workhouses of unions or parishes are set to work.

Now, therefore, We, the Poor Law Commissioners, in pursuance of the authorities vested in Us 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*," do hereby Order, Direct, and Declare, with respect to each and every of the Unions named in the Schedule A, hereunto annexed, and of the Parishes named in the Schedule B, hereunto annexed, That from and after the *First of January next*, no pauper, who shall be in any Workhouse under the management and control of any Board of Guardians shall be employed or set to work by the said Guardians, or any of their Officers or Servants, in pounding, grinding, or otherwise breaking bones, or in preparing bone dust.

And we do further Order, that—

The word "*Union*" in this Order shall be taken to include not only an Union of parishes formed under the provisions of the herein-before recited Act, but also an Union of Parishes incorporated or united for the relief or maintenance of the poor under any Local Act of Parliament.

The word "*Guardians*" in this Order shall be taken to include not only Guardians appointed or entitled to act under the provisions of the said herein-before recited Act, but also any Governors, Deputy Governors, Assistants, Directors, Managers, Acting Guardians, Trustees of the Poor, or Select Vestrymen, entitled to act in the ordering of relief to the Poor from the poor rate under any Local Act of Parliament, and the Churchwardens and Overseers of the poor of the several Parishes in the city of Salisbury.

The word "*Parish*" in this Order shall be taken to include any place maintaining its own Poor, whether parochial or extra-parochial.

[*Schedules A and B contain the names of all the Unions and Parishes under Boards of Guardians in England and Wales.*]

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

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

---

2. CIRCULAR ACCOMPANYING THE ABOVE ORDER.

Poor Law Commission Office,
Somerset House, November 8th, 1845.

SIR,—The Poor Law Commissioners have, for some time, had under their consideration the expediency of issuing a General Rule, prohibiting the employment of paupers in workhouses, in grinding, pounding, or breaking bones.

The Commissioners are aware that there is considerable difficulty in finding work for the able-bodied inmates of a workhouse, which shall not interfere with the market for independent labour, and which shall not, at the same time, involve some loss to the rate-payers. They have been moreover unwilling, in any case where the exercise of their authority is not absolutely necessary, to restrict the discretion as to the sorts of labour which the guardians, as the immediate managers of the workhouse, may reasonably be supposed to possess.

The Commissioners believe, that in the majority of unions where this kind of labour has been employed, no serious inconvenience has resulted from its use, owing to the care with which it has been superintended by the guardians. Moreover, in the cases in which its introduction, even for vagrants and trampers, has been brought before the Commissioners, they have constantly required a certificate from the medical officer, that no injury to the health of the inmates of the workhouse was to be apprehended from its adoption.

Notwithstanding these considerations, the Commissioners, looking to the serious objections to which this mode of employment is liable, have, after mature deliberation, decided on issuing a General Rule, prohibiting bone-crushing in all workhouses, a copy of which is herewith transmitted to you. The Order, for this purpose, will come into operation on the first day of January next.

The Commissioners will only add, that they will be ready to afford any assistance or advice to the guardians in meeting the difficulties which may result from the discontinuance of bone-crushing in those workhouses where it has hitherto been carried on.

I am, Sir, your most obedient servant,
EDWIN CHADWICK, *Secretary.*

LONDON:
Printed by Order of the Poor Law Commissioners, by BLACKBURN and PARDON, 6, Hatton Garden, and Published by CHARLES KNIGHT and Co., 22, Ludgate Street, Publishers to the Poor Law Commissioners.

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. 55. CIRCULAR ISSUED JANUARY 1ST, 1846.

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.

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

I.—APPRENTICESHIP—OF POOR CHILDREN TO THE SEA SERVICE.

Oct. 6th, 1845.

Clerk of St. Alban's Union—Requested the advice of the Commissioners as to the best course of proceeding to get boys out as apprentices to the merchant service.

Ans.—It appears to the Commissioners that the guardians might advertise in the public papers if they have any lads fit for the service; and they might also communicate with the secretary of the Admiralty on the subject. It may be useful to direct the attention of the guardians to the Act which was passed last session, (8 and 9 Vic. c. 116,) "for the protection of seamen entering on board merchant ships." That act authorised the Committee of Council for trade and foreign plantations, from and after the 1st of September, 1845, to license agents for providing merchant ships with seamen. If the guardians have any lads ready to be apprenticed, they might inform such agents accordingly.

II.—BURIAL OF PAUPERS.

September 15th, 1845.

Clerk of Bridgwater Union—The board of guardians of the Bridgwater Union have been applied to by the board of guardians of the Williton Union, to give them an undertaking to repay the funeral expenses of all paupers belonging to parishes in the Bridgwater Union, who may happen to die in the Williton Union, whilst in the receipt of non-resident relief. Inquired, whether such an arrangement would be legal.

Ans.—The Commissioners are of opinion, that the funeral expenses of paupers belonging to the Bridgwater Union, who die out of it, cannot legally be repaid out of the poor-rates of that

union. The power of guardians to bury the bodies of poor persons at the charge of the rates is given by sec. 31 of the 7 and 8 Vic. c. 101. The words of that section are, "to bury the body of any poor person which may be *within* their parish or union respectively, and charge the expense thereof to any parish under their control," &c. If, therefore, the guardians of the Bridgwater Union were to give the undertaking sought by the guardians of the Williton Union, they would be clearly taking upon themselves an obligation which attaches to the guardians of the Williton Union, and this, without any authority to charge the expense upon any parish in the Bridgwater Union; for the power to charge only exists where there is a prior obligation or duty to bury.

---

2. Burial of Paupers.

Dec. 24th, 1845.

Clerk of ——— *Union*—The friends of a deceased pauper, who, up to her death, resided and was settled in the parish of B., applied to the relieving officer for a coffin for her, and he gave a note addressed to the Union contractors for a coffin accordingly, and also a note addressed to the parish clerk for the burial fees; which, as usual in such cases, was intended to comprehend the vicar's and the sexton's fees. The relieving officer, at the next meeting of the board of guardians, reported these orders, and the amount was allowed on the supposition that the burial had taken place in the church-yard of the parish, instead of in an unconsecrated burial-ground in the parish, as it afterwards appeared to have been the case. The relieving officer's note was handed over by the friends of the deceased to the sexton of the unconsecrated burial-ground, and on its production to the relieving officer he paid the fees to such sexton. Inquired whether these fees could, under the circumstances, be legally charged to the poor-rates.

Ans.—Under the 31st sect. of the 7th and 8th Vict. c. 101, the guardians may bury the body of any poor person, &c., and charge the expense *thereof* to *any* parish, &c., that is to say, they may charge the expense of the burial in cases in which they bury the body. The same section also enacts that, in all cases of burial, *under the direction* of the guardians, they shall pay the lawful fees. Consequently, their authority to charge the expense, and their obligation to pay the fees, depend upon the question, whether the body is buried by them or under their direction. In the particular case referred to in your letter, the Commissioners do not think that the body can be considered to have been buried by the guardians, or under their direction. According to your statement, all that the relieving officer did was to give to the applicants a note on the contractor for the coffin, and a note on the parish clerk for the fees. He gave no directions as to the place or mode of burial, and did not provide for the funeral in any way, beyond furnishing the coffin and undertaking to pay the fees. The Commissioners, therefore, think it cannot be said, either that he buried the body, or that the burial took place under his direction; and they accordingly consider that the terms of the 31st sect. do not authorise the payment of the fees or of any other expense connected with the burial in this case out of the poor-rates. The question then arises, whether any expense incurred in this matter can be regarded and charged as relief given to the friends of the deceased, who applied to the relieving officer for assistance. The Commissioners are not sufficiently acquainted with the circumstances of the case to be able to express any decisive opinion on this point. They think it right, however, to direct your attention to the decision in Reg. *v.* Steward, 12 Ad. and Ell. 773, which may, perhaps, bear upon the question.

---

3. Burial of Paupers.

Dec. 1st, 1845.

Clerk of ——— *Union*—One of the relieving officers of the Union having been applied to by a widow in receipt of out-door relief for assistance towards the burial of her child in a cemetery belonging to dissenters, refused to comply with the application, conceiving that he was not justified in giving assistance for the burial of paupers in any other place than the church-yard of the parish. Requested the Commissioners' opinion on the case.

Ans.—The 31st sec. of the 7th and 8th Vic. c. 101, certainly leaves it discretionary with the guardians whether they will or will not, in any case bury the body of a deceased person at the expense of the poor-rates. The terms of the section are, that "it shall be lawful" for the guardians to do so, not that it shall be compulsory. At the same time the Commissioners apprehend there could be no doubt that it is the duty of the guardians to exercise

this power, whenever a proper occasion arises: what is a proper occasion for its exercise, must, of course, be judged of according to the circumstances of each individual case. The Commissioners, however, will state generally, that in their opinion the guardians, in determining whether the burial of any person shall take place at the expense of the poor-rates, ought to be guided by a consideration of the *necessity* which may exist for their assistance in the case, and that where such necessity really exists, they ought not to withhold such assistance, solely on account of the religious persuasion to which the deceased may have belonged. With regard to the place of burial, the 31st sect. enacts that, except where the guardians direct the body of a pauper to be buried in the parish to which he was chargeable, "every dead body which the guardians, or any of their officers duly authorised shall direct to be buried at the expense of the poor-rates, shall (*unless the deceased person, or the husband or wife or next of kin of such deceased person, have otherwise desired*) be buried in the church-yard or other consecrated burial ground in or belonging to the parish, &c., in which the death may have occurred." The exception in italics appears to the Commissioners to have been intended to secure, on the part of the guardians, a due consideration of the wishes of the persons interested, and not to aid the guardians in establishing any undue distinctions between persons of different religious persuasions of the poor, which are entitled to respect. The Commissioners therefore consider that the relieving officer, in the case stated in your letter, acted very improperly in refusing to give the widow any assistance towards the burial of her child, except upon condition that the child should be buried in a place to which she conscientiously objected.

III.—CHARGEABILITY.

1. Certificates of.

Sept. 18th, 1845.

Clerk of Machynlleth Union—The parish of Machynlleth is divided into three places, each of which maintains its own poor, viz., the township of Is-y-garreg, the township of Uwch-y-garreg, and the town and liberties of Machynlleth. Inquired whether in filling up the form of certificate of chargeability (Schedule C, 7 and 8 Vic. c. 101) for any of these places it is necessary to strike out the word parish and substitute "township" or "town and liberties" as the case may be.

Ans.—The word "parish," as used in the form of the certificate in Schedule C, includes, according to the definition of the term in the Poor Law Amendment Act (sec. 109) any place maintaining its own poor. There would, consequently, be no incorrectness in retaining this word in the certificate, even with reference to a township, or other district, if it maintained its own poor separately. On the other hand the Commissioners consider that the substitution of "township," &c. for "parish," would not invalidate the certificate, and that it might be done accordingly without impropriety, if deemed desirable. The 69th sec. only requires the certificate to be "in the form *or to the effect* contained in the schedule." The substitution of "township," &c. for "parish" does not appear to the Commissioners to be necessary, except where some doubt or ambiguity might arise from the use of the latter term. Thus in your case, where the whole parish and part of the parish have the same name of the "town and liberties of Machynlleth," were it described as "the parish of Machynlleth," it would be uncertain what district was meant; and, therefore, it would be proper to alter the prescribed form of the certificate by inserting in place of the word "parish," a precisely accurate and unambiguous description of the district referred to.

---

2. Ditto.

Sept. 19th, 1845.

Clerk of Basford Union—It is the practice of the justices of Derbyshire and Nottinghamshire to require the attendance of the relieving officers upon questions of settlement, to prove the amount of relief administered by them to paupers about to be removed, as also to produce the certificate of chargeability provided by the 69 section of the 7 and 8 Vict. c. 101. Inquired, whether the attendance of the relieving officer in such cases is necessary; or, whether the certificate in question alone is not sufficient under the above section.

Ans.—The course taken by the magistrates is that which was requisite in all cases before the 5 and 6 Vict. c. 57, s. 17, and the 7 and 8 Vict. c. 101, s. 69, and is still requisite where certificates of chargeability under those statutes are not produced. Before these statutes, and now without such certificates, the chargeability of a pauper for the purpose of removal was and is a conclusion to be established by evidence of certain facts,

viz. the relief of the pauper in a certain manner. See the Queen *v.* the Inhabitants of High Bickington, L. J. v. 22, p. 3, p. 74. But the object of the statutes referred to, and as the Commissioners conceive the undoubted effect of them, is, where a certificate of chargeability is produced, to dispense with all detailed and specific evidence of the facts on which the conclusion of chargeability must otherwise be grounded; accordingly the Commissioners entertain no doubt, that where such certificate is produced, there is no legal necessity for the attendance of the relieving officer to prove the amount of relief administered. Where the relieving officer does so attend and proves the relief, then the certificate is unnecessary; for the certificate is not an additional proof required, but was only provided in substitution for the proof which was previously required.

IV.—CONTRIBUTION.—CHURCHWARDEN'S LIABILITY.

Sept. 18th, 1845.

Churchwarden of —— Inquired whether he, as churchwarden, was liable for the neglect of the overseers in not paying the contribution ordered by the board of guardians of the —— Union.

Ans.—By the 43 Eliz. c. 2, the churchwardens of every parish are expressly constituted overseers of the poor; and as such they are liable to the same obligations, and subject to the same responsibilities as other overseers. Generally speaking, therefore, you, as churchwarden, are equally responsible with your fellow-officers for the payment of the contributions required from your parish by the guardians of ———— Union; but what may be the extent of your liability in the present instance, the Commissioners, not being informed of all the circumstances, are of course unable to say.

V.—JERSEY.—APPREHENSION OF A PERSON IN.

Sept. 8th, 1845.

Clerk of Cerne Union—C. W. having gone to reside in Jersey, leaving his wife and four children chargeable to the parish of Cerne Abbas, inquired what steps will be necessary to give effect to a justices' warrant under the Vagrant Act, with a view to his apprehension at that place.

Ans.—The Islands of Jersey and Guernsey are only affected by English acts of parliament when specially named. The vagrancy laws do not, therefore, extend to those islands. For the same reason, the provisions of the several statutes for backing, in Ireland and Scotland, warrants issued by justices in England do not apply to them. There appears, therefore, to be no available remedy against C. W. described as having left his family chargeable to Cerne Abbas, while he continues to reside in Jersey.

VI.—LUNATIC PAUPERS.

Oct. 6th, 1845.

Clerk of Lymington Union—1. Inquired, whether a medical officer of one district in a Union is prohibited by the 48th sect. of the 8th and 9th Vic. c. 126, from certifying as to pauper lunatics residing in other districts in the Union. All the medical practitioners at Lymington are medical officers of the Union, with the exception of one, and he is an elected guardian of the Union. Inquired whether, in the event of the medical officer's not being allowed to give the required certificate, such medical practitioner, who is a guardian, would be allowed to do so. 2. A labouring man, whose wife is a lunatic, refuses to allow her to be brought before a justice for examination, and has stated his determination to resist any attempt to remove her to an asylum. Inquired whether the relieving officer, having the summons of the justice to bring the lunatic before him, can compel her attendance against the expressed determination of the husband that she shall not be examined or removed to an asylum.

Ans.—1. In the Commissioners' opinion, the 48th sec. prohibits every medical officer of every district in the Lymington Union from giving the certificate required, by the section, with reference to any lunatic pauper of any parish in that union. The terms of the section are, "such physician, surgeon, or apothecary, not being *the medical officer of such Union or parish.*" The Commissioners understand these terms to refer to the medical officer of the Union, where the parish to which the lunatic is chargeable is within a Union, and to the medical officer of the parish, where the parish is not within a Union. This distinction between parishes in union and parishes not in union, appears to the Commissioners to be the one kept up throughout the whole section. "The medical officer of *every parish and union* who, &c., that any person chargeable *to such parish* or to any parish *within such Union*, &c., to the overseer of the poor of the parish, *if the parish be not within a Union*, and to the relieving officer of *the Union*, *if the parish be within a Union*, &c." And the

Commissioners see no reason to doubt that the medical officer of a district within a Union is a medical officer of such Union, within the meaning of the section. The Commissioners do not think that he can be regarded as a medical officer of the parish, in the sense in which the section employs those terms. There is a parallel expression in the same section, viz., "the relieving officer of the Union, if the parish be within a Union;" which, certainly, as it seems to the Commissioners, cannot be construed as limited to those relieving officers who respectively act for entire Unions. The Commissioners, therefore, consider that in the case of a pauper lunatic chargeable to any parish within a Union, no medical officer appointed by the guardians of such Union can give the certificate mentioned in the section with reference to such pauper. The Commissioners, however, are not aware that the mere circumstance of a medical man being also an elected guardian of the Union would operate in law to prevent his giving the certificate referred to. 2. With regard to the case you allude to, in which the husband refuses to allow his lunatic wife to be brought before the justice for examination, the section provides as follows:—"And thereupon the said justice shall, by an order under his hand and seal, require the overseer or relieving officer of the parish or union to bring such person before him, or some other justice of the said county or borough, at such time and place (within three days from the time of such notice being given to such justice) as shall be appointed by the said order." If in the case in question the justice has made an order to this effect, it is clear that the husband, in opposing such order, would be resisting the law; and the Commissioners apprehend that the relieving officer would be justified in taking such measures as might be necessary to enforce obedience. At the same time the Commissioners direct your attention to the proviso, which relates to cases where the lunatic cannot, "on account of his health or other cause, be safely taken before any justice."

2. LUNATIC PAUPERS.

Nov. 27th, 1845.

Clerk of Devizes Union—A pauper who has been some time in the Union workhouse and considered a harmless idiot, refuses to speak or to take any nourishment. The board of guardians think it necessary to call in the aid of a medical man to see the pauper, with a view, if possible, to the application of a suitable remedy to his case. Inquired whether the board would be justified in giving remuneration to the medical man called in, and whether the amount should be charged to the common fund of the Union, or to the parish to which the pauper belongs.

Ans.—If the circumstances of the case are such as to render it necessary that medical advice should be obtained, in addition to that of the medical officer of the workhouse, the Commissioners think that the guardians would be justified in calling in the aid of another medical man, and paying him a proper remuneration at the expence of the particular parish to which the pauper is chargeable. As such additional assistance would be relief to the individual pauper, and the medical man called in for the occasion would not be an officer of the Union, the Commissioners see no ground for charging his remuneration on the common fund.

3. LUNATIC PAUPERS.

Dec. 12th, 1845.

Clerk of the —— *Union*—Several pauper lunatics belonging to this Union having to be removed from the county asylum, the clergyman of —— (in the absence of a justice) attended, and, in conjunction with a relieving officer and a surgeon, examined the paupers, and made the necessary orders for their removal. The clergyman demanded a fee of £1. 1*s.* for his attendance. Inquired whether he is entitled to such fee.

Ans.—The Commissioners are of opinion that the clergyman is no more entitled to any fee for these orders than the justice would have been if he had made them.

4. LUNATIC PAUPERS.

Sept. 26th, 1845.

Overseer of Rotherhithe Parish—The parish of Rotherhithe being under a Board of Guardians, and not within a Union, inquired whether it is the duty of the overseers, or of the relieving officer, to act in carrying out the 48th section of 8 and 9 Vic. c. 126.

Ans.—Looking to the phraseology of the section in question, the Commissioners are of opinion that, in the case of the parish of Rotherhithe, the statute requires the overseers of the parish, and not the relieving officer, to take the proceedings to which the section has reference. You will observe, in the first place, that the section requires the medical officer to give the notice "to the overseers of the poor of

the parish, if the parish *be not within a union*, and to the relieving officer of the union, if the parish *be within a union*." It then goes on to direct that "every such overseer and relieving officer, who shall have knowledge, &c. that any person chargeable *to the parish of such overseer*, or to any parish within *the union of such relieving officer*, &c." The only distinction here made is obviously that between parishes which are included within unions, and parishes which are not so included; and the same distinction, and that alone, is kept up throughout the whole section. For instance, provision is subsequently made for an examination of the pauper "by an officiating clergyman of the parish in which he shall be resident, together with an *overseer of such parish, or the relieving officer of the union* to which the same shall belong." It appears to the Commissioners, therefore, that where a parish is *not* within a union, even although it may be under a board of guardians, the overseers, according to the terms of the statute, are the parties whose duty it is to take the proceedings pointed out in the section. The Commissioners, of course, express no opinion as to the reasons which may have induced the Legislature to make this difference between unions and parishes under boards of guardians; they confine themselves to a statement of what appears to them to be the clear and obvious import of the language employed.

---

5. Lunatic Paupers.

Dec. 29th, 1845.

Mr. —— Inquired—1st, whether the appointment of medical officer to superintend lunatic asylums is vested in the board of guardians, it appearing to him to be the effect of the 8 and 9 Vict. cap. 126. s. 69; 2ndly, whether it is incumbent on them to make such appointment forthwith, or at any other time suiting their wants or convenience; 3rdly, whether he can (as a duly qualified surgeon) holding office as a guardian of the Union, be eligible for the appointment.

Ans.—The 69 sec. of the 8 and 9 Vict. c. 126, does not empower the guardians of a Union to appoint (as you seem to suppose) a "medical officer to superintend lunatic asylums," it merely enables them to appoint a physician, surgeon, or apothecary, "to visit and examine any or every pauper lunatic belonging to such Union, confined in any asylum, registered hospital, or licensed house." It appears to the Commissioners that the guardians of the —— Union are not bound to make any such appointment forthwith, but that they may wait until occasion arises. With regard to your legal competency to receive the appointment, being yourself a guardian of the Union, the Commissioners direct your attention to the 14 sec. of the 5 and 6 Vict. c. 57, which provides that "no person receiving any fixed salary or emolument from the poor-rates in any parish or Union, shall be capable of serving as a guardian in such parish or Union." If a person were appointed generally to visit and examine the lunatics of a parish or Union at a fixed salary, he would come within this provision. If the appointment were only for the occasion, the Commissioners do not think that it would be incompatible with the office of guardian.

---

6. Lunatic Paupers.

Dec. 4th, 1845.

Clerk of Newcastle-upon-Tyne Union — Requested the Commissioners' opinion and advice on the following case:—

On the 8th of September, 1845, two justices of the borough and town and county of Newcastle-upon-Tyne, made an order for sending to a licensed house for the reception of lunatics, situate within the borough and town and county, one J. R., an Irish woman, and she was accordingly sent thither, at the charge of the parish of All Saints, in the Newcastle-upon-Tyne Union, as being chargeable to that parish, no adjudication as to her settlement, nor order of maintenance having been at that time made. On the 10th of October following, the overseers of All Saints, having given to the clerk of the peace due notice as required by 8 and 9 Vic. c. 126, s. 59, made an application to two justices of the borough and town and county for an order under sec. 63, upon the treasurer of the borough, for the maintenance of the lunatic in the asylum, on the ground of her not having gained a settlement in England. The clerk of the peace appeared by his deputy, and the correctness of the notice, and that the lunatic had no settlement in England, were admitted; but the justices, alleging that inasmuch as no borough-rate was assessed or levied within the borough, they could not legally make an order of maintenance upon the treasurer, and refused to do so, until they had further legal advice on the case. Prior to the passing of the Municipal Reform Act, that portion of the present extended borough of Newcastle-upon-Tyne, comprised within the ancient corporate limits, and then designated "the town and county of

the town of Newcastle-upon-Tyne," formed a distinct county of itself, similar to Hull, and many other large towns; the mayor, recorder, and aldermen were justices of the peace, had a court of quarter sessions, appointed a county treasurer, and levied a county rate, which was applied to all the purposes to which a county rate was by law applicable. Since the passing of the Municipal Act, the justices of the borough and town and county have been appointed by the crown; they hold a court of quarter sessions, of which the recorder is the sole judge. It is true that no borough rate has, since the latter period, been assessed or levied, the funds of the corporation, together with fines imposed under their bye-laws having been found sufficient for, and have been applied to the maintenance of the gaol and house of correction, the payment of the expenses of prosecutions, and all other purposes to which by law a county rate is applicable. On reference to the interpretation clause of the beforementioned Act, it will be found thus:—"*County*" shall mean every county, riding, and division of a county, *county of a city, county of a town*, &c. "*Borough rate*," shall mean a borough fund or rate, and any funds assessed upon or raised in, or *belonging to any borough*, and applicable to the purposes to which borough rates are applicable. "*County rate*" shall mean a county rate, and any funds assessed upon, or raised in, *or belonging to*, any county in the nature of county rate, and applicable to the purposes to which county rates are applicable. Taking these three clauses together, the overseers submitted to the justices that the borough fund, although not raised by assessment, yet as *belonging to* the borough, was applicable to the maintenance of the lunatic, and that they therefore ought to make the order applied for. On the part of the clerk of the peace it was contended, that the justices could not, consistently with the following portion of the interpretation clause, make an order upon the treasurer of the borough, as he had not the custody of any money raised by a borough rate,—"*Treasurer of the borough*" shall mean every officer who has the custody of any moneys raised by a borough rate.

Ans.—The Commissioners understand that, on the 8th of September, 1845, J. R. was sent by an order of two justices of the borough of Newcastle-upon-Tyne, from the parish of All Saints, which is within that borough, and to which she was then chargeable, to a licensed house for lunatics, situated within the borough. This, it would seem, the justices referred to were quite competent to do, as the 48th section of the 8 and 9 Vic. c. 126, gives authority to act in such cases, to any "justice of the county or borough" within which the parish whence the lunatic is sent may be situate. The questions then arise, Who is liable for the costs of the pauper's maintenance in such licensed house? And how is that liability to be enforced? It is stated that J. R. is an Irish-woman, and has gained no settlement in England. If showing that the lunatic has no settlement at all, is to be regarded as tantamount to establishing "that it cannot be ascertained in what parish such lunatic is settled," the Commissioners are disposed to think that the case comes within the scope of the 59th section. That section, it is true, refers to *counties* only, and *not to boroughs;* but as Newcastle-upon-Tyne, under the combined operation of the 5 and 6 Will. 4, c. 76, and 2 and 3 Will. 4, c. 64, is not only a "borough," but also a "county of a town," and as the word "county," in the 8 and 9 Vic. c. 126, (see sec. 84,) includes a "county" of a town, it appears to the Commissioners that Newcastle-upon-Tyne is subject to the provisions of sec. 59, as a "county," though it would not have been so merely as a "borough." Under these circumstances the Commissioners think, that the justices of the county of the town of Newcastle-upon-Tyne are bound to adjudge J. R. to be chargeable to that county. The 63rd section applies to cases in which, after a lunatic has been sent to a licensed house, "it shall be ascertained or adjudged in due course of law, that such lunatic is chargeable to a county." It is, therefore, applicable to the case of J. R., and its provisions, so far as they bear upon that case, are as follows:—"It shall be lawful for any two justices of the county in which such licensed house is situate, to make an order or orders upon the *treasurer of such county* so chargeable as aforesaid, for payment to the treasurer of the guardians of any Union, of all expenses incurred by such Union in or about the examination of such lunatic, and his conveyance to the licensed house; and of all moneys paid by the treasurer of the guardians of such Union to the proprietor of the licensed house, for the lodging, &c. of such lunatic, and incurred within twelve calendar months previous to the date of such order, and also for payment to the proprietor of the licensed house, of the reasonable charges of the future lodging, &c. of such lunatic; and *every such treasurer of a county*, on whom any such order shall be made, shall, *out of any moneys which may come into his hands*

by virtue of his office, immediately pay to the treasurer of the guardians of such Union the amount of the expenses and moneys by such order directed to be paid to him, and from time to time pay to the said proprietor of the licensed house the future charges aforesaid." It is stated that the licensed house to which J. R. was sent, is situated within the county of the town of Newcastle-upon-Tyne; consequently, the justices of that county may make the order in the case as is referred to in the provision recited above. That order must be made "upon the treasurer of such county." Some doubt appears to be raised, in the present case, as to whether there is any such officer, within the meaning of the statute, in Newcastle-upon-Tyne; and reference is made in support of such doubt, to the interpretation clause, sec. 84. In that clause it is enacted, that the words "treasurer of the county" shall mean every officer who has the custody of any county rate; and that the words "county rate," shall mean a county rate, and any funds assessed upon, or raised in, or belonging to, any county, in the nature of county rates, and applicable to the purposes to which county rates are applicable. The Commissioners understand that there is an officer who acts as the treasurer of the county of the town of Newcastle-upon-Tyne, and who, when any rates in the nature of county rates are raised in that county, has the custody thereof. In order to render such an officer a "treasurer of the county," within the meaning of the Act, it does not appear to the Commissioners to be necessary that the proceeds of a county rate should be in his hands at any particular moment; it seems to them to be sufficient, if such a rate is capable of being made within the county, and if such rate, when made, would be confided to the custody of the officer in question. The Commissioners accordingly consider that the justices of Newcastle-upon-Tyne are authorised, and therefore bound to make such an order as the case requires, upon the treasurer of that county, and that such treasurer will be bound to make the payments "out of any moneys which may come into his hands by virtue of his office."

---

7. LUNATIC PAUPERS.

Oct. 24th, 1845.

Overseers of Mile End New Town Hamlet, Whitechapel Union—B. S., a lunatic, with his children, became some time since chargeable to the hamlet of Mile End New Town. He is wholly maintained in a lunatic asylum at the expense of the hamlet, and his children receive weekly relief. It has been ascertained that he is possessed of about £900 stock in the Bank of England, on which there are several years' dividends due, and that he is also entitled to a freehold house in which his mother resides, who takes care of his children who reside with her, in consequence of which they receive less relief than if they were at the expense of a lodging. The cost of the maintenance of the lunatic and the relief to his children would wholly exhaust the dividends to arise from the Bank stock, and the rent of the house if let to a tenant. Inquired whether the justices could make an order on the governor and company of the Bank of England under the authority of the Act 7 and 8 Vict. cap. 101, sec. 27, to pay over the dividends due and to become due on the stock, and to empower the overseers to let the house. The words of the section seem to refer to the case of an insane person, &c., having an estate *more* than sufficient to maintain his family, &c.

Ans.—It is certainly very desirable that this property should be made available for B. S.'s maintenance; but the question is how that can be done. As regards the stock, and the dividends due thereon, it must be observed, that the first part of the 7 and 8 Vict. c. 101, sec. 27 cannot apply to them, inasmuch as such stock and dividends are not money, nor goods and chattels capable of being seised. The latter part of that section would, however, *empower* the governor and company of the Bank of England to pay the dividends to the overseers of the poor of the hamlet, or to the guardians of the Whitechapel Union, in discharge of the cost of the maintenance of the lunatic. Such a proceeding would, however, be quite voluntary on the part of the governor and company, and no order could be issued to compel them to adopt it. In regard to the house, the Commissioners observe, that it does not appear that *any rent* is received in respect of it with which the justices can deal under the section above referred to, while it certainly is not shown that the case is one to which the clause is applicable in regard to the sufficiency of the estate for the maintenance of the family.

---

8. LUNATIC PAUPERS.

Oct. 7th, 1845.

Clerk of Totnes Union—The board of guardians are in doubt whether the 48th sec. of the 8 and 9 Vic. c. 126, taken in conjunction with the interpretation of the word "lunatic" in sec. 84 of that act, renders it imperative that every pauper of unsound mind, however harmless and however unnecessary it might be to confine him, should be at once sent to the county asylum. While the provisions of the act seem to contemplate the removal of every pauper of unsound mind, some of the forms in the schedule to the act refer to lunatics maintained in places other than asylums. Requested the Commissioners' opinion for the guidance of the board of guardians.

Ans.—The Commissioners in Lunacy [with whom the Poor Law Commissioners have communicated upon the subject] concur with the guardians of the Totnes Union, in thinking that the requisitions of the statute will be satisfied if such lunatics, idiots, and persons of unsound mind, only, as their medical officer may deem "proper to be confined," (agreeably to the express terms of the order and certificate set forth in Schedule E. No. 1,) shall be sent to an asylum.

---

9. LUNATIC PAUPERS.

Dec. 5th, 1845.

Clerk of Honiton Union—Several pauper lunatics have been lately taken before the justices of the Woodbury Division, in which a part of this Union lies. The clerk to the justices has made in each case a charge of 10*s.*, and on being applied to by the board of guardians for the particulars of the charge, he disputed the right of the board to question it, and declined to furnish any particulars. Inquired whether the board are bound to pay this charge without such particulars.

Ans.—The Commissioners think that the guardians and their officers, having no authority to expend the moneys committed to their charge, except for definite and legal purposes, are bound to ascertain that any payments they may be called upon to make, are lawful before they make them, and that they ought therefore to refuse compliance with any such demand as that which you refer to, if the nature and the grounds of it be not specified.

Dec. 23rd, 1845.

Clerk of the same Union—Transmitted the following account furnished to the guardians by the clerk to the justices,—"Order for bringing up lunatic: examination before the magistrate: certificate of medical man: filling up particulars as required for the signature of the relieving officer: and order for admission. In each case, 10*s.*"—(there being three cases) £1. 10*s.* Inquired whether the guardians were bound to pay this charge without a more specific account.

Ans.—The legality of the demand made by the justices' clerk for the fees alluded to, depends entirely upon the question, whether such fees are authorised by the table of fees established for the district under the 26 Geo. 2, c. 14. The only mode of ascertaining this, would be by a detailed comparison of the specific charges made by Mr. C., with the items included in such table. The Commissioners observe that in each of the cases comprised in Mr. C.'s account, there are five distinct documents charged for, and only one sum (10*s.*) charged. This sum may be either the amount of a single fee allowed by the table for the whole of these documents collectively, or the total amount of separate fees allowed by the table for the several documents respectively.

---

10. LUNATIC PAUPERS.

Dec. 18th, 1845.

Clerk of Chepstow Union—Inquired, if the Commissioners would issue some general instructions on the new duties which are imposed on the relieving officers of unions, by the 48th section of the 8 and 9 Vic. c. 126, in regard to lunatic paupers; and observed that the Act does not distinguish the relieving officer of one district from that of another.

Ans.—The enactment referred to, is express in its terms as to the duties of the relieving officer; and no power of making regulations for carrying it into effect, is given to the Poor Law Commissioners. They will, however, be ready to give their opinion on any particular case in which difficulty may occur in this respect. With regard to your remark, that the Act does not distinguish the relieving officers of the several districts in a union, that remark is correct; but the above-mentioned duties would naturally seem to belong to each relieving officer in respect of the chargeable lunatics residing in his district, and probably this will be generally understood; although it must still be borne in mind that, by the terms of the Act, the duty is imposed generally on all the relieving officers in the union.

---

11. LUNATIC PAUPERS.

January, 1846.

Medical Officer of ——— *Union*—Inquired—1st, whether it is necessary to make a quarterly return of the names of those lunatics who are not dangerous, but who have been placed in the workhouse because they had no

friends or relations either capable or willing to take charge of them. 2nd. Whether in a case where the son is a medical officer of the Union, and in partnership with his father, who holds no union appointment, the father would be competent to give certificates affecting lunatics residing in or belonging to the Union.

Ans.—The quarterly lists of lunatics to be made by medical officers of Unions for their respective districts, under the 55th section of the 8th and 9th Vic. c. 126, are to include "every pauper lunatic chargeable to any parish, who shall not be in an asylum, or a registered hospital, or a house duly licensed for the reception of pauper lunatics." Consequently the list must comprise all pauper lunatics in union workhouses. The Commissioners think that the restriction placed by the 8th and 9th Vic. c. 126, and also by the 8th and 9th Vic. c. 100, sec. 48, upon medical officers of unions in regard to certificates as to pauper lunatics, does not extend to any other person even where such person may be in partnership with any such officer.

12. LUNATIC PAUPERS.

Dec. 24th, 1845.

Clerk of Bedminster Union — Inquired whether in the case of an in-door pauper alleged to be lunatic, the medical officer should give the notice to the master of the workhouse or to a relieving officer; and whether it is the duty of a relieving officer to take any steps on the receipt by him of notice from the medical officer that a pauper in the workhouse is lunatic. Inquired also whether the board of guardians are now authorised to send pauper lunatics to an asylum without an application to justices.

Ans.—The 48th sec. of the 8th and 9th Vic. c. 126, draws no distinction between lunatic paupers receiving out-door, and those receiving in-door relief; and consequently both classes must be dealt with under that section in the same manner. The Commissioners are of opinion that the guardians have no authority to send a pauper lunatic to an asylum otherwise than under the provisions of the Act.

13. LUNATIC PAUPERS—CONSTRUCTION OF 8 AND 9 VIC. C. 100, SEC. 126.

Dec. 23rd, 1845.

Clerk of Conway Union—A lunatic (or an idiot), in destitute circumstances, was found wandering in the parish of Eglwysrhos in the Conway Union, but it has not been possible to ascertain his name or where he comes from, as he cannot give any account of himself, or, in fact, give a coherent answer to any question put to him. There is no county asylum for the county in which the parish of Eglwysrhos is situate, and there will be a difficulty in obtaining an order from a justice for admission into Haydock Lodge, or any other licensed house, in consequence of the inability to make the statement, and give the particulars required in Schedule E, annexed to the 8 and 9 Vic. c. 126. And it is apprehended that if an order were made for a person "name unknown," and omitting the other particulars required, he would not be received into any licensed house, as the 8 and 9 Vic. c. 100, s. 48, provides that no pauper shall be received without an order and statement to that effect, according to the form in Schedule D. Requested the Commissioners' advice as to the proper course to be adopted under the circumstances. Inquired also whether it will be necessary that a medical man, not being the medical officer of the Union, should sign the requisite certificate, as there is no medical man besides the medical officer residing within the Union.

Ans.—The above questions were submitted by the Poor Law Commissioners to the Commissioners in Lunacy, who gave the following answer thereto:—"The provision of the Act will be satisfied if the statement appended to the order of admission be filled up, so far as the particulars required to be inserted are known, or can, without difficulty or delay, be ascertained. It very frequently happens, especially in the case of paupers, that the statement is of necessity imperfectly filled up. The lunatic referred to may be properly described as of 'name unknown.' With reference to the question of medical certificates, the 48th section of the Act is imperative. The certificate cannot legally be signed by medical officers of the union from which the pauper is sent. A certificate must be obtained from some medical man not connected with that union.

VII.—PERAMBULATION OF PARISHES—7 AND 8 VIC. C. 101, SEC. 60.

Nov. 27th, 1845.

Mr. E. Murrell, District Auditor—The overseers of the parish of ——— have entered in their accounts the following charges incurred in the perambulation of the parish:—"Four constables, £2; S. and J. N., axe carriers, £1. 6*s.*; banner, £2. 12*s.*; band, £7; wands, 8*s.* 6*d.*; beer, constables, 5*s.*; man swimming through lake, 12*s.*; cups, 18*s.* 6*d.*; horses, 18*s.*; Preston, 10*s.*; Vines, £1; refreshments, £45. 17*s.*; Matthews, 15*s.*; Gregory, £1. 2*s.*; boys, 3*s.*; Mr. P. £4. 4*s.*; Garn, 10*s.*; ringers, £1. 1*s.*; man and paint, and constable, 16*s.*; Mr. P. 2*s.* 6*d.*; waiters, £1;—together, £73. 0*s.* 6*d.*" As this amount appears to be unreasonable, and several of the charges unnecessarily incurred, requested the opinion of the Commissioners, as to how far he would be justified, under section 60 of the Act 7 and 8 Vic. c. 101, in allowing the above charges in the overseers' account.

Ans.—The expenses which may be allowed for this object in the overseers' accounts, under the authority of the statute referred to (sect. 60) are "all expenses properly incurred by the same officers (*i. e.* officers of the parish) on the perambulation of the parish, and in setting up and keeping in proper repair the boundary stones of the parish (provided that such perambulations do not arise more than once in three years)." By the words "properly incurred on the perambulation," are meant, as the Commissioners conceive, such expenses as are fairly incident to the ascertaining the boundaries of the parish by the officers, and are in their nature necessary and unavoidable. Thus any reasonable payment to any person whose evidence or services on such an inquiry might be actually necessary, would, the Commissioners consider, be properly incurred. So also the cost of necessary refreshments to the persons employed by the officers, and provided during the progress of the perambulation, would probably be held to be allowable under the section. The Commissioners apprehend that by far the larger portion of the charges incurred in the present instance are not such as the statute authorises. It is not apparent to the Commissioners that the use of banners, the attendance of a band of music, or the employment of ringers, are legal or reasonable requisites on the occasion of a perambulation. The Commissioners are led to suppose, from the large amount of the item in the bill for refreshments, that the practice which formerly prevailed in some parishes of providing an expensive entertainment to the officers and others, has been followed on the present occasion. If so, they conceive that such an expenditure is quite unauthorised, that it is not, in the words of the statute, "properly incurred." There are other items in the bill which, in the absence of explanation, seem open to objection. Such are the payments made to sundry persons, without a statement of the particular service rendered by them. The Commissioners would observe, generally, that where the expense incurred is in its nature a proper one, the reasonableness of the amount must be judged of and determined by yourself, having regard to the circumstances of each case, as the law does not invest the Commissioners with any power to control your decision, except where the lawfulness of the grounds of such decision are impugned, and the case is brought before the Commissioners by appeal, under 36th sect. of 7 and 8 Vic. c. 101.

VIII.—RELATIONS.

1. ORDER FOR MAINTENANCE.

May 19th, 1845.

Clerk of Milton Union—C. M. and his wife have become chargeable to a parish in this union. C. M. has a family both by a former and his present wife, three of whom, one by his first, and two by his present wife, are contributing, under orders of justices, towards the support of their father and mother. C. M.'s wife has also a son, W. D. by a former husband, who is in possession of considerable freehold property, and at the time of making the orders alluded to, he also appeared before the justices, and voluntarily offered to contribute one shilling per week towards his mother's maintenance, which the justices acquiesced in, having some doubt whether they could legally make an order on him to support his mother, in consequence of her being a married woman. W. D. has paid the shilling a-week for a short time, but he now refuses to do so, alleging inability. The board of guardians, however, do not consider this a valid excuse, and are desirous of obtaining an order of justices to compel the payment. Inquired whether under the circumstances stated, such an order would legally be made.

Ans.—The Commissioners are not aware of any ground for supposing that the mere circumstance of Mrs. M. being a married woman would release her son from his liability to contribute to the extent of his means towards her support, under the 43 Eliz. c. 2, s. 7.

August 13th, 1845.

Clerk of same Union—The justices, requiring the production of authorities in support of the liability of W. D. to contribute towards the maintenance of his mother, requested the Commissioners to refer the guardians to such author-

ities. The justices contend that, in consequence of Mrs. M. being a married woman, W. D. cannot contribute towards her exclusive support, and that she could not if required give a legal discharge for such contribution. If the Commissioners should still be of opinion that W. D. is liable to support his mother, inquired whether the order should be in favour of the guardians, or the churchwardens and overseers. Inquired also whether, in cases where the guardians intend to apply for orders of maintenance, it is the safest way in all cases to receive the parties requiring relief into the workhouse previous to taking any steps to obtain an order.

Ans.—The Commissioners are not aware of any case in which this point has been decided by the courts; after consideration of the subject, however, the Commissioners retain the opinion which they expressed in their letter of 19th May last. With regard to the arguments which appear to have weighed with the justices that Mrs. M. cannot give a legal discharge for a contribution under the order, the Commissioners would observe that they do not see what discharge (assuming the order were made) she would be required to give. The order could not be made at all, unless Mrs. M. be actually chargeable to the parish, then the order would be in favour of the churchwardens and overseers of the parish, (Rex *v.* Tripping, 1 Bott, 430, Reg. *v.* Toke, 8 A and E, 227,) and therefore the person to give the discharge for the payments under the order would be the churchwardens and overseers. The order would, the Commissioners apprehend, confer no right on Mrs. M., it would simply be an indemnification of the parish against the charge. The Commissioners conceive that the order could not be legally made in favour of the guardians of the union. The chargeability (the foundation of the order) should be a lawful chargeability, and to effect this, the relief given in the case should be lawful relief. The relief, to be lawful, must be in conformity with the orders of the Commissioners in force in the union; relief in the workhouse would, under any circumstances, be lawful relief, though relief out of the workhouse would be equally so in those cases which constitute the exceptions to Art. 1 of the Prohibitory Order.

IX.—RELIEF.

1. To Railway Labourers.

Sept. 27th, 1845.

——— In consequence of the railway running through the parish of Ringwood, a number of excavators are already employed, and many more will be required in constructing the line for some considerable period. Inquired—1st, what steps should be taken in case such men or their families become destitute and require relief in the Union, through accident, sickness, or other cause. 2nd. Whether the relief that may be given should be charged to the parish of Ringwood alone, (that parish being the only one that will ultimately derive an advantage from rating the railway,) or generally against all the parishes in the Union. 3rd. Whether if any accident should happen in an adjoining extra-parochial place, the master will be bound to receive the person disabled into the workhouse on an application being made for that purpose.

Ans.—The parish in which a man or his family are destitute, is liable for their relief so long as they remain destitute within that parish, or until they are legally removed therefrom. But if the accident happen in an extra-parochial place, there is clearly no fund there on which the relief of the man can be charged. In such a case the parish into which the man was first brought in a destitute condition would be liable while he remained there, the same as if the accident happened in the parish. There is no general fund on which the relief of this class of paupers can be charged, and the probable future assessment of the railway, in the parish of Ringwood, furnishes no ground whatever for charging the relief to that parish, if the accident happen in another.

---

2. Recovery of Relief by way of Loan.

August 14th, 1845.

Clerk of Witham Union—Inquired whether the board of guardians had the power to compel the overseers or an assistant overseer to take proceedings for the recovery of relief granted by way of loan.

Ans.—The 59th sec. Poor Law Amendment Act, enables the justices to proceed in the recovery of loans "upon the application of the overseers or guardians of the parish or union providing the relief." The terms would apparently render it competent either to the guardians of the union, or to the overseers of the particular parish charged with the relief given to the pauper, to make the necessary application for the recovery. At all events, the guardians are empowered to do so, and an application by any officer whom they may duly authorise for the purpose (see 7 and 8 Vic. c. 101, sections 68 and 69,) would be a good application. But the Commissioners do not perceive that the law has invested the guardians with any powers of compelling the overseers to act in the recovery; and if the guardians have no authority in this respect over the overseers, neither would they have over an assistant overseer appointed under the 59 Geo. 3, c. 12.

---

3. Non-resident Relief Order.

Nov. 28th, 1845.

Clerk of —— Union—Urging the Commissioners to make their general orders relating to non-settled and non-resident relief obligatory on all Unions, with a view to securing greater accuracy in the accounts and better supervision of the poor.

Ans.—The Commissioners cannot compel one board of guardians to become the agent or to employ the agency of another board of guardians, in administering non-resident relief to any pauper. The order of the Commissioners only declares that if a board of guardians of a Union undertakes to administer relief to a non-settled poor person resident therein, on behalf of another board of guardians, or authorises relief by any other board of guardians on their behalf, to a non-resident pauper, certain regulations which are laid down in that order shall be observed. The order, however, does not prevent the guardians from transmitting relief to a poor person who is non-resident, in cases where the same may be lawfully given through any private channel, or any means other than the officers of another Union.

---

4. Relief to a Pauper whose Wife is possessed of Property.

Sept. 6th, 1845.

Clerk of the Dolgelly Union — A pauper named T. J. S., and his children, have become chargeable to the parish of Llanegryn in this union, and are likely to remain so: the pauper's wife is in the actual receipt of an income from lands and houses of about £80 a year clear, settled upon her (as is believed) beyond the control of her husband. The pauper and his wife have been separated about two years, and she refuses to contribute anything towards the support of her children; but she offers to take and maintain three of the children, which offer is refused on the part of the husband, because she is an habitual drunkard; and she recently so abused her eldest child that she was bound over to keep the peace. Inquired—1. Whether under the circumstances the board of guardians are empowered to proceed against the pauper's wife, under the Vagrant Act, or any other act, in order to compel her to contribute towards the support of her children. 2. Whether the board can legally compel the pauper to deliver up any of his children to his wife, or to any other person, there being no workhouse in the union in which they can be placed.

Ans.—1. The Commissioners consider that T. J. S.'s wife cannot be proceeded against under the Vagrant Act, or any other statute, for the omission or neglect to maintain her children. Such neglect on her part is not legally an offence, inasmuch as, her husband being alive, the legal obligation to maintain attaches to him. The case would, of course, be different as regards the question of liability, if the circumstances were such as to bring it within the 25th sec. of 7 and 8 Vic. c. 101. 2. The board of guardians have clearly no power of compelling T. J. S. to deliver up his children to his wife, or to any other person for the purpose of maintenance. The father of a child is entitled to the custody of it, though this right to the possession is subject to the control of the Court of Chancery; but the reported cases show that that court will not interfere where there is nothing to prove that the custody of the father is improper.

---

5. General Order respecting Non-resident Relief.

August 14th, 1845.

Relieving Officer of Preston Union—Inquired whether, under the General Order relating to non-resident relief, the repayment of the relief advanced by other unions to the non-resident poor of this union, should be included in his account for the quarter in which the relief is given, or in the following quarter, when the repayment of such relief is actually made by him.

Ans.—Where the relief to a non-resident pauper is paid through the relieving officer of the board of guardians allowing such relief, the pauper's name will appear in the relief list kept by such relieving officer, as a matter of course; and such relief will be charged by the relieving officer to the parish to which the pauper may belong, in the same way as relief to a resident settled pauper would be. But where such relief is paid by cheque, or by other means, as prescribed by the Commissioners' order relating to non-resident relief, it is clear that the relieving officer of the

union to which the paupers relieved may belong, has nothing whatever to do with the matter; and after the proper authority on the minutes the relief will be a credit to the treasurer, and a debit to the parish against which it is charged. In fact, you will only have to enter in your books the cases of those paupers belonging to other unions, but residing in your district, whose relief goes through your hands: this will not be the case with those belonging to your district, but residing in other unions, who are relieved in accordance with the terms of the order by the relieving officers of other unions, and whose relief is repaid through the treasurers of the respective unions. The relief granted to non-resident and non-settled paupers should be charged in the account of the quarter during which the payments for such relief is actually made. The true dates of the payments should always appear.

X.—REMOVAL.

1. RESOLUTIONS PASSED AT A MEETING OF THE BOARD OF GUARDIANS OF THE STRAND UNION, HELD ON 9TH DECEMBER, 1845.

"That heavy and oppressive expenses have been heretofore incurred by unions and parishes in the metropolis in respect of appeals against removals, founded on technical objections, and not on substantial merits—that this board, with a view to avoid such unnecessary outlay, and to the establishment of that friendly and rational intercourse between unions and parishes, by which their mutual interests may be secured, have resolved, that in future no appeal shall be commenced or opposition determined on, until the facts and circumstances of such appeal shall have been submitted to, and fully considered by this board, by whom it is further resolved that every equitable means shall be adopted to avoid litigation and the inevitable expenses consequent thereon.

"That this board, in the spirit of the foregoing resolution, desires it may be communicated to the unions and parishes in and near the metropolis, that in future every case in which the settlement may clearly appear to be in any parish in this union, this board will accept such case without imposing upon the parish to which the same is chargeable, the trouble and expense of removing the parties according to the formalities of law; and this board earnestly invites other unions and parishes to pursue the same amicable and beneficial course, whereby heavy burdens on the rates may be avoided, and a friendly feeling between unions and parishes cultivated and maintained."

2. REMOVAL.—JURISDICTION OF JUSTICES.

August 5th, 1845.

Clerk of Atcham Union—The Atcham Union, comprising forty-three parishes and townships, separately maintaining their own poor, is situated in the counties of Salop and Montgomery. Two of those townships only, viz., Bauseley and Criggion, are in the latter county: and the workhouse of the union is situate in the former. A pauper in the workhouse, chargeable to Bauseley, but having a legal settlement in a parish not within the union, is now ill; and it is doubtful whether he can, at present, be removed therefrom with safety. The petty sessions for the division of Montgomery, in which Bauseley is situate, is held at a greater distance from the workhouse than the place of the pauper's settlement. Inquired—1. Whether two justices for the division of the county of *Salop*, in which the workhouse is situate, can make an order for the removal of the pauper to the place of his settlement, and suspend the execution thereof, if found necessary. 2. Whether two justices for the county of *Montgomery* can make an order for such removal at the said workhouse. 3. Whether in case the pauper is unable to attend the petty sessions to be examined, can such examination be taken at the workhouse by a justice for the county Salop, and reported to the justices in petty sessions for Montgomery; and if so, whether the report must be made in person, or by writing.

Ans.—1. The justices of Salop, in which county the workhouse of the Atcham Union is situate, would have no power to make an order for the removal of the pauper to the place of his settlement, inasmuch as the township to which the pauper is chargeable, and which can alone make the necessary complaint, is not within the jurisdiction of the justices of Salop. 2. The Commissioners apprehend that the justices for the county of Montgomery are competent to make the order: to give them jurisdiction, it is necessary that the pauper should be inhabiting in, and chargeable to some parish or township in the county of Montgomery. It is stated that the relief given to the pauper is charged to Bauseley, which is in the county of Montgomery. Then, though the workhouse in which the pauper is at present maintained is actually situate in the county of Salop, still by virtue of sec. 56 of

7 and 8 Vic. c. 101, the pauper is constructively inhabiting in Bauseley. That section enacts that for "the purposes of relief, settlement, and removal of poor persons, &c., the workhouse of any union, &c., shall be considered as situated in the parish to which each poor person respectively to be relieved, removed, &c., is or has been chargeable." This constructive residence is, therefore, rendered sufficient to give the justices jurisdiction in making the order of removal. 3. Presuming the pauper to be unable from sickness to attend before the justices of Montgomery for this purpose, the Commissioners are not aware that the justices of Salop are empowered to take the examination, and report to the justices of the former jurisdiction. The provision contained in the 49 Geo. 3, c. 124, s. 4, only enables a magistrate of the district where an infirm or sick pauper may be, to take the examination of such pauper and report the same to two magistrates acting for the same district. It does not extend to enable justices acting for another jurisdiction to act upon such report. The Commissioners are not, however, prepared to say that the power might not be usefully extended to meet such a case as you have brought under their notice.

XI.—SMALL POX.—AS TO THE PROPRIETY OF SENDING A PERSON LABOURING UNDER SMALL POX INTO A WORKHOUSE.

Sept. 27th, 1845.

Clerk of —— Union—The child of a male vagrant who had been lodging for several nights at a vagrant house in the borough of L. was found to be labouring under small-pox of a malignant kind. This becoming known caused alarm, and both the parent and child were turned out, or threatened to be turned out of doors by the keeper of the house. The overseers, on finding the vagrant and his child in a sad state of destitution, and about to be, or, as has been reported, actually turned into the street, at once caused both father and child to be conveyed to the union workhouse. The master on their admission placed them in a ward within the walls of the workhouse, but somewhat detached from the main building. Notwithstanding this caution, several cases of small-pox occurred in the workhouse in consequence of the introduction of the child in question, and in two instances it proved fatal. The guardians generally are of opinion that the child ought not to have been sent into the workhouse. At the same time they are not aware of any statute or of any order of the Commissioners prohibiting the admission of paupers labouring under contagious diseases into the workhouse. Inquired whether the overseers of L. were justified in conveying the child under the circumstances to the workhouse, and if not, what course they should have taken in reference to the case.

Ans.—The Commissioners cannot but lament the introduction of this case of small-pox into the workhouse of a union, especially as the most serious consequences appear to have resulted from it. But they do not see that the overseers of L. necessarily adopted an improper course in sending the paupers to the workhouse in the circumstances in which they were placed. The case being one of sudden and urgent necessity, the overseers were bound to relieve the paupers, who manifestly could not be left in a state of destitution where they were: the workhouse being the lodging which the law most especially puts at the disposal of the overseers, it appears to the Commissioners that the overseers acted rightly in sending the paupers there, if, as would seem likely, it was very difficult if not quite impracticable, to obtain lodging for them elsewhere. The man and his child could not be left to die in the street, merely because the child was suffering from small-pox. If the overseers had altogether neglected the case they would have acted both inhumanly and illegally, and would have incurred very serious responsibility by so gross a dereliction of their duty; and the Commissioners, as at present informed, do not see what other course the overseers could adopt in dealing with the case than the one which they actually pursued. If there was any small-pox hospital to which the child might have been sent, that would certainly have been preferable, but the Commissioners presume that there was no such institution within reach. The occurrence of this case shews two things. 1st. The extreme importance of promoting vaccination by all means in the power of the guardians. 2ndly. That it is of the utmost consequence that provision should be made at the workhouse by separate infectious wards for the reception of cases of this description without endangering the health of all in the house.

XII.—VAGRANTS.

1. REFUSING TO LEAVE THE WORKHOUSE.

September 8th, 1845.

Clerk of Tonbridge Union—Stated that tram

and Irish vagrants, usually relieved in the workhouse, are in the constant practice of refusing to leave the house when required to do so, and requested the Commissioners' directions as to how the guardians should act in regard to such cases.

Ans.—To meet cases of this class of paupers, the guardians should be enabled to rely on their arrangements for setting voluntary paupers to work, as a protection against the burden of maintaining them permanently. But when the guardians are satisfied that a claim to relief is wholly unfounded, and that the applicant has the means of self-support, it is open to them to refuse relief, or the continuance of relief, and to remove the applicant from the workhouse, for which purpose, if resistance is offered, they will be justified in the use of the necessary force. Probably, however, it will rarely be the case that vagrants and tramps have the present means of supporting themselves; and when they have not, it will be necessary to set them to labour. The Commissioners cannot, in general, recommend that recourse be had to ejecting the person from the house. If a definite offer of work be made at wages sufficient to maintain a pauper, and that is refused, such a person is of course punishable as a vagrant.

---

2. SETTING VAGRANTS TO WORK IN WORKHOUSE.

Clerk of the Bicester Union—1. The 5th and 6th Vic. c. 57, sec. 5, enacts that "it shall be lawful for the guardians, &c., to prescribe a task of work to be done by any person relieved in any workhouse, in return for the food and lodging afforded to such person." Inquired whether in case of any wayfaring paupers accepting "*lodging*" but refusing "*food*," they can be legally required to perform a reasonable task of work. 2. The some section provides that "it shall not be lawful to detain any person against his will, for the performance of such work for any time exceeding four hours from the hour of breakfast in the morning succeeding the admission of such person into the workhouse; and if any such person refuse or neglect to perform such task of work, &c., he shall be deemed an *idle and disorderly person*." Inquired whether any such wayfaring pauper can be legally set to work at any other time than the four hours after breakfast in the morning succeeding his admission into the workhouse.

Ans.—1. The phrase, "in return for the food nd lodging afforded to such person," appears to the ommissioners to be a general expression of the ound on which the guardians are empowered to pscribe the taskwork for the inmates of the workhouse, and not a specific enumeration of the conditions on which alone such work can be required to be performed in each individual case. The Commissioners conceive, therefore, that *any person relieved in the workhouse*, refusing to perform the task of work duly required of him under the provisions of the sec. in question, would be punishable for such refusal under the Vagrant Act. 2. There is nothing in the sec. as it seems to the Commissioners, which would prevent any pauper relieved in the workhouse from being *set to work*, under the guardians' regulations, at night or in the morning before breakfast; although he could not be *detained in the workhouse*, for the performance of such work, for more than four hours after the breakfast hour.

XIII.—WORKHOUSE—REFUSAL OF A WIFE TO QUIT.

Oct. 16th, 1845.

Assistant Overseer, Bishop Auckland — A woman, with her two children, having been deserted by her husband, became chargeable to the parish of Bishop Auckland, and has been, for some time, an inmate of the union workhouse. The husband has now returned, and offers to take his wife and children out of the workhouse and to provide for them. The wife, however, obstinately refuses to leave the workhouse. Inquired by what means the woman could be compelled to do so.

Ans.—Unless there is an apparent danger that the wife and children to whom you refer will suffer immediately from destitution or violence, nothing will justify the union or parish officers in giving harbour to them, when the husband and father requires that they should be given up to him. If the man is able to support his wife and children, and is willing to receive them, they should be delivered into his hands. He may be required to come to the workhouse to receive them, and the officer, under the direction of the guardians, may then compel them to quit the workhouse. This course should be pursued, even if the man is likely to require relief; and the application for such relief should then be received as coming from the man himself. If, however, the woman alleges that she entertains the fear of personal violence from her husband, she should be taken before justices to see whether the husband should not be bound over to keep the peace.

LONDON:
Printed by Order of the Poor Law Commissioners, by BLACKBURN and PARDON, 6, Hatton Garden, and Published by CHARLES KNIGHT and Co., 22, Ludgate Street, Publishers to the Poor Law Commissioners.

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. 56. CIRCULAR ISSUED FEBRUARY 2, 1846.

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.:

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

I.—ACCOUNTS.

PAYMENTS BY WAY OF DEPOSITS TO HOSPITALS.

Dec. 18th, 1845.

District Auditors—The Commissioners observing that in the accounts of a union there was comprised under the head,—"money expended for all other purposes," an item charged as "caution money to ——— Hospital," inquired of the clerk to the guardians the meaning of the item. The clerk replied that such sum was a deposit for paupers admitted into the hospital, to indemnify the institution in case of death or other contingency happening to the paupers sent there, and that in general the principal part of the deposits is returned on the discharge of the patients therefrom.

The Commissioners having reason to believe that such payments are made to a large extent through the whole of the county of ———, by parishes, as well as by boards of guardians, addressed a circular to the district auditors calling their attention to the subject, and stating, that, considered as a subscription to an hospital, the payment in question may be legal, if made by the board of guardians, but it is clearly illegal if made by the overseers of parishes in unions.

II.—CONTRACT.

FOR SUPPLY OF GOODS TO WORKHOUSE—LIMITATION OF.

October 4th, 1845.

Clerk of West Ashford Union—A contractor for supplying flour to the paupers having agreed with the guardians "*from the 25th day of March last, to the 25th day of September instant*," con-