boarded out within their union, the guardians may themselves make the necessary arrangements, and in this case the medical officer and the relieving officer must inspect them quarterly, and report to the guardians on their condition. The guardians may, however, with the consent of the Local Government Board, delegate their powers in this respect to a committee, who

[1] The L. G. B. recommend,—1. That children should not, save in special cases, be boarded with relations or with persons without adequate means of support. 2. That children should not be boarded out in any home where the father is employed in night-work; and that in every case the foster-parents should be by preference persons engaged in outdoor, not in sedentary, labour. 3. That in choosing the home especial attention should be paid to decent accommodation and the proper separation of the sexes in the sleeping rooms. Children over seven years of age should never be allowed to sleep in the same room with married couples. 4. That no child should be boarded out in a house where sleeping accommodation is afforded to an adult lodger. 5. That particular attention should in all cases be paid to the schoolmaster's quarterly report, and if after two warnings to the foster-parents the report continue unfavourable, the child should be either transferred to another home or sent back to the union from which it came. 6. That great care should always be given to providing the children with good ordinary clothing. No child should ever be sent by the guardians to be boarded out of their union or parish without a suitable outfit, for the repair and renewal of which a quarterly allowance, not exceeding 10*s.*, should be made to the foster-parents by the guardians. Anything resembling a "workhouse uniform" should be most carefully avoided. 7. That children should not be sent out to homes in places containing more than fifteen thousand inhabitants. All boarding out in larger towns should be avoided.

need not be guardians, but who undertake the work of finding homes for the children, continuously seeing to their well-being, visiting each of them at least once in six weeks, and reporting to the guardians quarterly. Where such a committee is appointed, the visits of the relieving officer and medical officer may be dispensed with.

In the case of children boarded out beyond the limits of their union, the committee (which is constituted directly by the Local Government Board) is charged with the entire responsibility of carrying out the system.

This is the main purport of the regulations of the Central Board, which are designed to prevent the children from being handed over to people who only wish to make pecuniary profit without bestowing proper care upon them. It must be owned that if these regulations are intelligently carried out, the children are cared for in the best possible fashion. But as a matter of fact, there is much complaint that the boarding-out committees do not always do their duty.[1]

[1] The reports of the two lady inspectors of the L. G. B. show clearly the sort of abuses which arise when, as often happens, the boarding-out committee does not do its work thoroughly. And it must be remembered that while less than 2000 children come within the jurisdiction of these two ladies, there are nearly three times that number of children who, being boarded out within their own unions, are not subject to any inspection on the part of the Central Department, and the only security against their being ill-treated may consist in the rare and often perfunctory visits of the overworked doctors and relieving officers. The author of the *Guardian's Guide* writes as follows on the subject: "The great difficulty as regards boarding out is first to find suitable homes, and secondly to secure adequate supervision, and it is owing to neglect in these two particulars that serious scandals have repeatedly arisen. Nine-tenths, probably ninety-nine-hundredths, of the persons who are willing to receive such children, do so for the sake of the profit to be made out of the allowances paid by the guardians, and the better they treat the children in such matters as food, clothing, and lodging, the less profit they make. The system answers admirably when the right sort of foster-parent is found, and when the supervision of the committee is thorough; but it does not admit of indefinite extension." And Miss Mary Clifford, the guardian of the Barton Regis Union, who has long been conspicuous among those ladies who have admirably devoted themselves to the improvement, in thoughtful fashion, of the administration of the poor law, expresses her opinion in these terms:

"In boarding out, when it is done beyond the limits of the union, the children are committed absolutely into the hands of the committee who receive them. There is no check, except an occasional visit from the lady who inspects under the L. G. B. Even if she discovers anything wrong, it is the committee, and not the guardians, who must set it right. The guardians therefore, must, in the first place, before giving up their children to a committee, assure themselves that the methods and principles of supervision are such that continued neglect and ill-treatment are impossible. I have known dirt, insufficient clothing, deception about sleeping rooms, and cruelty, result from the supervising ladies being satisfied with supposing, instead of seeing for themselves, that things were right. A few bad cases are sure to exist from time to time among the children under any committee which has not definite rules so careful as to make it impossible for children to be ill-treated without its being found out. Boarding out will stand or fall according as it is worked with care. Well worked, it is the best system, but carelessly worked, it admits of children here and there being worse treated than they would be in any poor law school. No one is so helpless as a friendless child" ('Poor Law Work,' by Miss Clifford. Nisbet & Co., 1897). These drawbacks are specified in a very distinct and practical fashion by Fawcett in his work on Pauperism, above quoted.

The chief objection, however, to the system is of another kind, and is in effect a weighty one. These pauper children are assured of a bringing up such as the mere labourer often cannot bestow on his own children. How many labourers, especially in the villages in which the children are usually boarded out, can afford to pay for each of their own children 4*s.* a week besides providing clothing, school fees, and medicine?

There is serious danger that many a labourer who sees that children deserted by their parents are thus cared for, may think that if he deserts his own and leaves them to the poor law, it will be the best thing that he can do for them. At any rate, this system deprives the labourer of all inducement to make provision for his children on his death. Whether these drawbacks outweigh the advantages which the system offers to the child itself is very doubtful.[1]

We must regard it as a sign of the sound principles which actuate the Central Department that it avoids every appearance of favouring this method, which in our opinion should be limited to special cases. There can be no doubt that any general introduction of the boarding-out system which would induce parents to rely upon their children being thus dealt with would involve serious dangers for the working classes. As matters at present stand, it is understood that the application of the system to any individual cases cannot be reckoned upon with certainty, and in this way the evils involved are materially lessened.

V. Two other methods of bringing up pauper children are rapidly increasing in public favour, viz. the so-called Mettray or Cottage System, and that of Scattered Homes.[2] In the first of these, cottages are usually erected in groups. In each cottage a workman's family is established, by whom the children are supervised. The boys are taught the trade of the husband, and the girls are instructed in domestic duties by the wife. In some cases they are taught at a special school, in others at a neighbouring board school. In this fashion the children acquire some notion of domestic life. The individuality of each child may be separately dealt with, and care is taken that by early instruction in a particular handiwork they become skilled labourers. This system has hitherto proved to have the drawback of being more expensive[3] than most others, but

[1] The provision of s. 6 of 14 & 15 Vict. c. 105, by which the guardians are empowered, if pauper children cannot be properly cared for in their own workhouse, to contract for their reception into the workhouse of another union, was an attempt to help the small unions which could ill afford the outlay for a proper schoolmaster, &c., and have only a small number of pauper children. But with the gradual abolition of workhouse schools, this enactment is becoming obsolete.

[2] Seventy-four unions had, up to the end of April, 1901, adopted one of these two systems, and had provided accommodation for rather more than 10,000 children in either grouped or scattered homes.

[3] The cost of the village homes erected at Banstead for Kensington and Chelsea is estimated at £70,000. The buildings consist of eight cottages for boys and twelve for girls, a schoolhouse, a chapel, an infirmary, and a workshop. Altogether 672 children can be accommodated in the homes. The cost of erection thus amounts to over £100 a head. That of the buildings erected in Marston Green

: has been adopted not only by various metropolitan unions, such ıs Kensington, Chelsea, Bethnal Green, Greenwich, and Shoreditch, ıut by various important provincial towns, such as Birmingham, Gateshead, Liverpool, Leicester, Chorlton, King's Norton, Aston, Wolverhampton, and West Derby. It unites certain advantages of the district school and the boarding-out systems, and reduces the drawbacks of both.

A rival method is that known as the Sheffield or Scattered Homes System, which has been adopted with excellent results, not only at Sheffield,[1] but at Blackburn, Bristol, Bath, Cardiff, Middlesborough, Plymouth, Stockton, and elsewhere. This system has the great advantage of not involving any expenditure on bricks and mortar. Ordinary houses are rented or bought in various parts of the district, whether town or country. In each of these twelve or fifteen children ıre lodged under the care of a foster-mother, and they thus gain ıome knowledge of what is to some extent an imitation of home life, while they obtain their book-learning at a neighbouring school. A ıpecial memorandum was issued by the Local Government Board, 1896, dealing in great detail with the administrative arrangements o be made in such cases. Thus, the children are to be retained ı special quarters for a probationary period of fourteen days; special ick-wards are to be provided at the workhouse or elsewhere; a ıedical certificate of health must be given by the medical officer efore admission; a superintendent is charged with the general gulation of the different houses, and arrangements are to be made r each foster-mother to be relieved for half a day in each week. hildren are not to be admitted before they are three years old, d boys are not to be kept in the same homes as girls after the e of ten. They are to go to the place of worship and the Sunday hool of their denomination, and, if possible, to attend classes for

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the parish of Birmingham is reckoned at about the same sum. Here there are, connexion with the school, large playgrounds, a swimming bath, &c. Other ablishments have been erected at less expenditure, but are correspondingly erior to these model institutions.

The following are some of the chief points of the regulations and instructions med by the Sheffield guardians. Boys and girls are brought up in the same ase in order to give it a generally home-like character, though boys over thirteen placed in a special house, which is managed not by a foster-mother, but by a rried couple. Boys over seven are not allowed to sleep in the same room as ls. The entire work of the house is done by the children under the direction the foster-mother, but once a week a paid charwoman is employed. Meals are ten by the children with the foster-mother. Some difficulties have occurred ere she has had children of her own, and the pauper children have thought, htly or wrongly, that these have received better treatment than themselves. nple time for recreation is allowed every day to the children, who play with se of the rest of the population whom they visit and by whom they are visited. ter going through their school course, the girls receive practical training for three nths in the house of the superintendent before they are sent out to service.

For the post of foster-mother, who receives a salary of £18 a year, with board d lodging, women of all-round capacity are desired. As a matter of fact, teachers and housekeepers are mainly engaged, and widows appear to be ferred.

technical education; they are to have sufficient recreation, including a half-holiday on Saturday. A committee of the guardians is to inspect each home fortnightly, and a committee of ladies to visit each home at least once a week. The system has not yet been long enough in operation to warrant a confident judgment as to its ultimate success. But the unions which have hitherto adopted it consider that it is working remarkably well. It certainly has the great advantage of entirely cutting off the children from workhouse associations, and also of dividing them into such small sections that they do not breathe an exclusively pauper atmosphere, but in a considerable degree blend with the general population.[1]

VI. Besides these main systems, there are a number of others. They consist, however, mainly of modifications of those already described, the drawbacks of which they are intended to minimize.

Thus the plan, already referred to,[2] of sending children as emigrants to the colonies, may be regarded as a modification of the boarding-out system. The bad effects which that system may produce on the rest of the working classes here disappears; but, on the other hand, the possibility of keeping the children under supervision is lessened. The Central Board, as above mentioned, has made special arrangements on the point; but the entire number of pauper children dealt with in this way is now insignificant, less than 200 having been sent out in 1900.

Another method of treating pauper children is that of bringing them up in a training-ship. In 1867 the metropolitan guardians were empowered by law to obtain one or more ships in order to train boys for sea service.

This departure answered admirably.[3] All the reports agree that in every respect, especially in that of health, the effect on the boys has been excellent, and that it has turned them into useful men. This system, however, has the drawback of being costly, and it is only available for a limited number of boys;[4] usually the boys are

[1] The homes at Bath are an excellent example of the system, and the guardians have issued reports as to their working, which may be consulted with advantage. The weekly cost of maintenance during the year ended Michaelmas, 1900 (including provisions, laundry, &c.), was 3*s*. 6*d*. per head, while establishment charges (including salaries, rents, repairs, furniture, rates, &c.) amounted to 3*s*. 1*d*., thus bringing the total for each child to 6*s*. 7*d*. weekly. The expense per head was therefore actually less than that of inmates of the workhouse. The rents paid vary from £19 10*s*. to £28, and the foster-mothers receive from £22 to £25, with rations. Besides these, there are a superintendent (salary £80), and relief mother (£23 8*s*., and rations), and a medical officer (£25).

[2] See p. 233.

[3] 32 & 33 Vict. c. 63, s. 11; and the Training Ship Order, printed in Glen's 'Poor Law Orders,' p. 743. The Admiralty provided a ship, the *Goliath*, and a naval officer was appointed as commander. The *Goliath* was destroyed by fire in 1875, and since that date another ship, the *Exmouth*, has been employed.

[4] The number of boys, for whom there is accommodation on the *Exmouth*, is 600, but the managers complain (see 29th Report of L. G. B., p. lxxxiv.) that there are many vacancies. It should be noticed that the L. G. B. has also authorized unions outside the metropolis to utilize the *Exmouth*, and at the beginning of 1900 there were nearly 100 lads from such unions on board. The system is thus not entirely confined to the metropolis.

ot sent before they are ten years old, and they must be provided ith a medical certificate to the effect that they are perfectly healthy ıd fit for a seafaring life.

In the same way the system of sending the children to the ›-called certified schools is applied to a limited number of pauper ıildren. These are schools under private management, which re entirely or partly maintained by voluntary contributions, and re certified by the Central Board as fit for the reception of pauper ıildren. They are subject to regular inspections by the Board's ıspectors, and the certificate may at any time be withdrawn. The ost of maintaining a child in these certified schools was origin-lly not to exceed that of its maintenance in the workhouses. This rovision, however, has been altered, so that reasonable expenses ıay be paid up to such rate as may be sanctioned by the Board [1] ı particular cases. There are in all about 250 certified schools, of hich some 25 are for children who have some physical or mental efect, blind, deaf, dumb,[2] idiots, &c. Others are Church institutions, ıd the number of certified schools exclusively for Roman Catholic ıildren is somewhat large.

Finally, it may be mentioned that although the plan of appren-cing pauper children to ordinary trades has become nearly obsolete, ıainly from the difficulty of finding employers willing to enter into ıdentures, a good many boys are still apprenticed to the fishing ıdustry. In this career many of them have done well, and have ecome masters and even owners of trawlers at Lowestoft, Grimsby, ıd elsewhere.[3]

We have thus given an account of the different systems for dealing ith pauper children. The mode which is most generally adopted : the present time is doubtless to lodge them in workhouses, and to :nd them to a neighbouring elementary school, although from year › year the proportion of those dealt with, apart from the workhouse, y some of the methods already specified, is steadily increasing.

No doubt such improvements in administration involve an increase

[1] 25 & 26 Vict. c. 43, and 45 & 46 Vict. c. 58, s. 13. See also 29th Report of e L. G. B., p. xci.

[2] By 31 & 32 Vict. c. 22, s. 42, the guardians are empowered with the approval the Central Board to send blind, deaf, or dumb children to a suitable school 'en if not certified. Here we may recall the provision of s. 58 of 4 & 5 Will. IV. 76, which enacts that relief afforded to blind or deaf and dumb children shall ›t pauperize the parents. But see the Elementary Education Acts 1893 and 1899 6 & 57 Vict. c. 42, and 62 & 63 Vict. c. 32), under which the duty of providing r the education of blind, deaf, dumb, mentally deficient, and epileptic children, imposed on the school board or other school authority.

[3] The regulations as to apprenticeship to trades generally are contained in the . C. O. (Arts. 52–74), but under an order of February 15, 1898, the L. G. B. ay assent to a departure from such regulations (see p. 231). Apprenticeship to a-fishing is governed by the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60, . 392–398). See also Report on the "Sea-fishing Apprenticeship of Pauper oys," by Mr. J. S. Davy and Mr. Berrington (pp. 75, 76 of 1894), and Circular L. G. B. of March 2, 1895 (25th Report of L. G. B., p. 118). In a Circular July 12, 1901, the L. G. B. sent to the boards of guardians a list of training ips willing to receive pauper boys, and recommended their greater utilization.

of expenditure; on the one hand the number of officials is greater, and on the other hand that of the children received is less. But it has to be considered that expenditure for the education of the rising generation is a remunerative investment, and that the cost of bringing up pauper children in a proper fashion may diminish that of prisons or workhouses.[1] The reform of social evils has to begin with children, not with adults, in whose case there is much less hope of improvement. In the case of adults the State must restrict itself to the removal of bad influences; in the case of children it has the duty of taking care that good seed is sown in their education.

It admits of considerable doubt whether there is any justification for the legal provision that even those parents who give over their children to the care of the public may nevertheless exercise paternal rights to their full extent. At present the parents of children admitted into pauper establishments are in a position to impose a veto upon the sort of education which the guardians consider suitable for the children, or may remove them at will from establishments in which they are excellently cared for, only to appear again in a few weeks with those children before the doors of the workhouse.[2]

It is only for the worst cases of neglect on the part of parents in the bringing up of their children that the English legislation has made provision by the establishment of Industrial Schools.[3] As to these schools—which, like prisons, are under the Home Department—we may add a few words.[4] The industrial schools are designed for four classes of children:—

[1] This has been already demonstrated by the enormous decrease, of late years, in the number of juvenile offenders, and indeed of crime generally. See Statistical Abstracts. Improved education also, doubtless, has a considerable share in the general reduction of pauperism, which, in the last thirty years, has diminished by about one half. It is ceasing to be a hereditary disease.

[2] The Poor Law Act, 1899 (62 & 63 Vict. c. 37), provides that where a child is maintained by the guardians of any union, having been deserted by its parents, or having parents who are unfit to have control of it on account of mental deficiency or vicious habits, or under sentence of penal servitude, or detained under the Inebriates Act (61 & 62 Vict. c. 60), or have been sentenced for an offence against any of their children, or if the parents are dead, the guardians may resolve that such child shall be under their control up to the age of eighteen, and thenceforward all parental rights are transferred to the guardians. "The exercise of this power is especially valuable in the case of girls with dissolute mothers, who, having deserted them for years, claim them at fifteen or sixteen with bad intentions" (*The Guardian's Guide*, p. 103).

[3] Closely akin to industrial schools are the reformatory schools designed for juvenile offenders up to the age of sixteen. Admission to reformatory schools forms part of the penalty after a term of imprisonment of at least ten days: 17 & 18 Vict. c. 86; 29 & 30 Vict. c. 117.

[4] The industrial schools, like the reformatory schools, are under the supervision of a special inspector and of an assistant inspector. This inspector has to make a previous examination of the establishments to be used as industrial or reformatory schools, and they are authorized to receive children by his certificate. The principal enactment as to industrial schools is 29 & 30 Vict. c. 118. Under sec. 17 of this Act the guardians may apply to justices for the committal to an industrial school of any child under fourteen in the workhouse or a pauper school, if refractory, or the child of a convicted parent. See also sec. 37. The expenditure for the schools is given in the judicial statistics, not in the reports of the L. G. B.

1. Children under fourteen who are found begging or wandering, id without settled abode, or are destitute and either without parents with a surviving parent in prison, or frequent the company of own thieves or prostitutes; any one may bring these children fore the magistrate or before the justices, who may order them to sent to a certified industrial school.

2. Children under twelve, who are charged with an offence punish-le by imprisonment or some less penalty, who have not already en convicted, and in whose case the justice (regard being had to e or other circumstances) thinks it right to abstain from punish-ent.

3. Children under fourteen, whose parents or guardians declare fore the magistrate that in consequence of the refractory character the child they are unable to control it. In this case, too, it is at e discretion of the justice, on consideration of the circumstances, decide whether the child shall be sent to an industrial school.[1]

4. Children under fourteen years who have been brought up in uper schools, and whose transfer to an industrial school, either as fractory or as having convict parents, is demanded by the guardians. he magistrate has to determine whether the transfer to an industrial hool is expedient.

The order must specify the time during which the child is to be tained in the school; this must not be beyond its sixteenth year. rents are required to pay a sum not exceeding 5*s.* a week for ch child admitted, and this payment may be enforced by two tices.[2] For the rest, the costs of the industrial schools are pro-led by contributions of school boards, by voluntary contributions, d by a grant-in-aid from the State.

Generalizing as to the different classes of children admitted to se establishments, we may say that the industrial schools are signed for children as to whom, in consequence of the situation in ich they are placed, or of their own characteristics, there is reason fear that they may fall into vice or crime, having perhaps already en the first step on the downward road.

SECTION V.

POOR LAW MEDICAL RELIEF.

While the English public rightly believe that the present treatment pauper children fulfils all reasonable requirements, the system of ling with the sick does not meet with such general approval.

Two special objections are raised against the existing system: (1)

For these classes of children there is also the so-called Truant School at ton House, in which a specially severe discipline is maintained. Children sent re are not allowed to remain longer than two months in the establishment.

There has been much complaint that particular unions do not take sufficient s for enforcing these contributions. In fact the greatest strictness is required his particular, so that parents may not find that the establishment of industrial ools gives them a premium on neglecting their children.

that in many districts, especially in the country, the medical treatment is quite inadequate; many of the medical officers being deficient in the scientific knowledge undoubtedly required; and (2) that the way in which medical assistance is now given is calculated to deter people from making provision for the day of illness, and exercises a directly demoralizing influence. Those who have once accepted this kind of relief often lose the sense of responsibility and independence, and do not emerge again from the ranks of pauperism. The fact that the receipt of medical assistance is so often the first step to permanent pauperism frequently stands in the way of measures calculated to improve the quality of medical relief.[1] Akin to this is the consideration that in consequence of such improvements the labourer's own provision for illness is likely to be still less than formerly.

The suggestions for amendment are numerous and varied. We need only mention two. On the one hand, it is proposed to introduce into medical relief the strict principles of the English poor law, especially to make the admission of the sick into an institution the rule, and outdoor medical relief the exception. On the other hand, it is thought possible to enact compulsory insurance against illness.

Both proposals have for their object to make providence compulsory, but in the first case the compulsion is merely indirect, since, by imposing conditions and limitations on medical relief, people are induced to make voluntary provision against illness. The extension of sick-clubs and provident dispensaries is thus an element of the first-named proposal.

The obstacle to this scheme is not only its costliness, but particularly the fact that such treatment appears inhumane, and would be unpopular and impracticable; its adoption would result in public relief being largely supplemented by private charity. As regards the treatment of the sick, it is quite impossible to leave the question of humanity out of consideration, and it operates much more forcibly in this branch of relief than in any other. There is scarcely anything to be altered in the present application of principles as to the employment of indoor medical relief.[2] The grant of medical relief by admission of the applicant into an infirmary now takes place only (*a*) from considerations as to the kind of sickness, *e.g.* if it is either infectious or is such as to require constant medical care; and (*b*)

[1] In Glen's 'Poor Law Orders,' p. 257, we find: "In the administration of medical relief to the sick poor, the objects to be kept in view are—(1) to provide medical aid for all persons who are really destitute; (2) to prevent medical relief from generating or encouraging pauperism, and with this view to withdraw from the labouring classes, as well as from the administrators of relief and the medical officers, all motives for applying for or administering medical relief, unless where the circumstances render it absolutely necessary."

[2] Sir Henry Longley, who, in the Report already quoted, specially urged the application of a more rigid rule as to the grant of medical relief, seems to us to go too far in this direction. He would never grant outdoor medical relief if the person concerned has a bad character, or has had the opportunity of making provision for illness. Recognizing, as we may, the duty of every man to provide against the event of his illness, this suggestion seems to us to have somewhat too harsh a character.

ɔm considerations relative to the surroundings of the patient, and e treatment which he is likely to obtain at home, which may often : in no wise calculated to secure his early recovery.

As regards the proposal to introduce a system of compulsory surance against sickness, a detailed description would lead us too r from our subject, but we may mention a scheme by Canon ackley, under which it was originally proposed that everybody tween the ages of eighteen and twenty-one should be required to posit with the Post-office a sum sufficient to provide for an allow-ce in case of sickness and for a pension in old age.

The present system of medical relief is of two kinds—indoor and tdoor. We begin with the latter.[1]

I. At least one district medical officer must be appointed for each ion, whose duty it is to treat sick paupers not received into the ɔrkhouse, &c. In most unions there are several such officers. The ual regulation is that no medical officer should have a district of ɔre than 15,000 acres, or a population of more than 15,000 persons der his charge. The arrangement of districts requires the approval the Central Board.

The payment of the medical officer varies much in different dis-cts. It is generally by fixed salary. There has been much discus-ɔn[2] as to whether this kind of remuneration is the most suitable, whether it would not be better to have a payment for each case ɛated or for each visit. Opinions are still divided on this point. favour of the system of salary it is urged that this is preferred by e medical officers because it gives a more assured position, and at it is also cheaper for the union.[3] The objection to it is mainly at it makes the guardians too lax in the grant of medical relief, ɛcause the expenditure is not affected by the number of cases treated the course of the year. To a certain extent there is now a union the two systems, since salaried medical officers receive special muneration for certain specified operations of difficulty.[4] In the etropolis, where there are 163 district medical officers, the average lary is £116, with allowances amounting to about £10 more. In e provinces the salary is much smaller, but the medical officers have many cases extra receipts from fees for vaccination, for examination

[1] Provisions in force as to medical out-relief are to be found in the General ɾder of July 24, 1847, printed by Glen, Articles 75 and 76, 158–161, 168–170, 7–183, 206, 207.

[2] The Poor Law Commissioners in their Reports of 1839 recommended that e remuneration should be by a fixed sum per head of the chronic sick and by payment per case for the rest. See the detailed statements as to this question the Reports of the Select Committees of 1844, 1854, 1864. But the system payment by salary (with fees only for midwifery cases and for particular opera-ɔns) is now almost universal.

[3] See the speech of Dr. Prior at the South Midland Poor Law Conference, 1883. ɛport, p. 120.

[4] See Article 177 of the General Order of July 24, 1847, and the interesting pro-sions in Article 179, under which the medical officer is entitled to only half the ɛd payment if the patient has not survived the operation more than thirty-six ɔurs and has not required and received several attendances afterwards.

of pauper lunatics, &c. Since 1847 the State has contributed part of the payment of the district medical officers, and both their number and their remuneration have considerably increased.[1]

It seems to be the almost universal opinion that, especially in rural districts, there is need of improvement in the class of medical men employed;[2] although there has unquestionably been a considerable advance of late years, and it seems likely that there will be further progress under the system of medical education established by the Act of 1886. The plan of appointing the medical officers for life has not had the success anticipated. It was believed that in this way capable medical men would be attracted to the post, but it was forgotten that the guardians would thus be bound to retain the services of old doctors whose professional knowledge had made no progress; although, no doubt, the system of superannuation introduced by recent legislation has improved matters in this respect.[3] In medical circles there is a general belief that the personnel would be improved by making the medical officers servants of the State.[4]

It is the duty of the medical officer personally to undertake the treatment of the sick. It is only in case of emergency that he is entitled to employ as his deputy a practitioner whom, on accepting office, he has to nominate to the guardians. The order for attendance on a sick person is usually issued by the relieving officer or by the guardians; but, as above stated, the overseers and the justices can also give such order; since cases of illness may be always classed as "of sudden and urgent necessity." If the medical officer undertakes the treatment of a sick person without an order from the relieving officer, he must give notice to the relieving officer, so that the latter may obtain the decision of the guardians on the case. As regards the sick or infirm in need of permanent medical relief, a special list has to be prepared, which at least once annually must be drawn up afresh by the clerk or relieving officer. A duplicate is to be sent to the district medical officer, and the sick person is furnished with a ticket entitling him to medical treatment until it is revoked. Except in chronic cases the order for attendance is usually in force only for a specified time, after the expiration of which the case is submitted to the guardians afresh, in the event of further medical relief being required. But particular unions differ much as regards the period for which an order of this kind is usually

[1] In the 30th Annual Report of the L. G. B., p. 478, the number of district medical officers is given as 3680, but it is expressly stated that this does not represent the number of appointments, because changes in the course of the year are not taken into account, and consequently some are counted twice over. As to the remuneration, no exact figures are given except in the case of the metropolis.

[2] This is at any rate urged by the medical profession. See especially a speech of Dr. Higginbotham (Midland Poor Law District Conference, 1883, Report, p. 64), in which will be found some valuable material with regard to the question of poor law medical relief.

[3] See p. 195.

[4] See the so-called *Lancet* Memorial of the year 1878, and the answer of the L. G. B. in the 8th Annual Report, p. 86.

[1] Formerly the orders were, for the most part, issued for the illness—"during sickness,"—a practice which has now very ıly been abandoned.

e order or ticket requires the medical officer to treat the sick ı. Whether he visits the patient's residence or lets the patient to him, depends on the circumstances of the illness. In every a place has to be appointed at which the medical officer is to ınd at fixed times, and where those patients have to come whose ; does not make it necessary to visit them at home. This plan roughly carried out in the metropolis, and here the places for ltation are the dispensaries, of which there is one in each union. e introduction of dispensaries must be regarded as a great ad- in poor law medical relief, but at present they are confined to the ıpolis and a few other large towns. In the metropolis, where the nsary system was introduced in the year 1867, the legal enactment ıich the Central Board was empowered to suspend repayments the common fund to the respective unions until they had erected pensary, afforded the necessary lever for bringing the system ly into operation.[2] But in the rest of the country such dis- ıries are found only exceptionally. In rural districts the district ıal officer has ordinarily to provide for the supply of the neces- nedicines in consideration of a fixed annual payment. But a al agreement is sometimes made for payment by the guardians ıceptionally dear drugs, such as quinine, cod-liver oil, anti-toxin ırations, and so on.

the medical officer considers a special diet necessary for the nt, he is not empowered to order it directly, and may only nmend the grant of so-called "medical extras;" the final decision ıg with the guardians.[3] It is true that in practice this recommen- n has almost the same effect as a direct order, for naturally the lians are unwilling to be responsible for the possible conse- ces of non-compliance with the doctor's advice. But by the cal officers themselves it is regarded as degrading to their ion that they are not entitled to order what they consider ssary for the sick, and that in this matter they must be subject e unskilled opinion of the guardians, or even of the relieving

or this reason the scanty information as to the number of medical orders is of no value. According to the 29th Annual Report, p. lxxxvii., in 1899, ders for outdoor medical relief in the metropolis were altogether 109,653 in er. The number of persons treated is much smaller in consequence of those ed more than once. It cannot be estimated with accuracy, on account of ifferences in the respective unions with regard to the time for which the s are in force.

2 & 33 Vict. c. 63, s. 14. The detailed provisions as to the administration pensaries are embodied in the Metropolitan Dispensary Order, April 22, (Glen, 'Poor Law Orders,' p. 809).

ee Glen, 'Poor Law Orders,' p. 400: "A medical officer is not empowered e orders of the L. G. B. to order food or articles of diet, as meat, milk, wine, rter, for his pauper patient. Any direction that he may give to that effect nly amount to an expression of opinion on his part that relief in food or necessaries is required."

officer, who is socially much their inferior. Yet it must not be forgotten that it is just these medical extras, frequently including wine or other alcoholic liquors, which give an inducement to people to resort to the poor law medical officer in case of illness; and many poor persons, if they did not do this, would be forced to deny themselves such extras even if considered necessary by their private doctor. A liberal allowance of medical extras would involve the real danger of increasing the number of applications for poor law medical relief. This danger is perfectly recognized in England, and the guardians endeavour, as far as lies in their power, to induce the medical officer to limit the recommendation of extras to what is absolutely necessary.

Another circumstance which tends to make people claim poor law medical relief when they might provide for themselves is that in the country the medical officer is frequently the only practitioner in the neighbourhood, so they see no manifest difference whether they lay by for illness, and then pay the doctor out of their own pocket, or whether they do not do this, and yet are treated by the same person in the same way. And as they have the prospect of receiving medical extras if they resort to the doctor as poor law medical officer, while if they pay the same doctor out of their own pocket they must deny themselves the strengthening diet which is perhaps requisite for them, they are directly induced to claim poor law medical relief without scruple.

Yet it is practically impossible in cases of illness to institute searching inquiry as to whether the applicant is really destitute. Relief in this case must be afforded speedily. It is easily intelligible that the poor law officers do not like to assume the responsibility of refusing medical assistance until perfect destitution is proved. One method by which in this case the guardians are secured from imposture, consists in the grant of medical relief by way of loan, and thus there is, theoretically, a possibility of recovering by summary procedure the costs incurred, though in practice there is considerable difficulty as to this.[1] Another plan much employed of late years in order to restrict applications for poor law medical relief is to limit the order for attendance to a short period, and thus to provide that the patient, unless pronounced by the doctor to be incapable of so doing, shall personally appear before the guardians in order to obtain its prolongation.

Finally, we must here take note of the endeavours which have been made, by the establishment of sick clubs and provident dispensaries, to give people an easy means of making provision for illness. In the Metropolitan Provident Medical Association, by an entrance fee of 10*s.* and a monthly contribution of 1*s.*, medical attendance, inclusive of medicines and other requisites, may be secured for husband, wife, and children under fourteen. In the country the contributions are still less, the subscription for a single man being usually 5*s.* annually. Efforts are being made to extend these very useful institutions.

[1] See the provisions as to relief by way of loan (above, pp. 131 and 142).

II. Great as is the difference between town and country as to outdoor medical relief, it is still greater as regards indoor medical relief. This difference, and at the same time the disadvantages of the system, may be shortly characterized. In the country there is too little, and in the towns, especially in London, too much of such relief. In the country little progress has yet been made with the movement, which began after 1860, for the removal of sick paupers from the workhouse, and their treatment in special establishments. Ordinarily the sick constitute the chief portion of the workhouse inmates, and are kept in a separate sick ward. The disadvantages involved have been already mentioned.[1] In the workhouses, owing to their not having been erected and designed as infirmaries, there is no suitable accommodation for inmates requiring medical care, while proper administration is made much more difficult by the large number of inmates requiring special treatment.

We confess that it is not easy to say how this is to be helped. The erection of a special infirmary for each union is impracticable on account of expense.[2] A central establishment for several unions has the disadvantage that the removal of the sick cannot easily be carried out, on account of distance. Consequently the endeavour has been not so much to secure the erection of such central institutions as to utilize another sort of establishment. By a legal enactment of 1851 the guardians are empowered, with the approval of the Central Board, to subscribe to hospitals and infirmaries so as to be able to send their sick paupers to such institutions.[3] Extensive use is now made of this power, and thus better provision is at any rate made for the removal and suitable treatment of the sick.

As regards the sick received into the workhouses, an improvement has been introduced to the extent of appointing nurses possessing more skilled knowledge than formerly. It used to be the practice to employ other inmates of the workhouses as nurses, to which there is the obvious objection that not only are they without any skilled training, but there is no security for their exercising care in the treatment of the patients. About 1860 an association was founded for promoting the employment of trained nurses in workhouses and infirmaries, while at the same time a number of schools were established for training persons as nurses.

[1] See above, p. 65, where mention is made of the discussion on this subject at the Social Science Congress, Glasgow, 1860, and especially of the suggestions of Miss Louisa Twining.

[2] But of late years, even in purely rural unions, a good deal has been done in the way of building new infirmaries (usually near the workhouses and under the same general administration) which satisfy all modern requirements for hospitals. For example, in the years 1898 and 1899, no less than five such infirmaries were opened in the two counties of Devon and Cornwall. (See 29th Report of L. G. B., p. 112.)

[3] 14 & 15 Vict. c. 105, s. 4, now extended by 42 & 43 Vict. c. 54, s. 4. The Central Board endeavours to secure that difficult operations shall not be conducted in the workhouses, but that all serious cases shall be treated in separate institutions. See the statement of the President of the L. G. B., in the House of Commons on June 20, 1881 (Hansard, iii., vol. 262, p. 852).

This was especially the case in the metropolis, in which the Act of 1867 had authorized the newly-erected asylums to be used as training establishments for nurses.[1] On May 13, 1873, the Central Board issued a regulation under which persons between twenty-five and thirty-five might be admitted to the asylums as probationary nurses, be employed there for one year under the control of the medical officer and the matron, and eventually receive certificates of competency. In the metropolis female nurses receive at first £10 to £15 annually, the salary gradually increasing up to £30. Male nurses, who generally receive their training in military hospitals, are paid more highly. In the metropolis the employment of trained nurses is now almost universal, and this improvement is also making its way in the provinces.[2]

On January 29, 1895, the Local Government Board issued to boards of guardians a circular pressing upon them the importance of abandoning the old system of employing pauper inmates as nurses and of appointing an adequate staff of properly qualified paid officers for the purpose. Two years later the Board took the further step of absolutely prohibiting the employment of any inmate in nursing, and of requiring that every nurse should possess, if not hospital training, at any rate some practical experience of her duties, and that in every workhouse with a staff of as many as three nurses there should be a superintendent nurse having had at least three years' instruction in the medical and surgical wards of some hospital affording proper training. The result has been enormously to raise the standard of workhouse nursing. In 1879 there were less than two thousand nurses in the workhouses and infirmaries; in 1899 that number had increased to nearly five thousand; and although the supervision of the sick, especially by night, is still inadequate, particularly in the provinces, continual progress is being made in this matter; and the practice of leaving patients to the care of pauper inmates is already almost a thing of the past.

As regards indoor medical relief in the great towns, and especially in the metropolis, we find that not only is the removal of the sick from the workhouse completely carried out, through the erection of special infirmaries, but that there are numbers of hospitals and infirmaries maintained by voluntary contributions. We have indeed come to the conclusion that rather too much is done in this direction. It will be easily understood that admission to these institutions, which are managed by eminent physicians, and serve for the practical training of students in medicine, is governed less by the patient's need of charity than by regard to the nature of the illness and desire for an interesting case. It should be added that in nearly all such institutions a similar tendency arises from the fact that the subscribers generally receive a number of letters of admission

[1] 30 Vict. c. 6, s. 29.

[2] There are now (1901) 1,527 female and 13 male nurses in the metropolitan infirmaries and sick asylums, not including those of the Metropolitan Asylums Board. In 1866 the total number of paid nurses in the metropolis was only 114.

according to the amount of their contribution, and do not concern themselves very much as to whether the recipients are in need of charity. There is in this way a dangerous competition between charity and poor law relief, and the want of a rigid line between the two is not calculated to encourage putting by for illness.[1] This is especially the case in London, where the poor law arrangements are so complete as not to require to be supplemented by charitable institutions. The removal of the latter from the towns to the country would benefit both.

Of the poor law infirmaries of the metropolis we shall speak hereafter in connexion with the metropolitan poor law system.

In the metropolitan establishments it is the practice to appoint medical officers devoting their whole time to their duties, while in the provinces such officers are usually engaged in private practice.[2] It is the duty of the medical officer of the workhouse, besides undertaking the medical treatment of the sick, to see to their diet as well as to that of the pauper children. It is also his duty to report to the guardians, if he has reason to believe that the food, ventilation, or other arrangements in the workhouse are not such as are desirable in the interests of the inmates. Finally, he has to examine the state of health of those newly admitted, to report as to the causes of any deaths that occur, to certify, with regard to pauper lunatics admitted, whether their disease is such that they may without danger be left in the workhouse, or whether they ought to be treated in special asylums.[3]

[1] We agree perfectly in this point with Mr. Loch, *ut supra*, p. 87, who remarks specially with regard to medical relief, "The sharper the line is drawn between the poor law and charity in these matters, the greater is the possibility of making it (charity) tend to, instead of seduce from, self-help." The bad influence of charitable institutions makes itself felt in the case of outdoor as well as of indoor medical relief, as out-patients are usually treated gratuitously at specified times.

[2] In various cases female medical officers have been appointed. Chorlton Union was the first to take this step, and was followed by Greenwich, Camberwell, St. Pancras, and West Ham.

[3] The duties of the workhouse medical officer are set forth in Article 207 of the Gen. Cons. Ord. of July 24, 1847, and the two amending orders of April 4, 1868, and Aug. 24, 1869 (Glen, 'Poor Law Orders,' 778 and 792). See also Workhouse Dietaries Order of October 10, 1900. The officer has to enter in a special Report Book each visit paid by him, with any necessary details as to diseases. This book is to be laid before the guardians at every meeting, and they may require the attendance of the officer with a view of obtaining further information. Great importance is attached by the Central Board to such reports, in which proposals may be made for any sanitary improvements in the workhouse arrangements. See Circular of Jan. 29, 1897 (Glen, 'Poor Law Orders,' p. 402). A half-yearly report is to be made on January 1st and July 1st, containing answers to the following questions:—

1. Is there sufficient ventilation and warmth?
2. Has the accommodation during the preceding six months for the several classes of sick been sufficient?
3. Are the arrangements for cooking and distribution of food, as regards the sick, satisfactory?
4. Is the nursing satisfactorily performed?
5. Is there a sufficient supply of towels, vessels, bedding, clothing, and other conveniences for the use of the sick inmates?
6. Are the medical appliances sufficient and in good order?

III. Here it is necessary to enter into some detail as to the treatment of pauper lunatics.

Only the main provisions of the regulations on the subject need be specified.[1] Any detailed account of this complicated matter, in which the question of personal freedom plays a large part, would be far beyond the scope of our work.

In the enactments as to the treatment of lunatics three classes of persons are distinguished.

(1) Lunatics guilty of criminal acts, or criminals who become insane.

(2) Pauper lunatics.

(3) Private patients and "chancery patients."

Here we are only concerned with the second class, which however includes part of the third, since certain lunatics are treated as pauper lunatics whether they have means or not. If they have, the expenses incurred are repaid. With regard to the "pauper lunatics," again, two classes have to be distinguished:

(*a*) Pauper lunatics proper.

(*b*) Lunatics in whose case special precautions are prescribed in the interests of the community without reference to their means.

In this last class are included lunatics found wandering at large and those not under proper care. All constables, relieving officers, and overseers are required within three days to give information to the magistrate of any case of this kind which comes to their knowledge. As regards paupers, the district medical officer has to inform the relieving officer if any such person within his district is a lunatic, and the relieving officer is required to bring the case before the magistrate. The order for the admission of the lunatic into an asylum is granted by the magistrate only after personal examination of him, and after certificate (also after personal examination) by one or in most cases by two medical practitioners.[2]

Are there any water-beds or rack bedsteads? and, if so, are they sufficient in number and in good order?

7. Are the lavatories and baths sufficient and in good order?

8. Are the supply and distribution of hot and cold water sufficiently provided for?

This string of questions affords a striking illustration of the comprehensive care and forethought of the Central Board.

[1] For further information on the subject see Fry's 'Lunacy Laws,' edited by G. F. Chambers, 3rd ed., London, 1891. The chief statute is the Lunacy Act, 1890 (53 Vict. c. 5), a measure which repealed and consolidated, with amendments, the twenty-seven Lunacy Acts previously in force. See the circular of the L. G. B. of April 23, 1890 (20th Report, p. 33). An Act of the following year (54 & 55 Vict. c. 65) introduces amendments in certain points of detail. See circular of L. G. B. of September 18, 1891 (21st Report, p. 95), also circular of July 30, 1901. See also the Idiots Act, 1886 (49 & 50 Vict. c. 25) as to Idiot Asylums. Under 31 & 32 Vict. c. 122, s. 13, guardians may, under certain conditions, send paupers to such institutions, and they may also, under the same section, send any imbeciles or lunatics from their workhouse to some other workhouse in which the guardians are ready to receive them on terms to be agreed upon. This last provision is little utilized.

[2] 53 Vict. c. 5, ss. 13-21.

Pauper lunatics are admitted either to workhouses, county or borough asylums, licensed houses, or registered hospitals. We proceed to particularise these different establishments.

Only a small proportion[1] of the lunatics are received in workhouses, viz. those regarded as harmless and incurable imbeciles. No person can be detained in a workhouse[2] for more than fourteen days without a magistrate's order, which may be made upon the application of the relieving officer, supported by a medical certificate from an independent medical practitioner, and by a certificate from the medical officer of the workhouse, that the person is a lunatic and a fit case for the workhouse, and also either (*a*) that the workhouse affords means for his treatment apart from the same inmates, or (*b*) that his condition is such as to make it "not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate."[3]

The majority of pauper lunatics are kept in the county or borough asylums, in which, if space admits, private patients may also be received. Such asylums have, for the most part, been erected within the last hundred years, most of the lunatics having previously been retained in the workhouses. A number of Acts during the first half of the nineteenth century required the erection of asylums by counties and by boroughs having a separate commission of the peace. These Acts have since been amended in particular points. According to the existing law, every county and county borough must provide and maintain an asylum for pauper lunatics. The plans and regulations of the asylums are to be submitted to the Commissioners in Lunacy for their approval. The costs of erection are to be defrayed from the county or borough rate. The management is in the hands of a committee of visitors, who are appointed by the county or town council, and who must visit the asylum every two months, and must make an annual report to the council. An annual inspection of the

[1] The number of lunatics in workhouses on the 1st of January, 1900, was 17,460, in addition to 2,566 epileptics not classed as insane (Parl. Papers, No. 362 of 1900). In some workhouses they are kept apart from the sane inmates, and are placed in charge of skilled officers, but this is rarely the case where the numbers are small. In 1895 there were 392 children under sixteen years of age in workhouses (besides 98 epileptics), of whom 178 were reported as improvable if only they had special training.

[2] 53 Vict. c. 5, s. 24. See also L. G. B. Circular of July 30, 1901.

[3] Complaints, however, have recently been made that lunatics are often sent to workhouses without due regard to these requirements of the law, and that violent, noisy, mischievous, or physically offensive cases are committed to workhouses where there is no proper accommodation for them, and where they are generally an annoyance, and sometimes even a danger, to the rest of the inmates. There have, indeed, been instances in which persons of this character have attacked others with dangerous and even fatal results; and there is a movement in favour of removing all imbeciles, as well as other lunatics, from the workhouses, and handing them over to the charge of the county councils. Such a step would have the great advantage of putting an end to what one of the inspectors of the Local Government Board has characterized as "the cruelty of requiring sane persons to associate, by day and by night, with gibbering idiots." See 30th Report of L. G. B., p. 122. Possibly improvement might be secured by an amendment of sect. 13 of 31 & 32 Vict. c. 122, already referred to.

asylum must be made by two of the Lunacy Commissioners,[1] who report on its condition and the treatment of the patients. Special inspections may at any time be ordered by the Lord Chancellor or the Home Secretary. Moreover the guardians and the poor law medical officers are empowered at any time to visit the lunatics admitted from their district unless this appears undesirable on medical grounds. The superintendent of the asylum has to send to the guardians a half-yearly report as to the pauper lunatics under treatment.

When there is no room in the county or borough asylums, pauper lunatics are sometimes sent to registered hospitals, which are mainly supported by voluntary contributions, or to licensed houses, which are private establishments, licensed by the Lunacy Commissioners. Both classes of institution are subject to the inspection of the commissioners. In some instances, too, pauper lunatics are boarded out with their relatives.

As regards the cost of maintenance of pauper lunatics, every union has to pay for its own.[2] Since 1874, however, the State, and since 1888 the county council, has made a contribution of 4*s*. weekly for each lunatic admitted to a public asylum or to a registered house.[3]

This contribution, which is only paid in respect of lunatics in asylums, would naturally have the effect of lessening the number of those in workhouses, and increasing that in asylums.

The latter increase has certainly taken place, but it has not been accompanied to any important extent by a decrease in the number of lunatics maintained elsewhere. As a matter of fact there has been an enormous increase in the number of lunatics in public asylums, while the number of the others has remained much as it was. The following table extracted from the 30th Annual Report of the L. G. B. (p. 366) will make this clear.

It will be seen that the number of lunatics in the registered hospitals is very small, and varies much in different years. The number of those living with relations, &c., does not amount to six per cent. of the whole, having very slightly decreased since 1860. The majority are in public lunatic asylums and workhouses; there being an increase as regards both, but especially as regards the asylums. It must be remembered, however, that only one class of lunatics is admitted to the workhouses, while the asylums admit all classes. Still, figures do not show that in consequence of the contribution from the State, those classes of lunatics who might be

[1] This board consists of nine persons, appointed by the Lord Chancellor, six being paid and three unpaid. Half of the paid commissioners are medical men, the other half barristers. As to their duties, see 53 Vict. c. 5, ss. 187, 191, 203, &c.

[2] If a lunatic does not possess a settlement, the cost of his maintenance has to be defrayed from the county rate. Foreign lunatics are also a county charge (see sect. 290 of Lunacy Act, 1890), unless they are criminal lunatics, in which case a magistrate's order has to be obtained, in accordance with sects. 7 and 8 of the Criminal Lunatics Act, 1884, deciding to what union they are chargeable.

[3] See 51 & 52 Vict. c. 41, s. 24 (*f*) and (*g*).

maintained in workhouses have been sent to public asylums to a large extent as compared with previous years.

The chief reason of this is no doubt the costliness of these asylums. The weekly cost[1] of maintenance in 1898–99 was 9*s.* 1½*d.* per head in the county asylums, and 9*s.* 9¾*d.* in the borough asylums, while in the workhouses it rarely reaches 5*s.* As regards this last amount it must be admitted that the cost of the staff which, in the case of workhouses, cannot be separately apportioned to the lunatics, is not included, though it is reckoned in the case of the asylums. The difference between the amounts is so great that the guardians, even with the contribution of 4*s.* a week from the county council, scarcely gain by sending away such lunatics as they could keep in workhouses.[2] It should, moreover, be observed that the number given under the head of Lunatics in workhouses includes also those who are in special institutions for idiots and imbeciles.[3]

On the 1st January.	Number of insane paupers chargeable to poor rate.					Number chargeable to county and borough rates.	Total.
	In county or borough lunatic asylums.	In registered hospitals or licensed houses.	In workhouses and metropolitan district asylums.	Residing with relatives, or in lodgings, or boarded-out.	Total.		
1860	15,595	1,454	8,219	5,980	31,248	1,745	32,993
1865	20,626	1,627	9,756	6,557	38,566	1,594	40,160
1870	26,029	2,061	11,358	7,086	46,534	1,899	48,433
1875	30,497	1,842	15,376	6,856	54,571	1,859	56,430
1880	37,815	1,335	16,464	5,980	61,594	1,876	63,470
1885	45,392	1,130	17,282	5,896	69,700	1,670	71,370
1890	50,241	1,568	17,825	5,811	75,445	1,581	77,026
1895	59,152	1,451	16,898	5,869	83,370	1,538	84,908
1896	61,054	1,749	16,945	5,924	85,672	1,502	87,174
1897	63,815	1,807	17,121	5,821	88,564	1,510	90,074
1898	66,136	1,796	17,120	5,921	90,973	1,479	92,452
1899	68,716	1,828	17,453	5,960	93,957	1,505	95,462
1900	70,833	1,243	17,460	5,847	95,383	1,482	96,865
1901	72,667	1,230	17,115	5,640	96,652	1,485	98,137

Note.—Criminal lunatics are excluded in the years since 1884, as the cost of the maintenance of these lunatics in asylums has, since then, been required by section 10 of the Criminal Lunatics Act, 1884, to be defrayed out of moneys provided by Parliament.

These figures show the enormous increase of pauper lunatics. The number has risen annually, and is now about 20,000 in excess of what

[1] See 54th Report of Lunacy Commissioners, p. 17.

[2] It should be stated that with the approval of the Commissioners in Lunacy and the L. G. B., chronic lunatics, if not dangerous, may be sent back from the asylums to the workhouses. 25 & 26 Vict. c. 111, s. 8; 26 & 27 Vict. c. 127, s. 2; 31 & 32 Vict. c. 122, s. 43.

[3] See below, p. 293, as to the establishments erected by the Metropolitan Asylums Board at Caterham, Leavesden, and Darenth. According to the 54th Report of the Commissioners in Lunacy (for 1899-1900), the number of paupers in these institutions is 5,949, while in the workhouses there are 11,511.

it was ten years ago. Unfortunately, too, the rise is not only temporary, but has been steadily going on for many years.[1] It deserves serious consideration, and can scarcely be accounted for, as is often assumed, solely by the drunkenness of the lower classes.[2]

SECTION VI.

CASUAL PAUPERS AND BEGGARS.

We have repeatedly dwelt upon the difficulty of so organizing the poor law system that adequate help shall be given to the destitute without affording an incentive to pauperism. The difficulty is especially felt as regards the treatment of vagrants.

It is intensified by the fact that the term "destitute" comprises two entirely different classes of persons, between whom it has hitherto been found very hard to draw a line. On the one hand are the genuine working-men in search of employment, who are in want owing to no fault of their own; on the other hand, the professional vagabonds who roam from place to place, and whose object it is to live comfortably without work, at the expense of other people. Strong police measures are necessary to repress the latter class, since their existence is an injury to the former.

As long as no fixed line is drawn between these two classes between real and only apparent destitution, any measures against vagrants are liable either to the objection that the destitute are inadequately relieved, or to the still stronger one that idleness is encouraged, and thus there is a direct incentive to pauperism.

The danger involved in this latter consideration is so obvious as not to need further discussion. Nothing has so demoralizing an effect upon the whole working-classes as the sight of crowds of

[1] The following interesting figures are taken from the same report of the Commissioners in Lunacy. Besides 97,028 pauper lunatics (43,848 males, and 53,180 females), there are under the control of the commissioners 8,813 private patients. Of the latter 1,489 are in county and borough asylums, but the larger majority are in registered hospitals and licensed houses. In addition to the above there were 770 criminal lunatics, of whom 649 were in Broadmoor Asylum and 119 in county and borough asylums. In the course of the year 1900, 19,289 persons were newly admitted into the establishments under the commissioners.

[2] Part of the increase may perhaps be attributable to greater stringency of administration in the case of those just over the borderland of insanity, who used to be left at large, but are now confined as lunatics. But Dr. North, at the Yorkshire Poor Law Conference in 1881, ascribed it mainly to the overcrowded and unhealthy dwellings of the working classes, which are not only attended with physical and moral evils, but must also have an influence on the mental condition of those who inhabit them. Moreover, by driving people to public-houses, they may thus be an indirect cause of lunacy. See essay on 'Labourers' Dwellings in England,' by Dr. Aschrott (Leipzig, 1886). With regard to measures against drunkenness, it may be stated that under the Inebriates Acts, 1879, 1888, and 1898, the Home Secretary, or the council of any county or borough, may establish "Inebriate Reformatories," and various councils are doing this. The legislation was introduced on the ground that habitual drunkards "call for protection as much as if they were deprived of their reason by the act of God." See p. 129, note 1.

beggars, living jovially and doing nothing. But in dealing with this class, all stringent regulations are inoperative as long as they are not supported by public opinion, and this will be the case so long as people fear that harsh measure will be dealt out to those who are destitute for no fault of their own. If public opinion is not convinced that the destitute are suitably and adequately provided for, there will always be benevolent souls who will feel impelled to mitigate the severity of the law by private charity.[1] But as it is not possible for individual benevolence to discriminate between real and only apparent need, alms are lavished for the most part, not on the destitute and the deserving, but on those who know best how to excite pity, because begging is their trade. We can thus only come to the unsatisfactory conclusion, that indiscriminate almsgiving, evoked by the harshness of repressive measures, favours the profession of mendicancy, and therefore supplies an incentive to pauperism scarcely less powerful than that afforded by lenient enactments.

With these general remarks, we proceed to the consideration of the way in which vagrants are dealt with. It will be obvious from what we have said that it is necessary that the regulations for the relief of vagrants should be treated in connexion with the penal provisions against rogues and vagabonds. As regards the latter class it will be enough shortly to recapitulate the account given in the first part of this work.

English legislation has always treated beggars and vagabonds with extraordinary severity. The old Acts contained a complete penal system, with progressive penalties against "sturdy vagabonds," and "valiant beggars." For the first offence, the punishment was public whipping, for the second, cutting off the ears, for the third, hanging; and even in the Act of 1713, which belongs to a more humane period, we find the provision that vagabonds, before being sent back to their home, are to be publicly whipped.[2] Even the Act of 1824, which is still in force, bears the traces of the severity of the Middle Ages. In accordance with this Act,[3] a beggar wandering alone, or asking for alms in public places, streets, etc., may be punished as an idle and disorderly person with imprisonment for one month with hard labour. If he has already been sentenced as an idle and disorderly person, the penalty is raised to imprisonment with hard labour for 3 months, and if after having been thus punished as a rogue and vagabond, he is again found guilty, he may be condemned as an incorrigible rogue to imprisonment and hard labour for twelve months, to which whipping

[1] Nicholls, vol. ii. p. 65, rightly says: "As long as the people's sympathies are excited by the appearance of want, so long will the charitably disposed be compelled to give. The best prevention of unreasoning benevolence will be found in the people's being convinced that the really destitute are relieved and properly provided for at the public charge."

[2] 13 Anne, c. 26. "Be stripped naked from the middle, and openly whipped till his or her body be bloody"!

[3] Details of the provisions of the Act 5 Geo. IV. c. 83, have been already given, p. 25.

may be added. It will be seen that the penalties still in force leave nothing to be desired on the ground of severity.

If, however, we look into the matter and inquire how far these provisions are of practical application, we shall be of a different opinion. It is not merely that under the English penal system only a limited number of cases of repeated offences are punished, but it is also a well recognized fact that a magistrate is very reluctant to impose a penalty for simple begging if no grave offence is associated with it.[1]

Moreover, there is one arrangement by which alms may be asked for without liability to penalty. This is the so-called Pedlar's Certificate, which is granted by the police for a fee of 5*s.* a year. The possessor of this document, by providing himself with a stock of two match-boxes, may appeal for charity in the streets during the whole year, if he only takes the precaution always to stretch out the hand with the match-boxes in it. This molestation of the public by many hundred persons in London, is an English characteristic.[2] It is the legalized evasion of the enactments against begging, which are held by the public to be excessive in stringency.[3] The result is that these penal enactments have little effect, and only touch novices in the art of mendicancy.

We proceed to a description of the fashion in which this class of persons is dealt with by the poor law authorities.

As all who are really destitute, whether able-bodied or not, must, under the poor law, be relieved by the guardians, and as, on the other hand, any person admitted to the workhouse could leave it as soon as he liked, vagrants used at any time to find a free lodging for the night, with supper and breakfast in the workhouse. It was with reason that the workhouses were styled pauper hotels, and were used as convenient resting-places by professional vagrants after they had spent the proceeds of their day's begging in tippling and jollification. In 1842 the legislature endeavoured to remedy this abuse by providing[4] that the guardians might prescribe a task of work to be done by any person relieved in any workhouse, in return for his food and lodging. The task was to be sanctioned by the Central

[1] In the House of Commons on May 10, 1869, Mr. Goschen, the then President of the P. L. B., stated that there was "a difficulty in procuring the conviction of vagrants, because magistrates did not regard the offence as one of a serious character." Similarly Mr. Thomas Dickens, in the Transactions of the Manchester Statistical Society, 1880, 'The Borderland of Pauperism,' declares that the police magistrates almost always discharge beggars and vagabonds brought before them for the first time, and even now, more than twenty years later, the same sort of tenderness for the individual and oblivion of the interests of the community are very general. The result is that the beggars wander from one district to another, and escape punishment.

[2] Another question is how many of these disguised beggars actually possess such a certificate. The risk which they run if they stretch out their hand without having a certificate, is in effect not greater than if they really begged, but perhaps the two boxes of matches might be confiscated.

[3] Loch, *ut supra*, p. 43, says, "The pedlar is a kind of legalized vagrant, a vagrant with a legitimate and recognized purpose in roving."

[4] 5 & 6 Vict. c. 57, s. 5.

Board, but no one was to be detained against his will for more than four hours after breakfast on the morning following his admission into the workhouse. If he refused or neglected to perform his task, the guardians could have him punished as an idle and disorderly person.

It was soon seen that wherever the task was severe and was rigidly enforced, the number of beggars and vagrants decreased. This fact was regarded as warranting an extension of the enactment, and in an Act of 1871 [1] it was provided that the pauper should not be discharged before eleven in the morning after his admission or before the completion of the prescribed task. If he had been thus relieved on more than two occasions during one month in the same union, he was not to be entitled to discharge himself until 9 A.M. on the third day after his admission.

These provisions, however, which are decidedly of a penal character, did not apply to all persons relieved, but only to a special class, the casual paupers,[2] who are defined in the Act as "any destitute wayfarer or wanderer." English writers define them somewhat differently, namely, as those who claim relief in a place which is neither that of their settlement nor of their residence.[3] This brings into sharper relief the particular characteristic of the class: they are homeless persons who only claim shelter for the night. Thus the Act [4] of 1864, applying only to the metropolis, described this class of persons as "houseless poor." But as regards this last expression, it does not matter where the person has a settlement, while under the Act of 1871, a person in need of shelter, whose settlement is in the district where he is relieved, is not to be treated as a casual pauper.[5]

There are special regulations with regard to the treatment of casual paupers. Either separate accommodation is reserved for them in the workhouse, or separate buildings are provided. In the case of these "casual wards," the erection of which may be required by the Central Board, the discipline, the management, and the food are specially prescribed. The provisions on this subject in the Act of 1871 have been amended and made more stringent by an Act of 1882,[6]

[1] The Pauper Inmate Discharge and Regulation Act, 34 & 35 Vict. c. 108.

[2] The Act gives the guardians power to require in the case of other inmates of the workhouse or particular classes, that they shall not be discharged immediately on their application, but shall be detained a certain time. The introduction of this measure is left to the discretion of the guardians, while the enactments as to casual paupers are obligatory.

[3] See Archbold, 'Justice of the Peace,' p. 242.

[4] 27 & 28 Vict. c. 116. Under this Act (see also 28 Vict. c. 34, and 30 Vict. c. 6. s. 69, sub.-s. 6) the expenditure on the houseless poor or casual paupers was made a common charge on the whole metropolis.

[5] Since settlement has almost lost significance as regards relief, it does not appear reasonable that it should be introduced in this case. Whatever the intention of the legislature, practically little attention is paid to the point, and, as a matter of fact, a person is ordinarily treated as a casual pauper if only in need of shelter for a single night, without reference to his settlement.

[6] 45 & 46 Vict. c. 36, and the General Orders of Dec. 18, 1882, June 11, 1892,

especially relating to casual paupers, the regulations made under which are as follows:—

Admission to the casual wards is to be granted on an order of the relieving officer,[1] or of an overseer, or, in case of urgent need without an order, by the master of the workhouse or superintendent of the casual ward. Moreover, in the metropolis, if there is accommodation, admission is to be given to persons brought in by the police as having been found helpless. The casual wards are open for the admission of persons in summer (April to September) from 6 P.M., in winter from 4 P.M. The person admitted is in the first place examined as to whether he has money or valuables about him; if so, they are taken away. He must take a bath, and is furnished with special clothes, while his own garments are, if requisite, dried and disinfected. The diet is distinctly prescribed, and is less than that given in the workhouse. The order contemplates that each vagrant shall have separate sleeping accommodation room, and the practice of providing separate cells has, of late years, become common.

The task required to be performed is ordinarily, in the case of men, either stone-breaking or oakum-picking; in the case of women either domestic work or oakum-picking. The superintendent of the casual ward has to provide each inmate with work suited to his capacity, but within the prescribed limits. If he refuses or neglects to perform his task, if he does not comply with the regulations and other requirements, if he gives a false name, or makes any false statement, he may be taken before the magistrate for punishment as an idle and disorderly person. If he destroys any of the property of the establishment or his own clothes, he may be punished as a rogue and vagabond.[2] The penalty is somewhat severe. For neglect of work it is ordinarily fourteen days' imprisonment with hard labour for insubordination, not less than a month's imprisonment with hard labour. Notice of these penalties is placarded in the wards for the information and warning of the inmates.

Discharge is not to be granted before the morning of the second day after admission, or before the completion of the prescribed task; and if the person in the course of a single month has been admitted more than once into the casual ward of the same union, not before the morning of the fourth day after admission. The ordinary hour

and May 4, 1897, 'Regulations with respect to Casual Paupers' (Glen, 'Poor Law Orders,' pp. 1044, 1183, and 1241).

[1] For some time the police assumed the duties of assistant relieving officers with regard to casual paupers, and issued orders for their admission to the casual wards, but as, in the beginning of the year 1872, the Chief Commissioner of the Metropolitan Police complained that the police were thus taken away from their proper duties, the L. G. B. ordered by circular that the employment of police constables as assistant relieving officers should be discontinued in London after July 1, 1872 (2nd Annual Report of the L. G. B., p. 21). But in the provinces this duty is often entrusted to the police.

[2] The penalty for destruction of clothing is a very necessary one, as it used often to happen that casuals resorted to this device in order to be provided with new clothes.

of discharge is 9 A.M., but if the vagrant represents that he is desirous of seeking work, he may, if he has performed his task to the best of his ability, claim to be discharged at 5.30 A.M. in summer, and 6.30 A.M. in winter.[1] Sunday is not to be reckoned in this period, and the metropolis is to be regarded as one union.[2] The provisions, however, with regard to detention are only permissive. The guardians can dispense with them in regard to particular classes of persons, and the superintendent of the casual ward has independent authority to permit an earlier discharge if there are special circumstances in the case.

These, then, are the present regulations—what is the result in practice? In the year 1883, when the new Act was first in operation, the average number of casual paupers relieved daily in England and Wales was 4,790, as against 6,114 in the previous year, though it afterwards steadily rose to 11,362 in 1899, falling to 9,400 in 1900, and to 9,719 in 1901.[3] With regard to these figures two considerations must be held in view.

One point which has escaped attention is, that besides casual wards a number of refuges have been erected by charitable societies for the reception of the homeless, and that the number of such institutions has increased, owing especially to the more stringent provisions of the new Act. The influence of these institutions on the figures given above is obvious, and in order to form a just estimate it would be necessary to include the number of persons admitted to the refuges.

But then comes the further question whether the persons admitted to the casual wards are those for whom these more stringent regulations are designed? From ocular demonstration and from conversation with several superintendents of casual wards, we found reason to believe, some fifteen years ago, the majority of persons admitted were not professional vagrants, but rather persons out of work for the time, but with too much self-respect to beg. Real vagrants can always manage, by begging or in some other fashion, to obtain the very small sum, generally not more than threepence, which is enough to procure them quarters for the night in the common lodging-houses.[4] In this way it appeared that the stringency of the new

[1] See Order of June 11, 1862.

[2] Since July 1, 1872, special officers have been appointed in the metropolis, to visit each casual ward at least twice every week, and to identify those inmates who are regular frequenters of the casual wards. Old and experienced police officers are ordinarily selected for this purpose. They do not wear uniform.

[3] Comparing the figures for 1883, and subsequently, with those for previous years, it is necessary to take into consideration that in consequence of the extension of the period of detention, the number of persons in the workhouse on any particular day represents a much smaller number of admissions than previously. But see note on p. 285, which shows that these numbers must be reduced by nearly one-half in order to represent that of the vagrants actually lodged in casual wards on any one night.

[4] See the speech of Mr. (now Sir John) Dorington at the West Midland Poor Law Conference, 1883. As the result of inquiries made by him in 157 unions, he

regulations had driven the professional vagrant, against whom they were directed, from the casual wards to the common lodging-houses, which have become a dangerous centre for roguery of all kinds; while, on the other hand, those who really require relief, and are deserving of it, are treated as evil-doers, since no one who has ever seen a casual ward can doubt that it is very like a prison.[1]

The regulation of 1882 makes the professional vagrant more dangerous, and does not afford suitable and sufficient relief to the man who is destitute without any fault of his own. Indeed, the latter is often worse off after being in a casual ward than he was before. It should be remembered that a destitute person admitted into the casual ward is obliged to work on a scanty diet, and is afterwards discharged in a penniless condition, without any advice as to where he may find employment. In the evening he finds himself once more compelled to resort to the casual ward, till in the end he no longer regards begging with aversion, and becomes one of the very class from which he should hold himself aloof. On the other hand, as regards real vagrants,[2] the treatment appears in some degree unsuitable to them. The great object in their case ought to be to inspire them with a desire to work, but the work performed in the casual wards, which possesses no educational character, is quite unfitted for this object.[3]

The treatment of beggars, vagrants, and casual paupers appears to be the branch of the poor law which is most defective, and most in need of improvement.

The reason, shortly stated, is as follows. The penalties against rogues and vagabonds, contained in the Act of 1824 (see p. 25), are much too severe, and are held by the public conscience to be so. As there is no special tribunal to deal with such cases, only a comparatively small percentage of the rogues and vagabonds are punished, while a large number of able-bodied loafers claim public relief as casual paupers, just like honest wayfarers who happen to be in want. On this account, the Acts of 1871 and 1882 contain stringent provisions as to the treatment of this class, their punitive character being

states, that the "professional vagrant, instead of coming to the house (*i.e.* casual ward) now goes to the lodging-house."

[1] At the present time, however (1901), there seems to be a general consensus of opinion that the proportion of professional vagrants resorting to the tramp wards has steadily increased, while that of men really in search of work has largely diminished.

[2] The reports of the L. G. B. class as "habitual vagrants" those known to have been admitted into the casual wards more than once in a single month. In the year 1900, the total number of habitual vagrants identified by the visiting officers in the metropolis was 13,765. (See 30th Report of L. G. B., p. 388.) But this number represents identifications, not individuals, and the same vagrant may have been recognized as "habitual," and detained for four days, a score of times, or oftener, in the course of the year. (See note on p. 286.)

[3] In the report of the Whitechapel union already quoted, we are told, p. 15, "that the labour test imposed upon vagrant paupers is not calculated to induce a spirit of independence and habit of work, nor to impart physical power to enter upon industrial employment;" "that habitual vagrancy cannot be repressed by severe discipline and treatment unassociated with the means for dispauperization."

wn by the fact that the tramps may be detained several days inst their will. Whether this power shall be exercised is left by Acts to the individual boards of guardians, and, consequently, tead of the uniformity which generally characterizes the English)r law system, there are the greatest inequalities of administration. ne unions in which the Acts are strictly enforced are avoided by loafers, while other unions are swamped by them. In the former number of genuine labourers subjected to detention seemed ıarkably large, so the sympathy of the public was excited, and a nber of refuges were erected by charitable societies. But the e-bodied loafers soon utilized these, and took the place of the ıest wayfarers for whom they were intended.

There is thus a vicious circle. There ought to be a fundamental 'erence between the treatment of the loafer who roams from place place, supporting himself at the expense of other people, and the rking man who is really seeking for employment, but who has :ome destitute, on his way, without special fault of his own.[1] At sent the penalties of the law are not enforced against the former, ile the latter does not receive the moderate help which might ilitate his securing regular employment.[2]

The result of this unsatisfactory system is shown in the large rease in casual paupers, the numbers, taken on an average from January and 1st July, having risen from 2,111 in 1859, to 7,483 1869; having then fallen off for some years, but having again ched 6,970 in 1881; having then fluctuated till they were 8,935 in)4; 8,539 in 1895; 10,634 in 1896; 11,555 in 1897;[3] 11,296 in

It is necessary to observe, however, that in workhouses where the detention em is carried out, it is the practice to exempt from it any person able to satisfy master or the superintendent of the casual ward that he is honestly in search work. The experience of such officials makes it easy for them to discriminate ween the general labourer and the professional mendicant; and hardship to former is obviated. Moreover, it has been estimated that, in ordinary times, one in twenty of the visitors to tramp-wards who profess to be seeking employ- ıt would accept it if offered. Attempts have been frequently made by)loyers to engage such men at good wages, but all have usually gone off after ay or two. The fact is that the man who belongs to a trade union or a benefit iety, or indeed any genuine workman who has not forfeited all claim to help, generally manage to obtain money for his travelling expenses to any place ere hands are wanted; and the exceptions to this rule, who resort to casual :ds, are dealt with exceptionally.

It would be well if arrangements could be made for establishing a connexion ween the casual ward and the labour market, so that the men might know ere to find employment. But so many efforts in this direction have been uccessful that it would seem that most of the vagrants, who profess to be in rch of work, take care never to find it.

It should be said that these official figures scarcely give a precise representa- ı of the actual facts; and the statistical objections to taking the average of numbers on two special days of the year are stated in App. II. Exact ticulars have been given for particular unions, as well as for the four counties Berks, Bucks, Oxford, and Warwick, which show that the total number of ual paupers in these counties was 60,877 in 1883; 129,342 in 1888; 199,567 1893; 216,362 in 1894; 209,134 in 1895; and 187,025 in 1896. But, on the er hand, it must be remembered that these figures relate to admissions, not to ividuals; the tramps are like a stage army, and each one appears again and

1898; 11,362 in 1899; 9,400 in 1900; and 9,719 in 1901, the recent drop having probably been mainly due, directly or indirectly, to the war in South Africa.

In the face of the increase of tramps, and of complaints from all parts of the country, it was obviously impossible for the Local Government Board to refrain from action. But it has hitherto done no more than to call the attention of particular boards of guardians to the matter, and, in a circular of 25th February, 1896 (26 Rep. of L. G. B., p. 1), to advise a strict and uniform enforcement of the regulations with regard to casual paupers; also recommending certain improvements of detail. There has been no proposal for a radical change in the system which would require legislation. It remains to be seen whether the existing law, if duly enforced by boards of guardians generally throughout the country, is sufficient to meet the evil.

I believe, though I do not ignore the fact that substantial improvements have been made in particular unions, that in the long run it will be found necessary to amend the antiquated Vagrancy Act of 1824.

As to this matter I must limit myself to a few remarks on the present state of things.

Of the 648 unions in England and Wales in 1896, 635 have special casual wards, so the principle of separating tramps from the other inmates is carried out in practice. But these casual wards are for the most part old buildings in which the cell system, recommended by the Local Government Board, does not exist. Still, year by year there is amendment in this respect, owing to the erection of new blocks of cells.

Only 305 unions had, up to 1896, utilized their legal power of detaining tramps till the morning of the second day, and those who have visited the casual ward more than once in a month, till the fourth day, after admission.[1] And in these 305 unions there is much

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again. There is no night in the year when as many as 7,000 tramps sleep in all the casual wards of England and Wales, and it is by multiplying the number of days by the number of daily admissions that we get such formidable numbers as the above for only four counties. The figures given in the text present a similar statistical pitfall. Some five years ago it was found that the returns of vagrants relieved on a particular day reckoned a large number twice over, since they had breakfast at one workhouse before leaving, and supper at another before going to bed. Since 1896, therefore, there has been a separate count of those who slept at the workhouses on the nights of 1st January and 1st July, and the result has been to reduce the numbers for 1897 from 11,555 to 6,795; for 1898 from 11,296 to 6,444; for 1899 from 11,362 to 6,419; for 1900 from 9,400 to 5,470; and for 1901 from 9,719 to 5,483.

[1] The old regulation for discharge at 9 A.M.—a regulation which was particularly unsuitable, as making it difficult for the casual to obtain work on the same day—has been amended by the Order of June 11, 1892, under which discharge may be allowed, on request, at 5.30 A.M. in summer, and 6.30 A.M. in winter (22nd Report of L. G. B., p. 14). In the metropolitan casual wards in 1900, of the 13,765 tramps recognized as having been admitted more than once in a month, 11,628 were detained till the fourth day, while the remainder were allowed earlier discharge (30th Report of L. G. B., p. 388). See note, p. 284.

difference as regards the extent to which the order is carried out; while some guardians strictly enforce detention, and have sent representations to the Local Government Board in favour of its being extended to fourteen days, others make numerous exceptions, and, for lack of room, allow the discharge of tramps before the prescribed time.

As to their employment when under detention, even now it unfortunately consists at many workhouses in picking oakum, which is not only useless, but is destructive of all desire for active labour.[1] Only some individual unions have taken care to give employment in some ordinary work which may have an educational tendency. As a rule, as one of the inspectors sarcastically but truly remarks, the only educational influence is the bath, which the tramp is forced to take on admission (25th Report L. G. B., p. 185).

Chief among the improvements adopted in particular districts is the so-called Berkshire or Gloucestershire system. It consists in the delivery to the tramp, on discharge, of a "way-ticket" specifying a particular route, entitling him to bread at stations established at about five miles' interval, and also to lodging for the night at a casual ward without subsequent detention. A modification of this plan is the so-called Dorsetshire system, by which he obtains, either on leaving the casual ward or from the police or from certain individuals whose addresses are furnished, "bread-tickets" entitling him to a fixed allowance of bread at certain shops specified on the ticket.

Both systems are intended to convince the public that honest wayfarers are sufficiently provided for, and that indiscriminate almsgiving is therefore unnecessary; and it is believed that there will be a more stringent enforcement of penalties against persons who, despite these arrangements, are caught begging. The Berkshire or Gloucestershire system is adapted for country districts, the Dorsetshire system for towns.

As to the success of these arrangements opinions differ. It really depends on the attitude of the public and of the police. In Dorset, where Colonel Amyatt, the chief constable, is much interested in the system, and requires his subordinates to bring all mendicants before the magistrates, it has been thoroughly efficacious; but this has not been the case in the various other districts where the system has been adopted.[2] This fact affords an illustration of the necessity for uniform

[1] In the Report of the Local Government Board in the year 1888, it was admitted that the maximum task of oakum-picking imposed on the inmates of casual wards was nominally, if not actually, greater than that exacted from prisoners, and it is unquestionable that this sort of work is particularly hard for those who are not used to it. The Board merely advised that the casuals should be allowed hooks and nails to facilitate their work (18th Report of L. G. B., p. xci). But in recent years stone-breaking, wood-chopping, and, in rural workhouses, digging, have been largely substituted for oakum-picking.

[2] Mr. Preston-Thomas reported of his district in the Eastern counties, "The ticket-system has been practically abandoned in most unions," while Mr. Davy (Sussex) has referred to the success of the "joint action of the police and the poor law authorities." Mr. Dansey reported in 1897 that there had been a special conference of Staffordshire guardians, under the chairmanship of the Lord

treatment of vagrants throughout the country. Otherwise the natural result is that the professional tramps avoid the districts in which they are treated with strictness, and flock all the more to others. Thus the plague of mendicancy will merely be removed from one place to another.

The plan of the Church Army has been more generally successful. This organization, founded in the year 1882, originally devoted itself to the spread of religion among the working classes, but has been giving more and more attention to the improvement of their social condition. It has established a considerable number of labour homes, and several "test and training" farms. In some places, especially in London, it has arranged for regular visits by its members to casual wards, in order to discover inmates who are really willing to return to proper work; and it endeavours to help these by receiving them in its homes and farms. Its operations appear to have been attended with excellent results, and, according to the Church Army's Bluebook for 1899, out of 1,155 men and lads admitted to the London homes about 500 may be regarded as completely successful cases, while out of 1,861 received in the provincial establishments about 700 may be so regarded. But in such matters it is very difficult to obtain precise and unbiased evidence of the degree of permanent reformation secured.

There is one form of mendicancy which everybody regards as especially deplorable, namely, that which seeks to excite sympathy by carrying children about the country. The difficulty of dealing with this evil arises from the fact that if, as has often been proposed, tramps' children were taken away from them, and were maintained at the public expense, parents might take to the road with the express object of getting relieved of the burden of maintaining their families. At present, the returns of admissions show that comparatively few children are brought to the tramp wards, the average number on the nights of 1st January and 1st July, during each of the years 1895–98, having been only 309, of whom about one-sixth were under two years of age.

With regard to the women, who usually constitute about ten or twelve per cent. of the whole number of vagrants, it may be safely affirmed that most are professional beggars.[1]

SECTION VII.

METROPOLITAN POOR LAW ADMINISTRATION.

The poor law administration of the metropolis is of particular interest in two respects. In the first place, it is interesting to see how means have been found to overcome the inherent difficulties of

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Lieutenant, in order to secure, what is the first element of success, the adoption of a uniform system, while the county council of Salop had also urged uniformity on the boards of guardians in their own county.

[1] Parl. Papers, No. 322 of 1899.

mbining a uniform poor law system with local self-government in a ty with circumstances so very different from the rest of the country. n the second place, the metropolitan administration is of special ignificance, because of late years London has been made a field for the improvements which have been tried with regard to the poor law system, in order that if they succeed here, under the eyes of the Central Board, they can be extended to the rest of the country.[1]

Until after 1860 the poor law administration of the metropolis in no wise differed from that of the rest of the country. In London, as in the provinces, it was carried out originally by the respective parishes independently of each other. The Act of 1834 had less effect here than elsewhere, because in London many of the parishes had been administered under local Acts which were not then repealed. In consequence of that Act, fifteen metropolitan unions were formed, in which poor law administration was established in accordance with the principles generally applied. The same system had been introduced in twelve parishes, which on account of their size were allowed by the Central Board to remain separate. But besides these districts there were eleven other parishes which were separately governed under local Acts. Consequently, about a third of the metropolis had a poor law system different from the rest.[2]

The committee appointed in 1861 to inquire into the operation of the poor laws occupied itself specially with the circumstances of the metropolis, and in its report, which appeared in 1864, strongly represented the necessity for reform. Its members were unanimous as to the disadvantages resulting from varying administration under local Acts in the same city, and they also came to the conclusion that there ought to be an adjustment of the burden of poor law relief between the poor districts, with their large number of paupers, and the rich districts with their large means in comparison to the amount of destitution.

These are the two main points dealt with in the Acts of 1864, 1865, 1867, 1869 and 1870, applying especially to the metropolis.[3] The equalizing of the poor rate, which was called for in fairness, afforded an opportunity for costly improvements, only possible in a large area with ample means. As regards poor law medical relief specially, a number of improvements were made which have not even yet been extended to the rest of the country on account of the expense involved. Poor law administration in the metropolis, which

[1] This is, for instance, the case with regard to the treatment of casual paupers; and the metropolis has also led the way in endeavours to reform both the medical relief system and the plan of bringing up pauper children.

[2] See as to the poor law system of the metropolis, a paper by Lumley in the Journal of the London Statistical Society, vol. xxi., p. 169.

[3] Metropolitan Houseless Poor Act (27 & 28 Vict. c. 116; and 28 Vict. c. 34); Metropolitan Poor Act, 1867 (30 Vict. c. 6); Metropolitan Poor Amendment Act, 1869 (32 & 33 Vict. c. 63); and Metropolitan Poor Amendment Act, 1870, (33 & 34 Vict. c. 18).

had previously been more defective than elsewhere, is now in many respects superior to that of the rest of England.

The following points may especially be noticed in which London differs in this respect from the provinces.

I. The metropolis is divided for poor law purposes into 36 districts, of which 16 are unions of several parishes, while the rest consist of single parishes with their own boards of guardians. Before the passing of the Local Government Act, 1894, the boards of guardians were specially constituted, since in addition to the elected and the *ex-officio* guardians certain others were nominated by the Central Board, which thus exercised additional influence on the poor law administration. The power of nomination, however, was abolished by that Act, and the guardians are elected on the same franchise, and subject to their possessing the same qualifications, as in the rest of the country.

Each metropolitan union or separate parish administers relief, and manages its poor law establishments, like unions outside the metropolis.[1] The solidarity of the respective districts is, however, shown by the fact that particular branches of the poor law, which are elsewhere administered by boards of guardians, are here carried out independently by a special body, the Metropolitan Asylums Board, dealing with the whole of London; and further, that in the case of many other branches of the poor law, the charges of the various districts are equalized by means of the Common Poor Fund.

II. Such equalization was first introduced in 1864 with regard to the houseless poor.[2] It is a pure chance in the case of this class of persons whether they become a burden on one district or on another; and as their choice in making application for relief is absolutely unrestricted, it is only reasonable that the whole metropolis should bear the expense. It was thought unnecessary in the first instance to form a special fund for these not very considerable expenses, and it was provided that re-payment should be made from the existing funds of the Metropolitan Board of Works (for which the London County Council was substituted by the Local Government Act, 1894) of the cost incurred by respective districts for houseless poor.

But when in 1867, and again in 1870,[3] a number of other charges were made common to the whole metropolis, it became necessary to create a special fund.

In 1867 a Common Poor Fund was formed, to which the various districts of the metropolis were made to contribute according to their ratable value. In 1869 the Valuation of Property (Metropolis) Act made provision for a uniform valuation.[4] The mode of contribution to the fund is practically regulated as follows. Each district, in the first place, defrays its poor law charges from its own means, but in so far as such charges are common, the auditor half-yearly certifies the sum which the particular district has to receive out of the common

[1] 30 Vict. c. 6, s. 79; 31 & 32 Vict. c. 122, s. 9.
[2] 27 & 28 Vict. c. 116; 28 Vict. c. 34.
[3] 30 Vict. c. 6, 33 & 34 Vict. c. 18; see also 32 & 33 Vict. c. 63, s. 21.
[4] 32 & 33 Vict. c. 67.

fund; while, on the other hand, the sum is brought into account which such district has to contribute to the common expenses of other districts, and consequently only the difference between these sums has to be paid or received. For the administration of the Common Poor Fund, which is thus very simply managed, a special receiver of the Common Poor Fund is appointed by the Central Board.

The following items are chargeable to the whole metropolis, and are payable out of the Common Poor Fund.[1]

1. Maintenance of lunatics in asylums, hospitals, and licensed houses.

2. Maintenance of fever and small-pox patients in special hospitals provided for them.

3. Maintenance of pauper children in district, separate, certificated and licensed schools, and of boarded-out orphans and deserted children.

4. Maintenance of casual paupers in the wards provided for them.

5. Expenses of medical relief, including medicines and other appliances.

6. Salaries and rations of officers including those in district schools, asylums, and dispensaries.

And, finally,

7. An allowance of fivepence per day for each pauper over sixteen years old, who is maintained in the workhouse, or in establishments other than those mentioned in 1, 2, and 4.[2]

The following figures will give a notion of the proportion of poor law expenditure common to the entire metropolis, and of the sums borne by the respective unions. In the year 1899,[3] the entire expenses of poor law administration in the metropolis amounted to £3,446,132, of which £1,238,007, or 35·9 per cent. was defrayed from the Common Poor Fund.

The main items of this last sum are as follows:—

	£
Salaries of officers	403,987
Maintenance of paupers in workhouses, &c. . . .	296,696
,, Lunatics	306,544
,, Pauper children	186,814

Thus rather less than two-fifths of the poor law expenditure is borne in common by the whole metropolis. This proportion has only slightly varied in different years, thus, in 1872 it was 38·7 per

[1] We omit the expenditure for the registration of births and deaths, for vaccination, &c., which are not poor law matters, though they happen to be charged on the poor rate.

[2] For details of the legal provisions on the subject, and especially as to the power of the Central Board to suspend or withhold payment in case a union disobeys the regulations of the Central Board, see above, p. 78. This enactment gives the Central Board greater power as to poor law administration in the metropolis than in the rest of the country.

[3] See 29th Report of the L. G. B., p. lxxx., and Appendix, pp. 412 and 481, &c. This abstract only includes expenditure in connexion with the poor law, not the other charges upon the poor rate.

cent.; in 1877 it was 39·1, and in 1880 it rose to 42·3. It may be interesting to give a few figures showing the way in which the poorer districts profit by the equalization. Of the thirty-one unions, &c., of the metropolis, fourteen contribute to the common fund, while seventeen receive from it a contribution to their expenditure. The total amount of relief derived by the poorer from the richer unions amounted for the financial year 1898–99 to £295,428, or about 13 per cent. of the total poor law expenditure of the poorer districts. In some of these districts, however, the amount received was an exceedingly high proportion of the general expenditure. Thus, in St. George's in the East it was 38 per cent. and in Bethnal Green 33 per cent., while in Whitechapel, Stepney, and Mile End it was also very large. On the other hand the City of London contributed to the fund no less than £121,194, St. George's, Hanover Square, £52,405, and Kensington £38,296.

III. We proceed now to a description of the Metropolitan Asylums Board.[1] By the Act of 1867 the Central Board was empowered to unite the poor law districts of the metropolis for the provision of asylums for the reception of the sick, insane, or infirm, or for other classes of paupers. Under this enactment the Central Board in 1867 formed the entire metropolis into an asylum district, under the Metropolitan Asylums Board, to which was committed the management of a constantly-increasing number of establishments. The Act provided that the cost of erection of these establishments, and that of the general administration, should be contributed by the several unions, &c., in proportion to their ratable value, but that the maintenance of the inmates should be charged to the several districts liable to relieve them; and the amount was to be adjusted half yearly in the way above described.

The establishments are administered by the Metropolitan Asylums Board, the members of which (called managers) are partly nominated by the Local Government Board, partly elected by the respective unions. According to the Act, the number of nominated managers must not exceed one-third of those elected; they must be either justices of the peace resident in the metropolitan district, or ratepayers assessed at not less than £40 to the poor rate. The total number of managers, the number to be elected by each union, and their qualifications, are prescribed by the Central Board. At present the Metropolitan Asylums Board consists of seventy-two members, seventeen of whom are nominated by the Local Government Board.[2] These nominated members are invariably persons of position.

The following paragraph, from the Asylums Board's Report for the year 1900, gives a good notion of the field of their operations:—

"The Board have long since outgrown their original functions, which were limited to the reception and treatment of paupers suffering

[1] With regard to the Metropolitan Asylums board, annual reports are published giving detailed accounts of its proceedings.

[2] There are now (1901) two ladies among the nominated managers, viz. The Hon. Maude A. Stanley and Miss E. F. Inderwick.

from fever or small-pox, or afflicted with imbecility. They possess to-day hospital accommodation to the extent of upwards of 6000 beds, open to any persons of whatever social position[1] who may suffer from certain classes of infectious diseases; asylums which accommodate 6000 imbeciles; a training ship for 600 boys; schools for children suffering from ringworm; homes for mentally defective children (from which they can attend special schools); and seaside homes for children. Schools are also in course of preparation for children suffering from ophthalmia, and homes for children remanded from the police courts. The Board also maintain an ambulance service, which, at any time of the day or night, can place a properly equipped carriage and trained nurse at the door of any of the 600,000 inhabited houses which lie within the metropolitan area; and a river service for the transport of small-pox patients from the Board's special wharves to the hospital ships."[2]

In the year 1900 the expenses of the Board amounted altogether to £832,466, or 23·2 per cent. of the poor law expenditure of the metropolis. The sum has increased from year to year. In 1873 it was £118,675, or 7·3 per cent. of the whole; but in 1878 it

[1] It is to be observed that the persons received into these hospitals do not by any means all belong to the pauper class. Admission to the fever- and small-pox hospitals does not constitute a *status pauperis*. In cases of urgency, admission is granted without a special order, but notice must then be given to the guardians of the union in which the person last passed the night.

[2] The following establishments are at present under the control of the Board: (*a*) The training-ship *Exmouth*, devoted to the reception of pauper boys, of whom it accommodates 600; (*b*) imbecile asylums at Leavesden (with accommodation for 962 women and 818 men) and Caterham (1,065 women and 888 men) both have extensive grounds, which are cultivated by the inmates, who are also employed otherwise as far as their condition permits, the men mainly in tailoring and carpentering, the women in domestic work. The other asylums at Darenth are devoted to the reception of idiots, one (1,052 beds) being for adults, the other (942 beds) for imbecile children, of whom nearly half are instructed in some occupation. A fifth establishment is just about to be opened at Ealing for the accommodation of 150 improvable imbecile children. A sixth is being erected at Tooting Bec for 750 imbeciles requiring infirmary treatment; and it has been decided to purchase the Sutton poor law schools from the School District Board upon its dissolution, and to use part of them for imbeciles. (*c*) Eleven hospitals, with an average of 470 beds each for the reception of cases of fever and diphtheria, in addition to one at Winchmore Hill for 764 convalescents. Another convalescent hospital is to be built at Carshalton for 800 convalescents. (*d*) For small-pox there are hospital ships moored in the Thames near Dartford. These accommodate 300 patients, and another small-pox hospital (400 beds) is to be erected on shore. In the same neighbourhood the Gore Farm Hospital, which is now available for convalescent fever cases, would be used for small-pox if required. It contains 1,192 beds. (*e*) A school at Witham for 160 children suffering from ringworm. Schools at Brentwood and Swanley (both in course of erection) for children suffering from ophthalmia, each with 360 beds. Seaside homes for 134 convalescent children at Herne Bay and 41 at Margate, while a similar institution with 100 beds is to be erected near Littlehampton. There are also three homes for an aggregate of 54 feeble-minded children. Three "Remand Homes" (to accommodate about 100 cases in all) are to be provided for the reception of children committed by magistrates under the Industrial Schools Act. See the L. G. B. Order of April 2, 1897 ('Poor Law Orders,' p. 730), giving the Metropolitan Asylums Board the charge of the various classes of children just specified.

amounted to £253,407, remaining at about that figure for a few years, and again largely increasing afterwards. The cost of these institutions appears high. The daily expenditure for a fever patient is estimated at 9½*d.*, while that for a lunatic, who contributes by his labour to the cost of his maintenance, is reduced to 6½*d.* There has been complaint as to the extravagance of the Metropolitan Asylums Board, but means for forming a judgment on the subject are not available. It may be noted, however, that there is an opinion that the managers occupy a position likely to make them pay less regard to economy than to efficiency of administration.[1]

IV. We may here shortly touch upon a few other characteristics of the metropolitan poor law administration, which we have for the most part mentioned elsewhere.

Apart from the formation of the whole metropolis into a district for the purposes of the Metropolitan Asylums Board, there are also

[1] The following is an analysis of the expenditure of the Metropolitan Asylums Board for the year ended Michaelmas, 1900. It is necessary to repeat, however, that a large proportion of this expenditure, especially of that for the isolation of infectious cases, is for purposes quite outside the poor law:—

A. Groups of Expenditure.	Amounts in respect of year ended Michaelmas, 1900.		
	£	s.	d.
Maintenance of inmates of all institutions, and other direct charges	125,751	7	5
Officers and servants (salaries and emoluments)	241,929	9	11
Building and establishment charges	147,913	7	5
Rents, rates, taxes, and insurance	33,086	6	6
Miscellaneous charges	29,092	4	6
Expenditure of a special character	46,898	7	10
General expenses	207,794	14	10
	832,465	18	5

B. Classes of Institutions.	Amounts in respect of year ended Michaelmas, 1900.			Total days' maintenance.	Daily average number of inmates.	Average daily cost of maintenance per head.
	£	s.	d.			d.
Boys on training ship	19,449	8	10	197,898	544	$9\frac{29}{32}$
Imbeciles	165,209	5	1	2,141,869	5,883	$6\frac{15}{32}$
Infectious sick	376,661	12	3	1,445,743	3,969	$9\frac{13}{32}$
Children of various classes	8,553	2	6	61,690	168	$6\frac{17}{32}$
Ambulance service	31,240	18	4	—	—	—
General expenses (including head-office salaries and expenses and repayment of and interest on loans)	231,351	11	5	—	—	—
	832,465	18	5			

combinations of several unions for particular branches of the poor law. Thus, a number of unions have entered into an arrangement with Kensington parish to receive their able-bodied male paupers, and one of the Kensington workhouses is exclusively used for this particular class. In a special establishment of this kind, it is possible better to carry out the strict discipline suited to the able-bodied, and also to employ their labour to greater advantage.

Similarly some unions have combined with their neighbours for the erection of a sick asylum. As regards poor law medical relief, more has been done in London than in the rest of the country, and this has been made possible by the fact that in the metropolis, as the unions are near each other, a particular one, if too poor or too small to build an infirmary for itself, can combine for this object with others, while in the provinces such an arrangement would scarcely be practicable, owing to distance. In the metropolis there are now twenty-four infirmaries under separate administration apart from the workhouses, and four sick asylums, in which on an average some 13,000 persons are received, while about one-twelfth of that number are still treated in the sick-wards of workhouses. Thus the removal of sick paupers from workhouses has here been to a large extent carried out.

The infirmaries are for the most part new establishments, designed on modern principles of hospital construction. The plan of erecting pavilions has been for the most part adopted, such pavilions being connected by a passage with the administrative block in which are the rooms of the medical officers, the operating rooms, and the offices. This system has the advantage of minimizing the labour of administration, owing to the central position of the main block, and admits of classification and perfect separation of different diseases. The ward space allotted to each ordinary patient is 850 cubic feet.

In every establishment there are two medical officers who give their whole time. The total number of nurses in London poor law establishments amounts to 1,540, or, on an average, one nurse to every nine beds. A comparison of this organization with the state of things before the passing of the Act of 1867, when all the sick were treated in the workhouses, is enough to show the remarkable progress which has been made with regard to this matter.[1]

A further advance in the matter of medical relief has been made by the provision of dispensaries, which now exist in all the districts. In these not only are the medicines dispensed for persons treated at home, but there is also a consulting-room where the district medical

[1] See return for March, 1901 (which shows that the cost of the staff, including salary and allowances, averages £13 6*s.* per bed per annum). In the 13th Annual Report of the L. G. B. (p. xxxi.) there is an interesting summary of the improvements effected in Metropolitan Poor Law Medical Relief in the previous fourteen years. In order fully to appreciate them, the following facts should be remembered. In 1866 the average ward space was only between 500 and 600 cubic feet per patient; the total number of trained nurses was 111, or 1 nurse to 75 patients; and the medical officers were almost invariably engaged in private practice.

officer attends at fixed hours, and where those outdoor patients whose disease does not require that they should be visited at home apply for advice and medicine.

The metropolis is also ahead of all other districts as regards the treatment of casual paupers, for whose accommodation almost every district has a special building, for the most part with the separate cell system.

The introduction of all these improvements naturally involved a large expenditure. The money was mainly raised by way of loan, and the cost was thus spread over a number of years, but the amount levied by the poor rate steadily increased. In 1873 the expenditure was £1,602,020, while in 1900 it was £3,594,841, having more than doubled in the course of twenty-seven years.[1]

It is very remarkable that this augmentation of expenditure has been entirely caused by the erection of new poor law establishments and the cost of maintenance of a larger number of inmates.[2] The number of persons relieved at home and the cost of their relief have diminished in the last quarter of a century, although quite recently it has been rising rather rapidly. In 1873 the expenditure for outdoor relief amounted to 42 per cent. of the entire cost of in-maintenance and outdoor relief; in 1900 it had fallen to 16 per cent.

There is no doubt that the metropolis has been in advance of nearly all other districts in the application of proper principles to the grant of out-relief. This is mainly due to the legal provision by which the expenses of poor law establishments are, for the most part, thrown upon the entire metropolis, while those for outdoor relief are borne by the individual unions. This naturally makes each union chary of granting outdoor relief. In some it has nearly disappeared. For example, in the Whitechapel Union, on January 1, 1901, the number of outdoor paupers was 48, as against 1,493 indoor paupers.

[1] 30th Report of L. G. B., p. lxxxiv. Against the increase in expenditure, however, must be set the still greater increase in the sources of revenue. In spite of the augmented expenditure, the poor rate, which was 1*s.* 7½*d.* on the ratable value in 1873, stood at the same figure in 1898.

[2] Whereas in 1870 there was only accommodation in the then existing poor law establishments for 35,093 persons, there is now (1901) accommodation for 65,553. The following are the present figures, which, however, do not include the institutions under the control of the Metropolitan Asylums Board, of which details have been given above—

Establishments.	Number of persons for whom accommodation is provided.
50 workhouses	36,423
29 separate infirmaries and sick asylums	15,174
21 separate and district schools	10,663
28 casual wards	1,793
82 intermediate schools, receiving homes and scattered homes	1,500
210 establishments	65,553

In the metropolis the right principles of poor law relief are generally recognized, and (except in a few unions) are actually carried out. It is there that we find the English poor law system in its most complete form.[1]

[1] In confirmation of this opinion we may cite a speech of a former president of the Local Government Board, Mr. Sclater Booth (afterwards Lord Basing) at the Central Poor Law Conference in 1883. He said that "in the metropolis, the poor law was perhaps best carried out. . . . The Government had naturally most influence not only on account of its central position, but because of the wise provisions of the Metropolitan Poor Act, which threw a large proportion of the common charges on the rate of the whole metropolis." Compare also the speech of Mr. C. J. Ribton Turner at the Social Science Congress in Liverpool in 1876 (Report, p. 740): "The Metropolitan Poor Act, 1867, seemed to be the most beneficial and the widest in its scope, and to leave little to be desired, except that it should be put into full force, and that similar powers should be conferred throughout the country." It is, however, necessary to add that, according to competent observers, there have lately been signs of an increasing laxity of administration, which has even counteracted the effects of the prosperous trade and the mild winters of the years 1895–1900, and which may prove disastrous under less favourable conditions. See paper read by Mr. Bailward, a guardian of the Bethnal Green Union, before the London Society of Poor Law Workers, as to the rise in pauperism between January, 1893, and January, 1900, and as to its causes (*Times*, 19th February, 1901). See also the later official returns, showing that the number of paupers in the metropolis at the beginning of November, 1901, was 105,115, a figure only once previously reached at a corresponding date since 1872, and higher by 4,443 than in November, 1900. This total was made up of 66,859 indoor and 38,256 outdoor paupers, the chief increase recently having been in the last-named class. As employment is by no means scarce, and wages are high, the inference is that this augmentation in metropolitan pauperism is not due to more widespread destitution, but to worse administration. See also letter of Mr. William Chance (*Times*, 22nd October, 1901), deprecating undue optimism in conclusions as to the effect of the electoral changes introduced by the Local Government Act, 1894.

PART III.

OLD AGE PENSIONS.[1]

By H. Preston-Thomas.

The last twenty years have been full of schemes for providing Old Age Pensions altogether outside the poor law. They have had a very wide range. Some have merely contemplated an addition from the Exchequer to the funds of friendly societies, or the grant through the Post-office of annuities on specially advantageous terms, so that persons exhibiting thrift in these particular forms might obtain in their old age a larger return for their contributions than would be warranted by merely actuarial calculations. Some have proposed to make such contributions in a greater or less degree compulsory and general; others have suggested that everybody at the age of sixty-five should receive a pension, no matter whether his circumstances require it or not. Between the two extremes of encouraging thrift by giving special inducement to membership of a friendly society, and of discouraging it by providing every one with public relief in old age, so that saving during youth and middle life may be superfluous, every variety of project has been put forward. Many of these would in effect be schemes of out-relief divested of the restrictions and safeguards now imposed; and the fact that the funds would be wholly or in part derived from the taxes instead of from the rates is not material. At any rate, poor law administration would be largely affected, and it seems desirable, therefore, to summarize some of the later phases of a movement which began nearly a quarter of a century ago, and of which a good deal more is likely to be heard in future, at any rate when general elections are in prospect.

It was in the year 1878 that the Rev. W. L. Blackley, then a Hampshire rector, published a proposal for the prevention of pauperism by requiring every one, male or female, to deposit by instalments, between the ages of eighteen and twenty-one, a sum (then estimated at £10) with the Post-office as a premium towards insurance for sickness and old age. For the wage-earning population the

[1] The substance of this chapter appeared in the *Times* of September 15, 1900.

employer was to make a deduction of from 1*s.* 3*d.* to 4*s.* a week until the completion of the deposit required. This scheme was the subject of inquiry by a Parliamentary Committee in 1885–87. The committee, however, were unable to recommend its adoption, partly because the proposals as to sick pay were regarded as competing unfairly with the friendly societies, but also on account of the general objections to any system of compulsion; and they did not make any express recommendation on the subject. The result was to call the attention of the public generally to the question, and interest was stimulated by the establishment of a limited system of compulsory assurance against sickness in Germany. Before long, mainly at the instance of Mr. Chamberlain, a voluntary committee, consisting of members of the House of Commons, was formed in order to take up the question, and this was joined by a large number of M.P.'s. Two Parliamentary returns, one moved for by Mr. Burt in 1890, and the other by Mr. Ritchie in 1892, startled people by showing the exceedingly large proportion of the population who become paupers in their old age. According to the return of 1892, of 1,372,601 persons above the age of sixty-five, nearly 20 per cent. were paupers on January 1, 1892, while nearly 30 per cent. had received relief at the expense of the rates at some time during the preceding twelve months. The inference was that something like a third of the labouring men who attain old age must look forward to becoming in a greater or less degree dependent on the poor rates. The public was aghast at this revelation, and there was a general demand that the question should be investigated, in order to ascertain whether a remedy could not be devised. A Royal Commission was appointed on January 19, 1893, with the late Lord Aberdare as its chairman, and including not only King Edward (then Prince of Wales), but Lord Lingen, Lord Playfair, Mr. Chamberlain, Mr. Ritchie, Mr. Henley (previously distinguished as an inspector of the Local Government Board), Mr. Albert Pell (for many years prominent at Poor Law Conferences), Mr. C. S. Loch (secretary of the Charity Organization Society), Mr. Charles Booth (who had for some years devoted himself to compiling and publishing the statistical results of elaborate inquiries as to the condition of the working classes in London), and various other members with special knowledge of the social and economical condition of the working classes. The Commission were instructed "to consider whether any alterations in the system of poor law relief are desirable in the case of persons whose destitution is occasioned by incapacity for work, resulting from old age, or whether assistance could otherwise be afforded in those cases." They sat during no less than forty-eight days in 1893 and 1894, and took the evidence of as many as sixty-nine witnesses.

The Commission investigated very minutely the working of the poor law in its relation to the aged, and came to the conclusion that no material alteration was required, though they were of opinion that outdoor relief should not be refused to old folk who might broadly be regarded as of good character, and whose housing and general

conditions of life were not unsatisfactory. To such persons they considered that a fairly liberal allowance should be made.

Of the various schemes for the provision of assistance, other than poor law relief, from the public funds, they specially discussed those of Mr. Charles Booth, of Canon Blackley, and of Mr. Chamberlain.

Mr. Booth's scheme was that, subject to certain limitations, every person, male or female, should, at the age of 65, no matter what his income, be given for life the sum of 5*s.* weekly; the funds being supplied by the taxes, with a small subvention from the poor rates in consideration of the reduction in cost of pauperism. The immediate cost of the pensions in England and Wales alone (not including charges for administration) would be nearly £18,000,000, and if Scotland and Ireland were included, would reach £24,500,000, while he estimated the direct saving in poor law expenditure as not more than £2,000,000. The Commission regarded the enormous cost of this scheme as putting it practically out of the question, and they considered that, even if it were possible so to levy the necessary taxes that very little of the charge would fall directly on the working classes, such an adjustment would be far from equitable, and would throw on property and industrial enterprise a burden so excessive that its effect would not fail to be felt most severely by the whole community, including the working classes themselves.

The fact that the grant would be universal, and could be claimed by all persons irrespectively of any test of destitution or merit, would doubtless distinguish the scheme from a gigantic measure of outdoor relief; but, on the other hand, sums raised by taxation would be given to people in no need of it, and, in the words of one of the witnesses, "the idea of pensioning a millionaire would simply be ridiculous." Moreover, a good many well-to-do people would prefer to forego the receipt of 5*s.* weekly from the State if they had to give proof of age and to make formal application for it to an official; and this sort of abstention might cause it to be regarded as something very like parochial relief, and as more or less discreditable to the recipient.

With regard to Canon Blackley's scheme, and to other proposals of compulsory insurance, the Commission considered that there were insuperable objections, the chief being those stated by Mr. Chamberlain, namely, that a compulsory scheme ought to be universal, whereas compulsion could be applied only to persons who are in regular employment, and not to those who are their own employers or who are casually engaged; that the cost of administration would be enormous; that the working classes would resent the scheme as an unreasonable interference with their liberty; and that the financial difficulties would be very considerable.

Mr. Chamberlain's scheme, which had been formulated by the unofficial committee already mentioned, is described by the Royal Commission as follows. It contemplates three cases in which persons desirous of making provision for old age, and voluntarily prepared to do so, can be helped by the State Pension Fund.

"In the first case, the insurance is for an annuity of 5*s.* a week from the age of 65, and provides for no collateral advantage or return of subscription in the event of death before that age. In this case, a cash deposit of £2 10*s.* is required from the insurer at or before the age of 25 years, and after that age an annual cash payment of 10*s.* up to the age of 65, when the pension would begin. The State assistance would consist of an entry of a credit of £10 in the insurer's pass-book under the same date that his own deposit bore therein. His annual cash payments of 10*s.* would be similarly entered as they were made, and also interest at 2½ per cent. per annum accruing on the total amount of credit and deposits in each year. The credit of £10 would be entered in the insurer's book by way of stimulus at the time of the first deposit, but the financial details of the scheme 'would be a question of State book-keeping,' though it is suggested that the appropriation of funds by the State to meet its liability should be spread over the whole period of insurance. By payment of higher premiums, additional pension can be secured, at without further State contribution.

"In the second case, the payments would be larger, the deposit being £5, the annual payment £1, and the State aid the equivalent of £15 deposited at or before 25. In this case there would be other benefits, in addition to the pension of 5*s.* a week at 65, which are fully shown in the evidence, the chief being a provision for widows and children in the event of death after the third payment and before the age of 65. Lower rates and pensions are proposed for females, but they do not provide for any benefit in case of the death of the insurer before 65.

"As regards Cases 1 and 2, Mr. Chamberlain first proposed that 'the whole matter should be administered by the State and through the Post Office,' but afterwards suggested that it might advantageously be conducted by local authorities rather than by the State.

"The third case, according to Mr. Chamberlain, 'has been devised in order to secure the co-operation of the friendly societies,' and is that from which, if such co-operation is obtained, he anticipates by far the largest result. The provision is 'that any person after depositing 30*s.* if male, 25*s.* if female, into the Post Office, and insuring in any society for £6 10*s.* or £3 18*s.* per annum respectively, shall have the pension doubled by the State at the age of 65.'"

The Commission considered the first objection to this scheme to be that those who would avail themselves of its advantages would be limited in numbers and be mainly confined to the higher strata of the working-classes, and thus but little benefit would result to the very persons most likely to become destitute in their old age, who would nevertheless, directly or indirectly, be taxed for its support.[1]

[1] Mr. Broadhurst put the objection in the following words: "Any voluntary scheme of national insurance or contributory pensions would benefit only those who could afford to make the contributions, and would leave unaffected the great majority of the aged poor whose wages have been insufficient, or whose work has been too irregular, to allow them to save. The grant of any aid to such a scheme

Secondly, the scheme would have no direct effect as regards the aged until forty years after its introduction, when the pensions would begin to be available. The cost could not be estimated with any precision without knowing how many persons would take advantage of the scheme.[1] Mr. Chamberlain stated that he did not propose that additional taxation should be levied for it, but that it should be introduced when there is a surplus. "I contemplate," he says in his evidence, "as a possibility the allotment of a sum which might at the outside amount to £2,000,000 a year. I do not think that any practical statesman would be able to contemplate a larger expenditure than that." But the Royal Commissioners considered that, if the scheme were successful, the cost would be far in excess of this sum. Further, they pronounced it to be undesirable that the State should become the holder of the huge amount involved, having regard to the difficulty already found in investing the deposits in the Post Office Savings Bank; they pointed out that the actuarial calculations might be gravely affected by a further decline in the rate of interest; they held that the State could not safely guarantee the solvency of friendly societies, while Government control of such societies would be hotly opposed.[2]

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out of the taxes would amount, in my view, to a cruel hardship upon the very poor. The agricultural labourer, the unskilled worker in the towns, and the woman wage-earner—few of whom could ever obtain a pension under an insurance scheme—would be taxed on every cup of tea or pipe of tobacco, in order that pensions might be awarded to the comparatively comfortable class of well-paid mechanics and foremen who were in a position to make the contributions required." And Mr. Chamberlain, speaking on October 1, 1900, declared that he had never been in favour of universal pensions, because he saw no reason why the industrious portion of the working classes should be taxed for the benefit of the unthrifty, the ne'er-do-weel, and the drunkard. He had been anxious to carry some scheme for assisting working-people to provide for themselves in old age, but one great reason for his failure was "because the representatives of the trade unions, and the representatives of the friendly societies and the champions of labour opposed it."

[1] The non-success of the pension schemes both of friendly societies and the General Post-office suggests that men of twenty-five or thirty are not easily induced to pay for benefits which will accrue to them only after forty years, and which most of them will never live to enjoy. It may be doubted whether better terms from the Exchequer would overcome a reluctance due to remoteness of prospect and to uncertainty of fruition.

[2] It has to be remembered that as the representatives of the great friendly societies have frankly admitted, their financial position is by no means sound, and there has of late been a considerable falling off in the number of young members. This is partly owing to the charges for the old, and Mr. Chamberlain has suggested that the societies should endeavour to formulate a scheme embracing State aid. In his speech to the Oddfellows at Birmingham on May 29, 1901, he stated his conviction that nothing could be done in the matter without the frank and hearty co-operation of the friendly societies; but he urged that if their officials "would set their heads together to work out some scheme of old age provision in which, assisted by the State, a pension at a fixed age might be secured to those who had contributed towards it," much progress would be made in the direction of relieving the societies from two dangers. "They would do a great deal, in the first place, to solve the question of old-age sickness, and thereby to secure the solvency of the societies; and, in the second place, to create a hold on the younger members which would induce them to continue their subscriptions

It has to be noticed, however, that the Report of the Royal Commission was by no means unanimous, and while the ten members who signed it all qualified their approval by special reservations, Mr. Chamberlain, Mr. Ritchie, Sir Herbert Maxwell, Mr. Hunter, and Mr. Charles Booth united in a minority report expressing their "strong conviction that even under the most favourable circumstances poor law relief will be a most unsatisfactory method of dealing with the deserving poor in their declining years." They recommended that another Commission should be appointed "better able to deal with the complicated technical details of the subject in an impartial and scientific spirit," that they should take evidence from the friendly societies as to the effect of any proposals on their interests and to their willingness to co-operate in the work; should lay down the financial principles to be regarded as to the funds required and the sources from which they may be obtained; should discuss the question in relation to its bearing on the encouragement of thrift and on habits of self-reliance; and should, if possible, formulate a practical scheme.

In accordance with this recommendation, a strong committee of experts was appointed on the 21st July, 1896. Its chairman was Lord Rothschild, and it consisted of Sir Francis Mowatt, Secretary of the Treasury; Sir Courtenay Boyle, Secretary of the Board of Trade; Sir Spencer Walpole, Secretary to the General Post Office; Mr. A. J. Finlaison, Actuary to the National Debt Office; Mr. George King, of the London Assurance Corporation; Mr. A. W. Watson, of the Oddfellows Society; and Mr. Alfred Chapman, representing the Ancient Order of Foresters. This committee examined more than a hundred schemes submitted to them, but put aside all (*a*) involving compulsory contribution towards a pension fund either by way of deduction from wages or of an annual or a lump payment made by all young persons before a certain age and accumulated at compound interest until the pension age; also (*b*) those providing a universal grant of pensions to all persons upon arriving at a certain age without requiring from them any direct contribution, or having regard to their merits or their needs.

In their report, the committee discussed particular schemes in minute detail. With regard to that put forward by Mr. Chamberlain,

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until the time when they would be in a position to claim the benefits promised." Some efforts have been made to carry out this suggestion, but hitherto without much success. A conference of friendly society officers was convened in London in October, 1901, but while it was largely representative, the National Organization of Friendly Societies stood aloof, and although some attempt has since been made to secure united action in the matter, this does not seem to have been yet accomplished. And it is important to observe that the Annual Trade Union Congress, held on September 5, 1901, unanimously passed a resolution to the effect that "the only legislation that will solve the problem presented by ancient poverty in modern industrial life is that which recognizes the pension as a civil right which may be claimed by any citizen on reaching a certain age;" and it was decided to convene a National Conference of representatives of trades unions, co-operative, friendly, and other societies, to formulate a scheme embodying this principle in a Bill to be laid before Parliament.

they concurred in the view already stated as having been taken by the Royal Commissioners, while they applied various trenchant and destructive criticisms to those framed by Sir James Rankin, M.P., Sir Henry Burdett, the Rev. J. Frome Wilkinson, Mr. Lionel Holland, M.P., and by certain representatives of friendly societies.

Finally, while finding themselves unable to recommend any scheme as satisfactory, they put forward that of Sir Spencer Walpole, a member of the committee, as open to less objection than others. It was as follows:—

1. Any person at 65 having an assured income of not less than 2*s*. 6*d*. and not more than 5*s*. may apply for a pension.

2. If the pensioning authority is satisfied as to the income, a pension may be granted.

3. The applicant must not be so physically or mentally infirm as to require relief in an asylum, infirmary, or workhouse.

4. To an income between 2*s*. 6*d*. and 3*s*., 2*s*. 6*d*. is to be added; between 3*s*. and 4*s*., 2*s*.; and between 4*s*. and 5*s*., 1*s*.

5. "Assured income," includes real estate, leasehold property, securities, or annuities (Government, friendly society, or insurance office), but not out-relief.

6. The guardians are to be the pensioning authority.

7. Not more than half of the pension is to be paid out of Imperial taxation, the remainder out of local rates.

8. The pension is not to involve disenfranchisement.

The committee, however, pointed out that there were some very strong objections to this scheme. First, that it imposes upon the State generally, and therefore on the industrial classes, a heavy charge for providing pensions for a portion only of these classes; secondly, that it encourages that amount of thrift only which will ensure an income of 2*s*. 6*d*. per week at 65, but discourages any further thrift;[1] and, thirdly, that by relieving the industrial poor from the obligation of wholly providing for their old age, it probably tends to depress the rate of wages. They added that there would be difficulties as to the question of settlement in the case of migratory claimants as well as in that of returning colonists, that the ascertainment of age and income would require a huge staff, and that on these points there would be much misrepresentation impossible of detection.

On the whole, while they regarded the Walpole scheme as the best suggested, the Rothschild committee held that, like the rest, its inherent disadvantages outweighed its merits. In effect, they pronounced the establishment of old age pensions to be impracticable.

In the face of this report the Government appointed a committee

[1] Lord Rothschild's committee represented the advocates of State aid as in effect saying to the industrious and thrifty working-man: "If you relax the qualities which lead you to success; if you limit the provision for your old age to what will give you an allowance of (say) 2*s*. 6*d*. a week, the State will come to your assistance with an equal amount; but if you succeed in making yourself really independent in old age, you will receive nothing from the State, while you will still have to contribute through taxation towards the provision of pensions for those who have not cared to make sacrifices as great as your own."

ıe House of Commons, under the chairmanship of Mr. Chaplin, ttle the question which had baffled a Royal Commission, as well ıe ablest experts in England. It was not a very strong body, with the exception of Mr. Chaplin, of Lord Edmund Fitzmaurice rman of the Wilts County Council, and distinguished in various ches of local administration), and of Sir Walter Foster, who was tary of the Local Government Board in the last Liberal Ministry, was no Front Bench man upon it. But there was Mr. Lecky, has often shown himself to be hard-headed as well as brilliant, there was Mr. Cripps, K.C., who is something more than a ıguished lawyer.

ıe Select Committee took two important pieces of evidence. ascertained that in Denmark, if a man over 60 is practically ute, but has not received poor law relief for ten years, has not convicted of crime, and his poverty is not caused by his giving his property, or by his own default, he is entitled to a pension ging 2*s.* 4*d.* a week for the head of a family or 1*s.* 7*d.* for a person, half being paid by the local authorities and half by the . The Select Committee admit that "it is difficult to see what antial difference there is, in practice, between the pension in ıark and the out-relief given in this country to the deserving except that in Denmark such relief can be claimed as a matter ht, and conveys no civil disqualifications." But even allowing that anish system is our out-relief without its safeguards, and with a ncy to transfer the cost from the rates to the taxes, we may well with Mr. Lecky that "a small country, with only one con- ıble town, and with a stationary population of prosperous nt proprietors, differs so widely from England that it can h but little guidance for an inquiry like the present."[1] The ittee also quote the Charity Commissioners as having established ıs schemes under which pensions are granted ranging from 10*s.* a week, the conditions being that—

e pensioners must be (1) poor; (2) of good character and able ow that they have led reasonably provident lives; (3) they must been resident in the parish for five years before the application; ıey must have received poor law relief during that period; and ıey must not be wholly or in part unable to maintain themselves ir own exertions, by reason either of old age, ill-health, accident, ırmity.

e report does not tell us the number of these pensions, nor how they absorb out of the sum of £611,464, specified in the

, too, it may be said that the Old Age Pension schemes which have been ished in New Zealand, and are in course of being introduced into some Australian colonies, are not precedents applicable to the very different ons of the mother country. It is, however, worth observing that in Zealand complaint is made that the publicans have largely profited, and rhaps not wonderful that persons who, in very favourable circumstances, ot been thrifty enough to provide for their own old age, should be wanting self-restraint necessary to keep them from spending their pensions at ıor-bar.

official return as applicable to "pensions and almshouses," nor how they are managed. It does not discuss the difference between a limited number of pensions allotted by picked trustees and an indefinite number distributed by representatives of possible pensioners. But we are told that the success of the Danish system and of the Charity Commissioners' schemes has led the committee to suggest the following plan :—

Any person, aged 65, whether man or woman, who satisfies the pension authority that he or she

(1) Is a British subject;

(2) Is 65 years of age;

(3) Has not within the last 20 years been convicted of an offence and sentenced to penal servitude or imprisonment without the option of a fine;

(4) Has not received poor relief, other than medical relief, unless in circumstances of a wholly exceptional character, during twenty years prior to the application for a pension;

(5) Is resident within the district of the pension authority;

(6) Has not an income from any source of more than 10*s.* a week; and

(7) Has endeavoured to the best of his ability, by his industry or by the exercise of reasonable providence, to make provision for himself and those immediately dependent on him—

shall receive a certificate to that effect and be entitled to a pension. The pensioning authority is to consist of a committee appointed by each board of guardians with members added on nomination by other public authorities. The amount of pension is to be from 5*s.* to 7*s.* a week. The pensions are to be paid from the rates of each union, but there is to be a grant in aid, not in proportion to the amount actually distributed in the particular union in respect of pensions, but on the basis of population, and this grant is (in total amount or in each union ?) not to exceed one-half of the estimated cost of the pensions.

The report in favour of this scheme was carried by a majority of nine to four. The minority consisted of Mr. Lecky (whose counter-report[1] was rejected, but has never had its arguments refuted), Lord

[1] It is worth while to quote a few sentences from Mr. Lecky's brilliant report, in which, by the way, he observes that the term old age "pension" involves a fundamental misconception, since the pensions now given by the State, or by private employers for specific services (being, of course, merely deferred payments of wages), have no real analogy to the proposed State endowment of all old persons who may find themselves insufficiently provided with the means of livelihood. He holds that "such an endowment, drawn from the taxation of the country, would be essentially of the same nature as poor law relief. However much it may be disguised by other names, it would be an eleemosynary grant resting on no foundation of natural right." Such a measure would impose upon the nation an obligation from which, if once undertaken, it would be impossible to recede without producing a terrible catastrophe, which would even now be tremendously heavy, and which, if a great war again added largely to our debt, or if some serious trade vicissitude diminished our resources, might easily become absolutely overwhelming, and it would do so in

dmond Fitzmaurice, Sir Walter Foster, and Mr. Cripps. The Select Committee professed themselves unable to furnish any trustworthy estimate of the expenditure involved, and suggested that this crucial question should be left over for independent investigation.

Accordingly, a small departmental committee, consisting of Sir Edward Hamilton, Assistant-Secretary to the Treasury; Mr. (now Sir) S. B. Provis, Secretary of the Local Government Board; Mr. E. W. Brabrook, Registrar of Friendly Societies; and Mr. Noel Humphreys, of the General Register Office, was commissioned to grapple

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rder to attain an end which would probably be much more mischievous than the everse. . . . "If, as is proposed in some schemes, the pension was to depend pon a subscription to a friendly society, it would be granted in the most partial anner. Friendly societies are mainly English. They hardly exist at all in reland, and only a very small proportion of women belong to them." If a ension scheme were to be worked through the friendly societies, Government ust guarantee their solvency, and mix itself up with their finance; if, on the ther hand, it acted independently of the existing societies, "the presence of this ew gigantic influence possessing State credit as a kind of competitor in the field ould certainly impair and probably ruin voluntary institutions which are doing n admirable work, and are among the most efficient means of encouraging self elp, diminishing pauperism, and improving the condition of the working class." esides, "In the infinitely various conditions of a working man's life thrift will ke many forms, and an attempt to prescribe a single form is evidently injudicious. Vhere the system of peasant proprietorship prevails, most agricultural thrift is irected to the purchase or enlargement of farms. In Ireland it is largely directed the purchase of tenant right," or to emigration. "Nor is it by any means true at even the artisan will find the purchase of an annuity the best thing to be imed at. It is noticed that while working-class thrift has enormously increased our generation, the purchase of a deferred annuity is one of the rarest and most popular forms of working-class investment. To buy a house or some furniture; start a small business; to expend his savings in tiding over periods of slack or iling work; to avail himself of the advantage which some fluctuation in the arket gives to the man who can transport himself promptly to another locality r a new business, is in many cases far more to the advantage of a working man an the purchase of an annuity. Above all, money expended in settling his mily is often his best policy, as well as the course which is most beneficial to e community. At present a large proportion of working men look forward to eir children to help them in their old age, and make it a main object of their es to place them in a position to do so. It does not seem to me a wise thing for e State, which has already freed parents from the natural duty of providing for eir children's education, to emancipate children from this duty. Nor does it em to me either wise or moral for the State to endeavour to induce every married orking man to sink all his savings in an annuity which will end with his life, id from which his widow and children can derive no benefit." "It is, I believe, iversally felt that while poor law relief in some form should be open to all the stitute, the deserving aged poor should be discriminated from the thriftless, the unken, and the immoral. Nor is it, I think, very difficult to establish the broad es of what ought to be done. The fact that the better class of the aged poor id saved some small though wholly insufficient income, and was therefore not solutely destitute, ought not to disqualify them for relief. They should, as far possible, receive it in their own homes. Care should be taken that husband id wife were not separated. If their infirmities or their circumstances made it sirable for them to live in the workhouse, they should be entitled to some laxation of discipline relating to hours, visitors, and privacy. As a matter of ct, all this may not only be done, but is done at present in numerous cases." It is by an extended and more clearly defined system of poor law classification at the problem before us seems to me to be best met."

with the problem: Given the fact that there are in the United Kingdom just about two millions of persons over 65, how many will be pensionable under the scheme, and at what expense?

The first step was to take a test census in certain districts made as representative as possible by the inclusion of various kinds of population. In each of the selected areas in Great Britain a house-to-house visitation was made with a view of ascertaining how many of the aged would satisfy the conditions of the scheme. In Ireland a similar census had to be abandoned as impracticable because "the officials, although they proceeded courteously, were received with abuse"; but the poor law inspectors framed some necessarily rough estimates after consultation with local authorities. Altogether the inquiry in Great Britain extended to a population of rather over half a million persons, and the information asked for was furnished with tolerable readiness. A good deal of it was no doubt inaccurate, but still there were enough hard facts to make an important body of evidence, and it is significant that the results generally agree with the conclusions arrived at on other grounds by the committee.

The report, which is singularly able, and in some respects exhaustive, discusses in considerable detail each of the seven conditions for pension which are above enumerated, and makes it quite evident that the cost would amount to a sum far in excess of anything which Mr. Chaplin and his colleagues could have supposed.

The results are summarized in the following table, which applies to the whole of the United Kingdom:—

Estimated number of persons over 65 years of age in 1901		2,016,000
Deduct:—		
1. For those whose incomes exceed 10*s.* a week	741,000	
2. For paupers	515,000	
3. For aliens, criminals, and lunatics	32,000	
4. For inability to comply with thrift test	72,700	
Total deductions		1,360,700
Estimated number of pensionable persons		655,000
Estimated cost (the average pension being taken at 6*s.* a week)	£9,976,000	
Add administrative expenses (3 per cent.)	299,000	
Total estimated cost	£10,275,000	
In round figures	£10,300,000	

This table, it will be seen, shows the immediate cost of the scheme: but the committee calculate that, after making due allowance for saving in poor law relief, the expenditure will have risen to £12,650,000 by 1911, and to £15,650,000 by 1921. Moreover, they appreciate clearly the certainty of such pressure being exercised in various directions as will whittle away disqualifications and increase the scope of pensions. For example, with regard to the 515,000 persons whom they reckon to be now disqualified as having received relief in the last twenty years, they admit that "it might be by no

means easy to defend the exclusion of those aged paupers who could give reasonable proof that, had they not had the misfortune to pass the Rubicon in 'pre-pensionable' days, they would have been able to satisfy the requirements of the pension authority."[1] If we assume that only one-fourth of the 515,000 would thus become pensionable, we have at once an addition of over £1,000,000 (after making allowance for the saving in out-relief) to the total cost.[2]

Then, it has to be remembered that there will be no disqualification if the relief has been received "under circumstances of a wholly exceptional character." Will not the pensioning authority be tempted to class such circumstances as sudden illness, sudden loss of savings, or sudden forfeiture of some means of support—in fact, many of the most ordinary causes of pauperism—as "wholly exceptional," and to allow exceptions to become the rule? It must be remembered that the guardians who are to administer the scheme are elected on the lowest possible suffrage; and thus the least educated, and at the same time the most numerous class (they and their relations being potential pensioners), will have a special inducement to exercise the overwhelming voting power which they now allow to lie dormant.

Again, the committee point out that many persons whose incomes are just over the border line of 10*s.* a week will doubtless understate their receipts, while others will assign away a portion of their property; and certainly the position of anybody whose weekly income just exceeds 10*s.* will be such as to make the retention of a hard-and-fast line exceedingly difficult.

As to the 72,700 persons estimated to be disqualified for want of thrift, the committee frankly own that, having regard to the vague terms of the stipulation on this subject, it is probable that comparatively few persons who have satisfied the other conditions would be unable to adduce some proof of compliance with this; that, in point of fact, anybody who has kept off the rates till sixty-five cannot be regarded as lazy or improvident. What is demanded is, not actual saving, but an endeavour to save, "by industry or by the exercise of reasonable providence." Membership of a friendly society, or "some other definite form of thrift," is to be "taken into consideration," but this is not an indispensable condition. The majority of potential pensioners are women, who (with insignificant exceptions) are never members of benefit societies. How is it possible to have any real discrimination with regard to the thrift of those who are either married or are widows, except in the instances of habitual and notorious drunkards? All but these will doubtless be classed as having been thrifty according to their opportunities, and will be regarded as entitled to pension.

[1] Some exception of this kind was found necessary in Denmark. If a man was in receipt of relief at the passing of the Act, but had not received relief up to the age of sixty, he was not disqualified.

[2] This assumption is far too moderate if the estimate is accurate which reckons that of the paupers now above sixty-five, five-sixths did not become paupers until after the age of sixty. But there are no exact figures on this point.

In fine, it will evidently be impossible to enforce the conditions upon which the estimate of cost is based; and there seems good reason to anticipate that if the pension scheme could at once be brought into effect the immediate expenditure involved would not be less than twelve millions a year, while the ultimate cost twenty years hence would approach eighteen millions. With the present impatience of all new taxation, and the constant complaints of the pressure both of imperial charges and of local rates, it is scarcely likely that any Government will undertake the responsibility of imposing such a burden as this upon the country. Yet to many persons the question of money will rightly seem much less important than the effect on the population. Most of us want to see improvement in the condition of the aged poor, and are ready to make sacrifices for that purpose. Would the scheme have this effect?

Of course, the effect both on thrift and on family obligations will be disastrous. Of two labourers, A, by much self-sacrifice, has managed to contribute to the Post-office a weekly sum of 2*s.* 8*d.* for twenty years, giving him an annuity of 10*s.* 6*d.* a week at the age of sixty-five. Under the scheme of the committee he will receive no pension, and his whole income will be 10*s.* 6*d.* a week. B, who may have earned far higher wages than A, has been content to contribute half as much to the Post-office and to spend the rest in drink. No pension authority would disqualify, on the ground of improvidence, a man who has bought himself an annuity of even 5*s.* 3*d.* a week, and the result is that he will be granted a pension which will put him on an equality with A. What a discouragement to A, and those like him!

Or an old couple have jointly invested their savings (and here we have unassailable evidence of thrift) in a shop in a market town from which they clear 19*s.* a week, and feel much at ease. They are entitled to a pension of 7*s.* each. Their income is thus raised from 19*s.* to 33*s.*, half at the cost of the ratepayers (including the little shopkeepers who are their rivals) and half at the cost of the taxes.

Or an old couple with £3,000 invested in the Funds are living with their married son, and hand the interest to him for their maintenance. What is to prevent their making over to him half their capital, and then claiming £26 or £36 a year from the taxes on the ground that their incomes are under 10*s.* a week each?

Once more, the effect will be to depress the wages, not only of persons over sixty-five, but of those a few years younger, with whom many of them compete on nearly equal terms. Take, for example, the case of a journeyman shoemaker and his wife, each aged sixty-five. The man earns 12*s.* a week, and on this sum the pair are able to live in the country without discomfort. It is, indeed, as much as that on which many agricultural labourers manage to bring up their families. If the wages are as at present the man is disqualified for a pension, but if they are reduced to 10*s.* he will be entitled to one, and will receive an aggregate sum of 15*s.* a week, to say nothing of his wife's pension of 5*s.* It would therefore be to his

advantage that his wages should be 10*s*., or even 8*s*., rather than 12*s*., and his master will obviously prefer to employ a man of sixty-five at 8*s*. rather than one of sixty-three or sixty-four at 12*s*. As Lord Rothschild's committee pointed out, a man subsidized by the State is in a position to underbid a competitor who has no resource but his actual earnings.

Again, the Select Committee point out that there are persons who are kept off the rates by the assistance of friends or by charity, and they state, "It is for all such cases as these that we desire to provide." Why should friendly help and private charity be extinguished in this fashion? Why should the duty of children to help their parents in old age be attacked?

The plan on which it is proposed to distribute the Exchequer grants—viz. according to the population of the individual union—would work in an eccentric fashion. The proportion of old people varies enormously in different places. In the Aberayron Union, according to the census figures, there are 1,034 persons above sixty-five for each 10,000 of population, while at Barrow-in-Furness the proportion is only 195, and thus the burden of the old is five times as great in Aberayron as in Barrow. Yet, according to the scheme, the Exchequer grant per head of the population in respect of pensions is to be the same in both unions. Again, there are unions in which outdoor relief has been distributed with such freedom that all but an insignificant proportion of the old people are disqualified for pension; there are others in which, owing to careful administration of the poor law, scarcely any are so disqualified, and the number that would come within a pension scheme is proportionally four or five times as large. Yet both are to receive the same Exchequer grants, just as rich unions, where all the people are well-to-do and have no need of pensions, will receive the same grants as poor unions, where the number of pensioners will be large.

Again, no period of residence is prescribed as qualifying for a pension. One union may, therefore, be called upon to pension a man who has never previously resided in it; and, as Lord Rothschild's committee suggested, it is not impossible that persons who have spent the greater part of their lives abroad, or in the colonies, may, as old age approaches, come to this country to quarter themselves upon the National Pension Fund.

As to the effect of pouring out large sums from the Exchequer to be distributed in pensions at the will of Irish boards of guardians, elected by popular suffrage, it is futile to speculate. Nor is it necessary to examine the question as to the sort of evidence which would be required to prove the age, the thrifty habits, and the character of a man appearing in a new neighbourhood to claim a pension. How can a Bristol committee ascertain whether a new-comer has received poor law relief twenty years ago in Newcastle, or whether, in the intervening period, he has been sent to prison without the option of a fine, under his own name or an *alias*, at some one of the score of other towns in which he has by turns taken up his residence?

Until we establish the French system of *dossiers* there will probably be a good deal of uncertainty on these points.

Enough has been said to show that what the Select Committee proposed was a leap in the dark, and that it is open to all the objections, while it possesses scarcely any of the advantages, of the scheme formulated by Lord Rothschild and his colleagues. It is not a matter for regret that a proposal so fatal to thrift and so conducive to the demoralization of the community has to be put aside; and we have, at any rate, the satisfaction of knowing that this view is supported, not only by the teaching of such political economists as Mill and Fawcett, but by the experience of those who, like Miss Octavia Hill, have devoted a lifetime to practical philanthropy, and are persuaded that the salvation of the poor is not to be worked out by doles from the State.

Unfortunately, however, the question is certain to reappear again and again; at any rate, as soon as the cessation of the Boer war makes it possible to contemplate any subvention from the Treasury for the purpose. As long ago as the year 1895, King Edward (then Prince of Wales) stated, as his reason for declining to sign the Report of the Royal Commission on Old Age Pensions, that the subject had even then "become one of party controversy, both inside and outside of Parliament, and had thus assumed a phase inconsistent with his position of political neutrality." Until the outbreak of the war, the party aspect of the question was brought more and more into prominence, and the wire-pullers on both sides not unnaturally showed themselves desirous of making capital out of it. "I am all for a religious cry," says Taper, in 'Coningsby,' "it means nothing, and if successful does not interfere with business when we are in." But experience shows that a religious cry soon becomes wearisome, whereas a pension scheme is a permanent attraction to the most numerous class of electors. Promise a man 5*s*. for his vote, and you render yourself liable to a long term of imprisonment; promise him 5*s*. a week throughout his old age, and you secure his support without penal consequences.

The great danger is that some small and innocent-looking scheme of pensions may be carried through Parliament, and that when once this is in operation there will be constant agitation for its extension, for the reduction of the pensionable age, for the diminution of any contributions required, and for the increase of the amount allowed. Mr. Lecky has pointed out that such a policy "could hardly fail to pass into the arena and the competitions of party politics, and to bring in its train gross political corruption." He adds, that "few well-wishers of the country could look forward with equanimity to a General Election, in which the increase or extension of the pension system was the main question at issue, and in which the majority, or, at least, a preponderating section, of the electors had a direct personal money interest in the result."

In the course of the last half century, the poor law has achieved wonderful results in dispauperising the population. Since 1849, the

pauperism of the country has been reduced by administration from 62·7 per thousand to 24·3 per thousand, or to about 21 per thousand if we exclude lunatics. It is to be hoped that this steady progress will not be interfered with by the introduction of a scheme of out-door relief without its safeguards.

In Mr. Lecky's eloquent words: "To open a new and ever-increasing fund, amounting to many millions a year, derived from compulsory taxation, and employed in directly subsidizing the poor, would be a most retrograde and dangerous step. It would reproduce, in a slightly different form, the evils of the old poor law as it existed before the reform of 1834. It would certainly arrest that steady decline of pauperism which has been one of the happiest features of our time. It would check the growth or destroy the efficiency of voluntary organizations and arrangements which are of inestimable value. It could scarcely fail to weaken the habits of providence and thrift which have been rapidly growing among the poor, and which are a vital element in national prosperity."

APPENDIX I.

RIVATE RELIEF AND THE CHARITY ORGANIZATION SOCIETY, AS SUPPLEMENTARY TO THE POOR LAW SYSTEM.

der to form a correct judgment of a Relief System, it is necessary
: how far the public provision for the poor is supplemented by
:e charity. We must not only consider the amount expended by
:e benevolence, but also the line of demarcation between public
and private charity; it is necessary to see whether the latter aims
:cial objects, or provides for special classes of the destitute, so that
aw relief may be limited to a more restricted circle.
oundary line of this kind between the two classes of relief can either
awn on the principle that the main care of the destitute is left to
e charity, and that it is only with regard to cases beyond its pro-
that the State has to deal, or on the principle that the State makes
generally responsible for the care of the poor, and then sharply
s the extent and scope of public relief, leaving to private charity all
that do not come within this province. The first is the plan adopted
ınce, the second that adopted in England.
ce the year 1601, the relief of the poor has in England been a public
to be carried out by local bodies from funds compulsorily raised. At
ıme time the class of persons entitled to public relief has been
ınd more strictly limited to such as are completely destitute. Those
re not destitute, though they may need help in order to maintain
independence, are outside the range of the poor law. Moreover,
the Act of 1834 the relief granted has been expressly limited to the
ınce demanded by the actual need, without regard to the past or
necessities of the pauper. Poor law relief is to be given alike to
orthy and the unworthy; and if we except the case of pauper
:n, whose treatment is governed by other considerations, its object
to satisfy the actual need, and not to cure the evil by which that
ıas been produced.
his limitation of poor law relief more scope is left for the develop-
)f private charity, which deals with the great question of preventive
res against pauperism, and relieves persons who have fallen into
s through no fault of their own, or who require more assistance
an be given under the rigid rules of the poor law. Private charity
ıs the privilege of rescuing the poor from the fetters of pauperism,
storing them to independence.
ıe above description of the English poor law it has been shown
ıe method by which the duty of public relief is regulated affords
security that relief shall be given to the destitute, and thus there

is a general conviction that real want is provided for. We have also pointed out that this general conviction affords the best foundation for a beneficial exercise of private charity, which may have special regard to the circumstances and character of the destitute person, in the knowledge that the bare necessaries of life would in any case be supplied by the poor law. In this way the boundary line between poor law relief and private charity is sharply defined.[1] Poor law relief is given on the ground of destitution, in the interests of the public; but private charity, on the other hand, out of consideration for the particular individual. Poor law relief is based on the fact that the individual is one of the community; but private charity on the personal relation in which the donor stands to the recipient, or in which the donor believes that he ought to place himself, on the ground of the recipient's qualities or circumstances.

If England possesses an advantage over most other countries in the fact that the province of private charity is definitely restricted, it has also taken a further step by the establishment of a reasonable system of benevolence. It has an organization of private charity.

While it is of the greatest importance that private charity and Poor Law relief should work together, it is equally essential that private charity should be so organized that, on the one hand, those in need may know where to find help, and that, on the other hand, voluntary charity should be directed into those channels in which there are necessity and scope for its development. Some centralization of private charity is necessary in order to avoid its being lavished on particular places, or in particular directions, in a fashion which is not conducive to the public good, while elsewhere there are voids which remain unfilled. It must be made possible to obtain information as to the object and the working of existing benevolent institutions, in order to be able to form a judgment of the usefulness or necessity of establishing others. This is not only important as regards benevolent societies and institutions, but also as regards the manner in which the individual can best carry out his desire of doing substantial good. So long as there is no such centralization, it is difficult for the individual to be certain whether he is helping a real case of need, or whether he would not do better merely to refer the applicant to already existing institutions, which would satisfactorily deal with the case, and would possibly afford more lasting and substantial help than he himself could supply.

This kind of centralization and organization of private charity is a necessity for England, with its numerous large and rich institutions. An exact statement of their number, and of the yearly total of their receipts, cannot be obtained, but the following facts may give some notion on the subject. In the year 1818, at the instance of Lord Brougham, a special committee of enquiry was established to report upon the existing institutions, and particularly on the manner in which their income was expended. The main question was whether the legislature ought to give increased powers of interference with the administrations of those institutions which spent their income improperly, or for objects no longer useful. Public opinion in England has since constantly occupied itself with this question; and in the years 1853, 1855, 1860, 1862, 1869, 1870, and 1872 this has led to the interposition of the legislature.[2]

[1] See the minute of the Poor Law Board of November 20, 1869, already quoted, 22nd Report of the Poor Law Board, Appendix, p. 9.

[2] The original Act on the subject is the so-called 'Statute of Charitable Uses' of the year 1603 (43 Eliz. c. 4). In this Act there is an enumeration of charitable objects—as, for instance, the relief of aged, impotent, and poor people, schools of

This committee, which pursued its labours from 1818 to 1837, produced a most comprehensive report, of forty-four volumes, on not less than 29,000 endowments. The actual number of existing endowments is, however, estimated at a still higher figure.

As to the amount of the income of the metropolitan charities, the estimates vary from three to seven million pounds.[1] It must, however, be remembered that these endowments are for multifarious objects, mainly religious and educational, and are only in part devoted to the relief of the poor. Apart from the poor law, the total expenditure on relief in London is probably less than three million pounds a year, all sources included.

The distribution of endowments throughout the country is very unequal. In London they are very large. From Howe's 'Classified Dictionary of the Metropolitan Charities' we take the following figures for 1899–1900, which, however, are expressly stated to be approximate :[2]—

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learning, free schools, churches, sea-banks, highways, . . . the education and preferment of orphans, etc.—and many objects not expressly mentioned have been held to be "charitable" as within the intention of the Act. Judicial decisions gave it a very wide application. The object of the Act was to encourage charitable gifts of a permanent nature, and it may be considered as representing the then desire of Parliament to promote charitable endowments parallel to the development of the poor law system. With the exception of this enumeration the Act has been repealed, and the Charitable Trusts Act takes its place. Another series of Acts bears also on charitable endowments. It has been a general policy of law to oppose the alienation of lands or tenements in perpetuity. With that object, since the time of Edward I. there have been statutes of "mortmain," that is, statutes to limit the alienation of lands to any corporation ecclesiastical or temporal—to the "dead hand," which could not perform the feudal or other services which would be required of a living and personal tenant. In accordance with this general policy a new Act of Mortmain was passed by Parliament in 1888, and amended in 1891. The former Act requires a licence from the Crown, on the authority of a Statute at the time in force, for the "assurance" or grant of land to corporations and for charitable uses; the latter enacts that land "assured" by law to such uses be sold, unless in the opinion of the Court it is required for actual occupation for the purposes of the charity. Whatever the effect of these or preceding Statutes, a large amount of land is held in trust for charitable uses. In the earlier part of the nineteenth century it was felt that many of the uses of charities had become obsolete and inconsistent with the social and charitable needs of the time; the duties also attached to charitable trusts were often very inefficiently performed, and frequently the property itself was lost or alienated. The recognition of these facts led to the enactment of the Charitable Trusts Acts, of which the first was passed in 1853 (16 & 17 Vict. c. 137). By these Acts a Board, the Charity Commission for England and Wales, was established. It was authorized to inquire into the condition and management of endowed charities; to require accounts and statements; and to frame schemes for the administration of charities—subject, however, to the proviso that if the income of a charity is £50 or upwards, the commissioners can only exercise their jurisdiction on the application of the trustees or a majority of them. In 1883 a City of London Parochial Charities Act was passed, by which the endowed parochial charities of the city were recognized. On the general question reference may be made to Lord Hobhouse's book, 'The Dead Hand.' London, 1880.

[1] See speech of Sir William Forsyth, at the Social Science Congress at Aberdeen, 1877. See also *Charity Organization Review* for August, 1888.

[2] Another useful book is Herbert Fry's 'Guide to the London Charities,' in which are given in alphabetical order, the institutions, the date of their foundation, their object, their chief officials, the address of the office, the mode of application for assistance, and finally the annual income, as far as known, and the number of cases relieved in the previous year.

	£
42 (out of a total of 51) charities for the blind, deaf and dumb, incurables and idiots, have an annual income of	215,971
163 (out of a total of 203) hospitals, general and special, dispensaries, and convalescent homes	992,549
95 (out of a total of 120) pensions and institutions for the aged	600,157
95 (out of a total of 105) societies or institutions for general relief, food, etc. . . .	516,858
51 (out of a total of 73) voluntary homes . .	234,437
34 (out of a total of 51) orphanages, etc. . .	170,831

These are very respectable figures, which must be kept in view in the consideration of the relief question, and to them must be added the enormous sums, of incalculable amount, which are dispensed in relief privately by individuals. It is unquestionable that, irrespective of and in addition to the State system of relief, which has been in force for centuries, an immense amount of private charity is devoted to the help of the poor.

The work of organizing charitable relief is, however, of modern institution and dates from the year 1869, when the London Charity Organization Society began its useful labours. In our account of the historical development of the English poor law system we have described (see p. 89) the condition of affairs which existed before the formation of this Society, and which afforded a field for its successful extension. By practical experience, as well as by theoretical doctrines, and last but not least by Mr. Goschen's advocacy of reasonable views as to poor law relief, public opinion had become convinced of the necessity for organizing private charity. We have already referred to the service which the late Prince Leopold, Duke of Albany, rendered to this movement as President of the Charity Organization Society, and we shall now give some details as to work of this Society, and of somewhat similar societies, which at the present time is being performed in many of the larger towns in England and in Scotland.

The London Charity Organization Society consists of a directing council, and of district committees which carry out locally the objects of the Society in accordance with the principles which the Council lays down. Each of these committees has representatives in the Council, which also includes a number of distinguished persons, such as the Archbishop of Canterbury, the Bishop of London, members of Parliament, representatives of charitable institutions, and others. The district committees are in theory composed of representatives of the local charitable institutions, and of private people who are interested in charitable work and are ready to devote their time to it. The parochial clergy, in particular, are in many cases members of the committees. The Council, which has a chairman, appointed annually, and a secretary, not only exercises a general control, but also distributes certain funds among the district committees. But the Central Council and the district committees in the poorer parts of London have separate accounts and separate subscription lists.

The operations of the London Charity Organization Society may be classified under the three following heads :—[1]

[1] Particulars of the Society are given in a publication called 'Charity Organization Papers' (London, Longman & Co., 1883), which contains much instructive information. This pamphlet may be also procured at the office of the Society,

1. The Society wishes to bring into co-operation the existing charitable institutions. With this object it has compiled, under the title of 'The Annual Charities' Register and Digest,' a detailed and classified register of the existing charities, prefaced by an Introduction entitled, "How to help Cases of Distress," in which are given particulars in regard to the principles of charitable relief and methods of helping different types of "case," and notes respecting Acts of Parliament, and administrative departments likely to be of use to the almoner or visitor in his work. By this means it is easy to discover the institutions suitable for particular cases requiring help. Particulars are given with regard to each institution as to the mode of application, as to the administration, the income, and the number of persons relieved in the year. In this way may be ascertained what assistance is available for any case. The district committees endeavour as far as possible to obtain the relief required from existing institutions. The Society also furnishes enquirers with information as to charitable societies.

2. The Society collects information as to new charitable schemes, subjects them to a searching examination, and recommends such as it finds useful.[1] It is thus a centre for criticism of all charitable effort. This function is especially fulfilled by the Society's monthly organ, *The Charity Organization Review*.

In illustration of this kind of action of the Society we may refer to the movement, in the winter of 1884–5, in favour of the provision of dinners for poor school-children. The consideration that a large number of poor children are insufficiently fed at home, and therefore are not in a condition to derive full advantage from the school to which the Education Act compels them to go, induced some benevolent persons to provide "penny dinners" in the poorer districts. At first public opinion was in favour of this movement. In a large number of districts committees were formed to make arrangements for the purpose. The line was not drawn at penny dinners, but the price was reduced to a halfpenny, and in some places the dinner was provided without any payment at all. The Charity Organization Society, which carefully described the movement in the *Review*, and entered into its details, did not approve of the movement, and warned the public of the dangers involved. In several meetings convened for the discussion of the question, as well as in articles published in the daily press, it was sought to bring before the public the consequences of the scheme when once developed.[2] From the penny

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15, Buckingham Street, Adelphi. See also the addresses of Sir E. L. O'Malley, at the Social Science Congress at Norwich, 1873, 'Transactions,' pp. 584–605; and by C. B. P. Bosanquet, at the Social Science Congress at Glasgow, 1874, 'Transactions,' pp. 878–898. See also *Charity Organization Review*, October, November, 1892.

[1] The Charity Organization Society fulfils in this way a task which Sir William Forsyth had indicated in the speech already quoted. "Organizing the humane and compassionate sentiments of the public and placing them under proper guidance."

[2] See *Pall Mall Gazette* of December 27, 1884, "Free Dinners and after," by C. S. Loch, Secretary to the Charity Organization Society, and leading article in the *Times* of January 20, 1885; also the report in the *Times* of January 27, 1885, of a meeting convoked by the Charity Organization Society; also the 'Charity Organization Reporter,' 1884, pp. 357–8, on "Self-supporting Dinners." In this last article it is said that "it cannot be well to bolster up a self-supporting system by charity. Payment imposes an obligation salutary to the parents, and it ensures extension not on the altogether hopeless lines of almsgiving, but on the principle of supplying by new methods a new demand." See also 'Reports of Committees,' 1891 and 1893, on "The Better Way of assisting School Children" and "Charity and Food," 1887.

dinners sprang (as was said) halfpenny dinners, and from them free dinners, and if parents were thus relieved from feeding their children, the next thing would be to provide clothes for children whose parents sent them to school in rags, and so on. The demands on private charity would steadily increase, and the parents' sense of responsibility for the care of their children would be gradually weakened. While in certain cases food was necessary, it was then, and has since been, argued that a large supply of it provided on charitable lines was not required, and could not but be injurious. In the nature of things, the demand for such relief would continually increase with the increase of the supply; and at each stage of the process the obligation would be weakened. When meals were forthcoming for their children gratuitously, or at a minimum cost, parents would take less and less trouble to prepare meals for them, as is actually found to be the case. In accordance with the true principles of charity, it was necessary to endeavour to deal with the cause of distress in the particular case. The want of food, if it were known that such a want prevailed, was frequently the symptom of trouble at home of one kind or another, which meals given three or four times a week during the winter months of the year could not affect; and the assistance, so far as the child himself was concerned, was partial in the extreme. It was argued that, if the causes were to be properly dealt with, a better organization of local charity was required, and an active co-operation of teachers and managers of the public elementary schools with local charitable workers. Thus the causes of difficulty might be unravelled, and an attempt made to cope with them systematically and on some definite plan.

This is merely given as an illustration of the attention which the Charity Organization Society pays to charitable projects, with the view of hindering such as are foolish or likely to be mischievous to the community. It would be easy to multiply instances of the same kind.[1]

But, important as are these departments of the Society's work, they are insignificant in comparison with its chief function, now to be noticed.

3. The Society has to organize private charity, to supply to the benevolent the means of ascertaining the circumstances and character of those in need, and to afford the necessary assistance to any case suitable for private charity.

With regard to the question, What cases are to be relieved by private charity, and what are to be left to the poor law? the Society lays down fixed principles, of which the most important are the following:—

In the Charity Organization Papers we are told that in England there is a system of public relief which applies to all destitute persons. Private charity may therefore, without fear of evil consequences, be restricted to curable cases. It should only be exercised where temporary help may be of permanent utility; where there is a definite prospect of making the recipient independent for the future. Everybody can have recourse to poor law relief in order to save himself and his family from the worst consequences of destitution. With regard to individual cases, it has to be considered whether they should be left to the poor law, or whether they may be singled out as suitable objects for private charity, which is of course more pleasant to the recipient. In these eligible cases the relief is to be "adequate in kind and amount, having self-dependence and recovery from distress as its end." As a general rule, charitable relief is only to be afforded where the applicant possesses such good qualities as to offer

[1] The Charity Organization Society has published a thoroughly practical index, with a short summary of its conclusions as to the matters of permanent interest which have been brought before it. 'Charity Organization Paper,' No. 12.

some security that help in temporary distress may have a lasting effect. Apart from certain pension cases to be mentioned hereafter, those in which destitution is chronic are to be left to the poor law. So also when destitution is due to gross misconduct and adequate temporary charitable assistance will be of no permanent advantage. The poor law has merely to relieve distress,[1] while the function of private charity is to prevent as well as to remove it.[2]

It is thus shown that the province of private charity is clearly distinct from that of the poor law. In organizing private charity it is therefore of the greatest importance to secure the co-operation of the guardians of the poor.

The organization takes place in the following fashion. The district committees of the society act for areas corresponding with the poor law unions and parishes of the metropolis. There are at present 40 district committees. It is desired, whenever possible, to obtain the election of members of the district committees as guardians, in order to establish relations with the administration of poor law relief. This has been effected in certain districts, and in these it becomes possible to arrange that such cases brought before the guardians as are fit objects of private charity should be referred to the district committee, and that such cases as on investigation by the district committee are recognized as suitable for parochial relief, should be referred to the guardians.

This co-operation of the district committees with the boards of guardians, wherever established, results in a reasonable division of labour without waste of strength, and answers admirably. For example, in the half-year ending Lady-day, 1901, the board of guardians of the Whitechapel union referred 80 persons, after relieving them temporarily, to the district committee, from whom all received suitable help, of a kind which could not, according to the rigid rules of the Whitechapel union, have been afforded under the poor law.

The co-operation of the Charity Organization Society with the guardians is, to a large extent, effected through the relieving officers. The relieving officer is asked to inform the district committee of all cases which appear suitable for private charity; on the other hand, the relieving officer is made acquainted with each case applying to the district committee. In this way it is possible to prevent relief from being given simultaneously to one and the same person, both from the poor law and from private charity, without the knowledge of the administrators of each class of relief. Persons assisted by the guardians do not, unless their cases are exceptional, receive help from private charity, though in cases in which the guardians give outdoor relief in continuous weekly allowances, in some parts of London relief is also given not infrequently from church charities.

At each district committee there is an honorary or paid secretary (or sometimes both) and an agent or enquiry officer. Members of the committee and their friends take an active personal share in the committee's work. They take part in the daily business of the office, in obtaining information on the spot as to applications to the Charity Organization Society in acting as almoners in pension and other cases, and to assist in other ways. Help is also given by district visitors and other local workers. Searching enquiries, by which full details are obtained as to the cause of poverty, are absolutely necessary, in order to distinguish

[1] "The poor law is a stern alleviative measure. The guardians are not a charitable association, and it is not their duty, nor is it in their power, either to avert impending distress or to alleviate it if it falls short of what can fairly be called destitution."

[2] "Charity has to prevent, to remedy, and not merely to alleviate distress."

charitable from poor law cases, and to settle the proper means of relief to the former. Such inquiries are for the most part made by the paid officers of the Society.

For this reason, among others, the Charity Organization Society has laid the greatest stress on the importance of educating and training district visitors, and has in this matter received the special support of Miss Octavia Hill,[1] a lady who has displayed extraordinary capacity for organization and admirable devotion to the work which she has undertaken in various branches of philanthropy. In the poorer districts, where efficient district visitors are seldom numerous, it has been necessary to attract to the committee visitors living in other districts, with the result of some inconvenience in the matter of distance.

The agent or visitor of the committee has to fill up a form as to the case under enquiry. The following particulars have to be ascertained: Age? Family? If children, at what school? Occupation? Where now or last employed? At what wages? Other sources of income? If out of employment, reason for leaving last place? Since when unemployed, and how long employed in the last year? How many rooms does he occupy? At what rent? Arrears of rent? Pawntickets? Other debts? If member of a Friendly Society or Trades Union? Any relief already obtained from private individuals or charitable institutions, or from the guardians? Can assistance be obtained from these or other sources (relations, trade unions, benefit societies, &c.)? Present and previous residence? In what way he thinks he can be permanently benefited?

Each answer must show from whom the information is received. In order to obtain it, the visitor is to have recourse to the relieving officer, the present and previous employer, the clergyman, and if necessary the schoolmaster.

Let us examine the action of a district committee in detail. The best way of giving an accurate notion of its proceedings will be to confine ourselves to an account of what has taken place at the meetings of a district committee at which we have been present.[2]

In the Kensington district committee there are seven members who are also guardians, while most of the members also take part in the administration of other charities. The chairman of the Kensington board of guardians and the chaplain of the workhouse are also members of the district committee. Minutes are kept of the proceedings of the committee, which meets three times a week. For the entry of the decisions, there is in use at nearly every district committee an "Application and Decision Book," which shows in what manner each case is dealt with.

Some cases are sent by the clergy and some by private persons; some apply direct. In every instance the district committee has to decide whether the case is suitable for charitable assistance, and if so how help can be best afforded. In this way the district committee acts as a medium between those in need of relief and those willing to give it.

Each enquiry is placed in the hands either of a member of the committee or of a paid officer, according to the nature of the investigation

[1] See Miss Hill's article, "The Work of Volunteers in the Organization of Charity," in *Macmillan's Magazine* of October, 1872. Also her Report in the Third Annual Report of the L. G. B., Appendix, p. 126, as to her "System of combining Official and Volunteer Agencies," introduced in the parish of St. Marylebone under her direction. See also 'Homes of the London Poor,' and 'Our Common Land,' by Octavia Hill. Macmillan & Co.

[2] I avail myself of this opportunity of expressing my gratitude to Mr. F. J. S. Edgcombe, Hon. Secretary of the Kensington District Committee, for the kindness with which he has afforded me an insight into its working.

which seems necessary. The enquirer is instructed to communicate with the local charities, and to submit a written report to the Decision Committee. Members of several local charities are frequently present at the committee, and are able to answer any further questions. For instance, it is frequently asked, What is the condition of the applicant's house? What impression is made by the children? Whether the applicant is given to drink, and so on. If any doubt arises as to the steps to be taken, a member of the district committee is deputed to make further enquiries, and the final decision is postponed.

Before a decision is given, the following points have to be considered :—

1. Is there real need of assistance? If not, the application is refused.

2. What is the cause of distress? If it arises from such misconduct on the part of the applicant as makes it impossible to render effectual assistance, the application is likewise refused.

3. What would be the effect of charitable relief? If it is thought that temporary help can be of no permanent service the case is regarded as unsuitable for charity, subject to this condition, however, that it may be assisted if considered suitable for a pension.

4. If relief were given, would it have an injurious effect on the classes of the population, especially on friends and neighbours of the applicant, who might be in a similar position? If so, relief by the Charity Organization Society is refused; the case is regarded as one for the poor law, and is perhaps recommended for the consideration of the guardians.

It is only when these points have been disposed of, that the further questions arise: granted that the applicant should be helped, what plan of help is feasible, and from what sources should he be assisted?

The first thing to determine is the plan of help. According to the nature of the case and the methods adopted with a view to accomplishing more lasting good, relief and the personal charities of friendly advice and supervision may assume a larger or a lesser place in the plan. Sometimes the aid required is large and continuous, as, for instance, during the long illness of a phthisical patient; sometimes, as in the case of a family, in which the distress is due to mismanagement or the trouble arises from difficulties of character, the duty imposed on personal charity may be heavy, though the actual monetary relief may be but small.

The plans of help are very various. Sometimes the relief is given by way of loan or "returnable grant." Sometimes it takes the form of helping a widow to learn some more remunerative trade, so as to enable her to earn a sum sufficient for the maintenance of her family; and so on.

Next comes the question—from what sources should the aid required in the case be drawn?

The general funds of the Council of the Society and of the district committee are contributed for the purpose for which the society was established, the organization of charitable relief. Accordingly, the relief required in the particular case is not paid out of the general funds of the Society, but, as far as possible, raised from relations, employers, friends, persons possibly already interested in the family, charitable institutions and agencies, and charitable persons, who are willing to help in cases for which the committee cannot obtain sufficient help otherwise. In these ways relief and, simultaneously, personal aid are organized by the committee; and to some extent the resources of the district committee are also supplemented by moneys received on their behalf in response to advertisements in the *Charity Organization Review*. In the course of a year there passes through the hands of district committees, mostly for

the relief of particular cases, a sum of about £30,000, apart from sums—a not inconsiderable amount—paid direct to persons in distress by enquirers, who have applied to the society for information and guidance.[1]

As regards the relief of deserted women and widows, the following regulations prescribed by the Council of the Charity Organization Society for the guidance of district committees will serve to illustrate the spirit of the principles upon which the society proceeds.

1. With regard to women abandoned by their husbands the council holds that for the following reasons, although the rule may appear a hard one, the cases should be left to the poor law:—

(*a*) There is often collusion with the husband.

(*b*) It is desirable, in the interest of the applicant herself, that every effort should be made to bring the husband to justice.[2]

(*c*) Many husbands who would not be ashamed to leave their families to private charity will hesitate to desert them if the result would be that they would have to go into the workhouse.

2. With regard to the relief of widows, we find that the main object of the Charity Organization Society is to instil among the population a sense of the importance of saving and foresight. If the head of the family makes no provision in case of his death, part of the responsibility falls on the wife, and it is doubtful whether the widow ought to be relieved of the consequences by charitable help. Apart from exceptional cases which demand special treatment, it is by some thought proper that such a case should be left to the poor law.

Similar principles regulate the treatment of other cases which frequently occur,[3] where there is a large family, distress in consequence of want of work, &c. No trace of soft-hearted sentiment is to be found, but everywhere care is taken that the grant of relief shall not be against the interests of the community.

Reference has been made to "Pension" cases, as chronic cases which are assisted on special grounds.

Through the district committees old people are helped by weekly allowances—people of good character (over 60 years of age, unless there has been serious accident or severe affliction), who have made some provision for old age, and are unable to support themselves by their own exertions. The money required is raised, as in other cases, from relations, former employers, friends, endowed and other charities, and from charitable persons. Care is taken that the relief should be sufficient to enable the pensioner to live in moderate comfort. The allowance is taken

[1] According to the "manual" of the Society, "It must always be borne in mind that this Society does not profess to be primarily a Relief Society, and it desires to act in that character as seldom as may be. Its own funds are primarily applicable to the purposes of organization, investigation and advising, and it only undertakes relief when no extraneous aid is to be got for a case which requires it. It discharges its own functions best when it brings the sources of private benevolence and of relief organizations to bear upon investigated cases." See also 'The Charity Organization Society: its Objects and Finance,' and other 'Charity Organization Papers.'

[2] If the deserted woman is relieved by charity she is not likely to take any steps against her husband, while if she claims public relief proceedings are taken against him by the guardians if they can find him (5 Geo. IV. c. 83, s. 4).

[3] It may here be stated that several boards of guardians, in case of the destitution of a widow with several children, adopt the plan of not giving relief in money to the widow herself. They leave one child, or perhaps two children, with the mother, whom she has to maintain, while the others are taken into the pauper schools. If the mother is not in a position to keep herself and one child, she is forced in ordinary cases to enter the workhouse.

to the home usually every week by an almoner, who reports at once to the district committee in case of sickness or other difficulty, and the circumstances are reviewed by the committee on a detailed report from the almoner every quarter. In 1900 there were 1,259 pensioners thus aided through the agency of the society.

Finally, we may give a few figures as illustrations of the scope of the useful action of the Charity Organization Society.

During the year 1899–1900, 16,631 cases were dealt with by the 40 district committees. More detailed figures may be found in the yearly reports of the district committees, *e.g.* in that of the Kensington district committee for 1899–1900. The number of cases dealt with by that committee was 877.

Assistance was obtained in 313 cases from institutions and local agencies; in 6 the guardians helped; in 25 private individuals; and "other sources of assistance" number 130. Usually from a third to a half of the applications are not assisted by relief through the agency of the committee, on the grounds detailed above.

It will be seen from these figures that at Kensington the principles as to the boundaries of private charity are not only theoretical, but are carried into practical effect.

APPENDIX II.

Poor Law Statistics.

In the body of this work certain statistical information has occasionally been given, but has designedly been restricted within narrow limits, as we feared that a mere quotation of the figures, without explanation, might easily give rise to errors; and, on the other hand, it seemed desirable to avoid interrupting the course of our narrative by the interpolation of criticisms on statistics. We thought it best, therefore, that the figures and our comments should appear together.

We have, however, relegated both to the Appendix, in order to show that we regard poor law statistics as outside the limits of our work. The task which we undertook was to give an account of the development of the English poor law system, and of its present working. It has not been our design to deal with the condition of the poor, the extent of pauperism, its causes, or its cure. These points, which we consider as not coming within the scope of this treatise, are those as to which information is sought from statistics. Statistics of pauperism can give only a partial answer to the interesting questions of the advantages or disadvantages of the system: the number of paupers may be small because agencies other than those of the poor law are dealing with the destitute, or because the express duty of helping those who need help is in effect not adequately carried out. The amount of expenditure may depend on whether the duty of relief is performed with more or with less completeness. Nothing could be more unfair than to judge of a system entirely by the evidence of statistics, which may indeed be affected by it, but which depend mainly on general conditions of a social and economical character.

So, too, the variations in the figures from year to year must be regarded with great caution, and considered as only imperfect material for conclusions as to the working and the success of the system. If a country's general condition has improved, and if the working classes have benefited, the pauper statistics will be influenced, whatever may be the poor law system. A reduction in the number of paupers may mean that the population has risen socially, that it has become more saving, and that the duty of laying by for the days of age, illness, and want of employment, is more generally recognized.

It is the same with the social disease of pauperism as with other diseases—bad treatment makes it worse, and increases the danger to the community; proper treatment cures it, or keeps it within narrow limits. But the disease itself must be regarded as the result of manifold causes, the entire removal of which is beyond the power of the physician alone. His endeavour is to cure those already attacked, and to induce the healthy to take precautions against being infected. In like manner it should be the object of a poor law system to bring back to independence such of the

population as are already pauperized, and at the same time to avoid everything that would lessen the incentive to others to maintain their independence, and take precautions against future destitution. A proper system ought itself to convey a warning of the consequences of improvidence. But the amount of attention given by the public to this warning, and the extent to which they are able to profit by it, depend on other considerations. If it were possible to formulate all the different factors of pauperism, to say how often, and to what extent, general circumstances or particular defects and characteristics are its basis, we might then arrive at a solution of the question how far the statistics of pauperism are affected by the poor law system. As this is impossible, the figures only show approximately the extent of the disease which has to be treated, and in the treatment of which it is necessary to have regard not only to such members of the community as are already pauperized, but to such as are independent, so that the latter may be warned [1] against pauperism and its consequences.

It is evidently impossible to judge of the results of relief systems in different countries from a comparison of the statistics of pauperism. Such a comparison assumes that the causes of pauperism in different countries operate in the same way, and to the same extent, an assumption which is contrary to fact. Moreover, in other respects, a basis for comparison is lacking. The scope of public relief in different countries varies both with the different laws and with the extent to which it is supplemented by private charity, and therefore cannot be stated with precision. Moreover, the fundamental notion as to what is to be regarded as destitution is very fluctuating. This question depends in part upon the general value of

[1] It is often said in England, "If we had no poor law system, people would be more provident, and they would certainly not, as at present, squander a large part of their earnings on drink. The number of the destitute would therefore be smaller." If we ask those who express this view, and who are for the most part warm-hearted and benevolent people, subscribing to all kinds of charities, whether they would close the pauper hospitals, &c., we are told, "Oh, no! that is quite different, hospitals must be kept up in the interests of the public, so that neglect of illness may not extend the range of its evil effects. Moreover, humanity requires the indulgent treatment of those who are already suffering under the stroke of disease." It is difficult to see why those who have neglected to make provision for the occurrence of illness deserve more indulgence than those who, when their earnings have been sufficient, have not reflected that by adverse circumstances or by their own fault they may suddenly lose their employment. But further, in the case of those who are from any cause unable for the time to earn an independent living, is it not in the interest of the public that they should at any rate be provided with the necessaries of life, and therefore should not be driven to procure the means of existence in an unlawful way? It should be remembered that in the latter case they may have to be maintained at the public expense—in prison! No, the very necessary efforts to educate the people to be abstemious and to provide for the days of illness, age, and want of employment, must be carried on independently. What may fairly be demanded from the public system of relief is, that it should be so administered as to be universally regarded as the last resort, only to be thought of in the most extreme need. That this function is fulfilled by the English workhouse system, where it is strictly carried out, cannot be doubted by anybody who knows the feeling of repulsion with which the lower classes regard the workhouse. The best proof is that a thoroughly able-bodied man scarcely ever finds his way into it. If the efforts to wean the population from the prevalent vice of drunkenness have not met with the success that was hoped for, and if there are in the workhouses a large number of persons who would be in an independent position but for the consequences of their previous habits of intemperance, the fact is due to reasons other than the existence of a public relief system.

money and the price of necessaries, but chiefly upon the standard of living which exists in the particular country. An English artisan is accustomed to conditions of existence differing from those of a workman in the Saxon manufacturing districts. The former would regard as destitution what the latter could live comfortably upon. Destitution is a relative expression, the need and the relief are alike measured by a standard which is not universal.[1] There is no available standard which can be applied to figures relating to the pauperism of different countries. Whoever goes deeply into the subject will come to the conclusion that an international system of poor-law statistics is impracticable.

We have thought it desirable to preface the following statistical statements with these remarks, so that the figures may not be invested with a significance which we do not mean to attach to them.

English poor law statistics surpass those of all other countries both in their scope and in the time over which they extend. Apart from earlier information, we find since 1834, in the Annual Reports of the Central Board, continuous statistics almost bewildering in their amount. Besides this main supply, extracts from which are given in the Annual 'Statistical Abstracts for the United Kingdom,' the financial portion of poor law statistics has since the constitution of the Local Government Board been specially dealt with in the Annual 'Local Taxation Returns.' To the above may be added an enormous amount of information, given from time to time, as to special subjects, and published for the most part separately.

How far the quality of this material corresponds with its quantity is a question on which we must say a few words.[2]

We will begin with the statistics of pauperism. Up to the year 1848 the plan for ascertaining the number of paupers was to obtain annual returns of the number of persons relieved during the last three months of the poor-law year, which ends at Lady Day. These returns, including part of December, all January and February, and part of March, embraced just the part of the year in which the persons relieved are most numerous. Since January, 1849, the method has been altered by taking the numbers on two specified days of each year, the 1st January and the 1st July. It might be supposed that the number of persons relieved on the 1st January is the greatest, and on the 1st July is the smallest, during the year, and that the mean of the two figures would give the average number of paupers relieved daily throughout the year. The weekly returns, however, show that this is not the case; for the number of paupers relieved is generally at its minimum in August; while, on the other hand, the highest number is not on the 1st of January,[3] but at the end of the month, or even later. This, however, is of no great importance, because the difference in each year is tolerably constant, and therefore does not interfere with the comparison of the statistics of one year with those of another.

More serious, however, are the objections to the whole principle of the returns, intensified as they are by the fact that no distinction is made

[1] Emile Laurent is right in saying in 'Le Pauperisme et l'Association de Prévoyance' (Paris, 1865), that "l'indulgence est essentiellement un fait de relation et de contraste."

[2] It has been observed above (p. 228, note 1) that in England there is no Central Bureau for Statistics. Those here given have been compiled in the Statistical Department of the L. G. B.

[3] The obvious explanation of the comparatively small number of persons relieved on January 1 is that it often happens that inmates of the workhouse leave it for Christmas to spend the holidays with their relations and friends, but return in the course of the month of January.

between permanent and temporary cases of relief enumerated on the specified days. With regard to chronic paupers, the return may properly be limited to two days; the mean number will represent with fair accuracy the average daily number of persons permanently in receipt of relief. On the other hand, the assumption that the average number of those temporarily relieved may be deduced from the mean of the figures for the two days named is very questionable. The total number of persons relieved in the course of the year is naturally much larger than the number of those relieved on a particular day. But the relation between the latter number and the total can only be guessed at. It is influenced by so many fortuitous circumstances, operating in some years so forcibly, that it is impossible to arrive at a fair average proportion.[1]

The number of persons temporarily relieved on the 1st January, or the 1st July, may bear quite a different proportion to the total according to the influence of accidental circumstances, such as bad weather or trade crises, in particular years. It should be remembered that a great strike, lasting from the 2nd of January to the end of June, by which many thousands are thrown out of employment, and have to come upon the rates, has not the least influence on the average number of persons relieved daily, as calculated according to the English method. Reckoned on this basis, the percentage of paupers to population, the cost of relief per pauper, and similar calculations, have only a problematical value. It is also to be remembered, that in consequence of the temporary and the chronic cases being lumped together, the figures in different years, or in different districts, may have an entirely different significance. Suppose that the number of persons relieved amounts in each of two successive years to 100; but that in one year this number is made up of 50 chronic and 50 temporary cases, and, in the other, of 30 chronic and 70 temporary cases. The enormous improvements in the social conditions, which must exercise an influence on the state of pauperism, is in this case not represented in the statistical tables. It is just the same if a difference exists between particular districts with regard to the composition of the total numbers given in the return. Indeed, the difference is more frequent, and more marked in this case. In a rural union the permanent paupers always constitute a greater proportion of the whole than in a large urban union. Consequently, the accuracy of calculations as to the amount of expenditure per pauper in particular districts, or particular years, and of the resulting conclusions, is very doubtful.

The uncertainty as to the relative proportions of permanent and temporary cases relieved naturally affects the value of the information as to the classes of paupers, about which we proceed to make a few observations.

The persons in receipt of relief are divided into two main groups, indoor and outdoor paupers. All those relieved in establishments under the administration of the guardians (workhouses, district schools, infirmaries, sick asylums), also those in certified schools, and in asylums for idiots institutions for the deaf and dumb and blind, and hospitals, are classed

[1] A return moved for by Mr. Ritchie ('Parl. Paper,' No. 265 of 1892) shows that the total number of persons relieved during the year ended at Lady Day, 1892, including both temporary and permanent cases, was about twice as large as the number of those relieved on January 1, 1892. About one in eighteen of the population was at some time or other during the year in receipt of relief, either personally or constructively, while of persons over sixty-five years of age one in every three or four was relieved at some time during the year. But the compilation of this return was obviously attended by great difficulties, and its accuracy has been questioned.

as indoor paupers ; all others as outdoor paupers.[1] The total of indoor paupers does not coincide with that of persons relieved in the establishments, because some of those placed in establishments not under the administration of the guardians are classed as outdoor paupers.

This fact is of special significance in the case of the pauper lunatics, the greater number of whom, as above stated, are not in the workhouses but in county and borough asylums under separate administration. This division, in the statistics, of the same class of paupers, according as they are in establishments under or not under the control of the guardians, is not only unreasonable in itself, but is eminently calculated to lead to erroneous conclusions as to the respective proportions of indoor and outdoor paupers. It is particularly to be noticed that, as above stated, the number of pauper lunatics has enormously increased in the last ten years, and that this increase has had a special effect on the number of lunatics in county or borough asylums. Of late years the statistics on this point have been improved by a separate statement of the lunatics, insane paupers and idiots, in enumerating both the indoor and outdoor paupers.

Besides the separate specification of lunatics, a further classification with regard to indoor and outdoor paupers has been made, according as they are or are not able-bodied. But here, too, there are important drawbacks to the use of the figures. In the first place there is no agreement as to what persons are to be reckoned as able-bodied.[2] In some unions the term "able-bodied" is restricted to those paupers who are at the time actually capable of working. But most unions consider as "able-bodied" all paupers between sixteen and seventy years of age whose capacity for work has not been permanently destroyed by infirmity or disease. Thus on the one hand old persons over seventy, even if able to work, are classed as "not able-bodied," and on the other hand those who at the time of relief are temporarily incapacitated—and these include the whole class of unmarried women who lie-in at the workhouse are reckoned as "able-bodied." This obscurity as to what is meant by "able-bodied" stands in the way of a comparison between the number of the "able-bodied" relieved in different unions or in different years. There is no guarantee that even in a particular union the term "able-bodied" is always interpreted alike. It is quite possible that in the course of years a union may alter its classification in this respect.

A further point is to be noticed in considering the numbers of the "able-bodied." If relief is granted to the head of a family, not only he but his wife and children are included in the lists of paupers, and they are entered in the same column as himself. Thus if a man who is not able-bodied, but has a perfectly able-bodied wife, receives outdoor relief, the wife is also entered as "not able-bodied." The fact that in the English poor law statistics the wife and family are not separately treated deserves notice, for it has an important effect upon the collective returns. If a man having a wife and six children under sixteen years of age dependent upon him, receives outdoor relief,[3]—no matter what its amount

[1] It is a curious anomaly that the inmate of a lunatic asylum is reckoned as an outdoor pauper, while the inmate of an idiot asylum is reckoned as an indoor pauper.

[2] This is officially admitted. See the 22nd Annual Report of the P. L. B., p. xviii., also Mr. Longley's report, already cited (3rd Annual Report of the L. G. B., App. p. 174), in which he urges that the L. G. B. should issue regulations providing for a uniform classification of paupers. As to the term "able-bodied," however, see Circular of December 21, 1844, quoted in Glen's 'Poor Law Orders,' p. 267.

[3] This failure of the returns to distinguish between the head of the family and

–in consequence of his illness, no less than eight persons appear in the eturns, just as if eight independent unmarried persons had received elief.[1]

The indoor and outdoor paupers are subdivided into able-bodied, not ble-bodied, and lunatics, and they are now further classified as men, omen, and children under sixteen. Except this last subdivision, there no classification with regard to age.

This is the main information given in the English statistics of paupers.[2]

We proceed to give in Table I. for each year since 1849 (the figures of ıe earlier years are useless for comparison in consequence of the altera- on above-mentioned in the principle of the return) the average number f persons relieved in England and Wales, classified as outdoor and ıdoor paupers, with the estimated population, and the average price of heat.

With regard to the statements of population, it must be remembered ıat the census in England is decennial, and that consequently only the gures for 1851, 1861, 1871, 1881, and 1891 are exact, while those for the ıtermediate years are based upon the estimated additions to the popula- on. It should further be mentioned that the returns of paupers have ot been all compiled in the same way. Where the new poor law has ·een in force the figures are based on the half-yearly statements furnished ·y the boards of guardians. But until recently there were a number of xtra-parochial places not under the Acts, and also a considerable number f other places which, in consequence of older Acts, only gradually re- ·ealed, were exempted from the operation of the new poor law and from he control of the Central Board. (See above, p. 154, note 1.) The auper statistics for these places depend on estimates based on other eturns. As the number of these exemptions have annually diminished,

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ıose relieved with him is of special importance as regards outdoor paupers. It ; less so in the case of indoor paupers, since all those admitted to the workhouse ·ecome a charge on the rates.

[1] But if relief is given on account of the sickness of a wife or child, only the ·ife or child is entered, with the head of the family, in the Outdoor Relief List. ·ee instructions on the form of that list appended to the General Order of anuary 14, 1867.

[2] It should be added that the number of vagrants is also given separately.)nly those are classed as vagrants, however, who receive relief as casual paupers. n our account of the casual paupers we have shown how little their actual ıumber agrees with that of vagrants generally. The vagrants taken up by the ıolice are entirely excluded. The returns made by the police as to the number of ·agrants were consequently quite different from the figures given in the pauper eturns. The police returns comprised all those known to the police as pro- essional tramps, or (in the night of the first Monday-Tuesday in April of each ·ear) without visible means of subsistence and without a settled place of abode. Besides the inmates of the casual wards, all those were included who lodged at heir own expense in a common-lodging house or spent the night in the open air. See the 22nd Annual Report of the P. L. B., p. xxx., which gives the following eturns of vagrants as enumerated :—

By the police.		By the guardians.	
On April 1, 1867 . .	32,528	On January 1, 1867 . .	5,027
,, ,, 1868 . .	36,179	,, ,, 1868 . .	6,129

But these returns from the police appear to have been dropped ever since 1868.

TABLE I.

Year ended Lady-day.	Population of England and Wales.	Mean number of indoor paupers.	Mean number of outdoor paupers.	Mean number of indoor and outdoor paupers.	Ratio per 100 of population.	Mean number of adult able-bodied indoor paupers, excluding vagrants.	Mean number of adult able-bodied outdoor paupers, excluding vagrants.	Mean number of adult able-bodied paupers (indoor and outdoor), excluding vagrants.	Ratio of able-bodied to total number of paupers.	Average price of wheat per imperial quarter.	Year ended Lady-day.
										s. *d.*	
1849	17,356,882	133,513	955,146	1,088,659	6·3	26,558	202,265	228,823	21·0	49 1	1849
1850	17,564,656	123,004	885,696	1,008,700	5·7	24,095	167,815	191,910	19·0	42 7	1850
1851	17,773,324	114,367	826,948	941,315	5·3	20,876	142,248	163,124	17·3	39 11	1851
1852	17,982,849	111,323	804,352	915,675	5·1	18,455	130,705	149,160	16·3	39 4	1852
1853	18,193,206	110,148	776,214	886,362	4·9	17,649	121,926	139,575	15·4	42 0	1853
1854	18,404,368	111,635	752,982	864,617	4·7	18,237	116,954	135,191	15·7	61 7	1854
1855	18,616,310	121,400	776,286	897,686	4·8	20,669	125,962	146,631	16·3	70 0	1855
1856	18,829,000	124,879	792,205	917,084	4·9	21,359	132,869	154,228	16·8	75 4	1856
1857	19,043,412	122,845	762,165	885,010	4·6	19,660	120,415	140,075	15·8	65 3	1857
1858	19,256,516	122,613	786,273	908,886	4·7	19,931	133,838	153,769	16·1	53 10	1858
1859	19,471,291	121,232	744,214	865,446	4·4	18,209	117,575	135,784	15·7	42 9	1859
1860	19,686,701	113,507	731,126	844,633	4·3	16,268	115,852	132,120	15·6	44 9	1860
1861	19,902,713	125,866	758,055	883,921	4·4	20,396	125,380	145,776	16·5	55 10	1861
1862	20,119,314	132,236	784,906	917,142	4·6	22,136	133,166	155,302	16·9	56 7	1862
1863	20,371,013	136,907	942,475	1,079,382	5·3	22,431	199,318	221,749	20·5	52 1	1863
1864	20,625,855	133,761	881,217	1,014,978	4·9	21,026	167,396	188,422	18·6	43 2	1864
1865	20,883,889	131,312	820,586	951,899	4·6	19,819	140,705	160,524	16·4	39 8	1865
1866	21,145,151	132,776	783,376	916,152	4·3	19,363	126,460	145,823	15·9	43 6	1866

1867	21,409,684	137,310	794,236	931,546	4·3	19,740	128,685	140,425	10·0	55	1	1867
1868	21,667,525	150,040	842,600	992,640	4·6	23,680	143,110	166,790	16·8	67	6½	1868
1869	21,948,713	157,740	860,400	1,018,140	4·6	24,960	145,750	170,710	16·8	58	3	1869
1870	22,223,299	156,800	876,000	1,032,800	4·6	25,200	149,600	174,800	16·9	46	2½	1870
1871	22,501,316	156,430	880,930	1,037,360	4·6	24,700	147,760	172,460	16·6	49	8½	1871
1872	22,788,594	149,200	828,000	977,200	4·3	22,000	128,930	150,930	15·4	57	1	1872
1873	23,096,495	144,338	739,350	883,688	3·8	19,331	105,594	125,925	14·1	57	2	1873
1874	23,408,556	143,707	683,739	827,446	3·5	18,222	93,763	111,985	13·5	60	3	1874
1875	23,724,834	146,800	654,114	800,914	3·4	18,487	89,918	108,405	13·5	50	11	1875
1876	24,045,385	143,084	606,392	749,476	3·1	16,059	79,958	96,017	12·8	45	5	1876
1877	24,370,267	149,611	570,338	719,949	2·9	16,446	72,952	89,398	12·4	48	2	1877
1878	24,699,539	159,219	569,870	729,089	2·9	18,025	74,261	92,286	12·5	56	8	1878
1879	25,033,259	166,852	598,603	765,455	3·0	19,109	85,861	104,970	13·7	43	7	1879
1880	25,371,489	180,817	627,213	808,030	3·2	22,584	93,201	115,785	14·3	45	4½	1880
1881	25,714,288	183,872	607,065	790,937	3·1	22,515	82,485	105,000	13·3	43	7	1881
1882	26,046,142	183,374	604,915	788,289	3·0	22,251	79,957	102,208	13·0	46	2	1882
1883	26,334,942	182,932	599,490	782,422	3·0	21,558	77,592	99,150	12·7	43	0	1883
1884	26,626,949	180,846	585,068	765,914	2·8	20,558	73,819	94,377	12·3	40	8	1884
1885	26,922,192	183,820	585,118	768,938	2·8	20,685	75,158	95,843	12·5	34	5	1885
1886	27,220,706	186,190	594,522	780,712	2·8	21,927	78,005	99,932	12·8	32	0	1886
1887	27,522,532	188,414	607,622	796,036	2·8	23,002	79,560	102,562	12·9	32	1	1887
1888	27,827,706	192,084	608,400	800,484	2·8	24,005	78,710	102,715	12·8	31	8	1888
1889	28,136,258	192,105	603,512	795,617	2·8	23,597	75,220	98,817	12·4	31	8½	1889
1890	28,448,239	187,921	587,296	775,217	2·7	22,313	69,805	92,118	11·9	29	9	1890
1891	28,763,673	185,838	573,892	759,730	2·6	22,956	67,612	90,568	11·9	32	8	1891
1892	29,081,962	186,607	558,150	744,757	2·5	26,392	66,073	92,465	12·4	37	2	1892
1893	29,401,898	192,512	566,264	758,776	2·5	30,202	69,816	100,018	13·2	28	4	1893
1894	29,725,358	205,338	582,595	787,933	2·6	32,992	72,221	105,213	13·4	26	2	1894
1895	30,052,397	208,746	588,167	796,913	2·6	34,675	70,114	104,789	13·1	21	7	1895
1896	30,383,047	213,776	602,243	816,019	2·6	35,678	69,592	105,270	12·9	24	5	1896
1897	30,717,355	214,382	600,505	814,887	2·6	35,221	66,608	101,829	12·5	27	2	1897
1898	31,055,355	216,200	597,786	813,986	2·6	35,884	64,562	100,446	12·3	31	7	1898
1899	31,397,078	219,041	612,897	831,938	2·6	35,596	71,743	107,339	12·9	31	11	1899
1900	31,742,588	215,377	577,122	792,367	2·5	34,387	59,268	93,655	11·8	25	7	1900

the figures have become more exact. The present statistics are based entirely upon the actual returns, no regard being paid to the now insignificant number of exempted districts (their population, mainly in the Scilly Islands, is only a little over 2,000), which send no accounts of paupers to the Central Board. In instituting comparisons with the figures of the earlier years, it must also be borne in mind that there is no means of judging how far the estimates are accurate.

We proceed to deal with the figures in Table I.

The gross total of paupers largely decreased from 1849 to 1877, not only in proportion to the population, but absolutely. Since 1877 there has been some increase in the actual numbers; but a decrease in proportion to population. On the whole, although there have been various fluctuations during this period, the general tendency is unmistakable. From 1849 to 1860 there was a gradual and progressive diminution from 6·3 to 4·3 per cent. of the population, then up to 1863 a rise of 1 per cent. due to the American Civil War, and the consequent failure of the supply of cotton. The reduction from 1863 to 1871 is very slow. In 1871 the figure is 4·6 compared with 4·3 in 1860. But from 1871 the improvement is rapid; in the course of six years the proportion fell from 4·6 to 2·9 and it has since dropped to a minimum of 2·5 in 1900.

It is outside the scope of this work to enter into a discussion of the possible causes of the improvement illustrated by these figures. We may, however, draw attention to the column showing the prices of wheat. The fluctuations are enormous; the price of 39*s.* 4*d.* in 1852 is followed by four years with a maximum of 75*s.* 4*d.*; within three years there is a drop to 42*s.* 9*d.*, and there are similar fluctuations subsequently; in 1865 the price is 39*s.* 8*d.*; in 1868, 67*s.* 6½*d.*; in 1892, 37*s.* 2*d.*; in 1895, 21*s.* 7*d.* in 1900, 25*s.* 7*d.*

Have these fluctuations had any influence upon the returns of pauperism? To this only one answer can be given, namely, that the influence of the price of wheat is not in the slightest degree visible in the returns. In the three years in which the prices were highest, viz. 1855, 1856, and 1868, the percentages of pauperism were 4·8, 4·9, 4·6. In 1852 and 1865, in which the prices were low, the percentages were 5·1 and 4·6; and a very low percentage of 2·9 appears in a year (1878) with a high price of wheat (56*s.* 8*d.*). The fluctuations in the two columns seem to be entirely unconnected with each other. Whatever the cause of the improvement in the proportion of paupers, it may be confidently asserted that the prices of wheat have not influenced it.

Proceeding to the classification of paupers, we are met by the remarkable fact that an increase in the number of indoor paupers has gone hand-in-hand with a diminution in the total number of persons relieved. In 1866 the number of indoor paupers was rather less than in 1849 (132,776 against 133,513). From that time begins an increase, lasting up to 1899 (219,041 indoor paupers). The marked increase of indoor paupers is due to the movement, beginning about 1865, in favour of the extension of the workhouse principle. More remarkable, however, is the fact that the number of outdoor paupers has decreased in a much greater degree than that in which the indoor paupers have increased. This decrease begins from 1871, when the total number of outdoor paupers is 880,930, while the lowest figures reached are 558,150 in 1892, 566,264 in 1893, and 567,841 in 1901. It should be specially noted that these years are those in which the general percentage of paupers is particularly low. Owing to the objections, already stated, to the English returns of pauperism, we are not inclined to deduce from these figures any sweeping conclusions. We may, however, say that they show, negatively, that rigid adherence

:he workhouse principle is not manifested in a mere transfer of figures, an increase of indoor and a decrease of outdoor paupers; but that ile this movement is in operation, there is a marked decrease in the al number of paupers. If we compare the years 1873 and 1901, we d that the number of outdoor paupers has diminished by 171,509, and it of indoor paupers has increased by 69,202; while the total number paupers (including lunatics) has decreased by 102,390. In 1873, out 1000 persons relieved, 837 were outdoor paupers; in 1901 the propor- n was 727.

And it is to be remarked that this fact would show much more ourably, if the class of pauper lunatics, of whose characteristic treat- nt in English statistics we have already spoken, were here eliminated. January 1, 1873, the number of pauper lunatics classed as indoor ipers was 14,386; on January 1, 1900, it was 17,777, an increase of 91. But the number of lunatics classed as outdoor paupers was, on uary 1, 1873, 36,867, and on January 1, 1900, 77,091, or more than ible.

On the colossal increase of pauper lunatics we have already com- nted,[1] and need not here repeat our remarks upon the subject.

The number of able-bodied adults has diminished since 1849 by more n one-half; and still more remarkable is the improvement in the portion which they bear to the total number of paupers. In 1849 this portion was 21 per cent.; from 1852 to 1862 it varied between 15·6 d 16·9; in 1863, a year already mentioned repeatedly on account of unfavourable returns, it again rose to 20·5; from 1865 to 1871 the ctuations were unimportant (15·9–16·9). The main improvement began h 1871. From 1871 to 1877 the decrease was continuous; in the latter ar we find the lowest percentage attained up to that time, viz. 12·4. ice then, there have been some fluctuations; but the latest (1900) ure of 11·8 is the lowest of all. It is clear that in the case of this ss of paupers it was mainly by the rigid enforcement of the workhouse t that this improvement was secured,[2] as we shall see by considering parately the returns of the able-bodied adults, whether entered as loor or as outdoor paupers.

The number of indoor adult able-bodied paupers decreased from 26,558 1849 to 24,700 in 1871, and to 16,059 in 1876, but steadily rose afterwards l it was 35,884 in 1898, while it dropped to 34,387 in 1900; the number outdoor adult able-bodied paupers fell from 202,265 in 1846 to 59,268 1900. The refusal of relief outside the workhouse has thus had the ect of lessening the number of able-bodied outdoor paupers, without uch increasing that of able-bodied indoor paupers.

After considering the main groups into which the English statistics of uperism are divided, let us examine rather more in detail the figures a single year. Taking 1900 as the last year for which full returns are

[1] See especially the figures given on p. 277. Without the inclusion of pauper natics the improvement in the general returns of pauperism would be still more iking. From 1871 to 1900 the number of pauper lunatics increased by 91 per nt., while the total number of paupers decreased by 24 per cent.

[2] The proportion of adult able-bodied paupers to the total population was in 63, 10·9; in 1873, 5·4; in 1883, 3·8; in 1893, 3·2; in 1900, 3·0 per thousand. The number of able-bodied men relieved was—

On January 1, 1900 . .	32,809	against a total number of	807,471
On July 1, 1900 . . .	23,511	persons relieved of	761,248

Thus the adult able-bodied men constituted only between 3 and 4 per cent. the total number relieved.

TABLE II.—ADULT MEN.

Classified as	A.—In establishments under the administration of the guardians.		B.—Elsewhere.		Total.	
	Jan. 1, 1900.[1]	July 1, 1900.	Jan. 1, 1900.	July 1, 1900.	Jan. 1, 1900.	July 1, 1900.
Able-bodied	20,751	14,225	12,058	9,286	32,809 } 180,201	23,511 } 155,213
Not able-bodied	66,743	55,396	80,649	76,306	147,392 }	131,702 }
Lunatics	7,524	7,521	33,939	34,279	41,463	41,800
Total	95,018	77,142	126,646	119,871	221,664	197,013

TABLE III.—ADULT WOMEN.

Able-bodied	17,911	15,364	49,000	46,732	66,911 } 314,399	62,096 } 301,720
Not able-bodied	43,870	41,585	203,618	198,039	247,488 }	239,624 }
Lunatics	9,001	7,521	42,457	51,801	51,458	59,322
Total	70,782	64,470	295,075	296,572	365,857	361,042

TABLE IV.—CHILDREN UNDER SIXTEEN.

Having able-bodied parents	13,536	11,686	129,987	126,183	143,523 } 208,285	137,869 } 201,161
Not having able-bodied parents	36,559	36,272	28,203	27,020	64,762 }	63,292 }
Lunatics	1,253	1,160	695	667	1,948	1,827
Total	51,348	49,118	158,885	153,870	210,233	202,988

[1] It is noticeable that of the adults (excluding insane and vagrants) retained in workhouses and other establishments of the guardians on January 1, 1900, 74,597 were over 65 years of age, and of those receiving out-door relief (excluding the insane), 212,332 were over 65.

available, we proceed to give, not the averages as calculated, but the exact returns for January 1 and July 1. On January 1, 1900, the total number of persons relieved was 797,754 ; on July 1, 1900, it was 753,522 ; the number of indoor paupers being 217,148 and 192,225 ; that of outdoor paupers 580,606 and 561,297 respectively. This does not include the 9,841 and 7,179 vagrants, as to whom no detailed information is forthcoming. With regard to the other classes, we give in Tables II.–IV. separate statements of the male adults, the female adults, and the children under sixteen years of age. It is necessary to hold in view the fact, already stated, that in the case of women and children their classification as able-bodied or not able-bodied depends upon whether the head of the family comes in one or the other category.

It is only in the case of those independent, *i.e.* of the unmarried or widows, or of orphan or deserted children, that regard is had to the condition of the individual. Consequently no accurate deductions can be made from the classification of women and children as able-bodied, or the reverse.

It will be observed that the numbers for July 1 are throughout considerably lower than those of January 1. This mainly depends on the proportion of persons temporarily destitute, of whom a greater number can provide for themselves in summer than in winter. The difference between the number of paupers in the two days is also greater in the case of the men than in that of the women ; also in the class of the able-bodied than in that of the not able-bodied ; doubtless the percentage of permanent paupers is larger among women than among men.

Moreover, while among the indoor paupers the number of men is rather greater than that of women, in the case of outdoor paupers there are 2½ times as many women as men. As to the children, it is especially noticeable that while in January, 1870, they numbered 392,126, in 1900 the figure has fallen to 210,233, although the population has increased by nearly 50 per cent. The fact bodes well for the diminution of pauperism in future. It is remarkable that the number of female lunatics largely exceeds that of males, and this proportion holds good for the entire period during which separate returns of lunatics have been furnished.

Perhaps the clearest notion of the pauperism is afforded by the figures for a single day ; both because, for the reasons already stated, the plan of taking the average of two periods is faulty, and also because it is thus possible to distinguish between the different classes of paupers. Let us take the return for January 1, 1900. The total number of paupers on that day was 807,471[1] = 2·5 per cent. of the population. Of these there received—

(*a*) Outdoor relief, 580,724 = 1·83 per cent. of the population.
(*b*) Indoor relief, 226,871 = 0·72 „ „ „

The 807,595 paupers may be divided as follows :—

(1) Lunatics	94,869
(2) Casual paupers	9,841
(3) Children under 16	208,285
(4) Adult men	180,201
(5) Adult women	314,399

These figures show the great preponderance of women and children among the paupers other than lunatics and casuals.

[1] This total falls short of the aggregate of (*a*) and (*b*) by 124, owing to some double reckonings which are indistinguishable.

TABLE V.

Divisions.	Estimated population in the middle of 1900.[1]	Number of paupers on July 1, 1900.						
		Paupers other than lunatics in county and borough asylums, &c.				Lunatics in county and borough asylums, registered hospitals, and licensed houses.	Total number relieved.	
		Indoor paupers.		Outdoor paupers.			Number.	Ratio per 1000 of estimated population.
		Number.	Ratio per 1000 of estimated population.	Number.	Ratio per 1000 of estimated population.			
South-Western	1,883,601	9,204	4·9	51,099	27·1	5,098	65,399	34·7
Eastern	1,849,788	9,644	5·2	41,425	22·4	4,069	55,122	29·8
Welsh	1,984,476	6,789	3·4	47,514	23·9	4,022	58,321	29·4
North Midland	1,972,467	7,900	4·0	39,157	19·9	3,799	50,856	25·8
West Midland	3,511,898	20,855	5·9	61,372	17·5	8,188	90,410	25·7
London	4,589,129	62,379	13·6	37,720	8·2	14,964	115,061	25·1
South Midland	2,190,335	9,700	4·4	37,615	17·2	5,201	52,508	24·0
South-Eastern	3,257,183	19,837	6·1	47,415	14·6	7,795	75,046	23·0
Northern	2,106,472	8,587	4·1	28,913	13·7	3,432	40,931	19·4
York	3,531,981	13,830	3·9	46,497	13·2	6,256	66,583	18·9
North-Western	5,214,577	31,207	6·0	49,659	9·5	10,159	91,011	17·5
ENGLAND AND WALES	32,091,907	199,932	6·2	488,386	15·2	72,983	761,248	23·7

[1] These figures are as estimated by the Registrar-General in 1900. But the result of the census of 1901 was to show the total population of the country to be 32,526,075. The actual numbers are therefore somewhat larger than these above given, the chief differences being in the West Midland (census population, 3,679,264) and North Midland (census population, 2,042,151) divisions.

Further, as according to the peculiar plan of English poor law statistics (see p. 329 above), the majority of children relieved, and almost all the lunatics are reckoned as outdoor paupers, it is clear that the above total of outdoor paupers gives no precise notion of the extent to which the workhouse test is applied.

Further analysis of the statistics shows that (again omitting lunatics and casuals) on January 1, 1900, there were only 92,707 male adults, and 252,618 female adults in receipt of outdoor relief, while 6,568 men and 7,095 women received medical relief only.

The influence of the workhouse becomes more evident if we analyze the cause of the destitution of those receiving relief. Of the 92,707 male outdoor paupers 80,649 were absolutely disabled, so that only 12,058 remain as being more or less capable of work. Among these there were relieved—

(*a*) On account of their illness, accident, &c. . .	8393
(*b*) On account of the illness of or accident to one of the family	3262
(*c*) On account of sudden and urgent necessity .	106
(*d*) On account of want of employment or some cause not stated	297

Only the last two groups can be considered as really able-bodied. And while, according to the official statistics for January 1, 1900, there were in workhouses 7,728 male adults in health, who were classed as able-bodied, there were only 403 really able-bodied men who received out-relief.

Obviously, it is a mistake to argue, as some German writers have done, from the general statistics of pauperism without distinguishing the different classes of paupers, and to suppose that the workhouse principle is not in practical operation in England, or is only enforced to a small extent.

I may shortly refer to two special statistical returns which have been recently completed, in reference to the scheme for old age insurance, already mentioned, in order to show the ages of the persons relieved.

The first return (August 1, 1890) specified 286,867 paupers over the age of 60, of whom 41,180 were between 60 and 65 ; 62,240 between 65 and 70 ; 77,508 between 70 and 75 ; 60,879 between 75 and 80 ; and 44,860 over 80. The second return (January 1, 1892) showed that during the year 1891 a total of 1,573,074 persons were relieved at the cost of the rates, and that of these 163,630 men and 238,274 women were over 65, being 27 and 31 per cent. respectively of the male and female population over 65. Fourteen per cent. of all paupers, and rather over 5 per cent. of those above 65, received medical relief only.

Table V. contains some figures for the year 1900 as to the local distribution of paupers, grouped according to the eleven divisions of England and Wales. Only the figures for July 1 are taken, as they represent the lowest amount of pauperism. A glance at this table suffices to show the enormous difference which exists between the respective districts.

We have now run through the results deducible from the returns of paupers. For particular years, however, especially during the period when Mr. Goschen was President of the Central Board, we have occasionally found some further information ; and we may mention two additional points.

As to the number of paupers requiring medical attendance, particulars have been repeatedly published.[1] In 1865 the House of Commons ordered

[1] See 22nd Annual Report of Poor Law Board, p. xxxiii.

a special return of the number of sick persons receiving outdoor relief in the metropolis. It appeared that, out of a total of 70,889 outdoor paupers, 10,348, or 13·8 per cent., were sick persons. In December, 1869, a similar return for all England showed that the proportion of the sick to the total of the outdoor paupers was 12·8 per cent. There have also been several returns as to indoor sick paupers. According to a return made in 1865, the percentage of the inmates of metropolitan workhouses who were under medical treatment, was 48. An unpublished return of February 1, 1899, showed that out of 50,471 inmates of 88 workhouses and other poor law institutions of the metropolis, 18,543 were sick or in need of regular medical attendance. The figures for provincial workhouses are different. The report made by Dr. Smith as to 48 of such workhouses in 1860, showed that in these the proportion of sick was 30 per cent. The return of February, 1899, just referred to, exhibits conspicuous differences in this respect in various counties. In Lancashire (50 poor law establishments), the percentage of sick is 38; in Devon (20) it is 40; in Hampshire (28) it is 28. It should be observed, however, that, as officially admitted, the definition of "sick persons" has not invariably been the same, as in some cases the old and infirm, even if not suffering from a disease requiring medical care, have been reckoned as "sick persons." One thing, however, appears to be clear, namely, that in London the proportion of sick inmates is much greater than elsewhere. This is, however, due to the fact already mentioned, that in the provinces the number of children in workhouses is relatively much greater than in London, where they are generally placed in district or separate schools. Consequently in the metropolis the old people who most require medical care form a greater percentage.

Further, there are returns for several years showing the causes of destitution of the outdoor paupers. Of these we give an abstract. The figures relating to 1869 and 1870 are for January 1, those relating to 1872 are for July 1. Those for 1869 and 1870 are for the metropolis only; those for 1872 for the whole country.[1]

The following is the classification of outdoor paupers, according to the causes of destitution.

TABLE VI.

Causes of Destitution.	Jan. 1, 1869.	Jan. 1, 1871.	July 1, 1872.	
	Metropolis.		Metropolis.	Provinces.
	per cent.	per cent.	per cent.	per cent.
1. Old age or permanent disability	31·2	31·0	41·9	55·1
2. Death, absence, or desertion of husband or father	36·4	34·2	43·1	33·2
3. Temporary sickness or want of work	31·5	34·0	14·4	11·0
4. Single women	0·9	0·8	0·6	0·7

The variations in these returns are of especial interest. In the first two columns there is no great difference, though the second class has

[1] See Parl. Papers, 1870, vol. 58, p. 595; vol. 59, p. 503; and 2nd Report of L. G. B., App., p. 236.

somewhat diminished in 1870, while the third class has somewhat increased. But the third column differs considerably from the previous ones. The third class has fallen by more than one-half, while the first and second have risen to a corresponding extent. The fourth class is too small to be taken into consideration. The variations in the third class are partly to be explained by the fact that the returns for 1872 relate to the summer (July 1), while those for 1869 and 1870 relate to the winter. Naturally, the number of cases of destitution on account of temporary illness or want of work is smaller in summer than in winter. It must be remembered that, as we have seen, the marked improvement in the returns of pauperism dates from the year 1871. But the rigid adherence to the workhouse principle since 1860 must have had a considerable effect in reducing the number of outdoor paupers whose destitution has arisen from temporary illness or from want of work.

Finally, there is much interest in the differences observable between the third and fourth columns.[1] In the metropolis the percentage of paupers destitute owing to age or disability is smaller by 13·2 than in the provinces, and correspondingly the percentage in the second class is 9·9 greater. As the returns are unfortunately confined to outdoor paupers, and no classification of the kind is available in the case of indoor paupers, it is impossible to decide whether this difference between the metropolis and the provinces arises from the fact that in the provinces the number of those destitute owing to age, &c., is actually larger, or whether a smaller proportion of this class receives relief in the workhouses, and consequently a larger proportion consists of outdoor paupers. Probably both causes affect the figures. It has also been observed that a large number of people who were not born in London, but have lived there during most of their lives, gravitate towards their birthplace when old and incapable of work. On the other hand, the restrictions on outdoor relief are carried out more rigidly in the metropolis than elsewhere.

Some other points included in the returns for 1869–70 may also be mentioned. Class 2 (death, or absence of husband or father) includes most of the widows with children. These constituted, in 1869, 29·6 per cent., and in 1870, 28 per cent. of all the outdoor paupers. The deserted married women with children are a smaller percentage, viz. 3·2 and 3·0 respectively.

The third class (temporary sickness or want of work) has the following subdivisions. The causes of the destitution of the 31·5 or 34·0 per cent. of outdoor paupers belonging to this class are classified as—

(*a*) Own sickness	3·3	and	3·3
(*b*) Want of work	3·1	„	3·8
(*c*) Sickness or funeral of a member of the family	1·0	„	1·0
(*d*) Wives and families dependent on persons pauperised by (*a*) (*b*) or (*c*) above .	24·1	„	25·9

[1] The following figures as to the classification of outdoor paupers on July 1, 1872, may also be of interest :—

Outdoor Paupers.	In the metropolis.	In the provinces.
	per cent.	per cent.
Men	11·4	18·1
Women	45·8	46·8
Children under 16 . . .	42·8	35·1

Thus the main part of this class consists of those dependent on others. The number of men relieved outside the workhouse on account of want of work amounted in 1869 and 1870, before the improvements in poor law administration were carried out, only to 3·1 and 3·8 per cent. On July 1 1872, this proportion was 0·4 per cent., and on January 1, 1873, being the winter half-year, to only 0·2 per cent. of all the outdoor paupers.

We now come to the financial part of the English poor law statistics.

As to the headings under which the expenditure is tabulated (see Table IX.), it will be well to make some explanatory remarks.[1]

The following are the items:—

(*a*). In-maintenance.—This comprises all the expenses incurred for the maintenance of paupers in workhouses or other establishments (District Schools, Infirmaries, Sick Asylums, &c.) under the management of the guardians, exclusive of the remuneration of the officers (see *e*), and of the cost of repairs, and furniture of the workhouse.

(*b*). Out-relief includes the cost of relief, in money or in kind, given outside the workhouse, as well as the now insignificant charge for the payment of school fees and also the expenses for boarded-out children. The last-named expenditure amounted in the year 1899 to £74,111.

(*c*). Maintenance of lunatic paupers—in public or private asylums.—This heading, unlike that of In-maintenance, includes not only the cost of maintaining the inmates, but also part of the expenditure for salaries of officials, and for furniture and repairs of the asylums.[2] This incongruity obviates the possibility of making exact calculations, especially with regard to the sum expended per head. As the expenditure on the lunatics in workhouses appears in the column for in-maintenance, no general estimate of the cost of pauper lunatics can be made.

(*d*). Workhouse loans paid with interest.—The provisions as to the issue and repayment of these loans, for the erection of workhouses, are given above at p. 176.

(*e*). Salaries and rations of officers.—This heading, as above stated, does not include the salaries of the staff of lunatic asylums.[3]

(*f*). Other expenses connected with relief.—These are mainly for work-house repairs, and furniture and buildings, so far as they are not paid out of loans. There are also the rates and taxes, the cost of materials for putting the paupers to work, the office expenses of the guardians, &c. It is very necessary that, in order to afford a clear notion of poor law expenditure, detailed particulars should be given of the charges under this heading, which have now risen to a great height.

We proceed to give in Table VII. the annual account of poor law expenditure from 1834 (the date of the new poor law), with the amount per head of the population.

The fluctuations of expenditure are as follows:—From 1834 to 1837 a considerable fall; then a rise up to 1843, when the expenditure reached the amount of £5,208,027. If we except the year 1848, when in consequence of the bad harvest there was a great rise, it remained at this height till 1854, when it was practically the same as in 1843. From 1854 to 1860 there was no important alteration; the figures rose and fell by turns. But from 1860 there was an almost unbroken rise up to 1872, when the amount was £8,007,403; then there was a fall up to 1877

[1] Information on the subject will be found in the 22nd Annual Report of the P. L. B., p. xix., and in the 7th Annual Report of the L. G. B., p. x.

[2] It should be observed, however, that these charges do not fall directly on the poor rate, though they are no doubt in some degree represented in the payments made by the guardians for each pauper lunatic.

[3] Such salaries are not paid from the poor rate.

(£7,400,034), and then again a fresh, and of late years rather rapid, movement in the upward direction. The amount in 1899 (£11,286,973) was nearly three times that of 1837 (£4,044,741), and more than twice that of 1860 (£5,454,964).

TABLE VII.

Years.	Amount expended for relief of the poor.	Rate per head on the estimated population.	Years.	Amount expended for relief of the Poor.	Rate per head on the estimated population.
	£	s. d.		£	s. d.
1834	6,317,255	8 9½	1867	6,959,840	6 6
1835	5,526,418	7 7	1868	7,498,059	6 11
1836	4,717,630	6 4¾	1869	7,673,100	7 0
1837	4,044,741	5 5	1870	7,644,307	6 10½
1838	4,123,604	5 5¼	1871	7,886,724	7 0
1839	4,406,907	5 8¾	1872	8,007,403	7 0½
1840	4,576,965	5 10½	1873	7,692,169	6 8
1841	4,760,929	6 0½	1874	7,664,957	6 6½
1842	4,911,498	6 1¾	1875	7,488,481	6 3¾
1843	5,208,027	6 5¼	1876	7,335,858	6 1¼
1844	4,976,093	6 1	1877	7,400,034	6 1
1845	5,039,703	6 1¼	1878	7,688,650	6 2¾
1846	4,954,204	5 11	1879	7,829,819	6 3
1847	5,298,787	6 3	1880	8,015,010	6 3¾
1848	6,180,764	7 2½	1881	8,102,136	6 3½
1849	5,792,963	6 8	1882	8,232,472	6 3¾
1850	5,395,022	6 1¾	1883	8,353,292	6 4
1851	4,962,704	5 7	1884	8,402,553	6 3¾
1852	4,897,685	5 5¼	1885	8,491,600	6 3¾
1853	4,939,064	5 5¼	1886	8,296,230	6 1¼
1854	5,282,853	5 9	1887	8,176,768	5 11¼
1855	5,890,041	6 4	1888	8,440,821	6 0¾
1856	6,004,244	6 4½	1889	8,366,477	5 11¼
1857	5,898,756	6 2¼	1890	8,434,345	5 11¼
1858	5,878,542	6 1½	1891	8,643,318	6 0
1859	5,558,689	5 8½	1892	8,847,678	6 1
1860	5,454,964	5 6½	1893	9,217,514	6 3¼
1861	5,778,943	5 9¾	1894	9,673,505	6 6
1862	6,077,525	6 0½	1895	9,866,605	6 6¾
1863	6,527,036	6 5	1896	10,215,974	6 8¾
1864	6,423,381	6 2¾	1897	10,432,189	6 9½
1865	6,264,966	6 0	1898	10,828,276	6 11¾
1866	6,439,517	6 1	1899	11,286,973	7 2¼

At first sight the result appears unfavourable, especially when compared with the steady decrease in the number of paupers.

The total expenditure, reckoned on the number of persons relieved, shows a large increase in the cost per pauper. Between 1873 and 1883 alone, there was an increase per head from £8 14*s.* 1*d.* to £10 13*s.* 6*d.*, and in 1899 this had risen to £13 11*s.* 4*d.* But if we examine the particular charges, we shall have no difficulty in finding the explanation of the rise which has taken place, especially since 1860.

If we compare the increased expenditure with the increased population, the picture is less gloomy. The charge per head of the population was less in 1891 (6*s.*) than in 1836 (6*s.* 4¾*d.*). But since 1881 there has been

a very rapid increase up to 7*s.* 2¼*d.* in 1899. It will be observed that since 1834 the charge has (again excepting 1848) only three times exceeded 7*s.* per head (viz. 7*s.* 7*d.* in 1835, 7*s.* 0¼*d.* in 1872, and 7*s.* 2¼*d.* in 1899); the lowest figure was in 1837, viz. 5*s.* 5*d.*

It is perhaps fairer, having regard to the way in which the poor rate is levied, to reckon the charge, not per head of the population, but on the ratable value. We may, at any rate, give the figures for recent years. The poor rates, so far as they are devoted to poor law purposes,[1] have been the following amounts for each pound of ratable value (see above, p. 188):—

TABLE VIII.

Year.	*s.* *d.*	Year.	*s.* *d.*	Year.	*s.* *d.*
1870	1 5·6	1880	1 2·4	1890	1 0·3
1871	1 5·6	1881	1 2·3	1891	0 11·8
1872	1 5·6	1882	1 2·1	1892	0 11·2
1873	1 4·4	1883	1 2·2	1893	0 11·6
1874	1 4·4	1884	1 2·0	1894	1 0·2
1875	1 3·5	1885	1 1·8	1895	1 1·0
1876	1 2·8	1886	1 1·8	1896	1 1·8
1877	1 2·3	1887	1 1·5	1897	1 1·7
1878	1 2·4	1888	1 1·4	1898	1 2·1[2]
1879	1 2·3	1889	1 1·4	1899	1 1·0[2]

Thus, if we take into account the rise in the ratable value of property, the poor rate has fallen considerably.[3] The present poor law expenditure represents a charge of a little over 5 per cent. on the ratable value.

We proceed to examine that expenditure rather more in detail. In Table IX. we give the separate items of expenditure from the year 1857, from which year particulars have been given in the present form in the Annual Reports of the Central Board.

Here we see at once that, in contrast to the increase in all other items, there has been a diminution, beginning with the year 1871, in the charge for out-relief. In the period from 1869 to 1893 this diminution amounts to £1,306,766, against an increase of £3,613,873 in the total expenditure. The reduction of the charge for out-relief quite coincides with the diminution above mentioned in the number of outdoor paupers.

This fact shows conclusively that the increase of the expenditure is not due to the amount of relief afforded to paupers, but to other causes. The rise in the charge for in-maintenance, naturally resulting from the larger

[1] It has been already pointed out (p. 186, note 2) that a large number of other charges, besides the relief of the poor, are defrayed from the poor rate. Of course we have here only taken into consideration that part of the poor rate which is appropriated to poor law purposes. Of the poor rate raised in January, 1883, only 54 per cent. was for poor law purposes and 46 per cent. for other objects. The amount of the other charges is steadily increasing.

[2] Calculated on assessable value, *i.e.* on ratable value reduced by an amount equal to one-half of the ratable value of agricultural land.

[3] The ratable value has risen from £109,447,111 in 1872, to £180,406,420 in 1900. In the metropolis the rise in the same period was from £20,053,137 to £37,927,684.

number of indoor paupers, gives no sufficient explanation of the general increase in expenditure, because the rise is for the most part balanced by the fall in that of out-relief even in the period between 1871 and 1899. Still, the average expenditure per head of outdoor paupers has steadily risen. In 1883 it was £4 13s. 2¾d.; in 1891 it was £4 2s. 2¾d.; then came the increase, in 1892 it was £4 14s. 3½d.; in 1896 it was £4 18s. 0½d.; in 1899 it was £5 1s. 10¼d.

This shows clearly that the improvements in the system of which I have already spoken, while they mainly affect relief in institutions, also tend to make outdoor relief more nearly adequate.

The general rise in expenditure is mainly exhibited in the four succeeding columns. Most prominent of all is the continuous annual rise in the charges for pauper lunatics, which have doubled in the 15 years from 1857 to 1872, and are now almost five times as large as at the beginning of that period. The marked increase of pauper lunatics, whose annual cost to the rates is on an average £24 a-piece,[1] has to be kept in view when we deal with English poor law statistics.

The other item which has also very largely increased is that of "Other Expenses." As these are not particularized, it is impossible to criticize their augmentation. It is probably mainly due to the expenditure on buildings and repairs, which during this period has quite changed in character, and which has only partly been defrayed by loan.

As to the item of Loans, there is also a substantial increase, although the total is much lower than those of the two charges already mentioned. The expenditure for repayment of "workhouse loans and interest" more than quadrupled between 1857 and 1899, and amounted in the latter year to £919,313. No important conclusions, however, can be drawn from these figures.

It would on the whole be better not to place among the general poor law charges of the year the items for repayment and interest of loans which relate to the expenditure of a previous generation. According to the present plan, the particular year is burthened with a share of expenditure which does not belong to it. On the other hand, in the case of new loans, the full amount of the expenditure during the year for poor law purposes may not appear in the accounts. Further, against the amount of loans ought to be set the value which by their means has been imparted to the property of the bodies by whom they were raised. The English statistics are quite incomplete in this respect. No heed is paid to the fact that of the expenditure for interest and repayment of loans, a portion is represented by permanent value. The numerous establishments which have been erected, especially in the course of the last ten years, with their sites and premises, constitute an amount of property of which the accounts afford no means of estimating the value. It must be left undecided whether this property represents a value in excess of the amount of the loans outstanding, and consequently whether the statement of poor law expenses ought to be correspondingly reduced. Also, whether a particular year is not more burthened by the repayment of loans previously raised than it is relieved by its expenditure from new loans being thrown on future years.

With regard to 1899 the following figures may be quoted. During that year new loans amounting to £1,547,131 were raised by poor law authorities, and the sum expended out of borrowed moneys was £1,467,994, while the repayment and interest of previous loans demanded £919,313. The amount of outstanding loans was £10,264,695, of which £2,673,828

[1] The average cost per head of pauper lunatics has somewhat fallen in recent years; in 1873 it was £26.

TABLE IX.—STATEMENT OF THE PRINCIPAL ITEMS OF EXPENDITURE ON RELIEF OF THE POOR FOR THE FORTY-THREE YEARS ENDED AT LADY-DAY, 1899.

Years ended at Lady-day.	Amount expended in relief of the poor, and purposes connected therewith.							Difference per cent. between consecutive years in the amount of relief to the poor.		Expended for medical relief [2] only (included in amount expended for the relief of the poor).
	In-maintenance. [2]	Out-relief.	Maintenance of lunatics in county and borough asylums, registered hospitals and licensed houses. [2]	Workhouse and other loans repaid and interest thereon. [2]	Salaries and rations of officers [and superannuation allowances [1]]. [2]	Other expenses of or immediately connected with relief. [2]	Total of six preceding columns.			
	(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.)	(8.)		(9.)
	£	£	£	£	£	£	£	Increase.	Decrease.	£
1857	1,088,558	3,152,278	377,659	217,196	637,629	425,436	5,898,756	—	1·8	231,623
1858	1,067,803	3,117,274	397,826	202,605	638,441	454,593	5,878,542	—	0·3	230,597
1859	954,509	2,923,199	413,357	194,579	638,206	434,839	5,558,689	—	5·4	233,124
1860	912,360	2,862,753	419,565	182,224	644,799	433,263	5,454,964	—	1·9	236,339
1861	1,033,689	3,012,251	443,892	188,441	660,370	440,300	5,778,943	5·9	—	238,233
1862	1,133,286	3,155,820	482,425	183,478	668,447	454,466	6,077,922	5·2	—	242,200
1863	1,127,142	3,574,136	501,368	176,165	679,480	468,745	6,527,036	7·4	—	248,286
1864	1,095,814	3,466,392	524,166	177,247	696,098	463,664	6,423,381	—	1·6	253,204
1865	1,111,478	3,258,813	535,115	175,242	706,529	477,789	6,264,966	—	2·5	259,833
1866	1,188,784	3,196,685	566,482	180,746	730,704 [1]	576,116	6,439,517	2·8	—	264,052
1867	1,375,627	3,358,351	607,292	186,317	747,650	684,603	6,959,840	8·1	—	272,225
1868	1,517,495	3,620,284	656,792	207,998	770,539	724,951	7,498,059	7·7	—	272,341
1869	1,546,580	3,677,379	710,941	204,601	805,136	728,463	7,673,100	2·3	—	282,115
1870	1,502,807	3,633,051	722,613	252,215	818,183	715,438	7,644,307	—	0·4	282,313
1871	1,524,695	3,663,970	746,113	291,284	838,268	822,394	7,886,724	3·2	—	290,249
[illegible]	1,515,709	3,582,571	742,482	228,566	871,402	1,015,501	8,007,403	1·5	—	299,418

1879	1,720,947	2,641,558	986,050	296,533	1,023,197	1,161,534	7,829,819	1·8	—	303,886
1880	1,757,749	2,710,778	994,204	319,426	1,053,218	1,179,635	8,015,010	2·4	—	308,486
1881	1,838,641	2,660,022	1,033,780	338,419	1,069,188	1,162,086	8,102,136	1·1	—	310,456
1882	1,831,595	2,626,375	1,059,460	351,203	1,087,641	1,276,198	8,232,472	1·6	—	315,482
1883	1,869,505	2,589,937	1,098,322	430,185	1,117,705	1,247,638	8,353,292	1·5	—	317,233
1884[2]	1,992,502[2]	2,517,693	1,143,146	483,929[2]	1,297,871[2]	967,412	8,402,553	0·6	—	318,030
1885	1,921,587	2,469,846	1,188,012	501,932	1,356,943	1,053,280	8,491,600	1·1	—	320,784
1886	1,837,624	2,490,025	1,175,072	541,494	1,332,017	919,998	8,296,230	—	2·3	323,021
1887	1,778,367	2,528,250	1,159,750	566,716	1,313,425	830,260	8,176,768	—	1·4	328,754
1888	1,855,304	2,537,686	1,167,765	585,660	1,342,079	952,327	8,440,821	3·2	—	336,109
1889	1,862,799	2,503,838	1,184,766	582,489	1,360,065	872,520	8,366,477	—	0·9	335,803
1890	1,899,648	2,453,860	1,221,719	605,327	1,394,687	859,104	8,434,345	0·8	—	326,657
1891	1,951,486	2,400,089	1,284,656	620,761	1,452,810	933,516	8,643,318	2·5	—	331,391
1892	2,044,062	2,374,380	1,331,733	644,709	1,496,340	956,454	8,847,678	2·4	—	339,248
1893	2,105,760	2,370,613	1,393,076	640,280	1,566,506	1,141,279	9,217,514	4·2	—	350,530
1894	2,198,312	2,460,503	1,465,185	677,082	1,629,061	1,242,362	9,673,505	4·9	—	362,806
1895	2,216,231	2,530,574	1,502,400	697,544	1,666,952	1,252,904	9,866,605	2·0	—	369,477
1896	2,254,350	2,644,650	1,556,133	738,237	1,739,264	1,283,340	10,215,974	3·5	—	380,511
1897	2,256,667	2,680,296	1,642,505	793,001	1,781,509	1,278,211	10,432,189	2·1	—	384,962
1898	2,384,135	2,732,909	1,691,951	838,657	1,879,659	1,300,965	10,828,276	3·8	—	390,073
1899	2,462,008	2,764,854	1,748,558	919,313	1,971,614	1,420,626	11,296,973	4·2	—	397,566

[1] Superannuation allowances are included in column 5 in 1856 and subsequent years.

[2] In 1884, for the first time, the contributions made by the metropolitan unions and parishes to the Metropolitan Asylums Board were distributed, as far as practicable, among these columns according as they were paid in respect of maintenance, loans, and salaries, &c., of officers. In previous years they had, as a general rule, been entered wholly in the column headed "Other expenses of or immediately connected with relief."

[3] Comprising the sums expended on the salaries and fees of poor law medical officers and the cost of any medical and surgical appliances and drugs paid for by poor law authorities.

[4] Inclusive of the disbursements for medical relief made by the managers of pauper district schools, sick asylum districts, and the metropolitan asylum district, not included in column 9 previous to 1875.

[5] The cost of maintenance of imbeciles in the asylums of the Metropolitan Asylums Board is included in column 1.

is debited to the Metropolitan Asylums Board and the School and Sick Asylum District Managers.[1]

We have still to notice the item of salaries and rations of officers, which has tripled itself between 1857 and 1899. It should be observed in the first place that the number of paid officers has largely increased during that period. This is especially so in the case of three classes, relieving officers, medical officers, and nurses. We have already pointed out that it is considered necessary for efficient administration that the districts of the relieving officers and medical officers should be made smaller; and the natural increase of the population has also to be held in view. As regards both classes it has been found requisite, in order to secure good officers, to increase the salaries, and with the same object the payment of pensions on retirement has been made general.[2] These changes account for some of the increase in this item. As regards the class of nurses, we have pointed out in our account of medical relief that the extended employment of paid nurses is a modern innovation.

We may here observe that the improvement in the treatment of the sick has had an important influence on the increase of the charges. We learn from the latest returns of expenditure on medical relief that between 1843 and 1899 it has much more than doubled itself. In 1843 it was £160,726, and progressed to £230,777 in 1850; then, up to 1860, there was only a slight upward tendency. In 1860 it was £236,339; thence-forward there was a rapid augmentation; in 1871 it was £290,249; and finally, in 1899, it was £397,566.

Finally, we may say that although, as already pointed out, the poor law expenditure per head of the population has much increased of late years, and has even grown from 5*s.* 10¼*d.* in 1890 to 7*s.* 2¼*d.* in 1899, this fact need create no apprehension. Not only must the rise in the ratable value be taken into consideration, but the excess has been amply covered by the increase, above referred to, in the contributions now received by the individual union from the Imperial Exchequer and the County Council.[3]

By this larger participation of the State or of the county in the local burdens, the necessary expenditure for improvements in the relief system has been thrown over a larger area without substantial increase of local rates, and in this way the accomplishment of reforms by the guardians was made possible, or at any rate facilitated.

The difference of poor law expenditure in the various parts of the kingdom deserves a few observations. The following Table (X.) gives the total expenditure for the year ending Lady-day, 1899, in each of the eleven divisions of England and Wales, and the sums spent on in-maintenance and out-relief respectively. For comparison, we have added the ratable value; also the total poor rate raised and the amount of the guardians' outstanding loans.

For the reasons already given, no extensive conclusions can be drawn from the two last columns in the table. The figures as to loans are imperfect, owing to the omission of those taken up by authorities other than guardians (especially for lunatic asylums, district schools, and in the metropolis for the Metropolitan Asylums Board), while those as to the poor rate include the sums levied for purposes unconnected with the relief of the poor; and, on the other hand, the sources of receipts in aid of

[1] 29th Report of L. G. B., p. 409. See also pp. 176 and 177. The gross amount of the debt of local authorities in England, which was nearly tripled from 1875 to 1898, amounted in 1898 to £262,017,152, while the National Debt was £634,435,704.

[2] 27 & 28 Vict. c. 42. See above, p. 195.

[3] See p. 178.

Divisions.	Ratable value of the Property liable to contribute to the poor rate, 1898.	Expenditure for the relief of the poor, in year ended Lady Day, 1899.			Amount of poor rate levied during 1898–99.	Loans outstanding on March 25, 1899.
		Indoor maintenance.	Out-relief.	Total.		
	£	£	£	£	£	£
I. The Metropolis	36,889,357	920,936	223,624	3,446,132	6,010,018	3,026,319
II. South-Eastern	18,213,862	245,016	261,907	1,092,498	2,190,652	766,101
III. South Midland	11,605,508	117,513	223,050	657,361	1,342,551	291,856
IV. Eastern	7,703,543	114,498	229,231	615,024	1,208,041	198,515
V. South-Western	10,305,436	97,098	300,995	675,011	1,150,993	79,724
VI. West Midland	16,838,886	221,573	291,684	1,030,523	2,099,655	660,803
VII. North Midland	10,088,367	92,995	254,381	600,401	980,400	234,074
VIII. North-Western	24,999,292	326,735	236,293	1,238,769	2,869,844	1,094,229
IX. York	16,086,759	161,636	258,312	850,468	2,049,571	676,022
X. Northern	9,952,815	85,730	141,593	447,459	879,773	273,174
XI. Welsh	9,382,017	78,278	343,784	633,327	1,282,041	216,642
Total of England	172,065,842	2,462,008	2,764,854	11,286,973	22,063,539	7,517,459

poor rates are not here stated. As to such sources we have spoken on pp. 175–180. Besides the loans raised, the Treasury subventions, as well as various other receipts not here particularized, have to be taken into account.

As to the inequalities of the poor rates in different unions, full particulars are given in a Report on Local Taxation, addressed in 1893 to the Treasury by Sir Henry Fowler, President of the Local Government Board, and published as a Parliamentary paper. It appears from this report that the average rate in the £ of the poor rates raised in 1890–91 was 1*s.* 3*d.* in the metropolis,[1] and varied elsewhere from 1*s.* 3*d.* in the Welsh division to 9*d.* in the North-Western division. In individual unions, in London, it ranged from 2*s.* 3*d.* in Woolwich to 10*d.* in Islington. In the provinces it was below 6*d.* in no less than thirty-five unions, including Bradfield, Brixworth, six unions in Shropshire, six in Lancashire, all three unions of agricultural Westmoreland, and eleven in Yorkshire, among which was the important manufacturing town of Bradford. On the other hand, it was as much as 2*s.* 6*d.* in Carnarvon, 2*s.* 3*d.* in Pwllheli, and over 2*s.* in three other Welsh unions, as well as in that of Linton, Cambridgeshire.

On the whole subject of local finance, the final Report (issued in the autumn of 1901) of the Royal Commissioners on Local Taxation affords much valuable information, and forcibly illustrates the extreme complexity of the system.

We have thus endeavoured to give the briefest possible statement of the main facts derived from the extensive statistics of the English poor law system. Notwithstanding the amount of material available, there are many important questions to which they afford either no answer, or one of very doubtful accuracy. We have repeatedly taken occasion to point out that many of the statistical returns can only be employed with great caution, and subject to various limitations. The chief points left uncertain are: What proportion of the paupers receive permanent, and what proportion receive temporary relief? And, as regards the latter, For how long is the relief granted? How many of those relieved are persons who had previously supported themselves independently? How many are relieved in consequence of the destitution of others (parents, &c.) on whom they were dependent? Further, data are wanting as to the condition of the paupers; whether single or married; and how many children. Information is lacking as to the age and previous occupation of those relieved. The particulars given as to the cause of destitution are not recent, and are very scanty, apart from the fact that for the most part they only extend over a few years.

As regards this last point, we must admit the difficulty of obtaining trustworthy and useful information. It would be quite enough if detailed particulars during a succession of years were obtained in the case of individual unions taken as fair samples of the whole country.[2] But with regard to the other points above-mentioned, particulars for the whole country should be always furnished. England, more than any other

[1] In 1899 the expenses borne by the entire metropolis through the Common Poor Fund amounted to 35·9 per cent. of the whole. Our readers will recall the figures given at p. 291 as to the relief afforded to individual unions by that fund.

[2] In the House of Commons, on March 28, 1884, Mr. Rankin asked the President of the Local Government Board for a return of the causes of destitution and previous employment of the paupers in particular unions, from which conclusions might be drawn as to the whole country. Unfortunately, however, the request was refused by Sir Charles Dilke, on the ground of the expense of obtaining such a return. Hansard, Parl. Deb., iii. vol. 286, p. 1010.

ıtry, is in a position to supply good poor law statistics, because the :em is uniform, the administration is everywhere organized after the ıe fashion, and, finally, the accounts and book-keeping are upon one :scribed plan. If in the case of the numerous returns made to the ntral Board the necessity for providing useful statistical material were ıt in view, and the returns were with that object somewhat modified form, it would be possible, without substantial increase of labour expense, to obtain much better poor law statistics than are now ilable.

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