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.

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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.

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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. 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-

tends that his contract ceases on the evening of the 24th September, but the guardians conceive that he is bound to supply them up to the evening of the 25th. Inquired Commissioners' opinion thereon.

Ans.—Unless there is some evidence to show that the intention of the parties was different, it would appear that both the 25th of March, and the 25th of September, are by the words of the contract excluded. "From the 25th day" excludes the 25th day; Clayton's case, 5 Rep. 1. For the same reason ,though there is no express authority for the conclusion, "to the 25th day" would exclude that day; "from," and "to," evidently denoting only the intervals lying between objects named as terms, and having no operation in common or legal language, of including these objects.

III.—COUNTY AND POLICE RATES.

WHETHER RECEIPTS FOR ARE EXEMPT FROM STAMP DUTY.

6th January, 1846.

Clerk of Cleobury Mortimer Union—Inquired whether the receipt of the county treasurer for the amounts of police and county rates paid to him should be given on a stamp; and referred the Commissioners to the latter part of the first section of the 7 & 8 Vic. c. 33, and to the General Stamp Act.

Ans.—The Commissioners are disposed to think that the particular exemption to the duties charged in the schedule 55 Geo. 3, c. 184, referred to by county treasurer, applies to such a case as the present, *i. e.*, that a check drawn on the union treasurer and transmitted to the county treasurer is a security for money within the terms of the exemption, and that a letter acknowledging the safe arrival of such check satisfies the provision in the 7th and 8th Vict. c. 33, which requires the county treasurer to give a receipt for monies tendered by or on behalf of the guardians in respect of county rate.

IV.—DIETARY.

ALLOWANCE OF PORTER TO SICK, INFIRM, AND LABOURING IN-DOOR PAUPERS.

January 9, 1846.

Clerk of Poplar Union—The medical officer recommended that an allowance of porter be made to others than sick paupers in the workhouse, their names being stated in a book kept for that purpose. Many of such other persons are nurses, others employed as carpenters, laundresses, bed-room cleaners, &c., and the rest infirm persons, requiring it on account of their health. The allowance to nurses and workpeople to be given to them only when acting in their several capacities, and discontinued when others are employed in their stead. The allowance is thus a daily one, varying according to circumstances.

Ans.—The Commissioners are of opinion that the case does not come within the proviso to the 17th art. of the workhouse rules. If the medical officer thinks that on account of the infirm health of any individual pauper, without reference to his wish, an allowance of porter is necessary for him, there should be a recommendation of the medical officer for the allowance of it in the case of such individual. With regard to paupers employed as nurses, carpenters, laundresses, or in other household work, there is a special provision in the Workhouse Rules, Art. 21, as the guardians are aware, which authorises the allowance to them of extra food, but it is expressly directed, that they shall not be allowed fermented or spirituous liquors. But if any person so employed is so far infirm, or in such a state of health, that the work in which he is employed, when considered with his infirmity or state of health, appears to the medical officer to render an allowance of fermented liquors necessary, then the medical officer can, without doubt, recommend such an allowance for that person. Such an allowance would be bona fide made on the ground of the person's health, although when he was not so employed it might be unnecessary. But it is evident that every order of the medical officer made on these principles, must be an order affecting the individual, and not an order applicable to a class of persons employed in a particular kind of work.

V. LUNATICS.

WHETHER MEDICAL OFFICER'S PARTNER CAN GIVE CERTIFICATE.

31*st Jan.* 1846.

Mr. R. Smith, Medical Officer, Chertsey Union—Inquired whether his partner, who is not a medical officer of the Chertsey union, can give a certificate, under section 48 of the 8 and 9 Vic. c. 126, relative to the state of mind of a lunatic, to enable a justice to make an order for such lunatic's admission into an asylum.

Ans.—Although a medical officer is prohibited by the provisions of section 48 of the 8 and 9 Vic. c. 126, from signing the certificate required before an order is made by a justice for the admission of a lunatic pauper into a lunatic asylum, the Commissioners are of opinion that this prohibition does not extend to the partner of a medical officer; and that such partner is, therefore, not legally disqualified to give a certificate in the case adverted to.

VI.—MEDICAL ORDER.

FEES UNDER ART. 10.—FRACTURE OF THE THUMB.

January 7th, 1846.

Medical Officer of —— Union—Inquired whether he is entitled to an extra fee for reducing a compound fracture and dislocation of the thumb, which he attended under an order from the relieving officer. The man did not live in his district, but having met with the accident near his house, had applied to him. The injury, though to a small joint, was a dangerous one, since lock-jaw often succeeds lacerated wounds of the thumb; and the joint being torn open and the bones protruding, it was important to reduce the parts without delay.

Ans.—As a fracture of the thumb cannot be considered a fracture of the arm, you are not legally entitled to payment of an extra fee for your treatment of the case. If, however, in any special case not coming within Art. 10 of the General Medical Order, the guardians should be of opinion that the medical officer is fairly entitled to some extra remuneration, the Commissioners would consider any proposition which the guardians might make to them with that view.

VII.—OVERSEERS.

1. PROCEEDINGS AGAINST ASSISTANT OVERSEERS FOR EMBEZZLEMENT.

January 7th, 1846.

Clerk of Caxton and Arrington Union—E. N., an assistant overseer, who was appointed by the parishioners in vestry, and his appointment approved by the justices, has absconded with £80 of the parish money. Inquired, 1. Whether the parish officers can offer a reward for his apprehension; 2. Whether they can indict him for embezzlement, it being considered useless to proceed against him for penalties as he has no property to distrain upon, and gave no security upon entering on his office; and, 3. Whether the overseers are personally responsible for the loss which the parishioners have incurred by his misconduct.

Ans.—The Commissioners are disposed to consider that the guardians might, if the circumstances render it expedient, offer a reward for the capture of E. N., and pay it out of the funds in their hands, under the 59th section of the 7 and 8 Vic. c. 101, as part of the reasonable costs of apprehending a person charged with embezzling, &c., property applicable to the relief of the poor. If apprehended, he may be proceeded against under the 97th sect. of the 4 and 5 Wm. 4, c. 76. It is, however, a question for the consideration of the legal advisers of the guardians whether he can be indicted for the felonious embezzlement under the 7 and 8 Geo. 4, c. 29. It has not yet been expressly decided that an assistant overseer is a clerk or servant of the overseers. He is not appointed by them, but by the justices on the nomination of the vestry: but it does not appear to be an objection that a person is appointed by other persons than those he serves. (R. *v.* Jenson Moo. C. C. R., 434: Callahan's case, 8 C. and P. 154.) He is, in some respects, an officer acting under a statutory authority: but so was the collector in Callahan's case, where this objection was held to be of no force. Any loss that may be sustained through E. N.'s default will fall upon the parish generally, who omitted to protect themselves by requiring security, and not upon the overseers personally, unless the latter are culpably implicated.

2. ELIGIBILITY OF FEMALES TO SERVE THE OFFICE OF OVERSEER.

January 15th, 1846.

Overseer of Kingswear, Totnes Union—Inquired whether females being rate-payers of the parish, in which the number of males suitable for the office is very limited, can be compelled to serve the office of overseer, or to procure substitutes.

Ans.—It has been decided that there is

nothing in the nature of the office of overseer which renders a female incompetent to it, if she be a substantial householder in the parish (Rex *v.* Stubbs, 2 Term Rep. 395). It seems, however, manifestly undesirable that a woman should be appointed to that office, where there are persons of the opposite sex in the parish, legally competent to fill the office.

VIII.—PAUPERS.

RIGHT TO PROPERTY OF DECEASED PAUPERS.

Aug. 4th, 1845.

Vice-Chairman of ——— *Union*—Inquired, whether the father of a woman, who had been recently buried at the expense of the parish to which she had been chargeable, is entitled to her clothes.

Ans.—Unless relief was given to the young woman you allude to expressly as a loan, the guardians cannot retain the property she has left in their possession, for the purpose of repaying themselves such relief. They may, however, retain so much thereof as may be necessary to provide for the charges of her funeral. What should be done with any residue that might remain after defraying those charges, would depend upon the circumstances of the case: the father would not necessarily be entitled to receive it; at the same time the Commissioners see nothing in your letter to show that it would be improper for the guardians to give it to him.

IX.—POOR'S RATE.

1.—EXCUSED RATES AFTERWARDS COLLECTED AND MISAPPLIED BY COLLECTOR.

January 31st, 1846.

———Certain persons are legally excused from the payment of a poor's-rate; the rate is balanced and closed, the sums so excused being carried to account. The collector, who is appointed by the board of guardians, afterwards demands and obtains payment of the rate from the persons excused, and applies the money so obtained to his own use. Inquired, 1. Whether the overseers or the guardians would be justified in prosecuting the collector, on behalf of the poor persons whom he has defrauded, and paying the expences out of the poor's-rate. 2. Whether the monies so obtained should be regarded as belonging to the parish or union, notwithstanding the excusal, so that proceedings may be taken against the collector under the 97th sec. of the Poor Law Amendment Act, on the ground of misapplication.

Ans.—The Commissioners consider it useless to advert to the remedy by action, which would undoubtedly be open to the poor people referred to. The proper course appears to the Commissioners to be to indict the offender for extortion. As the offence is committed *colore officii*, and is an abuse of his office, (which is in the administration of the Poor Laws,) it would be one for which the guardians might provide the expences out of the funds in their hands. The definition of extortion is perfectly apt, and the cases are of very wide application. (See Hawk. P. c. c. 68; Co. Lit. 368; 10 Rep. 102; 1 Sid. 307; Lord Raym. 159; 4 Mood. 101, and many others.)

IX. (a)—POOR RATES—MEDICAL RELIEF—LOCAL TAXATION.

1. THE AMOUNT of Money levied for POOR RATES, in *England* and *Wales*, (exclusive of the Counties of *Kent*, *Middlesex*, and *Surrey*,) during each of the Years ended Lady-day 1826 and 1841; distinguishing the Amount levied on Landed Property, Dwelling-houses, and all other Property.

Years ended Lady-day.	On Landed Property.	Proportion per cent. to Total.	Dwelling-houses.	Proportion per Cent. to Total.	All other Property.	Proportion per Cent. to Total.	Total Amount of Money Levied.
	£.		£.		£.		£.
1826	4,404,529	77	1,057,215	18	278, 692	5	5,740,436
1841	3,113,180	60	1,451,316	28	589, 856	12	5,154,352
AGGREGATE TOTALS of Kent, Middlesex, and Surrey, not included in the above Totals:							
1826	390,953	32	757,013	62	77,754	6	1,225,720
1841	203,413	17	923,905	77	70,158	6	1,197,476

2. THE AMOUNT of Money Expended for MEDICAL RELIEF in Unions and single Parishes, under the Regulations of the Poor Law Commissioners; together with the Total Cost of RELIEF to the Poor during the Years ended Lady-day 1843, 1844, & 1845.

NAMES of COUNTIES.	Number of Unions in each County in 1845.	YEARS ENDED LADY-DAY: 1843. Amount expended for Medical Relief.	1843. Total Cost of Relief to the Poor, including Medical Relief.	1844. Amount expended for Medical Relief.	1844. Total Cost of Relief to the Poor, including Medical Relief.	1845. Amount expended for Medical Relief.	1845. Total Cost of Relief to the Poor, including Medical Relief.
		£.	£.	£.	£.	£.	£.
ENGLAND:							
Bedford	6	1,862	43,265	1,709	40,736	1,719	42,934
Berks	12	3,526	77,357	3,719	74,224	3,492	78,179
Buckingham.....	7	2,574	77,627	2,742	75,730	2,932	79,983
Cambridge.....	9	2,441	71,900	2,747	70,319	2,959	74,537
Chester	9	2,652	87,130	2,299	78,338	2,676	73,948
Cornwall	13	2,259	80,333	2,356	74,962	2,416	77,945
Cumberland	9	976	37,560	1,071	35,513	1,133	36,921
Derby	8	1,172	56,973	1,315	52,259	1,326	51,281
Devon.....	17	5,219	170,140	5,469	156,438	5,879	159,936
Dorset.....	12	3,006	83,657	3,232	79,051	3,328	82,721
Durham	14	1,529	79,143	1,848	80,564	1,460	72,210
Essex	17	8,022	164,865	7,892	159,817	7,695	168,251
Gloucester	16	3,716	117,675	3,817	112,490	3,889	118,145
Hereford	8	2,011	43,868	2,019	42,755	2,242	45,198
Hertford.....	13	3,331	63,673	3,623	60,505	3,878	63,338
Huntingdon	3	1,091	25,816	1,118	24,135	1,155	1,016
Kent	27	6,889	195,787	7,791	189,073	7,427	190,746
Lancaster	26	7,743	354,595	6,519	323,369	7,339	289,555
Leicester	11	2,395	83,839	2,605	77,537	2,502	76,308
Lincoln	14	3,373	110,708	3,952	112,930	4,089	115,375
Middlesex	19	6,960	306,037	7,682	284,026	8,287	291,669
Monmouth	5	1,043	28,432	1,091	28,062	1,259	27,479
Norfolk	21	6,159	165,903	5,520	164,416	5,606	174,430
Northampton	12	3,077	90,724	3.061	88,081	2,846	91,006
Northumberland	12	1,390	69,829	1,501	71,383	1,694	76,377
Nottingham	9	2,131	32,717	2,638	69,404	2,424	60,655
Oxford	8	2,761	73,043	2,891	71,772	2,401	76,454
Rutland	2	300	7,495	317	7,741	338	7,834
Salop	13	2,408	52,653	2,493	56,740	2,720	54,594
Somerset	17	6,028	166,351	6,512	158,783	6,427	164,732
Southampton	23	6,065	129,049	5,322	124,274	5,597	111,492
Stafford	16	3,087	118,382	3,646	112,274	3,565	108,756
Suffolk	17	5,453	139,919	5,132	135,820	5,573	145,809
Surrey.....	18	5,776	188,725	6,274	178,298	6,765	179,538
Sussex	20	4,889	120,472	5,268	111,393	5,570	114,995
Warwick	11	2,114	66,420	2,332	62,297	2,331	67,947
Westmorland	3	514	19,309	589	18,702	643	18,176
Wilts	17	4,510	137,817	4,713	131,316	4,825	134,545
Worcester	13	3,190	68,424	3,504	66,522	3,311	69,867
York, East Riding	9	1,443	57,050	1,541	56,784	1,606	57,81
,, North Riding.....	14	1,529	58,646	1,703	57,759	1,639	58,590
,, West Riding	19	3,679	226,761	3,949	208,727	*4,468	*202,027
TOTAL of England	549	140,293	4,350,099	145,322	4,185,319	149,371	4,196,309
WALES:							
Anglesey	1	267	17,781	261	17,452	285	18,778
Brecon.....	4	565	18,279	646	18,974	717	19,636
Cardigan	5	397	18,084	407	17,099	404	17,520
Carmarthen	5	820	33,547	830	31,446	1,067	31,789
Carnarvon.....	4	703	22,717	676	22,897	781	23,754
Denbigh.....	3	603	30,625	632	29,754	600	30,947
Flint	2	467	19,600	486	19,550	512	19,821
Glamorgan	5	913	42,115	749	41,726	1,015	43,807
Merioneth.....	4	474	14,865	473	14,850	491	15,035
Montgomery	3	810	24,286	751	23,116	1,141	22,262
Pembroke	3	713	23,732	752	22,638	753	23,847
Radnor	3	238	10,626	244	10,187	242	10,770
TOTAL of Wales	42	6,970	276,257	6,907	269,678	8,038	277,966
TOTAL of England & Wales	591	147,263	4,626,356	152,229	4,455,017	157,409	4,474,275

* In this year the township of Leeds was included with the Unions, but not included in the former years. The amount of Medical Relief in 1845 being 558*l.*, and the Relief to the Poor, 20,799*l.*

3. THE POPULATION, the Amount Levied for POOR RATES, &c., and the Ratio which the Amount Levied for Poor Rates, &c. bore to the Population, during each of the Years ended Lady-day 1813, 1821, 1831, and 1841.

COUNTIES.	Population, 1811	Total Money Levied for Poor Rate, County Rate, &c., Year ended Lady-day 1813.	Rate per Head on the Population.	Population, 1821.	Total Money Levied for Poor Rate, County Rate, &c., Year ended Lady-day 1824.	Rate per Head on the Population.	Population, 1831.	Total Money Levied for Poor Rate, County Rate, &c., Year ended Lady-day 1834.	Rate per Head on the Population.	Population, 1841.	Total Money Levied for Poor Rate, County Rate, &c., Year ended Lady-day 1844.	Rate per Head on the Population.
ENGLAND.		£.	s. d.		£.	s. d.		£.	s. d.		£.	s. d.
Bedford	70,213	80,788	23 —	83,716	74,787	17 10	95,483	92,046	19 3	107,936	53,907	10 —
Berks	118,277	188,418	31 10	131,977	109,137	16 6	145,389	127,229	17 6	161,147	98,331	12 2
Buckingham	117,650	162,376	27 7	134,068	124,065	18 6	146,529	153,040	20 11	155,983	94,260	12 1
Cambridge	101,109	106,661	21 1	121,909	99,776	16 4	143,955	120,763	16 9	164,459	93,877	11 5
Chester	227,031	159,510	14 1	270,098	116,488	8 8	334,391	138,229	8 3	395,660	113,880	5 9
Cornwall	216,667	133,889	12 4	257,447	111,037	8 8	300,938	118,322	7 10	341,279	95,710	5 7
Cumberland	133,744	67,390	10 1	156,124	54,200	6 11	169,681	57,920	6 11	178,038	44,926	5 1
Derby	185,487	126,892	13 8	213,333	91,570	8 7	237,170	107,837	9 1	272,217	83,229	6 1
Devon	383,308	505,188	15 11	439,040	232,935	10 7	494,478	250,270	10 1	533,460	218,532	8 2
Dorset	124,693	130,046	20 0	144,499	92,598	12 10	159,252	102,616	12 11	175,043	94,011	10 9
Durham	177,625	104,175	11 9	207,673	93,533	9 —	253,910	107,648	8 6	324,284	111,026	6 10
Essex	252,473	367,237	29 1	289,424	286,868	19 10	317,507	291,010	18 4	344,979	212,776	12 4
Gloucester	285,514	212,954	14 11	335,843	167,485	10 —	387,019	205,025	10 7	431,383	194,249	9 —
Hereford	94,073	103,567	22 —	103,243	62,496	12 1	111,211	67,267	12 1	113,878	55,442	9 9
Hertford	111,654	113,622	20 4	129,714	95,488	14 9	143,341	108,190	15 1	157,207	86,281	11 —
Huntingdon	42,208	48,534	23 —	48,771	43,825	18 —	53,192	45,500	17 1	58,549	36,076	12 4
Kent	373,095	402,229	21 7	426,016	377,699	17 9	479,155	418,786	17 6	518,337	258,166	9 5
Lancaster	828,309	460,420	11 1	1,052,859	327,724	6 2	1,336,854	428,770	6 5	1,667,054	530,490	6 4
Leicester	150,419	154,410	20 6	174.571	103,368	11 10	197,003	133,812	13 7	215.867	103,718	9 7
Lincoln	237,891	227,681	19 2	283,058	206,411	14 7	317,465	228,238	14 5	362,602	151,999	8 5
Middlesex	953,276	627,853	13 2	1,144,531	572,955	10 —	1,358,330	939,890	13 10	1,576,636	758,160	9 7
Monmouth	62,127	37,939	12 4	71,833	28,243	7 10	98,130	37,707	7 8	134,855	41,598	6 8
Norfolk	291,999	361,633	24 9	344,368	305,254	17 9	390,054	355,685	18 3	412,664	228,377	11 1
Northampton	141,353	173,317	24 6	162,483	141,327	17 5	179,336	166,713	18 7	199,228	113,725	11 5
Northumberland	172,161	99,519	11 7	198,965	80,495	8 1	222,912	95,665	8 7	250,278	84,402	6 9
Nottingham	162,900	127,562	15 8	186,873	82,542	8 10	225,327	101,236	9 —	249,910	87,770	7 —
Oxford	119,191	170,614	28 8	136,971	122,579	17 10	152,156	150,335	19 9	161,643	91,065	11 3
Rutland	16,380	18,241	22 3	18,487	12,196	13 2	19,385	13,394	13 10	21,302	9,763	9 2
Salop	194,298	137,895	14 2	206,153	88,869	8 7	222,938	105,863	9 6	239,048	95,684	8 —
Somerset	303,180	245,969	16 3	355,314	171,447	9 8	404,200	221,841	11 —	435,982	203,622	9 4
Southampton	245,080	260,335	21 3	283,298	210,463	14 10	314,280	243,526	15 6	355,004	179,195	10 1
Stafford	295,153	169,310	11 6	341,040	139,523	8 2	410,512	171,330	8 4	510,504	172,965	6 9
Suffolk	234,211	279,925	23 11	270,542	279,808	20 8	296,317	290,131	19 7	315,073	173,829	11 —
Surrey	323,851	280,327	17 4	398,658	263,481	13 3	486,334	357,299	14 8	582,678	299,718	10 3
Sussex	190,083	350,610	36 11	233,019	266,748	22 11	272,340	299,621	22 —	299,753	174,981	11 8
Warwick	228,735	220,575	19 3	274,392	142,744	10 5	336,610	185,715	11 —	401,715	170,412	8 6
Westmorland	45,922	28,946	12 7	51,359	26,080	10 2	55,041	29,291	10 8	54,454	21,538	7 8
Wilts	193,828	272,493	28 1	222,157	174,114	15 8	240,156	210,769	17 7	258,733	167,249	12 11
Worcester	160,546	124,956	15 7	184,424	83,352	9 —	211,365	107,506	10 2	233,336	101,311	8 8
York, East Riding	167,353	130,363	15 7	190,449	107,613	11 4	204,253	124,112	12 2	233,257	94,861	8 2
,, North Riding	152,445	113,834	14 11	183,381	87,757	9 7	190,756	103,707	10 10	204,122	74,640	7 4
,, West Riding	653,315	463,566	14 2	799,357	289,595	7 3	976,350	359,329	7 4	1,154,101	405,382	7 —
Total of England	9,538,827	8,342,569	17 6	11,261,437	6,548,725	11 8	13,091,005	7,973,183	12 2	14,995,138	6,479,136	8 8
WALES.												
Anglesey	37,045	12,523	6 9	45,063	15,379	14 7	48,325	20,332	8 5	50,891	21,476	8 5
Brecon	37,735	20,182	10 5	43,613	19,902	18 6	47,763	23,721	9 11	55,603	24,887	8 11
Cardigan	50,260	18,154	7 3	57,784	17,234	12 4	64,780	22,686	7 —	68,766	21,947	6 5
Carmarthen	77,217	34,195	8 10	90,239	32,234	14 10	100,740	43,994	8 9	106,326	43.230	8 2
Carnarvon	49,336	16,308	6 7	57,958	18,437	12 11	66,448	25,555	7 8	81,093	29,812	7 4
Denbigh	64,240	40,000	12 5	76,511	36,062	19 7	83,629	41,532	9 11	88,866	41,827	9 5
Flint	46,518	26,578	11 5	53,784	20,909	17 2	60,012	26,964	9 —	66,919	26,123	7 10
Glamorgan	85,067	43,258	10 2	101,737	38,968	16 2	126,612	51,958	8 2	171,188	60,057	7 —
Merioneth	30,924	14,536	9 5	34,382	14,895	18 4	35,315	18,040	10 3	39,332	17,284	8 9
Montgomery	51,931	36,443	14 —	59,899	32,471	23 —	66,482	42,606	12 10	69,219	39,756	11 6
Pembroke	60,615	26,784	8 10	74,009	24,453	14 2	81,425	31,281	7 8	88,044	28,636	6 6
Radnor	20,960	15,311	14 8	22,459	13,961	24 9	24,651	16,227	13 2	25,356	13,034	10 3
Total of Wales	611,788	304,272	9 11	717,438	284,905	16 8	806,182	364,896	9 1	911,603	368,069	8 1
Totals of England and Wales	10,150,615	8,646,841	17 —	11,978,875	6,833,630	11 5	13,897,187	8,338,079	12 6	15,906,741	6,847.205	8 6

4.—AMOUNT of MONEY levied for POOR RATES in *England* and *Wales*, for each of the Years ended Lady-day, 1826, 1833, and 1841, distinguishing the Amount levied on Landed Property, Dwelling-houses, and "all other kinds of Property."

AMOUNT OF MONEY LEVIED BY ASSESSMENT.

Years ended Lady-day.	On Landed Property.	Proportion per Cent.	Dwelling-houses	Proportion per cent.	All other Property.	Proportion per Cent.	TOTAL Amount levied.
	£.		£.		£.		£.
* 1826	4,795,482	69	1,814,228	26	356,447	5	6,966,157
† 1833	5,434,890	63	2,635,258	31	536,353	6	8,606,501
‡ 1841	3,316,593	52	2,375,221	37	660,014	11	6,351,828
Average	4,515,655	62	2,273,902	31	517,605	7	7,308,162

* From Parliamentary Paper, No. 120, Session 1827.
† From Parliamentary Paper, No. 335, Session 1834.
‡ Ascertained from Return of Real Property, Parliamentary Paper, No. 235, Session 1842.

5.—ANNUAL VALUE of REAL PROPERTY Assessed to the Poor Rate in *England* and *Wales*, in the Year ended Lady-day 1841, distinguishing Landed Property, Dwelling-houses, and all other kinds of Property.

Landed Property.	Proportion per cent.	Dwelling-houses.	Proportion per cent.	All other Property.	Proportion per cent.	TOTAL Annual Value.
£.		£.		£.		
*32,655,137	52	23,386,401	37	6,498,492	11	62,540,030

* From Return of Real Property, Parliamentary Paper, No. 235, Session 1842.

6.—A STATEMENT of the TOTAL AMOUNT of LOCAL TAXATION in *Great Britain* and *Ireland*, so far as it can be ascertained from Documents in the Office of the Poor Law Commissioners,—the latest available information being taken in each case.

ENGLAND AND WALES.

RATES:—	£	£
Poor Rate, year ending 25th March, 1844:		
Expenditure for the Poor	4,976,093	
Expenditure for miscellaneous purposes	567,567	
	5,543,660	
Paid for County, Police, and Borough Rate	1,356,457	
		6,900,117
Workhouse Building Rate, Survey and Valuation Rate } not levied separately, their purposes being provided for out of the Poor Rate		
Gaol Fees Rate		unknown.
Constables' Rate		unknown.
Highway Rates, 1839		1,169,891
Lighting and Watching Rate		unknown.
Militia Rate — not levied now, the Militia being disembodied		
Church Rates — year ending Easter 1839		506,812

		£	£
	Brought forward . .	8,576,820	
Sewers Rates . .	estimated for the Metropolis, at per annum . . .	75,000	
Drainage and Inclosure Rates	. . . . .	unknown.	
* County and Police Rates:	£	*See* above,	
Year ending Michaelmas 1844	 963,223	Poor Rate.	
		See above,	
Borough Rates, . .	year ending 31st August 1843 . 246,743	Poor Rates.	
Shire Hall Rate, County Lunatic Asylum Rate, County Burial Rate	probably not levied separately; but their purposes provided for out of the County Rates.		
Hundred Rate . .	only levied when occasion arises, to compensate for damage done in riots.		
			8,651,820
TOLLS, DUES and FEES:			
† Borough Tolls and Dues . .	year ending 31st August 1843 . .	172,911	
City of London, 1841	. . . . .	188,521	
‡ Turnpike Tolls . . .	year ending 31st December 1843 . .	1,348,084	
§ Light Dues . . .	year 1843	243,023	
‖ Port Dues . . .	annual income of all the ports in England .	525,000	
Fees in administration of Justice	to Justices' clerks, annual average 1830 to 1834	57,668	
	to other officers	unknown.	
			2,535,207
			£11,187,027

* The amount of the County and County Police Rates are taken from a Return to the House of Commons in 1845; Parliamentary Paper, 331. The amount of the Borough Rates (which seem to include all the rates raised in Boroughs), is taken from an Abstract printed by the House of Commons in 1844; Parliamentary Paper, 593. It is impossible to reconcile these amounts with the Poor Rate Returns; from which it appears, that in the year ending 25th March 1844, the sum of £1,356,457 was paid out of the Poor Rate towards the several County and Borough Rates. Yet these Rates are not derived entirely from the Poor Rate.

† From Abstract printed by House of Commons in 1844; Parliamentary Paper, 593.

‡ From Abstract printed by House of Commons in 1845; Parliamentary Paper, 648.

§ From Report of Select Committee on Lighthouses; House of Commons, 1845; Parliamentary Paper, 607, page 22.

‖ From First Report of Tidal Harbours Commissioners, 1845; Appendix, page 195. The amount is an approximate one.

SCOTLAND.

		£	£
RATES:			
* Poor Rate, 1841 . .	Legal Assessment . . .	129,335	
	Voluntary Assessment . . .	23,564	
	Kirk Collections . . .	37,466	
	Other Receipts . .	28,116	
			218,481
Statute Labour Rate	. . . . .		unknown.
Church and Manse Rate	. . . . .		unknown.
School Rate	. . . . .		unknown.
Lighting and Watching Rates	. . . . .		unknown.
Militia Rate	. . . . .		unknown.
Bridge-money Rate	. . . . .		unknown.
Prisons Rate:			
The Assessments on the several counties, for building Prisons under the General Board of Directors, in the year 1842, is stated by them (Fourth Rep. App. No. 15) to have been	. . . . .		47,290

		£	£
	Brought forward . .	265,771	
It is stated, in the Tenth Annual Report of the Inspector of Prisons for Scotland, that the cost of the Prisons in Scotland in the year 1843-44 (exclusive of that of building new Prisons), after deducting the money received for prisoners' work, was somewhat more than	. . .	36,000	
Rogue-money Rate	. . . . .	unknown.	
Rural Police Rate	. . . . .	unknown.	
Burgh Cess . .	1829	8,777	
Borough Police Rate	. . . . .	unknown.	
			310,548
DUES:			
† Light Dues . .	1843	44,117	
‡ Port Dues . .	Annual Income of all the Ports in Scotland . .	176,000	
			220,117
			£530,665

IRELAND.

		£	£
RATES:			
§ Poor Rate . .	collected in the year ended 29th September 1844 .	256,658	
‖ County Cess .	average annual amount ordered to be levied in the three years, 1841, 1842, and 1843 . . .	1,158,198	
			1,414,856
DUES:			
† Light Dues . .	1843	53,335	
Port Dues . .	Annual Income of all the Ports in Ireland . .	93,000	
			146,335
			£1,561,191

TOTAL.

		£	£
ENGLAND and WALES . . .	Rates	8,651,820	
	Dues	2,535,207	
			11,187,027
SCOTLAND	Rates	310,548	
	Dues	220,117	
			530,665
IRELAND	Rates	1,414,856	
	Dues	146,335	
			1,561,191
			£13,278,883

* From Returns printed by the House of Commons in 1843; Parliamentary Paper, 361, pages 10 and 35.

† From Report of Select Committee on Lighthouses, House of Commons, 1845; Parl. Paper, 607, page 22.

‡ From First Report of Tidal Harbour Commissioners, 1845, Appendix page 195. The amounts are approximate ones.

§ From Eleventh Annual Report of the Poor Law Commissioners.

‖ From Report of Commissioners of Inquiry as to Occupation of Land in Ireland, 1845, Appendix No. 8, pages 54, 55.

X.—RATING.

GAS WORKS.

January 30th, 1846.

J. S.—Inquired whether the assessment of gas works should be on the buildings, gasometers, &c., or upon the amount of profit the company divide after all the expenses are paid.

Ans.—Assuming the company to be rateable for these works, (with reference to which point the Commissioners direct your attention to the decision in R. *v.* the Commissioners for lighting Beverley, 6 Adol. and Ellis, 645,) the Commissioners desire to point out, that the rate must be laid upon the annual value of the land occupied by the company, as improved by the erection of their works, the laying down of the pipes, and so forth, according to the provisions of the 1st sec. of the Parochial Assessments Act, 6 and 7 Wm. 4., c. 96. This rateable annual value will be the sum which the land in question, as so improved, would probably let for, to a tenant taking it for the same purposes to which it is now applied; subject, of course, to the deductions specified in the enactment just mentioned. You would doubtless derive much information on the subject, by referring to the decisions of the courts in the following cases:—R. *v.* Birmingham Gaslight Company, 1 Barn. and Cres., 506. R. *v.* Brighton Gas and Coke Company, 5 Barn. and Cres., 466. R. *v.* Birmingham and Staffordshire Gas Company, 6 Adol. and Ellis, 634. R. *v.* Cambridge Gas Company, 8 Adol. and Ellis, 73.

XI. — REGISTRATION. — CHARGES FOR COUNTY REGISTRATION—CIRCULAR.

Poor Law Commission Office,
Somerset House,
October 29th, 1845.

SIR,—I am directed by the Poor Law Commissioners to state that it has been represented to them that in many places there is an unnecessary and wasteful expenditure of money from the poor-rates for the county registration.

The Commissioners are, therefore, desirous of drawing your attention to the subject, with the view to your making due inquiry as to the propriety of any charges under this head, which may be contained in the accounts submitted to you for audit, before the same are allowed by you. The Commissioners desire to point out that the proper voucher should in all cases be produced for the charges in question. They refer you to the Act of 6 and 7 Vic. c. 18, section 57, which authorises an account of all expenses incurred by the overseers of every parish or township in carrying into effect the provisions of the Act, to be laid before the Revising Barrister, and provides that the Revising Barrister shall sign and give to the said overseers a certificate of the sum which he shall allow to be due to them in respect of the said expenses; and that it shall be lawful for the said overseers to receive the sum so due to them, out of the first moneys thereafter to be collected for the relief of the poor in the same parish or township. If, therefore, the overseers produce to you the certificate of the Revising Barrister, it will be a sufficient voucher for the sum allowed therein.

I am, Sir,
Your most obedient servant,
E. CHADWICK, *Secretary.*

To

Auditor of the District.

XII.—RELIEF—MEDICAL.

IN CASE OF ACCIDENT WHICH PARISH LIABLE.

December 2nd, 1845.

Clerk of Liskeard Union—J. T., a labourer, was lodging in the town of Callington, and was employed in the parish of South-hill, in this union, and occasionally in the parish of Stokeclimsland, in the Launceston Union, going daily to his work from his lodging in Callington. Whilst at work in the parish of Stokeclimsland, he fractured his leg, and was conveyed to his lodgings in Callington, as the most convenient place to which he could be taken. His settlement is in South-hill, which has been acknowledged by his receiving relief from that parish before and after the accident. The fracture was reduced whilst he was in Callington, from which place a medical man could most conveniently be sent to him, had he been sent to any house in Stokeclimsland, where the accident happened. All the expenses, except reducing the fractured leg, has been defrayed by South-hill. Inquired the Commissioners' opinion as to which parish the surgeon's fee is to be charged.

Ans.—The Commissioners are of opinion that the guardians will be justified in charging the surgeon's fee for reducing the fracture to Callington. Though the accident happened in Stokeclimsland, in the Launceston Union, yet it seems

the pauper was removed without fraud on the part of the officers of that parish to his own residence in Callington, as being the most convenient place to which he could be taken; and it further appears, that the medical attendance was given and the fracture reduced at the pauper's lodgings at Callington. Under these circumstances, the Commissioners think, on the authority of Lamb *v.* Bunce, 4 M. and S. 275, that Callington became liable to the medical relief afforded to the pauper. In that case, it was held by Lord Ellenborough, that there is no ground for saying that there is an exclusive liability attaching to the parish in which the accident happens, to give the relief, but that the law raises an obligation against the parish where the pauper lies *sick*, as casual poor, to look to the supply of his necessities. But although under the authority of this decision, the guardians would be clearly warranted in charging the medical fee to Callington, yet the Commissioners think it would likewise be competent to adopt the alternative course of holding the parish of the pauper's settlement (South-hill) liable for all the relief given in consequence of the accident. Where a pauper is clearly settled in one parish within the union, but resident in some other parish of such union, the guardians are empowered to give relief to the pauper while so resident at the charge of the first parish. It is stated that all expenses except reducing the fractured leg, had been defrayed by South-hill. It seems to the Commissioners, that the reasons which would warrant the charging any relief whatever given since the accident to South-hill, would apply with equal force to the charging of the medical expenses.

2. DITTO.

January 21st, 1846.

Clerk of Ticehurst Union—M. H. fractured her arm in the parish of T. in this union, where she temporarily resided as a hop-picker. On the day of the accident, the relieving officer of the district comprising the parish of T., was administering relief in the neighbouring parish of B., to which parish the woman went and obtained an order for the medical officer of B. parish to attend her. The pauper remained some time in the latter parish under the care of the medical officer, then returned to the parish of T., and from thence to her usual place of abode in the west of Sussex. There is a medical officer for the parish of T. as well as for the parish of B. Inquired which of the two parishes is liable for payment of the medical officer's fee.

Ans.—The general rule which determines the chargeability of a pauper, is, that he is chargeable to the parish in which, being destitute, he applies for and obtains relief. To this general rule, however, an apparent exception occurs in the case of persons who, being destitute in one parish, are compelled by the union arrangements to go into another parish for the purpose of making the application for relief, as where the relieving officer's residence, or the place where he attends weekly to relieve the district, the guardians' place of meeting, or the union workhouse is situate in such other parish. In these cases the relief is chargeable not to the parish in which the application is actually made, but to the parish in which the necessity for relief arose, and in which it must be deemed to have been constructively made. In the present case it appears that the pauper was destitute, and required medical aid, in the parish of T., where she met with the accident, but that she went into the parish of B., merely because the relieving officer was there administering relief. If this be so, the case falls within the exception above stated, *i.e.*, that the application for relief, though in fact made in B., is to be regarded as constructively made in T., where the necessity for relief arose, and that the latter parish is consequently liable for the relief, medical or otherwise, given to the pauper.

XIII.—REMOVAL.

1. CHARGES UNDER SUSPENDED ORDER.

August 13th, 1845.

Clerk of Tunstead and Happing Incorporated Hundreds—Inquired whether a parish, to which a pauper has been removed under an order of justices, is bound to pay the gross amount of the charges incurred in consequence of the suspension of such order, without being furnished with the several particulars of the expenditure.

Ans.—The charges claimed in this instance are, it would seem, those ordered by the justices to be paid, in pursuance of the power conferred on them in this respect, by the 35th Geo. 3, c. 101. The Commissioners are not aware that the parish ordered to pay the amount, can insist upon being furnished with particulars. The justices, who order the payment, are to satisfy themselves that the costs claimed have actually been incurred by the removing parish, in consequence of the suspension, but their order (except where

the sum claimed exceeds £20) appears to be conclusive upon the parish to which the removal is made. The Commissioners, however, consider it is but reasonable that the particulars of the gross amount claimed under suspended orders of removal should be furnished; and, as regards the present case, the Commissioners cannot suppose that the authorities of the parish can have any objection to furnish the details. The Commissioners would, therefore, recommend that they should be applied to on the subject.

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2. EXECUTION OF ORDER, PENDING A CASE GRANTED FOR THE COURT OF QUEEN'S BENCH.

August 29th, 1845.

Clerk of Whittlesey Union—In the month of April, 1845, an order of justices was obtained by the parish officers of Whittlesey, for the removal of a man and his family from that parish to the parish of Farcet, in the Peterborough Union, and was afterwards suspended on account of the man's illness. Notice of appeal, and the grounds thereof, having been duly served by the parish officer of Farcet, within twenty-one days from the date of the notice of chargeability, as required by statute, the case came on for hearing on the 2nd of July, at the quarter sessions held for the Isle of Ely, when the court confirmed the order, but granted the appellants a case for the Court of Queen's Bench, principally upon the objection that the parishes of Whittlesey were not united for the purposes of settlement. The solicitor for the parish of Farcet informed the assistant overseer of Whittlesey, that he should recommend his clients to receive the paupers, and pay the costs ordered by the court, as the man and one child were dead and the widow was not likely to be very troublesome. The parish officers of Whittlesey waited one week, and not hearing from the officers of Farcet, obtained the justices' order for costs, and for the removal of the suspension; and the wife and children were accordingly removed and delivered at the house of an overseer, (who was ill in bed,) together with a copy of the order, the original being shown to the overseer's wife. A day or two afterwards, the overseer alluded to sent for the pauper, (who had remained in the village with a relative,) and delivered to her the copy of the order for her removal, and told her to return to Whittlesey, and remain there until the case was decided. The pauper returned to Whittlesey, and has again applied to the board of guardians for relief; but being a strong young woman and in full employ, with only two children aged six and three years, relief has been refused her. If hereafter relief actually becomes necessary, the guardians will have no alternative but to grant it. Inquired—1stly, whether the parish officers of Whittlesey acted wrong in removing the family to Farcet, before they were officially informed whether the parish officers of Farcet declined removing the case into the court of Queen's Bench. 2ndly, Whether the parish officers of Farcet acted legally in giving the copy of the removal order to the pauper, and directing her to return to Whittlesey, before the case was finally decided. 3dly, In what manner the guardians should act if the pauper again applies for relief. 4thly, Whether the parish officers of Whittlesey could recover the amount of relief granted to the pauper pending the decision of the Court of Queen's Bench, if that decision should be in favour of Whittlesey.

Ans.—The 79th sec. 4 and 5 Will. 4, c. 76, provides "that if notice of appeal against such order of removal shall be received by the overseers or guardians of the parish from which such poor person is directed in such order to be removed, within the said period of twenty-one days, it shall not be lawful to remove such poor person, until after the time for prosecuting such appeal shall have expired, or in case such appeal shall be duly prosecuted, until after the *final determination of such appeal.*" The Commissioners are not aware of any decision of the courts on the meaning of the latter words, but the Commissioners apprehend they must mean the determination of the appeal by the highest tribunal to which the matter can be carried, inasmuch as that alone can be final. If, therefore, in the present case, the sessions confirmed the order granting a case for the superior court, the result of which may be the quashing or reversing the order of sessions, the decision of the sessions cannot, in the language of the statute, be said to be "the final determination of the appeal." It appears, therefore, to the Commissioners, in answer to your specific inquiries—1st. That the parish officers of Whittlesey acted erroneously in removing the pauper to Farcet before they were officially informed, whether the officers of the latter declined removing the case into the court of Queen's Bench. The time allowed for issuing out the *certiorari* is six months. 2dly. The Commissioners cannot undertake to say that the officers of Farcet acted illegally under the circumstances, in sending the copy order of the justices back, and directing the pauper to return to Whittlesey. 3dly. If the

pauper again applies for relief to the guardians of the Whittlesey Union, the Commissioners would recommend the guardians to give needful relief, if the pauper is considered to be destitute. 4thly. The Commissioners consider the parish of Whittlesey will be entitled, under the 84th sec. of the Poor Law Amendment Act, to recover back from Farcet the costs of relieving the pauper pending the decision of the Court of Queen's Bench, assuming such decision to be in favour of the former parish.

XIV.—SETTLEMENT.

1. BY RENTING A POST-MILL.

Aug. 4th, 1845.

Clerk of Hinckley Union—A. B. occupied a post-mill, which was removeable without being taken to pieces, together with a dwelling-house, in the parish of Barwell, at a rent of upwards of £30 a-year; but the dwelling-house itself was worth only £5 a-year. Inquired whether A. B. gained a settlement by such occupation.

Ans.—If the post mill occupied in Barwell parish by G. was not affixed to the land, or to something connected with the land, it was a mere chattel, and not a parcel of a tenement the occupation of which conferred a settlement, (see Rex *v.* Londonthorpe, 6 T. R. 377, Rex *v.* Ottley, B. and Ad. 161.) On the contrary, if the post mill were affixed to the freehold, or to something annexed to the soil, as to a foundation of brick, it was undoubtedly a tenement in law, and the occupation of the mill in connection with the dwelling-house, (if rented and occupied for the required period,) according to Rex *v.* Ottley, conferred a settlement. Assuming that the post-mill rented in Barwell was not a tenement, the occupation of the dwelling-house alone being but of the value of £5 was insufficient.

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2. BY RENTING A TENEMENT.

Sept., 1845.

Mr. B. J., ——— *Union*—At Michaelmas 1810, T. J. took a house and land in the parish of Llandyssal, in the county of Cardigan, at a rent of £8. 8*s.* per annum, (but considered to be worth more,) and a private bridge, called Pontlwny (which crossed the river Tivy, the boundary between the parishes of Llandyssal and Llanllwny) at a rent of £4 a-year, receiving a penny from each person that passed over the bridge. T. J. rented the house and bridge for eleven or twelve years, when the bridge was thrown open to the public, but he continued in the occupation of the house at the same rent, until Michaelmas, 1833, having paid rates and taxes for the house during the whole of the time. He then rented a house, a mill, and some land in the parish of Llanllwny, at a rent of £19 per annum, and continued in the occupation of the same for seven years, but during that period he was not assessed to the poor-rate, inasmuch as the mill and land formed part of the farm of Gelli, the occupier of which underlet the mill, &c. to T. J. and paid the poor-rates for the same, along with those for the farm. Requested the Commissioners' opinion as to the settlement of T. J.

Ans.—Before the passing of the 59th Geo. 3, c. 12, (July 1819,) the settlement depended, not upon the rent, but upon the value of the tenement. If, therefore, the yearly value of the tenement, the house and land rented by the pauper in Llandyssal, was £10, he gained a settlement in that parish, by the occupation and residence, though the rent was only £8. 8*s.* But, however this might have been, it seems that the pauper, in addition to the tenement in Llandyssal, rented, under the same landlord, a private bridge, for £4 yearly, that this bridge was over the river Tivy, and that the middle of the river formed the boundary between the parishes' of Llandyssal and Llanllwny, and that the bridge formed the communication between the two places. There is no doubt that the tolls of a bridge are in law a tenement, and when rented by a valid title, under a proper demise, it was held in several cases, that this kind of tenement, prior to the 59th Geo. 3, c. 12, conferred a settlement. But, in the present case, the tenement by itself was not of a sufficient yearly value to confer a settlement. But distinct tenements under different landlords, and lying in different parishes, if together of the yearly value of £10, have been held to gain a settlement. In the present instance, assuming that the pauper rented the tolls of the bridge by a valid title, this, taken together with the house and land rented in Llandyssal, was, as it appears to the Commissioners, a sufficient tenement within the meaning of the statute, and that the pauper accordingly gained a settlement in Llandyssal, where it seems he resided. You state that the pauper continued to occupy the house and land in Llandyssal until Michaelmas, 1833, when he commenced renting a house, mill, and land, in Llanllwny, but that he

was not assessed to the poor-rate in respect to the house, mill, and land. If such were the case, it would appear to the Commissioners that the pauper gained no settlement in Llanllwny, by renting a tenement. The 4 and 5 Will. 4, c. 76, s. 66, provides "that, from and after the passing of this Act, no settlement shall be acquired or completed by occupying a tenement, unless the person occupying the same shall have been assessed to the poor-rate, and shall have paid the same, in respect of such tenement for one year." This Act passed on the 14th August, 1834; at that time the pauper had not occupied the tenement for twelve months, and had not, therefore, acquired a settlement. The section, it will be seen, prevents any settlement, not then acquired, from being completed, unless the conditions as to rating and paying rates for the required period have been complied with.

XV.—STAMPED RECEIPTS.

WHETHER REQUIRED TO BE GIVEN FOR PAYMENTS MADE BY GUARDIANS.

December 10th, 1845.

Clerk of Northallerton Union—It being doubted whether stamped receipts were requisite for payments made by the guardians to tradesmen, for goods purchased for the use of the union, or for the salaries of officers,—requested the Commissioners' opinion on the point; and referred to the case of the guardians of the Banbury union *v.* Robinson—1 Dav. and Mer. p. 92.

Ans.—It appears to the Commissioners that stamped receipts are requisite in the cases mentioned in your letter, assuming that the sums paid amount in each case, to £5, and that the guardians should require such receipts from the officers, and other parties to whom monies are paid. To establish an exemption from stamp-duty, the case must be brought within the 86th sec. of 4th and 5th Wm. 4, c. 76, that is, the instrument must be shown to be an instrument made in pursuance of that Act. The Commissioners do not at present see how the receipt or discharge, given by a tradesman for money paid him by the guardians, for goods furnished in the one case, or by an officer for salary received in the other, can be said to be an instrument made in pursuance of that Act. The Commissioners have referred to the case of the guardians of the Banbury union *v.* Robinson, 1 Dav. and Mer. p. 92, but they see nothing in the opinions expressed by the court in that case as to the meaning of the word "instrument," to lead them to think that such meaning would be extended to such a case as the present.

XVI.—VACCINATION.

INOCULATION FOR SMALL POX.—COSTS OF DETECTING OFFENDERS.

November 11th, 1845.

Clerk of Watford Union—There is a very strong impression that several children in the union have been inoculated, and that the disease has been communicated to others by exposing the healthy to those who had the disease. Inquired whether the guardians would be justified in offering a reward to informants, who would assist in prosecuting to conviction, parties who have offended, or who may offend, against the statute.

Ans.—The Commissioners collect from your inquiry that the guardians wish to be informed more particularly as to their power to pay, out of the funds in their control, any sum which they might see fit to offer for the object stated. The Act 4th and 5th Vic., cap. 32, from which the guardians derive their power to pay any expenses connected with vaccination out of the poor-rates, provides, "that it shall be, and be deemed to have been lawful for the guardians of any parish or union in England and Ireland, &c. by whom the contracts for vaccination may respectively be, or have been made under the provisions of the said Act, to defray the expenses incident to the execution of the said Act, out of any rates or monies which may come, or may have come, into their hands respectively for the relief of the poor." If the words "expenses incident to the execution of the Act," are to be understood as referring solely to such things as the guardians are required to do or perform in execution of the 3rd and 4th Vic., cap. 29, then it would seem clear that the cost of proceeding against persons under the 8th section of that act could not be paid out of the poor-rates, as it is not made any part of the duty of guardians, as such, to enforce the statute against offenders. But if the words cited have a more extended meaning, and are to be construed as including the costs incurred in effecting any of the objects or purposes of the statute, the case

would apparently be different as regards the power to defray the expenses last referred to, as one of the objects of the statute is the punishment of persons who attempt to produce by inoculation the disease of small pox. The Commissioners are themselves disposed to think that the latter construction might be supported by the courts, though they admit the case is by no means free from doubt. But assuming the clause to have the effect of enabling the guardians to defray the expenses of proceeding against any persons summarily before the justices, under the 8th section, the Commissioners are of opinion that the power would not be held to extend to the payment of sums offered as an inducement to persons to give information as to offenders against the statute.

XVII.—VAGRANTS.

POWER OF GUARDIANS TO PROCEED AGAINST DESERTERS OF FAMILIES, WITHOUT THE INTERVENTION OF PARISH OFFICERS.

November 22nd, 1845.

Clerk of Mitford and Launditch Union—Inquired whether the guardians could by their relieving officers, or otherwise, and without the assistance of parish officers, take proceedings under the Vagrant Act, (5 Geo. 4, c. 83,) for the punishment of parties deserting their families, and leaving them chargeable to the parish.

Ans.—In the opinion of the Commissioners, the guardians are clearly authorised to take steps through their officers for the apprehension and punishment (under 5th Geo. 4, cap. 83,) of persons who are guilty of the offence of deserting their families, and suffering them to become chargeable. See the 59th sec. of 7th and 8th Vic. cap. 101. But even before the passing of that Act, the overseers had no special duty or exclusive province in regard to taking such proceedings; the prosecution being a criminal matter, it was apparently open to any one acquainted with the facts, and in a situation to prove the chargeability, to institute the proceedings. The practical difficulty in the way of such proceedings being taken by the overseers, was that the law did not enable *them* to defray the costs out of the poor-rate, and that difficulty yet remains in regard to the overseers, for the statute last referred to merely enables the *guardians* to pay the costs out of the funds in their hands.

XVIII.—VALUATION.

EXPENSES OF OCCASIONAL SURVEYS, ETC. FOR RATING.

January 13th, 1846.

Clerk of Tamworth Union—A new house was built in a parish of the Union, and the overseers, to avoid unnecessary expense, rated it to the best of their ability. The owner being dissatisfied with the valuation, appealed to the justices, who recommended that a surveyor should be employed. The overseers accordingly employed the surveyor who had formerly valued the whole parish, and his charge was two guineas. The overseers paid the charge, but the auditor has disallowed it in their accounts. Inquired how surveyors, who are employed by order or recommendation of the justices, to value new property in parishes, are to be paid.

Ans.—The Commissioners are not aware of any legal mode by which the overseers can procure the aid of a surveyor, for occasional surveys and valuations of property, prior to its assessment to the poor's rate. If the rate once made be appealed against, the overseers may employ a surveyor, to give evidence of the value, and thereby obtain an estimate by which they may learn the value of the particular property, and alter or abide by the rate accordingly. The justices have no power to order the overseers to have any property surveyed and valued for the purposes of poor rate assessment. It is incumbent upon the justices to act upon the evidence produced before them.

XIX.—VESTRY MEETINGS.

1. POWER IN REGARD TO MAKING RATES, ETC.

January 16, 1846.

Mr. ——, Newmarket Union—Notice was given of a parish vestry to be held "for the purpose of granting the churchwardens and overseers a rate for the relief of the poor, and for other purposes." Inquired, 1, whether any alteration in the assessment of any rate-payer, proposed and carried at such vestry meeting, would be legal. 2. Whether any other business than that of granting a rate could be legally transacted thereat.

Ans.—The vestry of a parish has no authority to determine the amount at which any person shall be assessed in the poor's rate for such

parish. It rests with the overseers of the poor, on their own responsibility, to assess every rate-payer at such amount as they think right, having due regard to the requirements of the law. The commissioners do not mean to say that the overseers may not derive very material aid from the vestry in forming their own opinions on the points alluded to; but they are bound to state that the vestry has no legal power to control the overseers in the matter. With regard to your question whether any other business besides that of granting a poor's rate can lawfully be transacted at a vestry meeting convened in the manner described, the Commissioners desire to observe that it would not come within their province to express any opinion thereon, unless the "other business" you advert to, be connected with the administration of the poor laws.

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2. PUBLICATION OF NOTICES.

Clerk to Guardians of —— Union—It is proposed by the guardians to recommend the inhabitants in vestry, to appoint the collector of poor-rates for this parish, to act as assistant overseer, but it is expected that obstacles will be thrown in the way of the appointment. Inquired whether notices for calling the vestry should be published on the doors of the dissenting chapels, as well as of those of the established church, as stated in a late number of The Justice of the Peace.

Ans.—Having regard to what the Commissioners believe to be the ordinary legal meaning of the word "chapel," and to what appears to be the general tenor of the statute, 1 Vic. cap. 45, the Commissioners are disposed to consider that the chapels referred to in that statute are chapels belonging to the established church, and not places of worship used by dissenting congregations. The Commissioners do not concur in the view taken by the "Justice of the Peace," (in the article to which you refer,) as to the effect of the decision in Reg. *v.* Whipp, (4 Ad. and Ell. n. s. 141, 3 Gal. and Dav. 372.) It is true that the existence of dissenting chapels in the parish, is mentioned as one of the facts in that case, but there is nothing in the judgment, as reported, to show that this circumstance had any effect upon the decision of the court, which might, for aught that appears, have proceeded upon the ground that the rate was not published in all the "churches and chapels" belonging to the established church. At the same time, if any question on the point is likely to be raised in any instance, the Commissioners see nothing to prevent the publication at the dissenting chapels, so as to guard against any subsequent dispute.

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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. 57. CIRCULAR ISSUED MARCH 2ND, 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.*