

held by the English courts to be valid, (see Rogers's Eccles. Law tit. Marriage.) The Commissioners think that the woman would consequently acquire her husband's parochial settlement in England, according to the usual rule. With regard to the woman's bastard children, it is not stated whether they were born before or after the passing of the Poor Law Amendment Act. If born subsequently to the passing of that Act, the 71st section would confer upon them the settlement acquired by their mother through her marriage, (Reg. v. St. Mary, Newington; 2 Gale and Dav. 686.) The Commissioners presume that the children were born in England.

XIX.—VAGRANT ACT.

CONSTRUCTION OF SECTION 4.

Clerk of Eton Union—Inquired whether able-bodied women, deserted by their husbands, are punishable, under the Vagrant Act, for discharging themselves from the workhouse and leaving their children chargeable to the parish.

Ans.—The Commissioners understand the effect of the 25th sec. of the Act 7 and 8 Vic. c. 101, in enabling (in the cases to which that section applies) the relief to be given, "to the wife in the same manner, and subject to the same conditions as if she were a widow," to subject her to the provisions of the Vagrant Act (sec. 4.) if she run away and leave her children chargeable to the parish. But the mere desertion of the husband (where he is not beyond the seas) would not bring the case within the 25th section.

XX.—VAGRANTS.—PUNISHMENT OF.

Clerk of Wolverhampton Union—Some weeks since the guardians made an order that every able-bodied vagrant casually relieved with lodging for the night and a breakfast in the morning, should break a certain quantity of stones in return for such relief. On a recent occasion, three vagrants so relieved refused to perform the required task of work. As the guardians' order has not been reported for the Commissioners' sanction, a question arises, as to whether vagrants refusing to obey it can be punished by the magistrates, under 5 and 6 Vic. c. 57, s. 5, which authorises the guardians to make such an order "subject always to the powers of the Poor Law Commissioners." If not, can they be punished under any other enactment? And can they be dealt with by the workhouse master in the same manner as refractory paupers who are not casual poor?

Ans.—The power of the guardians to prescribe

a task of work does not require the express sanction of the Commissioners; but if the Commissioners judge it proper, they can, in any case, regulate the exercise of the power of the guardians. If the Commissioners do not regulate such power, the disobedience of the guardians' prescription is a complete offence under the 5th sec. of the Act referred to, and the punishment of course legal. But the provision in the 5th sec. is a cumulative provision, which adds to the previous powers of the guardians and liabilities of paupers relieved. Before that provision, a pauper relieved in any workhouse was liable, whether settled or not settled, resident or vagrant, ordinary or casual, to be imprisoned for twenty-one days, with hard labour, for refusing to do any work suited to his age, strength, and capacity, 55 Geo. 3, c. 137, s. 3. This provision is in full force, as is also the provision of the Vagrant Act, 5 Geo. 4, c. 83, s. 3, under which it has been the general practice to commit persons who refused to earn their maintenance, wholly or partly, according to their ability, by doing such work as the guardians or parish officers set to them. In ordinary cases where the pauper receives relief of any kind, and does not require to quit the workhouse, or to go away before his task is done, the above provisions, particularly that in 55 Geo. 3, c. 137, are sufficient for the purpose of punishing all paupers refusing to work. The purpose of the recent enactment was to give the guardians a power to prescribe a task of work absolutely so, that the pauper could not lawfully require to leave the workhouse before it is completed, the period of detention not exceeding four hours after breakfast on the day succeeding that of his admission. This enactment therefore, though applicable to the cases where paupers are maintained in a workhouse, is more particularly applicable to the cases of vagrants and other paupers who would otherwise be at liberty to leave the house before there was time to complete the task. There seems to be no other difference between the vagrant and the resident and settled poor to be observed in the cases described, except that it will be more economical to cause the vagrants who offend to be proceeded against before justices, inasmuch as the power to restrain or punish that class by the discipline of the workhouse would very rarely be found sufficient.

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AN
OFFICIAL CIRCULAR

OF PUBLIC DOCUMENTS AND INFORMATION:

DIRECTED BY THE POOR LAW COMMISSIONERS TO BE PRINTED, CHIEFLY FOR THE USE OF THE MEMBERS AND PERMANENT OFFICERS OF BOARDS OF GUARDIANS, UNDER THE POOR LAW AMENDMENT ACT.

No. 51.

CIRCULAR ISSUED SEPTEMBER 1, 1845.

Poor Law Commission Office,

Somerset House, Sept. 1st, 1845.

THE POOR LAW COMMISSIONERS directed that the following documents be printed and circulated for the information of Guardians and Officers of the several Unions, viz.

I.—APPRENTICING POOR CHILDREN:

- 1.—Circular on the Modification of the General Orders 129
- 2.—General Order issued to Unions, and Parishes under Boards of Guardians, amending an Order dated Dec. 31, 1844 130
- 3.—General Order issued to Unions, and Parishes governed under Local Acts, amending an Order dated Jan. 29, 1845 . 131
- 4.—General Order issued to Parishes not in Unions, and not governed by Boards of Guardians, amending an Order dated Jan. 29, 1845 132
- 5.—Circular accompanying the above Orders 133
- II.—AUDIT DISTRICTS: Form of the Orders for creating Audit Districts, and prescribing the mode of Electing Auditors 133
- III.—AUDITOR: Termination of the powers of a Union Auditor, and the commencement of those of a District Auditor 135
- IV.—BASTARDY: Cost of Summoning the Putative Father 136
- V.—CHARGEABILITY: Removal 136
- VI.—JUSTICES: Their Jurisdiction—Recovery of Contributions 137
- VII.—MEDICAL OFFICERS: Circular 139
- VIII.—MERCHANT SERVICE: Act of 8 and 9 Vic. c. 116—Circular 139
- IX.—RATING COAL MINES 139
- X.—RATING TITHES 141
- XI.—RELIEF:
 - 1.—Construction of Art. 1, Exception 1, of Prohibitory Order 142

2.—Deficiency of Funds to supply Relief—Duty of Guardians 143

XII.—RETURNS relating to the Administration of the Poor Law made to Parliament during the Session of 1845 143

(Signed) By Order of the Board,
EDWIN CHADWICK, *Secretary.*

I.—APPRENTICING POOR CHILDREN.

1. CIRCULAR ON THE MODIFICATION OF THE GENERAL ORDER.

Poor Law Commission Office,
Somerset House, May 5th, 1845.

SIR,—The Poor Law Commissioners have had under consideration certain Objections made to the Order relating to the Apprenticeship of Poor Children, recently issued by them, and they propose, in consequence of the representations made to them, to modify the Provisions contained in Articles 2 and 18 of that Order.

The Commissioners intend to make the alterations in question before the end of the month of June, and they will be ready, before that time, to consider any observations which the Board of Guardians may be desirous of offering upon these, or any other Articles in the Order.

The Regulations which it is proposed to modify are the following:—

Article 2.—"No premium other than clothing for the apprentice shall be given upon the binding of any person above the age of fourteen, unless such person be maimed, deformed, or suffering from some personal bodily infirmity, so that the nature of the work or trade which such person is fit to perform or exercise is restricted."

Proposed Alteration—For "fourteen," insert "sixteen."

Article 18.—No. 8.—“Where the apprentice continues bound after the age of *seventeen* years, the master shall pay to such apprentice, for and in respect of every week that he duly and properly serves the said master, as a remuneration, a sum to be inserted in the indenture, or to be agreed upon by the guardians and the said master when that time arrives, or, if they cannot agree; to be settled by some person to be then chosen by the said master and such guardians, and until such sum be agreed upon or settled, not less than *one-fourth* of the amount then commonly paid as wages to journeymen in the said trade, business, or employment.”

Proposed Alteration—“Provided that the board of guardians, or parties binding, may dispense with any such stipulation if they see fit.”

Article 18.—No. 10.—“The master shall not cause the said apprentice to work or live more than *ten miles* from the place or places mentioned in the indenture, according to Article 16, without the leave of the guardians so binding him, to be given under their common seal.”

Proposed Alteration—“Provided that the licence of the board of guardians, or party binding, if once given, shall, if they think fit, authorise the master at any time afterwards during the apprenticeship, to change the place of the apprentice's abode or service.”

Signed by Order of the Board,

EDWIN CHADWICK, *Secretary.*

To the Clerk to the Board of Guardians.

2. GENERAL ORDER ISSUED TO UNIONS, AND PARISHES UNDER BOARDS OF GUARDIANS, AMENDING AN ORDER DATED 31ST DEC. 1844.

To the Guardians of the Poor of the several Unions and of the several Parishes under a Board of Guardians, named in the Schedules hereunto annexed, and the Officers of such Unions and Parishes;—

To the Churchwardens and Overseers of the several Parishes and Places comprised within the said Unions, and of the several other Parishes named in the said Schedule;—

To the Clerk or Clerks to the Justices of the Petty Sessions held for the Division or Divisions in which the Parishes and Places

comprised within the said Unions, and the said other Parishes named in the said Schedule, are situate;—

And to all others whom it may concern.

Whereas the Poor Law Commissioners, in pursuance of the powers vested in them by an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled “*An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,*” and an Act passed in the eighth year of the reign of Her present Majesty Queen Victoria, intituled “*An Act for the further Amendment of the Laws relating to the Poor in England,*” by an Order under their Hands and Seal, bearing date the Thirty-first day of December last, and addressed to the Guardians of the Poor of the several Unions named in the Schedule A, hereunto annexed, and of the Parishes named in the Schedule B, hereunto annexed, did make certain Rules and Regulations in regard to the apprenticing of Poor Children, and it is expedient that certain alterations should be made therein.

Now, therefore, We, the Poor Law Commissioners, acting under the authority of the Statutes aforesaid, do hereby alter the said Order, in the manner hereinafter mentioned, and do Order,—

First, That it shall be lawful for the Guardians of the Poor of the said Unions and Parishes respectively to give a premium, other than clothing, upon the binding as an apprentice of any person not above the age of sixteen years;

Secondly, That the Guardians who shall bind any poor person apprentice may dispense with the condition by the said Order required to be inserted in the indenture of apprenticeship, providing for the payment of the remuneration to the apprentice after the age of seventeen years;

Thirdly, That to the condition, by the said Order required to be inserted in the said indenture, providing that the master shall not cause the said apprentice to work or live more than ten miles from the place or places mentioned in the indenture, according to Article 16 of the said recited Order, without the leave of the Guardians so binding him, to be given under their common seal, shall be annexed the proviso following; that is to say,

Provided, That such Guardians may in such licence so to be given under their Common Seal, by express words to that effect, if they

think fit, authorise the master, at any time during the residue of the term of the apprenticeship, to change the place of the abode or service of the apprentice, without any further application to them or their successors.

And We do hereby Order, that all the terms contained in this Order shall be construed in the same manner as the same terms are required to be construed in the Order above cited.

[Schedules A and B annexed to this Order consist of the names of the Unions and Parishes that are set forth in No. 43, of the Official Circular, pages 15, 16.]

Given under our Hands and Seal of Office, this Fifteenth day of August, in the year One thousand eight hundred and forty-five.

(Signed) GEO. NICHOLLS.

L. S.

EDMUND W. HEAD.

3. GENERAL ORDER ISSUED TO UNIONS AND PARISHES GOVERNED UNDER LOCAL ACTS, AMENDING AN ORDER DATED 29TH JANUARY, 1845.

To the Guardians of the Poor of the several Unions and of the several Parishes under a Board of Guardians named in the Schedules A. and B. hereunto annexed, and the Officers of such Unions and Parishes;—

To the Churchwardens and Overseers of the several Parishes and Places comprised within the said Unions, and of the several other Parishes named in the said Schedule;—

To the Clerk or Clerks to the Justices of the Petty Sessions held for the Division or Divisions in which the Parishes and Places comprised within the said Unions, and the said other Parishes named in the said Schedule B., are situate;—

And to all others whom it may concern.

Whereas the Poor Law Commissioners, in pursuance of the powers vested in them by an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled “*An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,*” and an Act passed in the eighth year of the reign of Her present Majesty Queen Victoria, intituled “*An Act for the further Amendment of the Laws relating to the Poor in England,*” by an Order under their Hands and Seal, bearing date the Twenty-ninth day of January last, and addressed to the Guardians of the Poor of the several Unions named in the Schedule A. hereunto annexed, and of the

Parishes named in the Schedule B. hereunto annexed, did make certain Rules and Regulations in regard to the apprenticing of Poor Children, and it is expedient that certain alterations should be made therein.

Now, therefore, We, the Poor Law Commissioners, acting under the Authority of the Statutes aforesaid, do hereby alter the said Order, in the manner hereinafter mentioned, and do Order,—

First, That it shall be lawful for the Guardians of the Poor of the said Unions and Parishes respectively to give a premium, other than clothing, upon the binding as an apprentice of any person not above the age of sixteen years;

Secondly, That the Guardians who shall bind any poor person apprentice, may dispense with the condition by the said Order required to be inserted in the indenture of apprenticeship, providing for the payment of the remuneration to the apprentice after the age of seventeen years;

Thirdly, That to the condition, by the said Order required to be inserted in the said indenture, providing that the master shall not cause the said apprentice to work or live more than ten miles from the place or places mentioned in the indenture, according to Article 16 of the said recited Order, without the leave of the Guardians so binding him, or their successors, shall be annexed the proviso following; that is to say,

Provided, That such Guardians may in such licence so to be given, by express words to that effect, if they think fit, authorise the master at any time during the residue of the term of the apprenticeship, to change the place of the abode or service of the apprentice, without any further application to them or their successors.

And We do hereby Order, that all the terms contained in this Order shall be construed in the same manner as the same terms are required to be construed in the Order above cited.

And, in pursuance of the provisions contained in the said first-recited Act, We do Direct, that whenever any Justice or Justices shall, under any authority of law, assent or consent, order or allow, of the binding of any poor child as apprentice, and the provisions herein contained shall be adopted on such binding, such Justice or Justices shall certify at the foot of the indenture and the counterpart thereof, in the form and manner following; that is to say,

"I, or We, (as the case may be,) Justice or Justices of the Peace of and in the County (or other jurisdiction as the case may be,) of _____, who have assented to, ordered, or allowed the above binding, do hereby certify, that we have examined and ascertained that the Rules, Orders, and Regulations of the Poor Law Commissioners, for the binding of poor children apprentices, and applicable to the above-named Parish, (or other place, as the case may be,) contained in their General Orders bearing date respectively the Twenty-ninth day of January, and the Twenty-second day of August, One thousand eight hundred and forty-five, have been complied with.

"Signed this _____ day of _____
Signature."

[Schedules A. and B. annexed to this Order consist of the names of the Unions and Parishes which are set forth in No. 43 of the Official Circular, pages 15, 16.]

Given under our Hands and Seal of Office, this Twenty-second day of August, in the year One thousand eight hundred and forty-five.

(Signed) GEO. NICHOLLS.
L. S. G. C. LEWIS.
EDMUND W. HEAD.

4. GENERAL ORDER ISSUED TO PARISHES NOT IN UNIONS AND NOT GOVERNED BY BOARDS OF GUARDIANS, AMENDING AN ORDER DATED 29TH JANUARY, 1845.

To the Churchwardens and Overseers of the several Parishes and Places named in the Schedule hereunto annexed;—

To the Clerk or Clerks to the Justices of the Petty Sessions held for the Division or Divisions in which the Parishes and Places named in the said Schedule are situate;—

And to all others whom it may concern.

Whereas the Poor Law Commissioners, in pursuance of the powers vested in them by an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," and an Act passed in the eighth year of the reign of Her present Majesty Queen Victoria, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," by an Order under their Hands and Seal, bearing date the Twenty-ninth day of January last, and

addressed to the Churchwardens and Overseers of the Poor of the several Parishes and Places named in the Schedule hereunto annexed, did make certain Rules and Regulations in regard to the apprenticing of Poor Children, and it is expedient that certain alterations should be made therein.

Now, therefore, We, the Poor Law Commissioners, acting under the Authority of the Statutes aforesaid, do hereby alter the said Order, in the manner hereinafter mentioned, and do Order,—

First, That it shall be lawful for the Overseers of the Poor of the said Parishes and Places respectively to give a premium, other than clothing, upon the binding as an apprentice of any person not above the age of sixteen years;

Secondly, That the Overseers who shall bind any poor person apprentice, may dispense with the condition, by the said Order required to be inserted in the indenture of apprenticeship, providing for the payment of the remuneration to the apprentice after the age of seventeen years;

Thirdly, That to the condition, by the said Order required to be inserted in the said indenture, providing that the master shall not cause the said apprentice to work or live more than ten miles from the place or places mentioned in the indenture, according to Article 16 of the said recited Order, without the leave of the Overseers so binding him or their successors, shall be annexed the proviso following; that is to say,

Provided, That such Overseers may in such licence so to be given, by express words to that effect, if they think fit, authorise the master, at any time during the residue of the term of the apprenticeship, to change the place of the abode or service of the apprentice, without any further application to them or their successors.

And We do hereby Order, that all the terms contained in this Order shall be construed in the same manner as the same terms are required to be construed in the Order above cited.

And in pursuance of the provisions contained in the said first-recited Act, We do Direct, that whenever any Justice or Justices shall, under any authority of law, assent or consent, order or allow, of the binding of any poor child as apprentice, and the provisions herein contained shall be adopted on such binding, such Justice or Justices shall certify at the foot of the indenture and the

counterpart thereof, in the form and manner following; that is to say,

"I, or We, (as the case may be) Justice or Justices of the Peace of and in the County (or other jurisdiction, as the case may be,) of _____, who have assented to, ordered, or allowed the above binding, do hereby certify, that we have examined and ascertained that the Rules, Orders, and Regulations of the Poor Law Commissioners, for the binding of poor children apprentices, and applicable to the above named Parish, (or other place, as the case may be,) contained in their General Orders bearing date respectively the Twenty-ninth day of January, and the Twenty-second day of August, One thousand eight hundred and forty-five, have been complied with.

"Signed this _____ day of _____
Signature."

[The Schedule annexed to this Order consists of the names of the Parishes and Places set forth in No. 43 of the Official Circular, pages 15, 16.]

Given under our Hands and Seal of Office, this Twenty-second day of August, in the year One thousand eight hundred and forty-five.

(Signed) GEO. NICHOLLS.
L. S. G. C. LEWIS.
EDMUND W. HEAD.

5. CIRCULAR ACCOMPANYING THE ABOVE ORDERS

Poor Law Commission Office,
Somerset House, 30th August, 1845.

Amended Apprenticing Order.

SIR,—I am directed by the Poor Law Commissioners to inform you, that, in conformity with their Circular Letter of the 5th May last, respecting certain objections which had been made to the Order relating to the Apprenticeship of Poor Children, recently issued by the Commissioners, they have modified such Order in the manner proposed in that Circular, and herewith I am to transmit to you Two Sealed Copies of the amended Order which the Commissioners have thus issued relating to the several Places contained in the Schedule annexed to the Order.

As the Order appears to come within the definition of a General Rule given by the Poor Law Amendment Act, it will not operate until the expiration of forty days from the period of the same having been transmitted to One of Her Majesty's Principal Secretaries of State, as required by the Sixteenth Section of that Act.

I am further directed to state, that a Copy of

the Order was forwarded by the Commissioners to the Right Honourable Sir James Graham, Bart., Her Majesty's Principal Secretary of State for the Home Department, on the Twenty-third day of August instant, and it will consequently come into operation on the Third day of October next.

I am, &c.,
W. G. LUMLEY,
Assistant Secretary.

To the Clerk to the Guardians.

II.—AUDIT DISTRICTS.

FORM OF THE ORDERS FOR CREATING AUDIT DISTRICTS AND PRESCRIBING THE MODE OF ELECTING AUDITORS.

} Audit District.

To the Guardians of the poor of the _____ unions.

To the churchwardens and overseers of the poor of the several parishes and places comprised in the said unions;—

To the treasurers of the said unions respectively;—

To the clerk or clerks to the justices of the petty sessions held for the division or divisions in which the said unions are situate;—

And to all others whom it may concern.

I.—Creation of District.

Article 1.—We, the Poor Law Commissioners, acting under the authority of an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," and of an Act passed in the eighth year of the reign of Her present Majesty Queen Victoria, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," do hereby combine the following unions, viz. — Unions, into a district for the audit of accounts, to be termed "The Berkshire and Hampshire Audit District," and do order and direct, that one person shall be appointed as the auditor of the said district.

II.—Mode of Election.

Article 2.—And we do hereby prescribe the time and manner in which such auditor shall be elected, as follows; that is to say,

On some day or days between the _____ and days of _____ next, and on some day within thirty

days after the happening of any vacancy in the said office, an Assistant Poor Law Commissioner, to be determined by the Poor Law Commissioners, shall cause an advertisement to be inserted in one of the newspapers published in the cities of London or Westminster, and in two or more newspapers published within the counties in which the said unions or some of them are situated, giving notice of the vacancy, and inviting persons desirous to become candidates for the office of auditor to send to him, at some place to be therein specified, their names in full, their profession or occupation, their age and residence, within a time *not exceeding fourteen days* from the first insertion of such notice in such newspapers as aforesaid.

Article 3.—On the expiration of the said term of fourteen days, the Assistant Poor Law Commissioner shall cause a list to be made of such persons as may have duly offered themselves as candidates, and may have forwarded the information herein-before required; and such Assistant Poor Law Commissioner shall send copies of such list, with the other particulars herein-before required, to each of the several chairmen and vice-chairmen of the boards of guardians of the before-mentioned unions respectively, and to such other persons as may be qualified to vote at the election of the auditor for the district, and shall request each elector to return to him, in some writing signed by such elector, on or before a day to be specified by such Assistant Poor Law Commissioner, being *not less than seven days, nor more than fourteen days*, after the date of such list, the name of the candidate in such list for whom such elector votes.

Article 4.—On the day next after the day specified by such Assistant Poor Law Commissioner for the return of such names, the said Assistant Poor Law Commissioner shall examine the returns then received by him, and shall cast up the numbers, and shall enter on the said list so made out by him as aforesaid, against the name of each candidate, the names of the several electors who shall have voted for such candidate.

Article 5.—If any candidate shall have obtained the majority of the votes of the said electors, the Assistant Poor Law Commissioner shall certify in writing at the foot of such list, that such candidate hath been duly elected the auditor for such district.

Article 6.—If no candidate have received the votes of the majority of the electors, the Assistant Poor Law Commissioner shall again send the names of the two candidates who have received

the greatest number of votes to each of the several electors, with a request that each elector will return, in some writing signed by him, the name of one of such two persons to the said Assistant Poor Law Commissioner, on or before a day to be specified, being *not less than seven days, nor more than fourteen days*, after the date of such request.

Article 7.—On the day next after the day specified for the second return, the Assistant Poor Law Commissioner shall examine the returns then received by him, and shall proceed, as on the former occasion, to cast up the number of the votes, and to enter the names of the persons voting, and to certify in writing that the candidate who then has the greater number of votes is elected the auditor of the district.

Article 8.—If on the return to the copies of the list first sent out by the said Assistant Poor Law Commissioner it be found that no candidate has a majority of the votes of the electors, and that the votes are equal in favour of the three candidates, who have received the largest number of votes, or in favour of any two of such three candidates, he shall forward on the second occasion the names of all such three candidates, and shall proceed as if the names of the candidates so sent were sent for the first time, except that, in the event of there being an equality of votes on the second voting, the election shall be deemed to have failed, and proceedings shall take place as on a new vacancy.

Article 9.—If only one candidate shall offer himself to the Assistant Poor Law Commissioner, the name and address of such person shall be sent by such Assistant Poor Law Commissioner to all the persons qualified to vote as aforesaid, and such Assistant Poor Law Commissioner shall request such persons to inform him in writing, on or before a day to be specified, being *not less than seven days, nor more than fourteen days* from the date of such request, whether such persons assent or object to such candidate being elected as an auditor, and if the greater number of the electors then entitled to vote shall signify their assent to the election of such person, but not otherwise, the said Assistant Poor Law Commissioner shall declare the candidate to be duly elected.

Article 10.—The Assistant Poor Law Commissioner shall cause copies of the lists showing the names of the voters who shall have voted for each candidate, or, in case of no contest, of the electors who shall have expressed their assent to the election of the person nominated, with the name of the person elected as auditor duly certified at the

foot thereof, to be printed forthwith, and shall transmit to the guardians of the several unions respectively printed copies thereof, and shall communicate to the person so elected auditor the fact of his having been so elected, and shall advertise the result of the election in some one or more newspaper or newspapers published in the district.

III.—Continuance in Office.

Article 11.—And we do determine that the officer so appointed shall continue in office until he shall die or resign, or be removed therefrom by the Poor Law Commissioners. And in case of such death, resignation, or removal, another auditor shall be appointed in manner aforesaid.

IV.—Duties of the Auditor.

Article 12.—The auditor shall, twice in every year, that is to say, as soon as may be after the twenty-fifth day of March, and the twenty-ninth day of September, examine, audit, and allow or disallow, the accounts of the several unions herein-before combined, and of the several parishes comprised in the said unions, according to the laws in force for the time being for the administration of the relief to the poor.

V.—Remuneration of Auditor.

Article 13.—And we do regulate the amount of the salary payable to such officer, and the time and mode of payment thereof, and the proportions in which such respective unions shall contribute to such payment, as follows:—

We order, that the said auditor shall be paid for the performance of his duties an annual salary, commencing on the day when the Assistant Poor Law Commissioner shall certify his election as aforesaid, after the rate of three hundred and forty-one pounds per annum, such sum to be paid by two proportionate payments, one thereof to be made on the first day of January and the other to be made on the first day of July in each year, in respect of each union for which the last audit shall have been completed by him, or so soon after the aforesaid days as such audit shall have been completed.

Provided nevertheless, that if it shall happen that the person for the time being filling the said office of district auditor shall cease to be such auditor, after having completed the audit of some one or more of the above-mentioned unions, but before he shall have completed the audit of the whole of them, the guardians of every union

whose accounts shall have been completely audited shall pay their share of the salary so payable to the said auditor, in the manner aforesaid.

Article 14.—And we do hereby order, that the said several unions shall contribute to the said sum of three hundred and forty-one pounds in the manner following; that is to say,

£

The ——— union shall contribute the sum of -
The ——— union shall contribute the sum of -
The ——— union shall contribute the sum of -

VI.—Explanation of Terms.

Article 15.—Whenever the majority of electors is spoken of in this order, it is to be taken to mean the majority of those electors whose assents to, or dissents from, a candidate on any list sent out as aforesaid are received in due form, and within the proper time.

Article 16.—Whenever any notice or list or other document is required to be sent, it shall be sufficient if the same be sent by the post, and the date of the delivery of the same to the Post-office shall be taken to be the date of sending the same.

Article 17.—If, by any accident, error, or other cause, a majority of the whole number of votes to be given has not been received on the day appointed for the receipt thereof, the election shall be deemed to have failed.

Article 18.—The word *Parishes* in this order shall be taken to include all places maintaining their own poor, whether parochial or extra-parochial.

Given under our Hands and Seal of Office, this day of _____ in the year one thousand eight hundred and forty-five.

(Signed) GEO. NICHOLLS.

L. S.

G. C. LEWIS.

III.—AUDITOR.

TERMINATION OF THE POWERS OF A UNION AUDITOR, AND THE COMMENCEMENT OF THOSE OF A DISTRICT AUDITOR.

The Poor Law Commissioners have addressed the following circular letter to the Clerks of the Guardians of those Unions formed into Audit Districts:—

*Poor Law Commission Office,
Somerset House, 1845.*

SIR,

THE Poor Law Commissioners having observed that considerable doubt occasionally prevails, as

to the precise time when the powers of an Union Auditor cease, and those of a District Auditor begin, after the issue of an Order either for the election of a District Auditor, or for the continuance of such an officer, under the provisions of the Act 7 and 8 Vict. c. 101, the Commissioners desire to state, for your information and guidance, that they consider that in a district for which an Auditor is to be elected under the 32nd section of the Act referred to, the powers of the Union Auditor will continue up to the day on which the District Auditor shall be appointed; that is to say, the day on which it is declared that an auditor for that district has been duly elected, in pursuance of the Order of the Commissioners.

The powers of the District Auditor will commence from the day on which he is declared to be elected.

The declaration that an auditor has been elected for a district will be made by the Assistant Commissioner conducting the election; and will be publicly notified by means of advertisements inserted in one or more of the local or other newspapers published or circulated in the district.

When the Commissioners issue an Order under the 37th section of the 7th and 8th Vict. c. 101, "continuing" an Auditor of more than one Union in his office, and thereby making him a "District Auditor," within the meaning of that Act—the powers of the Union Auditor will continue until that Order takes effect, and then cease.

On the Order taking effect, the powers of the District Auditor will arise.

As such an Order must necessarily be directed to, and affect more than one Union at the time of issuing the same, it will be a "General Rule" within the terms of the 109th section of the 4th and 5th Wm. IV. c. 76, and therefore it will not take effect until the expiration of forty days after the same shall have been sent by the Commissioners to one of Her Majesty's Principal Secretaries of State.

With regard to the Salaries of the Auditors, the Commissioners wish to remark that the Salary of the Union Auditor will be due, and ought to be paid to him up to the day on which he ceases to hold the Office, on being superseded by the District Auditor.

The District Auditor's Salary will accrue from that day.

I am, Sir, &c.

EDWIN CHADWICK, *Secretary.*

To the Clerk to the Board of Guardians.

IV.—BASTARDY.

COST OF SUMMONING THE PUTATIVE FATHER.

28th July, 1845.

Assistant Overseer of Hedon, Sculcoates Union
—Inquired whether the overseers were bound to pay the cost of serving a summons, under the Act of 7th and 8th Vic. c. 101, on the putative father of a bastard child, the justices having made an order on the overseers calling on them to pay such costs.

Ans.—The Commissioners are of opinion that the justices have no power to order the overseers of a parish to pay the constable for serving a summons on the putative father of a bastard child, under the 7th and 8th Vic. c. 101. It appears to the Commissioners that the remedy given to the mother of a bastard child by that statute, is entirely of a private and personal nature; and that when she obtains a summons upon the putative father to appear before the justices, it rests with her to procure it to be served, as she may think fit. If she employs the constable to serve it, she must so employ him as her private agent; and she may be reimbursed the expense thereby incurred, under the order for costs, which the justices are empowered to make on the putative father, under the third section of the Act. But as the summons does not relate to any question of parochial concern, or any matter affecting the preservation of the peace, and the service of it is not a duty which the justices can require the constable to perform, the Commissioners think that the case does not come within the seventeenth section of the 5th and 6th Vic. c. 109, (the Parish Constables Act,) and that consequently no fee or allowance in relation to it can legally be charged upon the poor-rates of the parish. The Commissioners accordingly consider that the Order in question is of no effect.

V.—CHARGEABILITY—REMOVAL.

June 6th, 1845.

The Rev. Mr. ———. The sole occupier and the holder of all the parochial offices of the adjoining parish of A, took a house at a rent of ten pounds a-year in the parish of B, for a sickly pauper belonging to the parish of A, with the acknowledged object of his gaining a settlement in that parish. Immediately on the pauper completing his twelve months' occupancy, he was dismissed from his employment in the parish of A, and told to look to the parish of B for work and relief. He then applied to the

overseers of that parish, who gave him temporary assistance; and shortly after, he and his family were admitted into the union workhouse, where they remained two days. On the clerk of the guardians being applied to for a certificate of chargeability, with a view to the removal of the pauper, he refused to give it, on the ground that it could be of no avail as the pauper had ceased to be chargeable, he having left the workhouse a quarter of an hour before. The certificate was, however, obtained subsequently; but the justices taking the same view of the matter as the clerk, declined to take the examination of the pauper. Inquired, whether this view of the matter is a correct one; and also whether an action will not lie against Mr. ——— for a fraudulent attempt to settle the pauper on the parish of B.

Ans.—As regards the certificate of chargeability which has been already obtained in the case referred to by you, it would, in the opinion of the Commissioners, be sufficient for the purposes of the order of removal, provided that such order were made within the period of twenty-one days from the date of the certificate. Where a certificate in the form of the statute 7 and 8 Vic. c. 101, is produced to the justices, and the period of twenty-one days from the date of such certificate has not elapsed, the Commissioners do not understand that it is necessary, with a view to making the order of removal, that other evidence should be given of the pauper's being then actually chargeable. In order to avoid the necessity of the more distinct allegations of chargeability and relief before required, the 69th section of the act above cited, provides that, "for the purpose of making any order of removal or other order, no further or other evidence of chargeability than such certificate shall be required, provided that every such order bear date within twenty-one days next after the day of the date of such certificate." This is evidently equivalent to a declaration that a chargeability declared to have existed before the certificate, is sufficiently alleged for the purposes of every order of removal made within twenty-one days after the certificate. With respect to the circumstances detailed in the first part of your letter, and the conduct attributed to Mr. ———, I am to observe that the Commissioners do not perceive that such conduct, assuming it could be clearly established, affords any ground of action against him. In *Rex v. Edwards*, 8 Mod. 321. 1 Bott. 374, it

appears to have been laid down by the court that a conspiracy by parish officers to procure a settlement for a pauper in order to bring a charge upon another parish, is an indictable offence. The circumstances of the present case, as detailed in your letter, do not, however, appear to be such as would support an indictment for conspiracy. You observe that Mr. ——— is the sole occupier in A, and holds all the parish offices in that parish. It does not appear, therefore, to be likely that he combined or conspired with any other person to effect the purpose of charging the parish of B, unless, indeed, the pauper be shown to be a party to the conspiracy. Enough is not stated to enable the Commissioners to form a judgment on this part of the question. It is, however, very questionable whether a settlement was obtained under the circumstances in the parish of B. The Commissioners conclude, from your statement, that Mr. ——— filled the office of overseer in A at the period when the hiring took place at B; and it is stated, he took the house for the pauper. If this were so—if there were not an actual hiring of the house by the pauper—no settlement was acquired by the mere occupation of the tenement. To gain a settlement under the united operation of 6th Geo. 4, and 1st Wm. 4, c. 18, the tenement must be actually occupied for a year by the person hiring it. Further, it is stated by you, that "the pauper admits having received the money to make the quarterly payments, from Mr. ———." Now, the statutes referred to, not only require that the renting should be *bonâ fide*, but that the payment of the rent should also be *bonâ fide*. If the payments made to the pauper in this case were fraudulent, *i. e.* not with a view to his relief, but to get rid of the pauper—to enable him to pay his rent for the tenement in B, and so to acquire a settlement in that parish—then it is clear, according to the decisions of *Rex v. The inhabitants of Tillingham*, 1 B. and Ad. 180, and *Rex v. St. Sepulchre, Cambridge*, 1 B. and Ad. 921, that no settlement was acquired.

VI.—JUSTICES.—THEIR JURISDICTION.—RECOVERY OF CONTRIBUTIONS.

5th August, 1845.

Clerk of North Aylesford Union.—The parochial affairs of Strood, one of the parishes in the North Aylesford Union, are managed by a body of trustees under a Local Act, who may

sue and be sued in the name of their clerk, and the order of the guardians for contributions from the parish to the union are therefore addressed not to the overseers but to the trustees and their clerk, and are served on that officer. Owing to the non-payment of the contributions of the parish, proceedings were taken under 2 and 3 Vic. c. 84, to enforce payment; and on the hearing of the complaint, the clerk to the trustees objected to the authority of the justices of Rochester to act in the case, on the ground that the parish of Strood was not wholly within their jurisdiction, while he admitted that the greater portion of the parish was so. The justices, however, overruled the objection, and made their order for payment of the amount,—the greater part of which has since been paid. As it is possible that it may be necessary to take proceedings to enforce payment of future orders, requested the Commissioners' opinion as to whether the justices for the city and borough of Rochester, or the justices for the county of Kent at large, have jurisdiction in the matter. The parish is divided into three parts; Strood intra, Strood media, and Strood extra. Strood intra, being that part of the parish which was anciently within the limits and jurisdiction of the city of Rochester; Strood media, that part which, by the Parliamentary Boundary Act, is placed within the boundary of the city and borough of Rochester; and Strood extra, that part which remains without the boundary and jurisdiction of Rochester. The poor-rates for the parish are made by the trustees, and, as directed by the Local Act, allowed by the justices for Rochester as to that part which is within their jurisdiction, and by the justices for the county, for that part which is without such jurisdiction. The parish church and nearly the whole population are within the boundary of the city and borough, as is also the union workhouse; and the clerk to the trustees also resides within the borough.

Ans.—Having regard to the nature of the question raised in your letter, and to the provisions of the Municipal Corporations Act, (5 and 6 Wm. 4, c. 76,) the Commissioners presume that the justices for the county of Kent have no jurisdiction within the city of Rochester. Under the 1st sec. of the 2 and 3 Vic. c. 84, the proceedings for the recovery of contributions from any parish, are to be taken before "two justices acting within the *district* wherein such parish shall be situate." The precise meaning

of the word "*district*," as used in this section, appears to the Commissioners to be open to considerable doubt; whenever consulted on this point, they have stated it as their opinion, that it would be the safest course to construe the word as referring to the particular petty sessional division, which comprises the parish in arrear. From any point of view, they see great difficulty in giving such an interpretation to the word, as would bring the case of Strood parish within the provisions of the statute. If the word is taken as referring to a petty sessional division, then it would seem that the parish of Strood is not wholly within any one such *division*: if, as referring to the limits of the jurisdiction of the justices, it would likewise seem that the entire parish is not within any one such *jurisdiction*, and if the *entire* parish is not within any one such division, (or jurisdiction,) the Commissioners apprehend that it cannot be considered as situated within the district (whether the jurisdiction or division,) so as to come within the terms—"the district *wherein such parish* shall be situate." The Commissioners are disposed to think that the situation of only a part of the parish within the district would not be sufficient to give the justices of such a district authority to act in the case. If the word "*district*" were here used synonymously with "*union*," the justices for the city of Rochester might act in the case, inasmuch as they are justices acting within the union wherein the parish of Strood is situate. But the Commissioners do not think that such an interpretation can be supported; for (among other reasons) it would obviously exclude from the statute the cases of single parishes under separate boards of guardians, cases which are expressly mentioned in the previous portion of the clause as coming within its provisions. On the whole, therefore, the Commissioners are unable to say, either that the justices of Kent, or that the justices of Rochester, can deal with this matter. The Commissioners see nothing in the local Acts that affects the construction of the 2 and 3 Vic. c. 84. Under these circumstances, the Commissioners can only advise that if the trustees of Strood should in future refuse or neglect to pay the contributions required of them by the guardians of North Aylesford Union, the guardians should proceed against the trustees pecuniarily, either under the 95th sec. of the Poor Law Amendment Act, for a disobedience of the order of the guardians, or under the 98th sec. of that

act, for a disobedience of the orders of the Commissioners. Having regard to the doubts which some persons entertain, as to the construction of the 95th sec., the Commissioners in such cases usually recommend that resort should be had to the provisions of the 98th.

VII.—MEDICAL OFFICERS.—CIRCULAR.

*Poor Law Commission Office, Somerset House,
21st July, 1845.*

SIR,—The Poor Law Commissioners have learnt that the Registrar General has addressed a circular letter, dated the 10th July instant, to "Physicians, Surgeons, and Apothecaries, legally qualified, practising medicine in England," with the view of obtaining an accurate and uniform return of the causes of death; and the Commissioners, being desirous that all the medical officers appointed under the Poor Law Amendment Act should render their best assistance in securing so important an object, have directed me to request that you will be good enough, in the case of the death of every pauper attended by you, to comply with the wishes of the Registrar General in this matter, by making the return of the cause of such death in the form referred to in the above-mentioned circular,—which form will be supplied to you by the Registrar of the district where you reside.

I am, Sir, your most obedient servant,

EDWIN CHADWICK, *Secretary.*

To the Medical Officer

VIII.—MERCHANT SERVICE.

ACT OF 8 AND 9 VICT. c. 116.—CIRCULAR.

*Poor Law Commission Office,
Somerset House, Aug. 20th, 1845.*

SIR,—I am directed by the Poor Law Commissioners to state, that they have ascertained that various persons have lately made applications to boards of guardians to procure lads for the merchant service, upon various terms and stipulations, not being themselves either masters of vessels or ship-owners.

The Commissioners have reason to believe that very serious evils have resulted from this species of brokerage, and that many of the persons engaged in the procuring of hands for that service have adopted a course of proceeding highly demoralising and injurious to the health and condition of the persons for whom they have undertaken to procure situations.

The attention of the legislature has been drawn to the subject; and during the last

session of parliament an Act was passed, entitled, *An Act for the Protection of Seamen entering on board Merchant Ships*, (8 and 9 Vic. c. 116.)

It will be seen that it is thereby provided that persons may, after the first of September next, be licensed by the Board of Trade to provide seamen for merchant ships: and that after the first of November next, no person, not being so licensed, or the owner, master, person in charge of a ship, or ship's husband, shall provide any seamen for a merchant ship.

Should, therefore, any application be made to the guardians for lads to be placed on board merchant ships, it will be necessary for them to ascertain that the applicants are legally authorised to make such application.

The guardians will observe, that by section 8 of the Act, if any person receive from any person other than the owner, master, or ship's husband, any remuneration, either directly or indirectly, for the providing of any seaman, he will forfeit the sum of £5.

If the guardians consider it expedient to bind any children to the sea service, they must not lose sight of the provisions contained in the 7 and 8 Vic. c. 112, for the binding of poor children as apprentices to that service, and must abide strictly by the regulations therein prescribed, which statute, it may be observed, expressly enables the guardians to provide for the cost of the outfit of the lads, while it does not appear that the same could be supplied by the guardians under other circumstances.

I am, &c.,

W. G. LUMLEY, *Assistant Secretary.*

To the Clerk to the Guardians.

IX.—RATING COAL MINES.

13th Jan., 1845.

J. C., Darlington Union—Submitted for the Commissioners' opinion, the following case:

A. B. is the lessee of certain coal mines in the county of Durham. The lessor is C. D., who in the year 1830 advertised the coal-beds or seams of coal to be let for the best annual rent that could be obtained. A. B. became lessee, and entered into the usual covenants; the rents to be paid were £500 certain rent, whether any coals were wrought and vended or not, and a further rent of 25s. for every fifty tons of coals which should be wrought and vended over and above twenty thousand tons, which at 25s. per fifty tons was the equivalent

for the £500 certain rent. A. B. expended £40,000 in clearing the mine of water, and in bringing the mine into a working condition—laying railways and making the needful erections. The lease was for a term of twenty-five years. Owing to sundry hinderances and disappointments, the mine was not brought into regular work till the year 1835: there then remained twenty years of the lease unexpired. Owing to various difficulties, the mine was worked without profit till the year 1840. There then remained sixteen years of the lease: and a profitable occupation may be said to have then commenced. Under the operation of the Income Tax, the profits of the mine in the years 1842, 1843, were assessed at £5500, which was thus made up:—Rent paid by lessees to lessor, £1500; profits on working and vending coals £4000=£5500. The mine was regularly rated by the parochial authorities in the township wherein it was mainly situated, to poor's rate, county rate, church rate, &c., at the sum of £1000 per annum. In 1844, the magistrates for the county, desirous of regulating the county rate, and being of opinion that the mining property was not fairly rated, entered upon an inquiry, in order to ascertain that fact; and having possessed themselves of the assessments made under the Property and Income Tax, resolved to enforce a rating equal in amount to those returns, less an abatement of 25 per cent. for what they term, tenant's risk and contingencies. The assessment upon A. B.'s colliery was directed to be made at £4125. Thus: lessor's rent, about which there can be no dispute, £1500, less 25 per cent., £375=£1125. Profit (not as profits, but as showing, it is said, the annual value of the mine to the present occupant at the present moment,) £4000, less 25 per cent. £1000=£3000; making together £4125. The whole of the mine not being in one township, about £1250 was paid as rent in respect of the part in one township; and £250 in respect of the part in another township. It will be seen that £1250 bore the same relation to the former assessment of £1000, as that now proposed by the magistrates; but the question of assessment upon profits, (not as profits, but as increased value ascertained as above,) remained untouched. The parochial officers, however, consider that no alteration has taken place in the value of mineral property, and have resolved that the colliery had been fairly let; that the sum paid to the lessor was the full and fair annual value of the colliery to let; that the profits were no more now than ought

to be received for the capital expended and sunk, and for meeting all the serious risks of mining. A capital of £40,000 was expended, the interest on which is £2,000 per annum; for 10 years the mine was wholly unprofitable, and the loss augmented. When the lease expires, there will remain about £10,000 in value of removable stock; £30,000 will have been redeemed by annual profits or will have been entirely lost; £2000 per annum will be required to redeem the money expended on the mine, which will leave the lessees for the interest of capital, all his time, labour, skill, and risks, over and above the ordinary risk of commercial adventure, just 5 per cent. on his capital; without this investment, no rent whatever could be obtained. The magistrates require, that all collieries whose rents and profits have been ascertained, shall be rated at the gross amount of such rents and profits, subject to a deduction of 25 per cent. thereon for tenant's right, risk, and contingencies; parties claiming further deductions to be heard by themselves and witnesses before a barrister.—Inquired, 1st, What is the principle of rating now recognised as just and legal in such a case? 2nd, Should the magistrates under the powers conferred upon them, by employing valuers other than the parochial officers, amend the rate, and augment the levy, what redress have the lessees? 3rd, If proprietors of collieries are rateable to the extent contended for by the magistrates, are not farmers, market-gardeners, and others in like manner rateable for profits, or rather should not their rents be increased, in case they are found to have made profits beyond the actual rent?

Ans.—It is the imposition of the county rate which is directly in question in this case. But inasmuch as that rate appears to be raised by the overseers (and not by the constable, as would be more regular in the county of Durham) and is presumably paid out of the poor rates, it does not appear to be foreign to the Commissioners' duties to state their opinion in reply to the questions addressed to them. There can be no ground for imposing a county rate on a parish or township in respect of any property which is not liable to be rated to the poor's rate. The county rate is only to be levied in such places upon "the messuages, lands, tenements, and hereditaments rateable to the relief of the poor," 55 Geo. III. c. 51, s. 1. These terms might be held to have excluded profits of trade or business, while such profits were liable to the poor's rate, but certainly could not be used to support the imposition of the

county rate on such profits, while, as is the case at present, they are exempt from poor's rate. There is, therefore, no authority to include in the county rate, in any parish or township, the value of any profits, other than the net rent of messuages, lands, tenements, and hereditaments. But as the Income Tax includes the whole of the net profits of a business, it includes profits not subject to taxation by the county rate or poor's rate, while, at the same time, the assessment does not distinguish profits of business from what may be the profits derived from a beneficial interest in a rateable tenement. It follows, that the assessment of a tenant to the Income Tax, cannot be properly adopted as the ground of his assessment to the poor or county rate. At the same time it appears to the Commissioners, by the statement in this case, that the lessees are liable to be rated on a larger sum than the rent they pay. The actual rent is no criterion of rateable value. The rateable value consists of the rent at which the tenement, in its existing state, might be reasonably expected to let for, allowance being made for payment by the tenant of taxes, repairs, &c., 6 and 7 Will. IV. c. 96, s. 1. It is quite immaterial by whom or by what expenditure a rateable tenement has been brought to its present value. The expenditure may have been profitable or not, it may have been made by the lessees, or the lessor; but all this is immaterial. The sole question for the valuer is, what is the rent for which it would let in its existing state to an occupier who should have the benefit of all its existing advantages. He can make no deduction for the interest of capital expended in bringing the tenement to its present value, and he can allow nothing as a sinking fund to replace the value to an occupier at the end of his term. He could, therefore, not take into consideration the amount spent in the present case, in bringing the mine into working condition, laying rails, or making erections. The rent which he is to estimate, is one which allows for future risks of the failure of productiveness or ruin of the tenement, for the real value is estimated on the principle of assuring the rent which remains, after payment of all expenses of repairs and insurance, and otherwise necessary to maintain the tenement in a state to command the supposed rent, 6 and 7 Will. IV. c. 96, s. 1. The elements are not shown which would enable the Commissioners to state what, in their opinion, is the present rateable value of the mine; but it will be easy for those who know the facts of the case to make application of the principles dis-

cussed above. 2. The lessees have no direct redress against an improper valuation to the county rate by the justices, whether that valuation be made at petty sessions under the 55 Geo. III. c. 51, sect. 1, or be adopted in quarter sessions as the ground of the county rate. The assessment to the county rate is a subject of appeal; but this is made on the whole parish or township, and the appeal against the county rate is given to the overseer, or the other rating officer, on behalf of the whole parish or township, 12 Geo. II. c. 29, s. 12: 55 Geo. III. c. 51, s. 14. The lessee's remedy is against the poor's rate, if his property is overvalued to that rate. But if he is fairly valued in the poor's rate itself, he does not appear to have any appeal against it, on the ground that the overseers have been over-assessed, and have paid too much to the county rate. 3. As above stated, proprietors of collieries are only rateable for the net value of their tenements, as they exist at the time of the rate, and not for profits of their business, independent of the existing letting value of the tenement. The same rule applies to gardeners and others. If they, as occupiers, improve the value of the tenement, they are rateable in respect of the improved letting value; but not in respect of the profits made from their exertions, skill, floating capital employed in wages, and other casual expenses, or any other way.

X.—RATING TITHES.

Mr. —, Wycombe Union—Stated that the tithe commutation rent charge in the parish of A—having been duly settled and apportioned, the overseers were about to rate the tithe owners. There is a rent charge in lieu of vicarial tithes; also one in lieu of impropriate tithes, payable to an individual in respect of (say) 100 acres of land. The impropriate tithes of the remainder of the land in the parish are merged. Section 1 of the 6 and 7 Wm. 4, c. 96, enacts that no rate shall be of any force "which shall not be made upon an estimate of the net annual value of the hereditaments rated thereunto; that is to say, of the rent at which the same 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, and deducting," &c. By the Commissioners' minute of the 29th November, 1841, it seems they consider that the "tithe commutation rent charge" should not form one of the deductions from the gross estimated rental in the same manner as the usual tenants' rates and taxes. The words, "tithe

commutation rent charge, if any," in the act appear to have no meaning unless they bear the same construction as the words "usual tenants' rates and taxes," as to the deduction. It may be said that the words "usual tenants, &c." apply as well to "tithe commutation rent charge, if any," as to the words "rates and taxes;" but presuming that all tithes are alike chargeable upon the land, the true meaning of the clause seems to be that all tithe commutation rent charge whatever, is to be deducted from the gross estimated rental of land, as well as the usual tenants' rates and taxes; and that the words, "if any" have reference to houses, &c., which pay no tithe rent charge, and cannot claim a deduction in respect thereof. In point of principle, it matters not whether the tithe rent charge be considered as an impost upon the landlord or the tenant; for whatever is raised from the land, whether in the shape of rates or of tithes, they all equally affect the landlords' interest; and consequently all should form items of deduction with reference to the poor rate assessment; thus placing the proprietor of land upon the same footing as the tithe owner in regard to outgoings. Requested the Commissioners' opinion.

Ans.—The Commissioners agree that all tithe commutation rent charge is to be deducted from the gross value of the property to be rated. But they cannot understand that it is to be deducted from the gross value of property, except that upon which a rent charge is actually imposed. The Commissioners understand the hypothetical language of the 6 and 7 Wm. 4, c. 96, s. 1, as meaning this—that rent charge, if there be any charged on a given property, is to be deducted; if there be none fixed on the given property, it is not to be deducted. The purpose of this is apparently twofold:—1. To rate each property only on the annual net value of it to its possessor: for which purpose rent charge, which is no property of his, must be omitted:—2. To avoid rating double—which would be affected, the tithe owner being rateable independently, if the value of the rent charge was also rated in the value of the properties out of which it issues. Where a property is not burdened with the charge, as when the tithes are merged, then the owner of the property is rateable for its value without deduction. He in this case bears as much additional rate as if he were the owner of the rent charge, which appears just as regards him. The parish, and the other rate-payers, lose nothing, and gain nothing by this arrangement: the entire taxation remaining the

same, notwithstanding the merging of the tithe and the consequent merging of the rate on the tithe in the land, and the rate in the land.

XI.—RELIEF.

1. CONSTRUCTION OF ARTICLE 1, EXCEPTION 2, OF PROHIBITORY ORDER.

—, adverting to Art. 1 of the Prohibitory Order, Except. 2, and the Art. 3, Except. 2, inquired whether the Commissioners are of opinion that the exceptions in question only permit out-relief, or non-resident relief, to the amount reasonably required to cover the particular case of sickness, &c., under consideration. For instance, a man, having a wife and five children to maintain, is out of work at the time of his wife's confinement, or of a child's illness; are the guardians justified in allowing out-relief for the man and the whole family because of the wife's or the child's sickness without reporting the case under Article 4, of the above order?

Ans.—The Commissioners in reply desire to point out that Article 1, of the above-named order, contains a positive provision to the effect that all able-bodied paupers and their families, shall be relieved wholly in the workhouse, "save and except in the following cases," *i. e.*, the cases enumerated in the several exceptions thereafter specified. The Commissioners understand this expression, 'save and except, &c.' as simply taking the cases adverted to, out of the operation of the positive provision of the Article; and consequently leaving such cases to be dealt with by the guardians, in the same manner in which the guardians might have dealt with them, if the order had not been issued. The 2nd exception is in these terms, "where such person shall require relief on account of any sickness, &c., affecting such person, or any of his or her family." It appears to the Commissioners to follow, from the view above explained, that where an able-bodied pauper requires relief, on account of any such sickness as is here described, his case is taken out of the operation of Art. 1 entirely, and not merely to the extent to which he may need relief, on account of such sickness alone. The provision in Art. 1 is unlimited. "Every able-bodied person, &c. shall be relieved wholly in the workhouse, &c., together with *such of the family of every such able-bodied person as may be resident with him, &c.*" If a case comes at all within this provision, it must be so entirely. If an able-bodied man requires relief at the same time on two grounds—sickness in his family, and want

of employment for himself; it cannot, consistently, be said that the guardians are bound to deal with his case, under Art. 1—*i. e.*, to take him and the *whole of his family* into the workhouse; and that they are also at liberty to treat it as coming within Except. 2, as far as the sickness is concerned,—*i. e.*, to relieve the *sick part of his family* out of the workhouse. The Commissioners need scarcely add that they consider these remarks applicable, *mutatis mutandis*, to Except. 2 to Art. 3 as regards non-resident relief.

2. DEFICIENCY OF FUNDS TO SUPPLY RELIEF.—DUTY OF GUARDIANS.

Clerk of Louth Union—Inquired, 1st, whether the guardians would be justified in withholding relief from paupers, where the overseers of the parishes to which they are chargeable have neglected to supply funds to the guardians for their maintenance. 2. Whether the guardians are the proper parties to proceed against the overseers so offending, under the 63rd section of the 7 and 8 Vic. c. 101; or whether they can be proceeded against under the provisions of the Poor Law Amendment Act, if the guardians prefer that course.

Ans.—1. With regard to your first question, the Commissioners desire to observe that it is obviously fair and proper that the guardians should obtain beforehand money from each parish in proportion, as nearly as possible, to the anticipated wants of each, and that they should never allow any parish to be in arrear, and its obligations provided for at the expense of other parishes. Nevertheless, though this is the only fair and proper course for the guardians to pursue, it can scarcely be said that they are bound to abstain so rigidly from applying temporarily the funds in their hands originally derived from one parish to the purposes of another, as to be under the necessity of refusing or withholding relief, in urgent cases, solely on that ground. It may be remarked, that if relief be granted under such circumstances, the charge will of course be thrown, at the end of the quarter, upon the parish liable in respect of it, and the next order for contribution from that parish should be made accordingly. But although the guardians may be justified, by circumstances, in thus applying moneys of one parish to the concerns of another, they are under no absolute obligation to do so. Each parish is, by the 26th section of the Poor Law Amendment Act, made separately chargeable with and liable to defray the expense of its own poor. 2. With reference

to your second question, the Commissioners in the first place desire to point out that the 63rd section of the 7 and 8 Vic. c. 101, does not apply to cases of mere neglect on the part of the overseers to supply funds for the maintenance of the poor, but only to cases in which, in consequence of such neglect, "any relief directed by the board of guardians to be given to any poor person is delayed or withheld during a period of seven days." In cases to which the provision does apply, the section does not confine the institution of proceedings against the overseers to any particular parties; and the Commissioners think that it is open to the guardians (as well as other persons) to take such proceedings, and to charge the costs upon the poor-rates, under the 59th section of the same statute. 3. In reply to your third inquiry, the Commissioners desire to state that the 63rd section of the 7 and 8 Vic. c. 101, does not in any way interfere with the liabilities of the overseers, under the Poor Law Amendment Act, for disobeying the orders of the guardians.

XII.—RETURNS RELATING TO THE ADMINISTRATION OF THE POOR LAW MADE TO PARLIAMENT DURING THE SESSION OF 1845.

Agricultural Statistics.—Copy of Correspondence between the Board of Trade and other Public Departments, relative to Agricultural Statistics. (265.) Moved for by Mr. Hutt. Presented 30th April.

Medical Officers.—A Return containing the description of the Diplomas, Licences, or other Letters Testimonial, that are admitted and sanctioned by the Poor Law Commissioners as legal qualifications which entitle Medical Practitioners to be appointed Medical Officers of Poor Law Unions in England and Wales. (53.) Moved for by Mr. Wakley. Presented 20th February.

Medical Poor Relief.—Report from the Select Committee of the House of Commons on Medical Poor Relief Committee, 1844, appointed to investigate the allegations of the petitions of D. Philipps and J. Parrott, Esq. (619.) Presented 5th August, and Index to the said Report.

Newington Workhouse.—Chaplain.—A Copy of all Correspondence between the Rector of Newington, (Surrey,) the Churchwardens, Overseers, or Guardians of the Poor, and the Poor Law Commissioners, relating to the appointment of a Chaplain to the Workhouse, between the 1st day of January, 1844, and the present time.

(613.) Moved for by Mr. Hawes. Presented 4th August.

Pauper Lunatics.—A Return of the number of Pauper Lunatics and Idiots chargeable to each of the Unions in England and Wales, and also to those places under Local Acts, in the month of August, 1844, (in pursuance of the Acts 5 and 6 Vic. c. 57, and 7 and 8 Vic. c. 101,) distinguishing those maintained in County Lunatic Asylums, in Licensed Houses, and elsewhere; with the average weekly cost per head of maintenance and clothing: together with the population of each Union in 1841, and the estimated number of Lunatics and Idiots for other places not under the Poor Law Amendment Act. (333.) Moved for by Lord Ashley. Presented 28th May.

Poor Law Commissioners.—Eleventh Annual Report of the Commissioners, together with Appendices. Presented (H. of C.) by command.

—Copies of several General Rules issued by the Poor Law Commissioners to Unions and Parishes in England and Wales since the last Session of Parliament. (8.) Presented 11th February.

—A Return of the number of days each Poor Law Commissioner has sat in discharge of his official duty at the office appointed for such official sittings, or at any other place for the same purpose; and a similar Return of the number of days each Assistant Poor Law Commissioner has been engaged in the discharge of his official duty: the place and periods at which those have been performed respectively, whether at the office of the Central Board of Commissioners, or in visits and inspections, or other matters of official duty, at the different Unions or Union Workhouses throughout England and Wales; the number of days employed therein; and the amount of expense incurred by each Assistant Poor Law Commissioner in travelling or in other incidental expenses relating thereto. (179.) Moved for by Colonel Sibthorp. Presented 1st April.

Poor's Rate and County Rate.—Return showing the total amount of Money levied for Poor Rate and County Rate in England and Wales, and the amount expended thereout for the relief and maintenance of the Poor for the years ended Lady-day, 1813 to 1844, both inclusive. (30.) Moved for by Sir James Graham. Presented 13th February.

Removal.—Return from the Clerks of the Peace of all Appeals to the Quarter Sessions against Orders of Removal, in the years 1841, 1842, and 1843, distinguishing how many have been quashed on the merits or on points of form. (13.) Moved for by Mr. Tatton Egerton. Presented 7th February.

Removal of Paupers.—A Return of the sums paid by Counties, Cities, Boroughs, Towns Corporate, Divisions, or Liberties, for the removal of Poor Persons born in Scotland and Ireland, and chargeable to Parishes in England, under the provisions of the Act 3 and 4 Wm. IV., c. 40, for three years ending the 31st day of December, 1844, distinguishing the amount paid in each year. (363.) Moved for by Mr. Alderman Copeland. Presented 10th June.

Rochdale Union.—Copy of a Memorial from the Board of Guardians of the Union of Rochdale, addressed to the Secretary of State for the Home Department, against the Introduction of the New Poor Laws into that District; and of the Answer to said Memorial:—and also Copy of a similar Memorial from the Ratepayers of Rochdale (with a Note of the number of Signatures attached to it;) and Copy of the Answer to that Memorial. (122.) Moved for by Mr. Sharman Crawford. Presented 13th March.

Workhouses.—A Return of all Union Workhouses under the Poor Law Amendment Act, in which the Pauper Inmates thereof are, or have been, since the formation of such Unions, employed in grinding or crushing Bones by means of Mills, Machinery, or otherwise, together with the Date of such Erection of Mills or other machinery; and the names of the Chairman and Vice-Chairman of the Board of Guardians of every such Union at the period; also the cost of the said Bones, including all expenses of carriage and other incidental expenses, and the amount which the same have produced in their manufactured state, and whether the same have been sold by tender or at a fixed price, or otherwise. (41.) Moved for by Captain Pechell. Presented 18th February.

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AN

OFFICIAL CIRCULAR



OF PUBLIC DOCUMENTS AND INFORMATION:

DIRECTED BY THE POOR LAW COMMISSIONERS TO BE PRINTED, CHIEFLY FOR THE USE OF THE MEMBERS AND PERMANENT OFFICERS OF BOARDS OF GUARDIANS, UNDER THE POOR LAW AMENDMENT ACT.

No. 52.

CIRCULAR ISSUED OCTOBER 1ST, 1845.

Poor Law Commission Office,
Somerset House, Oct. 1st, 1845.

THE Poor Law Commissioners directed that the following documents be printed and circulated for the information of Guardians and Officers of the several Unions, viz.

I.—ASYLUM DISTRICTS	145
1.—General Order creating the Central Metropolitan Asylum District, under the Act 7 and 8 Vic. c. 101	146
2.—General Order prescribing Regulations for the Central Metropolitan District Asylum	147
3.—The North-Eastern Metropolitan Asylum District	152
4.—The South-Western Metropolitan Asylum District	152
5.—The Western Metropolitan Asylum District	154
6.—The South-Eastern Metropolitan Asylum District	154
7.—The North-Western Metropolitan Asylum District	154
II.—LUNATIC PAUPERS:	
1.—Removal of Scotch and Irish Paupers. Circular Letter directing attention to the provisions of the Acts 8 and 9 Vic. c. 126.	154
2.—Circular	160
3.—Ditto	160

(Signed) By Order of the Board,
EDWIN CHADWICK, Secretary.

I.—ASYLUM DISTRICTS.

By the Act 7 and 8 Vic. c. 101, s. 41, the Poor Law Commissioners are empowered, "as, and when they may see fit, by order under their hands and seal, to declare so many parishes or unions, or parishes and unions, any part of which may be within the district of the Metropolitan Police, or the City of London, or within the limits respectively of the city, towns, or boroughs" of Liverpool, Manchester, Bristol, Leeds, and Birmingham, "to be combined into districts for the purpose of providing and managing asylums for the temporary relief and setting to work therein of destitute houseless poor, who are not charged with any offence, and who may apply for relief, or become chargeable to the poor's-rate within such parish or union."

Sect. 42 of the Act provides that a Board shall be constituted for every district so to be formed, and directs the Commissioners to fix the qualification of the members of such board.

Sect. 43 empowers the Commissioners to regulate the proceedings of the district boards, and to direct and regulate the appointment, duties, remuneration, and removal of paid officers to be appointed by any such board.

The Commissioners under these powers have combined the unions and parishes hereafter named into districts, denominated *the Central Metropolitan Asylum District; the North-Eastern Metropolitan Asylum District; the South-Western Metropolitan Asylum District; the Western Metropolitan Asylum District; the South-Eastern Metropolitan Asylum District; and the North-Western Metropolitan Asylum District.*

And the Commissioners have also prescribed regulations for their management.