

Having given this outline of the mal-administration of the laws for the relief of the poor, and of the causes which have induced large classes of persons to be favourable to that mal-administration, we will now consider how far the character of the persons by whom relief is awarded and distributed is likely to be favourable or unfavourable to its due administration.

The persons by whom relief is actually distributed are the overseers.

The persons by whom it is awarded are the overseers, the vestry, either general or select, and the magistrates.

We will examine, separately, the motives likely to affect the conduct of each of these classes of functionaries.

I.

THE OVERSEERS.

As the law now stands, the overseers are to make, assess, collect, and distribute the fund for the relief of the poor. They are to decide, in the first instance, what amount of money is wanted, what persons are to pay it, and in what proportions; they are to enforce payment of it from those persons, and they are to dole it out to those whom they think proper objects of relief, so as to satisfy what they think the necessities of those objects. Where a Select Vestry exists, they are desired, by the 59th Geo. III. c. 12, to conform to the directions of that vestry; but as the Act does not put an end to their responsibility, or enact any penalty for their non-conformance, this clause, though productive of important results in practice, appears to want legal sanction.

The office is annual, and sometimes lasts only six or four, or even three months, it being in some places the practice to appoint two or three, or even four every year, each of whom serves for only half a year or four months, or only three. The persons appointed are in general farmers in country places, and shopkeepers or manufacturers in towns.

If they refuse or neglect to serve, they may be indicted or fined, but they receive no remuneration for serving.

Such agents must often be prevented, by their other avocations, from giving the time necessary to the vigilant and effectual performance of their duties; neither diligence nor zeal are to be expected from persons on whom a disagreeable and unpaid office has been forced, and whose functions cease by the time that they

have begun to acquire a knowledge of them; and even when zealous and diligent, they must often fail from want of experience and skill. To these sources of mal-administration may be added the danger of the parochial fund being misapplied either in the way of actual embezzlement, or, what is more frequent, through jobbing or partiality and favouritism, or through the desire of general popularity, or through the fear of general unpopularity, or of the hostility of particular individuals.

The only checks, then, on their profusion or partiality, or fraud, are the share which they bear as rate-payers in the burthen, and the necessity of annually submitting their accounts to the vestry, and having them allowed by the magistrates.

With respect to the former check, it is to be observed, first, that the increase or diminution of the rates of the whole parish, which one overseer can effect during his year, or half year, or three months of office, is in general so small, and his own individual share of that increase or diminution so trifling, as to be an insufficient motive for making any real sacrifice or encountering any real danger; and secondly, that if, as an immediate employer of labour, he is interested in keeping down its price, he may gain, or think that he gains, more by the reduction of wages than he loses by the rise of rates. With respect to the latter check—that arising from the necessity of having the accounts passed—it is to be observed, that no form is prescribed for keeping these accounts, that sometimes they are merely entered on loose paper, and that in most cases they consist of a mere day-book of receipt and expenditure without any statement of the grounds on which relief has been afforded, and often without stating even the names of the persons relieved. Such accounts afford clues by which a person devoting himself to their investigation might in time ascertain the mode in which the fund had been administered, but on a cursory examination, they tell nothing; and we shall see that they do receive only a cursory examination from the vestry of which the overseers themselves form a part, and are then passed, as a matter of course, by the justices.

On the other hand, if the overseers refuse relief, or grant less than the applicant thinks himself entitled to, they may be summoned before the justices to defend themselves against the charge of inhumanity and oppression; and if they do not comply with the magistrates' order, they are punishable by indictment or fine; and, unhappily, the applicant who has been refused relief has frequently recourse to a much more summary remedy than the interference of the magistrates. The tribunal which enforces it sits, not at the petty sessions, but at the beer-shop;—it compels obedience, not by summons and distress, but by violence and conflagration. The most painful and the most

formidable portion of our evidence consists of the proof, that in many districts the principal obstacle to improvement is the well-founded dread of these atrocities.

The following extracts from the evidence will, perhaps, be more convincing than our general statement of its result:—

“As a body, I found annual overseers wholly incompetent to discharge the duties of their office, either from the interference of private occupations, or from a want of experience and skill; but most frequently from both these causes. Their object is to get through the year with as little unpopularity and trouble as possible: their successors, therefore, have frequently to complain of demands left unsettled, and rates uncollected, either from carelessness or a desire to gain the trifling popularity of having called for fewer assessments than usual. In rural districts the overseers are farmers; in towns generally shopkeepers; and in villages usually one of each of those classes. The superiority of salaried assistant-overseers is admitted wherever they exist, and in nearly all the instances where a select vestry has fallen into desuetude, the assistant-overseer has been retained. In short, so bad is the annual system considered, that an enactment was frequently proposed for compelling all parishes to appoint and remunerate permanent overseers, to be removable in case of unfitness or misconduct.”*

“SLAUGHAM.

Population . . 740 | Expenditure . . £1706.

“The above large sum of money is expended principally in orders on the village shops for flour, clothes, butter, cheese, &c.; the tradesmen serve the office of overseer by turns; the two last could neither read nor write.” †

“With the exception of two or three instances in great towns, the overseers are tradesmen, shopkeepers, and farmers, who complained universally of the vexatious demands on their time.”

“The circumstances which were admitted to render the annual overseer inefficient were, change, difference of opinion in a successor or a colleague, and the appointment of persons who supply the poor with goods, and thus have a direct interest in giving them money from the poor-rate. The relief that should be afforded to the industrious classes, by exonerating them from the heavy burden of the duties of the compulsory overseer, is worthy of consideration. I met with one instance of a respectable farmer who had been overseer ten times in sixteen years, because there was only one other person in the hamlet qualified to serve: and I cannot convey an idea of the dismay of another who, in the midst of harvest, when occupied in carrying wheat, and watching every cloud that passed, was called away by some parochial duty.” ‡

“There are six overseers annually appointed; and it has been the practice—a very injurious one, in my belief—that each overseer should take the duty of relieving the poor for one month by turns: the con-

* Mr. Walcott's Report from North Wales, App. (A.) Part II.

† Mr. Majendie's Report from Sussex, App. (A.) Part I. p. 180.

‡ Captain Chapman's Report from Somerset, Cornwall, and parts of Devon, Gloucester, and Wilts, App. (A.) Part I. p. 476, 477.

sequence is, that all the evils which attach to the ordinary cases of overseers acting for a year—namely, their necessary ignorance of the parties with whom they have to deal, and their inability to give up sufficient time to become acquainted with them—are aggravated in a six-fold degree. When I state to the Commissioners what occurred to myself last month, the second month I took the duty, it will be seen how impossible it is that an overseer should know all that he ought to know about the parties whom he relieves.

“In that month I relieved, with sums under 2s. 6d. each, 472 persons, whose families amounted in the aggregate to 1,097; this relief amounted to 10*l.* 13*s.* In sums of above 2s. 6d. each I distributed 67*l.* 13*s.* 10½*d.* within the same period. This money was issued entirely at my own discretion; the parties were very nearly all the same persons that I relieved in the first month of my duty, when I saw them for the first time in my life; most of these parties were therefore relieved by me on the first occasion, upon evidence little better than that afforded by their own statements; and this must be the case with all other overseers annually appointed. It is a general complaint among overseers, at least among those who accept the office with the object of duly applying the parish funds, that it is impossible for them to do the duties assigned to them effectually.

“Besides the casual relief issued as above-mentioned, upon my sole responsibility, and without control, there were paid in the same month of December 36*l.* 12*s.* 6*d.* in weekly pensions, and 122*l.* 1*s.* 6*d.* for bastards.”*

“We have no checks upon the payments made by our overseers either to the weekly casuals, or to the mere casual poor. In the course of my long experience I have known many overseers, men in trade or otherwise, who have been obliged to leave the management of the parochial fund, so far at least as regards the payments made to the casual poor, to their wives, children, or shopmen. It is a very common remark with overseers, ‘Well, you have imposed a very unpleasant duty on me, and I shall endeavour to get through it with as much comfort to myself as possible.’ Another objection is, that they are sometimes taken from poor neighbourhoods, in which case it commonly occurs that some of their customers are among the paupers who apply to them for relief.” †

“I am one of the three annual overseers, who each take four months of duty. I am a tradesman, and I cannot give much time to inquiry; besides, as I am only employed four months, I cannot learn anything of the habits and characters of the people.” ‡

“I would take from the annual overseers the administration of relief; first, because they are appointed for a year, and in many instances divide their time with their brother overseers, so as to restrict their periods of active service even to two or three months; and it is therefore quite impossible that they should acquire any adequate knowledge

* Mr. Whipple, overseer of St. James, Clerkenwell, App. (A.) Part I. p. 62.

† Mr. Wilkes, assistant clerk and overseer of St. Andrew, Holborn-above-Bars, and St. George the Martyr, App. (A.) Part I. p. 70.

‡ Mr. Nicholson, overseer of Wandsworth, App. (A.) Part I. p. 71.

of the paupers with whom they have to do, and by whom they are in consequence imposed upon to a lamentable extent; next, because they are honorary officers who are generally dependent on other employments for their support, and whose whole time and attention cannot be given to the performance of their duties, even for those short periods during which they undertake to transact them; they therefore either neglect them, devolve them upon others, or perform them unwillingly; and lastly, because they are members of the parochial boards by which their conduct and accounts are, for the most part, to be canvassed and passed, and there is therefore only a very imperfect appeal as to their proceedings, either as regards the parish or the paupers."*

"I consider a great portion of the evils now found to exist in the operation of the Poor Laws may be ascribed to the discretionary power placed in individual irresponsible hands, and that the present laws might be rendered tolerable, and in some degree beneficial, if such power was taken from the hands of individuals and vested in a public board. My reasons for such an opinion are—

"1st. That as the office of churchwarden or overseer is generally filled by a tradesman (in the metropolitan parishes at least), frequently a retail tradesman, who is perhaps entirely dependent on the neighbourhood immediately around him for success in his business, it would be matter of wonderment in the mind of any man conversant at all with the world and human nature, if, in some cases at least, the funds which such persons have the right of disposing of with impunity are not dispensed at the dictation of other motives than the desire of relieving the distressed; if partiality towards particular individuals is not frequently found directing the hand which holds the parish purse; and if the funds are not often bestowed, from motives of self-interest, on most improper and undeserving objects belonging to the same religious society. I look upon the tradesman that fills the office of overseer as holding a place of temptation to serve his own interests, to show partiality to his own circle of favourites; and I am sure no man ever filled the office that was more just, upright, and impartial than the discretionary powers appended to the office would lead men acquainted with mankind and social life to suppose or expect him to be. I say this much from personal proofs of its operation on a tradesman, being myself a tradesman. When I served the office of overseer I was incessantly importuned by persons that I knew had no need of it for assistance, or 'a trifle,' as they would say, or a pair of shoes, or some article of clothing, with this universally used argument in favour of their claim, 'I have *dealt* with you a many years, never lay out a farthing any where else, and I never *did* have anything from the parish; I *know* you can do it if you like, and it is nothing out of *your* pocket;' and they give pretty broad hints that if you do *not* comply with their requests, they will never lay out another farthing with *you*. I lost many customers by my non-compliance with their importunities, and I am certain that every overseer similarly situated must feel the same inconvenience which I felt.

* Mr. Codd's Report on the Western Division of the Metropolis, App. (A.) Part I. p. 73.

Sometimes persons on whom you are in some way dependent apply to you in behalf of some of *their* favourites, and you are placed in a very awkward predicament as to how to act. You do not wish to offend your friend, and you do not wish to do wrongfully with the parish money. Here stands the balance of the matter; which of the two impressions kick the beam? By adopting one plan, you wrong the parish, and are an unworthy steward; by adopting the other, you perhaps sacrifice your best prospects in life, and injure your family."*

"Lewes is divided into seven parishes. There are twenty-one overseers of all the different trades, and five poor-houses. The overseers are chosen from so low a class of petty tradesmen, that it is notorious that they use the balance of parish money in their hands to carry on their own businesses; being little removed above the paupers, they are not able to resist them, and there is the constant temptation to lavish relief supplied on the articles in which they deal. Jobbing of all sorts seems to prevail. Mechanics threaten to assault the officers if their demands are not acceded to. A select vestry has been tried in one parish; it was upset by the journeymen mechanics, who assembled in an overwhelming number; the same party objects to assistant overseers."†

"In Portsmouth there is no paid assistant. The overseers collect the rates. The situation, though of no emolument, is generally canvassed for by the tradesmen."‡

"The present and late overseers of Great Grimsby stated that they were aware of the bad state of the parish, but offered, as an excuse, that they were all retail tradesmen, and dependent on the lower orders for the principal part of their custom; and that, as they were totally unsupported by the authorities or the respectable part of the community, it might prove their ruin if they acted so as to acquire a character for harshness in the administration of the Poor Laws."§

"BREDE.

"Population . 1,046 | Rental . £2,035 | Expenditure . £2,606

"The overseer says, that most of the relief is altogether unnecessary, but he is convinced that, if an abatement were attempted, his life would not be safe; he looks to the farmers for support, which they dare not give, considering their lives and property would be in danger."||

"The tone assumed by the paupers towards those who dispense relief is generally very insolent, and often assumes even a more fearful character. At Great Gransden, the overseer's wife told me that, two days before my visit there, two paupers came to her husband demanding an increase of allowance; he refused them, showing at the same time that they had the full allowance sanctioned by the magistrates' scale; they swore, and threatened he should repent of it; and such was their

* Mr. Chadwick's Report, Evidence of Mr. Brushfield, of Spitalfields, App. (A.) Part II.

† Mr. Majendie's Report from Sussex, App. (A.) Part I. p. 182.

‡ Captain Pringle's Report from Hants, App. (A.) Part I. p. 291.

§ Major Wyld's Report from Lincoln, App. (A.) Part II.

|| Mr. Majendie's Report from Sussex, App. (A.) Part I. p. 201.

violence that she called them back, and prevailed on her husband to make them further allowance. Mr. Faircloth, by a stricter system of relief, and affording more employment, reduced the rates at Croydon; he became unpopular among the labourers, and, after the harvest, they gathered in a riotous body about his thrashing machine, and broke it to pieces. At Guilden Morden, in the same neighbourhood, a burning took place of Mr. Butterfield's stacks, to the amount of 1500*l.* damage. Mr. Butterfield was overseer, and the magistrates have committed, on strong circumstantial evidence, a man to whom he had denied relief, because he refused to work for it. I have found, and it is not to be wondered at, that the apprehension of this dreadful and easily-perpetrated mischief has very generally affected the minds of the rural parish officers, making the power of the paupers over the funds provided for their relief almost absolute, as regards any discretion on the part of the overseer.*

"The overseers are chiefly farmers, and continue in office only during the time prescribed by law, being desirous of getting rid, as speedily as possible, of an office in which they are exposed to unceasing importunity, and live in constant terror of having the threats of violence, which are uttered against them by the discontented, carried into execution. The destruction of property by fire has now become so common, that where men want resolution to be the ministers of their own vengeance, wretches are to be found who, for a trifling reward, will execute it for them. The insurance offices have been obliged to use extreme caution in insuring the property of any one who has once suffered from fire, as it is evident that he must, in some way, have made himself obnoxious. Cases are to be met with, where a farmer has been unable to renew his insurance. In consequence of this melancholy state of society in those parts of the country where fires have been frequent, instead of the well-stocked farm-yard, the farmer is obliged, in prudence, to place his stacks at a sufficient distance to prevent the fire from communicating, in order to diminish the loss to which every one is exposed." †

Further evidence can scarcely be wanted; but, if it is required, it will be found in abundance in our Appendix. But if there were no such evidence, if the results of the experiment were not known, what could have been expected from functionaries almost always reluctant, unless indeed when their object is fraud; who neither come to their office with knowledge, nor retain it long enough to acquire knowledge; who have little time, and still less motive, for attention to its duties; on whom every temptation to misconduct has been accumulated; who have to give or to refuse public money to their own workmen, dependants, customers, debtors, relations, friends, and neighbours; who are exposed to every form of solicitation and threat; who are rewarded for profusion by ease and

* Mr. Power's Report from Cambridge, App. (A.) Part I. p. 245.
 † Mr. Stuart's Report from Suffolk, App. (A.) Part I. p. 350-381.

popularity, and punished for economy by labour, odium, and danger to their properties, and even their persons?

ASSISTANT OVERSEERS.

The 59 Geo. III. c. 12, authorized the appointment of paid and permanent overseers to act as the assistants of the annual overseers. It appears by the returns of 1831, that they were then employed by not less than 3,249 parishes. And the reports of the Assistant Commissioners are unanimous as to their general utility.

"I perceive no difference," says Mr. Okeden, "in the management of the poor in towns and villages, except that where there is an assistant overseer the management is the best."*

"Considerable saving," says Mr. Maclean, "has been effected in those parishes which have adopted the plan of paying and retaining permanently, though subject to annual re-election, an assistant overseer. I have invariably found these persons very intelligent, zealous, and, when properly encouraged and looked after, useful and economical to a parish." †

Captain Chapman states that, in the district investigated by him (Cornwall, Devonshire, and parts of Somersetshire and Wiltshire,)

"Assistant overseers had been appointed in most of the larger parishes, and were found so much superior to the annual overseer as to be much on the increase. I only met with one instance in which the assistant overseer had been discontinued, viz., at Ashburton, where there had been great want of unanimity among the rate-payers; and the select vestry had also been discontinued, after having been adopted many years. The result was stated to be, great difficulty in finding persons qualified to act as overseers, and an immediate increase in the poor-rate.

"Two instances came under my notice in large towns, where the assistant overseers had been suspected of embezzlement, and removed; but they had been replaced by others, and thus gave proof of the conviction of the parishioners of the superiority of the paid over the annual overseer.

"Some instances occurred, in which the assistant overseers had received the thanks of the vestry for their exertions; and a few, in which they had received a gratuity, in addition to their salaries.

"The assistant overseers were invariably intelligent, attentive, zealous, possessing great knowledge of the laws, and thus preventing litigation and saving expense. I found them frequently made the referee and oracle by ordinary overseers of the surrounding parishes. In St. Austre^{ll} and Exeter, this was strikingly brought before me; on market-days

* App. (A.) Part I. p. 14.

† App. (A.) Part I. p. 556.

the overseers apply in every difficulty to the assistant overseer at St. Austell, and in the same manner to the assistant treasurer in Exeter. Their efficiency, activity, and intelligence, when compared with those of the annual overseer, were so superior as to lead one to consider the introduction of the paid overseer the greatest improvement in the management of the poor, and that its universal adoption is one of the first steps towards any important amendment." *

A similar opinion, as to the necessity of appointing a paid overseer, is expressed by Mr. Codd, † by Messrs. Cameron and Wrottesley, ‡ Mr. Majendie, § Mr. Power, || Mr. Moylan, ¶ Captain Pringle, ** Mr. Stuart, †† Mr. Richardson, ††† Mr. Tweedy, §§ Mr. Everett, |||| Mr. Lewis, ¶¶¶ Mr. Walcott. ***

It is to be observed, however, that under the statute, the adoption, the nomination, the continuance, and the salary of an assistant overseer depend on the vestry, and that the vestry, not the law, is "to determine and specify the duties to be by him executed and performed." A more perfect state of subserviency can scarcely exist. Whatever may be the vigilance and impartiality of an officer so appointed and paid, he cannot prevent the grossest extravagance or jobbing on the part of those who are in fact his masters, the vestry and the annual overseers; he may refuse his aid, but cannot interpose the slightest resistance. No refusal on his part can indeed be expected; it must be made at the risk of his place, and for the purpose of diminishing rates to which his contribution, if he contribute at all, must be trifling; nor could a profuse or corrupt vestry find any difficulty in selecting a willing instrument for their purposes. The testimonies which we have cited in favour of the assistant overseers, prove, however, that this is seldom the case; and it probably may be accounted for by the circumstance, that in the worst parishes an assistant overseer is not appointed. The adoption of such an officer may generally be considered a symptom of a desire, on the part of the rate-payers, for improvement. It follows, indeed, that those parishes in which the services of a strict and uncorrupt officer are most wanted, are precisely those in which such an officer is the least likely to be appointed or continued. This is the necessary imperfection of the permissive legislation of the 59th Geo. III., a statute which appears, from all our inquiries, to have been so useful where it has been adopted, that we cannot but regret that its adoption should depend on the will of a body so constituted as a vestry.

* App. (A.) Part I. p. 476.

† App. (A.) Part I. p. 151.

‡ App. (A.) Part I. p. 264.

** App. (A.) Part I. p. 326.

†† App. (A.) Part I. p. 413.

‡‡ App. (A.) Part I. p. 685.

*** App. (A.) Part II.

† App. (A.) Part I. p. 72.

§ App. (A.) Part I. p. 168.

¶ App. (A.) Part I. p. 280.

†† App. (A.) Part I. p. 350.

§§ App. (A.) Part I.

¶¶ App. (A.) Part I. p. 665.

II. VESTRIES.

VESTRIES are either open, composed of all the rate-payers who choose to attend; or representative, appointed by virtue of a local Act, or under the 59 Geo. III. c. 12; or self-appointed, either by prescription or a local Act.

1. OPEN VESTRIES.

THE legal powers of an open Vestry are subject to the doubt and obscurity which seem to be peculiarly attendant on our Poor-law legislation. The 43 of Elizabeth vests the whole power, and imposes the whole responsibility on the overseers; and though the 3 & 4 Will. & Mary, c. 11, s. 11, by directing the parishioners to meet yearly in vestry, in order to make a list of the persons whom *they shall allow* to receive collection, and the 9 Geo. I. c. 7, s. 1, by forbidding a justice to order relief until oath has been made by the pauper that he has applied to the parishioners, assembled in vestry, or to two of the overseers, and has been refused, appear to imply in the vestry an authority as to giving and refusing relief, equal or even superior to that of the overseer; yet, as these Statutes do not sanction the overseers in giving the relief which has been ordered by the vestry, or indemnify them for refusing what the vestry will not allow, and as they give to the vestry no power either to raise or to distribute the parochial funds, it is very difficult to say what is the legal authority as to matters of relief of an open vestry, or whether such a body has now in fact, on such matters, any legal authority at all. It appears, however, both from the Reports of the Assistant Commissioners and from the Answers to numbers 33, 34, and 35 * of the printed Queries, that almost everywhere the practical influence of the vestry is very great; that it forms, in fact, the ruling authority of the parish, a sort of council of government, of which the overseers are members, and generally the most influential members, but voting among the others, and submitting to be controlled by the majority.

The vestry consists exclusively of the rate-payers, that is, of the actual occupiers of lands and houses; the owner, unless an occupier, not having, except in the few cases in which he is rated under the 59 Geo. III. c. 12, a right even to be present. If we were now framing a system of Poor Laws, and it were proposed that a great part of the principal contributors to the fund for the relief

* The Questions numbered 33, 34, and 35 of the Rural Queries, and 10, 11, and 12 of the Town Queries.

of the poor should be excluded from all share in its management, and even from all power of objecting to its administration, and that the control should vest in an irresponsible body, many of whom should have little interest on its permanent diminution, what jobbing profusion and malversation would be anticipated from such an arrangement! But such is the existing system. We have seen how slight, in ordinary cases, is the interest of the majority of the rate-payers in the permanent reduction of rates. And yet this check, such as it is, is the only one to which vestries are subject. In every other respect they form the most irresponsible bodies that ever were entrusted with the performance of public duties, or the distribution of public money. They render no account; no record need be kept of the names of the persons present, or of their speeches or their votes; they are not amenable, whatever be the profusion or malversation which they have sanctioned, or ordered, or turned to their own advantage. On the other hand, they have all the motives for mal-administration which we have ascribed to the overseers. Each vestryman, so far as he is an immediate employer of labour, is interested in keeping down the rate of wages, and in throwing part of their payment on others, and, above all, on the principal object of parochial fraud, the tithe-owner; if he is the owner of cottages, he endeavours to get their rent paid by the parish; if he keeps a shop, he struggles to get allowance for his customers or debtors; if he deals in articles used in the workhouse, he tries to increase the workhouse consumption; if he is in humble circumstances, his own relations or friends may be among the applicants; and, since the unhappy events of 1830, he feels that any attempt to reduce the parochial expenditure may endanger his property and person.

We shall proceed to illustrate these views by some passages from the Evidence contained in the Appendix. Mr. Majendie states generally, in the outset of his Report from East Sussex, East Surrey, Kent, and Essex, that the bad constitution of parish vestries, particularly when in the hands of small farmers, where there is no resident proprietor, and where the clergyman takes no part, seems to be the cause of the bad condition of the worst parishes which he visited.* Among the parishes, the state of which confirms this remark, are—

Lindfield, in which the

“Jobbing in the supply of the workhouse was once carried to the fullest extent. The farmers sent in all the different articles, corn, pork, fuel, &c., and charged their own price; they sent favourite labourers for relief, which was paid to them in produce; they hired cottages with their farms, and underlet them to their labourers at 6*l.* and 7*l.*, which was paid out of the parish purse: thus some farmers—what with rents

* App. (A.) Part I. p. 168.

and the supply of the workhouse—paid all their rates, and had money besides to receive from the parish; high rates furnished an irresistible argument against the rents of the proprietor, who, if absent himself, and not represented by an agent, his own tenant acting in collusion against him, found his property wasted away by a conspiracy which he had no means of detecting. A gentleman of considerable estate, with the assistance of an occupier, who was a man of education and intelligence, determined to put a stop to this: they attended every vestry; they cleared off the debts, and reduced the rates from 15*s.* to 6*s.* 6*d.* in the pound.”*

— Marden, formerly one of the most prosperous parishes in Kent, in which the rates are now more than 2*l.* per head on the whole population, being about four times the average expenditure throughout England, in consequence of the opposition to tithes on the part of the farmers, and their determination to throw on the lessee of the great tithes part of the payment of wages; † and Great Hawkesley, in which, while a dispute concerning tithes continued, the rates amounted to 1800*l.* a year, a principal farmer hired the tithes, and made an arrangement with the occupiers, and they then fell to 1000*l.* ‡

“Sometimes,” says Mr. Power, “we shall find the lessee of a term, or the small capitalist, ground to the earth by the immediate pressure of the rates, and bearing, perhaps, more than his share of the parochial ruin, complaining, but helpless; and sometimes we shall find the substantial farmer, though paying enormous sums yearly in the support of a stagnant labouring population around him, apparently indifferent (particularly when a yearly tenant) to that circumstance, and seeming, in fact, to feel that he finds his account in the Poor Laws and their mischievous operation. He views the poor-rates in the light of a deduction from his rent, and usually he has good grounds for that consideration; and in estimating the amount of that deduction, it is seldom taken into account by a considerate landlord, that a supply of cheap labour, expeditious harvests, excellent roads, and other advantages are derived by the farmer from the very source in respect of which he claims his deduction. Accordingly, we hear this class of persons constantly complaining, not of the poor-rates, but of the insufficient price of corn; they would pay their poor-rates with pleasure, they say, and their rent too, could they only get a fair price for their wheat; and I believe them. But little interest or exertion in reduction of the rates can be expected from such a class of persons when administering relief.”§

Captain Pringle states, that

“The persons who sway the vestries would, from what I have observed in many instances, be averse to any measures that would render the labourer independent of parish assistance, which, by keeping him to its confines, retains him always at their command when wanted for urgent work.

* App. (A.) Part I. p. 181.
† App. (A.) Part I. p. 232.

‡ App. (A.) Part I. p. 209.
§ App. (A.) Part I. p. 249.

"In nearly all the agricultural parishes, it will be found that by indirect modes the householders pay a portion of the wages of farm labourers; clothes, shoes, payment of rents, allowances for children, are, when such subjects are brought forward in vestries, not allowed to be a payment of wages; and I have heard it observed, Why should the farmers keep their labourers all the year, to save the gentlemen and householders from poor-rates?"*

Mr. Stuart states, that

"The small size of the parishes in Suffolk renders the administration of the poor fund by the parochial authorities liable to many abuses, and to much individual hardship. The administration being vested, almost exclusively, in those who are the sole employers of labour, offers temptations to them to pervert it to their own advantage, by making it an instrument for reducing wages, or throwing part of that charge off their own shoulders on others. As each parish forms a small and separate society, the paupers are able to urge their demands with more frequency and violence on their immediate neighbours, which subjects the parish officers to the influence of fear or favouritism. When a farmer is about to quit his occupation, he gives the least possible cultivation to the land, which throws the men usually employed on the farm on the parish for support, to the loss of those who are to remain. When any individual chooses to quarrel with the parson, he gratifies his spite by having the tithes rated, and then pays off all his labourers who have settlements in the parish, and hires men from other parishes, for the purpose of being revenged by the heavy contribution which will fall on the parson, although it is to his own hurt and that of all his neighbours. I visited a parish in which one or two farmers conspired together in this way, in order to force the clergyman to abate his tithes, although his demand was considered reasonable by the majority of the occupiers. The dispute was accommodated within six months by the mediation of the principal landlord, but it cost the parish an extra 2s. 6d. rate, which the clergyman paid for those who did not enter into the conspiracy. In another parish, where a similar state of things had existed for a series of years, (owing to the spite of the principal farmer,) after the parties had nearly ruined each other, they came to terms, and the expenditure fell from a fluctuating amount of from 700*l.* to 1000*l.* a year, to from 350*l.* to 400*l.*"†

And he adds, on the other hand,

"That in the large parishes it is seldom that a sufficient unanimity exists in the vestry meetings to enable them to form any plan which may promote the general welfare of the parish. There are so many petty and conflicting interests to be accommodated, that these meetings are scenes of angry contention and violent debate, which end in nothing, and disgust the respectable portion of the inhabitants, who resign themselves to endure the evils which they cannot cure. The occupier being the direct payer of the rates, he imagines that they ought to be entirely under his dominion, and views with jealousy the interference of

* App. (A.) Part I. p. 297.

† App. (A.) Part I. p. 335.

any other party; as, however, they ultimately fall on the proprietor and are often used as an argument for a reduction of rent, it seems but just that the landlord should be admitted to some control over them. In my attempts to ascertain the causes of the difference of expenditure in one part of the country, as compared with another, it has frequently been assigned to me as one reason, that many of the occupiers of land being proprietors as well, it was quite contrary to their interests to allow the corruptions which prevailed where the tenant has an unlimited control. I have been told that meetings of vestry have been held when the rates have been diminishing, for the purpose of considering whether they were not getting too low."*

"The members of vestries," says Captain Chapman, "in the rural parishes generally, consisted of farmers and tradesmen, on whom, in consequence of the diminished number of resident gentry, the administration of the Poor Laws devolves more and more, in proportion as the Continent and cities absorb the more educated classes. A great proportion of the rate-payers, and those who take an active part in the vestry, are persons who have only a temporary interest in the parish, and who are thus naturally averse to incur any extra expense from which they might not receive benefit, although productive of great ultimate good. In most parishes there are also a proportion to whom the poor-rate is a convenience, who employ the smallest possible number of steady labourers, and depend upon the parish to supply the additional demand which they require periodically."†

"Where everybody," says Mr. Everett, "complains of the amount and burthen of the poor-rates, it might be expected that any plan which promised with any chance of success to diminish the burthen, only required to be known to be adopted. In practice, however, it is found to be otherwise; and those parishes which are the most heavily burthened, are generally the least ready to listen to any suggestions for improving their condition, or to adopt any different system of management from the one they have been accustomed to. It cannot fail to be remarked, however, that in those parishes in which the poor-rates have been reduced under an improved system of management, the new system has originated either with the clergyman or some resident proprietor of the parish, and not with the tenants or principal rate-payers, who are frequently the greatest opponents of any change of management. In most agricultural parishes the entire management of the poor is entrusted to those of the farmers who are the principal occupiers of the land, and whose interest in the parish, and consequently in the poor-rates, is limited by the probable duration of their tenancy, and who, though the largest immediate payers of the rates, are no more the ultimate payers of these imposts than they are of tithes. It cannot be wondered at that measures for reducing the amount of the poor-rates, which have been tried with success in particular parishes, and which in all probability would be attended with the desired effect in other parishes similarly situated, are not more frequently adopted, if it is a fact, that the persons who have the control of the expenditure of the

* App. (A.) Part I. p. 351.

† App. (A.) Part I. p. 478.

poor-rates have not only not the greatest, but no material interest in the reduction."*

"I shall not here attempt," says Mr. Day, "to investigate how far the magistrates have merited the censures that have been bestowed upon them: but I will take upon myself to say, that whatever blame attaches (and much somewhere, I fear, there is) is to be visited in at least equal degrees on parish officers and parish vestries. I was present at a vestry where a material alteration in the management of the parish was proposed. It met, as I had anticipated, with opposition, and an extended discussion ensued. In the course of it a friend of mine, a magistrate of considerable experience, and also a practical farmer, said to one of the principal renting occupiers in the parish, 'Why, Mr. Spencer, you know perfectly well, as a man of business, if you will have the candour to avow it, that the tenantry are interested in *high nominal expenditure.*' To my surprise he did avow it, and replied, 'I admit, sir, that is perfectly true.' In short, both from my own experience, and from what I have known in other instances, I am satisfied, in the long run, that however an individual may succeed in stemming pauperism for a time, he will generally ultimately be beaten. There are few who will long endure the bear-garden of a parish vestry. And to point out one amongst many of the motives that influence these meetings, I shall mention only two parishes in this county, Hurstmoncèux and Pulborough, where the whole labour has been thrown upon the rates, for the *avowed* purpose of fighting the parson."†

The whole subject is explained, with the clearness and force which are to be found only when a witness is detailing the results of his own experience, in the following evidence:—

"EXAMINATION of Mr. John Mann, of *Eastbourne.*

"How long have you been a parishioner of this parish?—I have lived in this parish 35 years, and I have been a member of the select vestry 14 years.

"Have you been a frequent attendant at the vestry?—I very seldom miss attending.

"How long have you farmed land in the parish?—About 20 years.

"Of whom do you hold your land?—The land which I farm is my own.

"Of what class are the majority of persons attending the vestry?—Chiefly the smaller farmers. A few tradesmen do attend occasionally.

"Do any of the landowners or of the gentry attend?—No. Now and then a steward will attend.

"Would the attendance of the proprietors be liked by the small farmers?—No; I am convinced that it would not be liked by the farmers.

"Are you, from your habits of intercourse with the farmers of this district, well acquainted with their sentiments?—Yes, I am.

"To what do you ascribe the fact, if fact it be, that the attempts to procure additional labour for the paupers in this parish, and to obtain a more efficient management and a considerable reduction of the poor's

* App. (A.) Part I. p. 681.

† App. (C).

rates, have been generally coldly received or thwarted, or openly opposed and defeated. 'Take time to consider your answer?—I know that the farmers would sooner have high rates and low rents, than high rents and low rates; that, I believe, is the general feeling. The farmers like that their men should be paid from the poor-book.

"If the farmers had the option of paying 75 per cent. in poor's rates, and 25 per cent. in rent, or 75 per cent. in rent and 25 per cent. in poor's rates, which do you believe they would prefer?—The low rents and the high rates, undoubtedly.

"Have you ever heard them state this sentiment openly?—Yes, openly in the vestry.

"Have you heard them declare this since 1830?—Yes, and before that time too.

"How low do you think the farmers would be willing to have the rates reduced?—I do not believe they would be willing or care much to have them reduced much more than they have been; the great farmers in particular I do not think want them reduced. Whilst the rates are as they are, they can always get what hands they want extra, and as soon as it rains they can turn them all on to the parish again; and besides that, they can make the shopkeepers, the lodging-house keepers, and other persons pay a proportion of the wages of the men they turn off. Sometimes they have taken men off the parish for half a day, and have made the parish pay for the other half of the day.

"Do the farmers consider that they have a permanent interest in the land?—No: there they have not; they hold mostly from year to year, and hardly consider themselves as more than birds of passage.

"Do they not see, as a result of this system, the total pauperization of the whole of the labouring population, and the total destruction of all property, unless some strong measures be taken to save it?—They feel no danger; as soon as they find that they are losing money, they can go. I have no doubt this is their feeling. Their whole course of conduct shows it, though they do not express as much."*

2. REPRESENTATIVE VESTRIES.

The 59 George III. c. 12, s. 1, authorizes the inhabitants of any parish, in vestry assembled, to elect not more than twenty or less than five substantial householders, who, together with the minister, churchwardens, and overseers, after having been appointed by a magistrate, are to form the select vestry of the parish; they are directed to meet every fourteen days, or oftener, and to inquire into and determine the proper objects of relief, and the nature and amount of the relief to be given. The overseers are desired to conform to their directions; and where such a vestry exists, the magistrates are forbidden to order relief until it has been proved to the satisfaction of two justices, that the applicant is in want,

* Mr. Chadwick, App. (A.) Part II.

and has been refused adequate relief by the select vestry, or that the select vestry has not assembled as directed by the Act. "Provided always," adds the Act, in its usual spirit of qualification, "that it shall be lawful for any justice to make an order for relief in any case of urgent necessity to be specified in such order." A subsequent clause directs them to keep minutes of their proceedings, which are to be laid before all the inhabitants in general vestry assembled, twice in every year.

The Act seems to be deficient in not defining the relative powers of the select vestry and the overseers. Though the overseers are directed to conform to the directions of the vestry, yet if they refuse, as is sometimes the case, the vestry appears to have no power of compelling their obedience. The attendance of the different members is purely voluntary, and the Act does not expressly require it to be recorded; and there appears reason to suspect that the frequency of the meetings directed by the Act (once every fourteen days or oftener) is in some places injurious. The return from Shenley, Herts, to question 33 of the Rural Queries, states that

"The select vestry, being bound to meet too often, has been abolished. It worked well for some years; then attendance grew remiss, except by a very few. It was a call to paupers from an ale-house for relief. The monthly vestry suffices."*

"It was a very general opinion," says Captain Chapman, "that frequent meetings of the vestry only tended to encourage applications, and to increase dependence on the poor-rate. In St. Thomas the Apostle, which is under Gilbert's Act, the vestry meets only monthly; and the experiment has been tried of occasionally omitting to do so, and was found to diminish the number of applicants."†

"In South Petherwin the select vestry meets every fortnight; but it was thought there would be less pauperism if it met once a month, as a number of idle and worthless people always attend, whether they want anything or not, on the chance of getting something. In proof of this, it had been found that the demand for clothing, which was issued every fortnight, was materially on the increase; the vestry limited such applications to a quarterly meeting; the demand diminished; and there was a saving of full 50*l.* per annum, or one-third of the expenditure. The vestry meets at two o'clock, which was considered a very important arrangement, not only as regards the poor, but the members of the vestry. When they met at five o'clock in the evening, it was a scene of noise and confusion; those within, noisy and quarrelsome, those without, rebellious and insubordinate."‡

Notwithstanding these defects, we feel bound by the general result of our evidence to express our concurrence in the third Resolution of the House of Commons' Committee on Vestries, "That the Acts under which the rate-payers are empowered to elect a

* App. (B 1.) p. 224 c.

† App. (A.) Part I. p. 479.

‡ App. (A.) Part I. p. 481.

committee for the management of their parochial concerns, have proved highly beneficial." But after admitting the superiority of select over open vestries, we are inclined to believe that that superiority arises principally from their comparative freedom from magisterial interference, the presence of the clergyman, and the regular minutes kept of their proceedings. They are selected from the same persons who form the open vestry, and are subject, therefore, to the same corrupting influences. They are equally free from responsibility for the abuses which they may have permitted or continued, or even introduced. The Act gives no remedy against them, and it would be absurd to suppose that they could be checked by the fear of not being re-elected to a gratuitous, troublesome, and invidious office. In fact, when we consider the constituency by which they are elected, it appears probable that a profuse or mischievously-directed administration must often be what that constituency would approve, and that attempts to prevent the payment of wages out of rates, to rate cottages, or even to prevent the parish from being surety to the cottage landlord, to reduce the allowances of the customers to the village shop or the beer-house, to diminish the profit arising from the workhouse expenditure, or to incur any present expenditure for future purposes, must in many places expose a select vestryman to immediate unpopularity, and ultimately prevent his re-election. In places where a constituency, actuated by such motives, predominates, a select vestry, though it may be an improvement, is not likely to be a great improvement over an open one.

Mr. Wilson* has furnished a list of the select vestry of Morpeth in 1832. Out of the twenty persons composing it, one is a brewer, two are brewers' clerks, five are publicans, two beer-shop keepers, and one a porter-seller; so that eleven, or a majority of the whole number, are interested in the sale of beer; and the mother of one, the wife of another, and the uncle, aunt, and cousins of a third are paupers. We cannot wonder to find it stated that the better class of vestrymen retired in disgust from the interested clamour of their colleagues. It appears from Mr. Power's Report,† that a similarly constituted body was elected at St. Andrew-the-less, Cambridge, where the small rate-payers assembled in great numbers, called a low mechanic to the chair, and nominated persons whose appointment the magistrates refused to sign. More frequently, however, where the small rate-payers form the majority in value, the open vestry refuses to appoint a representative body. Such has been the case at Knaresborough,‡ at Lewes,§ and in other places mentioned in the

* App. (A.) Part I. p. 129.

† App. (A.) Part I. p. 780.

‡ App. (A.) Part I. p. 239.

§ App. (A.) Part I. p. 182.

Reports. On the other hand, where the majority in value is composed of any class having a peculiar interest, they have the power of forming themselves into a select vestry for the purpose of favouring that interest. Mr. Majendie states, that at Eastbourne, to the condition of which we have had so often to refer, the farmers constitute the select vestry, and are often tenants-at-will.

The following extract from Mr. Maclean's Report from Surrey and Sussex gives a general view of the difficulties which in that district oppose the introduction or continuance, and diminish the utility, of the representative vestries.

"In many parishes the system of a select vestry has, after an experiment of a year or two, or sometimes of a few months, been abandoned; and the cause of their being so is not to be ascribed so much to any defect in themselves, or in the Act under which they are established, as to the remissness of the members in their attendance. Many were abandoned at the time of the riotous proceedings in the winter of 1830-31, when the lawless and outrageous meetings of the agricultural labourers, and in some instances their attacks upon the vestry, produced an intimidation and fear of consequences which paralysed the exertions of some, and disinclined other members to incur the odium, or expose themselves to the vengeance openly threatened against the persons or property of those whom the rioters chose to consider active in the administration of the parochial funds.

"The unpopularity of an extra rate, or of any unavoidable expense, is visited upon the heads of the members of the select vestry; and as these increase with the distresses of the parish, the accumulated odium disgusts and drives from their offices, and generally from an interference in parochial matters, those who, from situation, time, or intelligence, are best calculated to inquire into the condition and relieve the wants of the poor.

"In other places select vestries became unpopular, as their establishment, and their being in the hands of the higher class of rate-payers, cut off from many those opportunities for jobbing and favouritism which had been considered in some degree a return for the amount paid by them in rate, and had been justified by usage.

"After the determination of a select, and a return to an open vestry, I invariably found the latter state of the parish which had made the exchange, worse than the former. The causes of the discontinuance of a select vestry being as stated above, the consequence is obvious, *i. e.*, a withdrawal on the part of all the respectable rate-payers of their time and attention from the concerns of the parish, and a triumphant recurrence to the old and pernicious system, which had been abandoned on account of its glaring abuses, and inadequacy to do justice between those who pay, and those who receive the rates.

"In the parish of *Epsom*, a select vestry was established in 1823, which has continued down to the present year; and very material advantage has arisen to the inhabitants, both from the reduction which was effected in the scale of expenditure, the number of applications to the

parish, and the general conduct of the town-class of parishioners. This year, however, in their Report, the select vestry express, as their 'decided opinion, which every year's experience has strengthened, that the select vestry system is the best possible mode of conducting the management of the poor and the poor-rates; but, at the same time, they consider, that from want of support from their parishioners, an efficient select vestry cannot be formed.' *"

We regret to add, that the general result of these causes has been to diminish the number of select vestries, and that in an increasing ratio. The number for the last six years stands thus:—

In the year 1827	- - - - -	2,868
1828	- - - - -	2,823
1829	- - - - -	2,736
1830	- - - - -	2,725
1831	- - - - -	2,535
1832	- - - - -	2,391

3.

SELF-APPOINTED VESTRIES.

THE worst constituted vestries appear, as might be expected, to be those which are self-elected. Some of them are exposed to all the temptations to misconduct which affect either open or representative vestries, and all are free from the control, such as it is, of a constituency; their mal-administration also, whether arising from error or corruption, is more likely to become permanent. The system of an open or a representative vestry is always liable to exposure and interruption from new members, whose interests, or opinions, or principles prevent their sanctioning the existing abuses: but in a self-elected body, abuses are apt to become settled traditional rules; all candidates who are supposed to be opposed to them being carefully rejected. It is a great misfortune that the same name, that of Select Vestries, has been applied both to representative and to self-constituted vestries, and that the adoption of the former is often prevented by the odium which not unjustly adheres to the latter. Both are, in fact, select vestries; but the difference in the modes of selection occasions representative vestries to be beneficial, and self-elected vestries to be mischievous.

* App. (A.) Part I. p. 558.

III. MAGISTRATES.

WE have seen that the early statutes of Elizabeth gave extensive powers to the justices. The 5 Elizabeth enabled them to tax an obstinate person according to their good discretion. The 14th directed them to select the objects of relief, to tax all the inhabitants in their divisions, and to appoint collectors to make delivery of the contributions according to the discretion of the justices. This discretionary power, however, did not long continue. The 39 Eliz. c. 3, and the 43 Eliz. c. 2, which in this respect, as in most others, merely repeats the 39 Elizabeth, after having directed the justices to appoint overseers, impose on the overseers the whole business of raising and distributing relief, and give to the justices no further authority than that which is implied by the direction that the overseers, in certain parts of their duty, shall act "by and with the consent of two or more justices:" a direction which appears to give to the justices only a negative authority—an authority to forbid, but not to command. Nearly a century elapsed before their power was enlarged; and it may be a question whether the 3 and 4 Will. and Mary, c. 11, which is the foundation of their present power to order relief, was intended to produce any such result. The object of that statute was to check parochial profusion. It recites, in words which we might now adopt as a part of this Report,—

"That many inconveniences do daily arise by reason of the unlimited power of the overseers, who do frequently, upon frivolous pretences, but chiefly for their own private ends, give relief to what persons and number they think fit; which persons being entered on the collection bill, become a great charge on the parish, notwithstanding the occasion or pretence of their receiving collection often ceases, by which means the rates are daily increased, contrary to the true intent of the Statute made in the 43d year of the reign of Her Majesty Queen Elizabeth, intituled 'An Act for the Relief of the Poor.'" For remedy of which, and for preventing like abuses in future, it enacts, "That books be kept in every parish wherein the names of all such persons as receive collection shall be registered, with the day when they were first admitted to have relief, and the occasion which brought them under that *necessity*; and that yearly, in Easter week, the parishioners shall meet in vestry, before whom the book shall be produced; and all persons receiving collection called over, and the reasons for their taking relief examined; and a new list made of such persons as *they* shall think fit to *allow* to receive collection; and that no other person shall receive collection, but by *authority* under the hand of one justice of peace residing within such parish, or if none be there dwelling, in the parts near or next adjoining, or by *order* of the justices in quarter sessions, except in cases of pestilential disease."

If the framers of the Act had intended to make in the law the enormous change which these few words "but by the authority under the hand of one justice" effected, if they had intended to vest in a single justice not necessarily resident within the parish, or acquainted with its concerns, the power to order the overseer to distribute, as the justice might think fit, the property of the rate-payers, it can scarcely be supposed that they would have introduced an enactment of such importance by way of exception at the end of a clause, or prefixed to it so irrelevant a preamble. The real meaning of these words seems to have been the same as that of the similar words in the 43d of Elizabeth (the statute to which the 3d William and Mary had previously referred), "by and with the consent of two justices." The overseers were not to relieve any but those whom the vestry had thought fit to allow to receive collection, except under the authority of a justice, that is, when authorized by him. The Act gives a single justice no power to do more than to sanction the conduct of the overseer; to protect him in acting, but not, according even to the words, and much less according to the spirit, to order him to act. The power to *order* is given to the justices in quarter-sessions, and to them alone. This construction appears to us to be supported by the 8 and 9 Will. c. 30; that Act,—

"To the end that the money raised *only for the relief of such as are as well impotent as poor*, may not be misapplied and consumed by the idle, sturdy, and disorderly beggars," enacts, that "every person, who, after the 1st September, 1697, shall be upon the collection, and receive relief of any parish, and the wife and children of any such person cohabiting in the same house, (such child only excepted as shall be *by the churchwardens and overseers of the poor permitted to live at home*, in order to have the care of and attend an impotent and helpless parent,) shall wear on the shoulder a large roman P, together with the first letter of the name of the parish whereof such person is an inhabitant; and if such person neglect or refuse, it shall be lawful for any justice of the county, city, or liberty where such offence shall be committed, to punish such offender by ordering his or her relief, or usual allowance, or the collection, to be abridged, suspended, or withdrawn."

It will be observed that the Act considers the question whether the child of a pauper shall or shall not be permitted to live at home, as a question to be decided by the overseers, and that the power which it gives to the justice is to order not that relief shall be given, but that it shall be abridged, suspended, or withdrawn. But though this seems to be the natural interpretation of the 3 Will. and Mary, c. 11, a different construction was applied to it. This appears from the preamble of the next Act on the subject, the 9 Geo. I. c. 7; that Act recites,—

"That under colour of the proviso in the 3 and 4 Will. and Mary, many

persons have applied to some justices of peace, without the knowledge of any officers of the parish, and thereby upon untrue suggestions, and sometimes upon false or frivolous pretences, have obtained relief which hath greatly contributed to the increase of the parish rates." For remedy whereof it enacts, "That no justice of the peace shall order relief to any poor person until oath be made before such justice of some matter, which he shall judge to be a reasonable cause or ground for having such relief, and that the same person had, by himself or some other, applied for relief to the parishioners of the parish, at some vestry or other public meeting of the said parishioners, or to two of the overseers of the poor of such parish, and was by them refused to be relieved, and until such justice hath summoned two of the overseers of the poor to show cause why such relief should not be given, and the person so summoned hath been heard or made default to appear before such justice." And, further, "that the person whom any such justice of peace shall think fit to order to be relieved, shall be entered in such book or books so to be kept by the parish, as one of those who is to receive collection, as long as the cause for such relief continues, and no longer."

The history of the Poor Laws abounds with instances of a legislation which has been worse than unsuccessful, which has not merely failed in effecting its purposes, but has been active in producing effects which were directly opposed to them, has created whatever it was intended to prevent, and fostered whatever it was intended to discourage. Thus the 3 and 4 Will. and Mary, which was passed to check the profusion of overseers, to enable the parishioners to decide whom *they* should think fit and *allow* to receive relief, was construed as authorizing the justices to order relief to those who applied to them without the knowledge of the parish officers; and the Act which was passed to remedy this abuse enabled the justice, on the pauper's statement of some matter which the justice should judge to be a reasonable cause or ground for relief, to summon the overseers to show cause why relief should not be given, and to order such relief as *he* should think fit. An order against which there is no appeal.

One clause in the 9 Geo. I. was, however, efficient in promoting the objects of the Act,—that which enabled parishes to purchase or hire, or unite in purchasing or hiring, a workhouse, and to contract for the maintenance there of their poor, and enacted that any persons who should refuse to be lodged in such houses should not be entitled to receive collection or relief. An enactment which, while it was in operation, appears to have checked the increase of pauperism, and in many instances to have occasioned its positive diminution.

But towards the end of the last century, a period arrived when the accidents of the seasons and other causes occasioned a rise in

the price of the necessaries of life. If things had been left to take their course, the consequences in England would have been what they were in Scotland, and what they were with us in those occupations which, from their requiring skill, raise the workman above the region of parish relief. Wages would have risen to meet the depreciation of money, and the labourer would have earned the same or nearly the same amount of raw produce, and a larger amount of manufactured commodities.

But things were not left to take their own course. Unhappily no knowledge is so rare as the knowledge when to do nothing. It requires an acquaintance with general principles, a confidence in their truth, and a patience of the gradual process by which obstacles are steadily but slowly surmounted, which are among the last acquisitions of political science and experience. Under the 3 and 4 Will. and Mary, and 9 Geo. I., or under the 5 Eliz. c. 4, empowering the justices to fix the rate of wages, it appeared that the existing difficulties might be instantly got rid of. The latter statute appeared to enable a forced rise of wages, the former statutes appeared to enable relief to be ordered if wages should remain insufficient. Each plan was proposed. Sir Frederic Eden's account of the mode in which the latter plan was adopted is so instructive, that we will venture to quote it.*

"Instead of an advance in wages, proportioned to the increased demand for labour, the labourer has received a considerable part of that portion of his employer's capital which was destined for his maintenance, in the form of poor's rate (the very worst that it could assume), instead of being paid it as the fair, well-earned recompense of equivalent labour. This is a deplorable evil, which has fallen heavier on the poor than on the rich; and it has been considerably aggravated by the very injudicious steps which have been adopted for administering relief to those whom the pressure of the late scarcity had incapacitated from supporting themselves and families in the way to which they had been accustomed. Many instances might be adduced of the ill effects of the indiscriminating charity of individuals, and of the no less ill effects of the discriminating interference of magistrates and parish officers; but, that I may not swell this work to too great a length, I shall content myself with offering a short statement (which was obligingly communicated to me by a gentleman who himself served the office of overseer in his own parish) of the proceedings which took place in a single county, for the relief of the poor last year.

"The very great price of the necessaries of life, but more particularly of bread-corn, during the whole of last year, produced numberless extraordinary demands for parochial assistance. In many parishes in the county of Berks, relief from the poor's rates was granted, not only to the infirm and impotent, but to the able-bodied and industrious, who had very few of them ever applied to the parish for relief, and then

* Eden, vol. i. p. 575.

"Had political regulations not interfered, the demand for labour would have raised its price, not only in a ratio merely adequate to the wants of the labourer, but even beyond it; and that price would have been advanced by the individual who employed him, instead of being a general tax on those who are liable to be rated, and who are not all employers of labourers. The capital which employs labour has increased; the demand of labour would consequently increase; it did increase, for the situation of the labouring poor in Berks was never better than during the last hard winter; but they received these advanced wages in the way most prejudicial to their moral interests; they received it as charity, as the extorted charity of others, and not as the result of their own well-exerted industry; and it was paid them, not by their immediate employers, but by those who were, in many instances, not the employers of any labour."*

We directed our Assistant Commissioners to inquire in every parish in which they found the relief of the able-bodied existing, at what period, and from what causes, it was supposed to have arisen. We insert the following extracts from Mr. Maclean's Report from Sussex, and Mr. Villiers's from Warwickshire and Worcestershire, which confirm Sir Frederic Eden's Narrative:—

"I found," says Mr. Maclean†, "great difficulty in ascertaining accurately the period at which the system of relieving able-bodied men, on account of their families, originated; but this difficulty, as relates to the western part of the county of Sussex, was removed by the kindness of Mr. Woods, who stated to me, that as well as he could recollect after so distant a time, the system of parochial relief, on account of the dearness of bread, commenced after the high prices of 1795. It was then only occasional till the still higher prices of 1800 and 1801, when the magistrates of the bench of Chichester recommended (instead of advancing wages in proportion to the times) the various parishes to make certain allowances, in consideration of the higher prices of corn. This mode was very generally acted upon; but being attended with some difficulties, a paper was drawn up and calculated by one of the influential magistrates of the day, and having been approved of by others, was circulated and recommended to the parish officers for their guidance.

"1804-5.—The annexed Table is intended to show the exact difference which the advance in the price of flour makes to the poor, when it exceeds 1s. 4d. per gallon, and what sum is required for their relief, so as to enable them to have it at all times at that price.

"From the following calculation, viz., a man, his wife, and two children are supposed to consume three gallons of flour per week, which, when flour is at

	s. d.
2s. per gallon, would cost them	6 0
Three gallons of flour, at 1s. 4d. is	4 0
The difference of cost in this case would be	2 0

which in a family of four persons, as above-mentioned, would make 6d. per head per week, or 2s. per head per month, and the same difference, be the number in family what it may.

* Eden, vol. i. p. 582.

† App. (A.) Part I. p. 546.

"MONTHLY AMOUNT OF A FAMILY.

Price of FLOUR per Gallon.	Amount Weekly per head.	One.	Two.	Three.	Four.	Five.	Six.	Seven.	Eight.	Nine.	Ten.	Eleven.	Twelve.
s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
1 5	0 0½	0 3	0 6	0 9	1 0	1 3	1 6	1 9	2 0	2 3	2 6	2 9	3 0
1 6	0 1½	0 6	1 0	1 6	2 0	2 6	3 0	3 6	4 0	4 6	5 0	5 6	6 0
1 7	0 2½	0 9	1 3	2 0	2 6	3 3	4 0	4 7	5 3	6 0	6 7	7 3	8 0
1 8	0 3	1 0	1 6	2 3	3 0	3 7	4 4	5 1	5 8	6 5	7 2	7 9	8 6
1 9	0 3½	1 3	2 0	2 7	3 4	4 1	4 8	5 5	6 2	6 9	7 6	8 3	9 0
1 10	0 4½	1 6	2 3	3 0	3 7	4 4	5 1	5 8	6 5	7 2	7 9	8 6	9 3
1 11	0 5½	1 9	2 6	3 3	4 0	4 7	5 4	6 1	6 8	7 5	8 2	8 9	9 6
2 0	0 6	2 0	3 0	4 0	5 0	6 0	7 0	8 0	9 0	10 0	11 0	12 0	13 0
2 1	0 6½	2 3	3 3	4 3	5 3	6 3	7 3	8 3	9 3	10 3	11 3	12 3	13 3
2 2	0 7½	2 6	3 6	4 6	5 6	6 6	7 6	8 6	9 6	10 6	11 6	12 6	13 6
2 3	0 8½	2 9	3 9	4 9	5 9	6 9	7 9	8 9	9 9	10 9	11 9	12 9	13 9
2 4	0 9	3 0	4 0	5 0	6 0	7 0	8 0	9 0	10 0	11 0	12 0	13 0	14 0
2 5	0 9½	3 3	4 3	5 3	6 3	7 3	8 3	9 3	10 3	11 3	12 3	13 3	14 3
2 6	0 10½	3 6	4 6	5 6	6 6	7 6	8 6	9 6	10 6	11 6	12 6	13 6	14 6

"In obedience," says Mr. Villiers, "to the Instructions, I made inquiry into the origin, in these counties, of the system of applying the parish rates in aid of wages; and I found the period usually referred to was during the years of scarcity towards the close of the last century. In Warwickshire, the year 1797 was mentioned as the date of its commencement in that county, and the scales of relief giving it authority were published in each of these counties previously to the year 1800. It was apprehended by many at that time, that either the wages of labour would rise to a height from which it would be difficult to reduce them when the cause for it had ceased, or that during the high prices the labourers might have had to undergo privations to which it would be unsafe to expose them. To meet the emergency of the time, various schemes are said to have been adopted, such as weekly distributions of flour, providing families with clothes, or maintaining entirely a portion of their families, until at length the practice became general, and a right distinctly admitted by the magistrates was claimed by the labourer to parish relief, on the ground of inadequate wages and number in family. I was informed that the consequences of the system were not wholly unforeseen at the time, as affording a probable inducement to early marriages and large families; but at this period there was but little apprehension on that ground. A prevalent opinion, supported by high authority, that population was in itself a source of wealth, precluded all alarm. The demands for the public service were thought to ensure a sufficient draught for any surplus people; and it was deemed wise by many persons at this time to present the Poor Laws to the lower classes, as an institution for their advantage, peculiar to this country; and to encourage an opinion among them, that by this means their own share in the property of the kingdom was recognized; and to these notions, which were prevalent at that time, must be ascribed the spirit in which the Poor Laws have been administered for thirty years past. The Rev. Mr. Broomfield, of Napton, in Warwickshire, stated to me, that he remembered that in the year 1797, when a meeting was called in that parish, to take into consideration the best means of supporting the labourers during the high prices, and that a regular distribution of flour by the parish, in aid of wages, had been agreed upon, his father, who was then the incumbent of the same living, warned the meeting of the system they were introducing, reminding them of the feeling which then existed among the poor with regard to being supported by the parish, and the probable result of confounding in their mind all distinction between alms and wages, saying, that if their pride upon this subject was once destroyed, the Poor Laws would become a most formidable engine directed against the morals and the property of the country; a prediction, the fulfilment of which, Mr. Broomfield lamented to say, he had long since survived."*

The following extract from the evidence delivered by Mr. La-coast, of Chertsey, before the House of Commons' Poor Law Committee, in 1817, shows the introduction of the system into a parish at a somewhat later period:—

* App. (A.) Part II. p. 14.

"The magistrates have been rather more liberal to our poor than in the neighbouring parishes, and that has brought people into the parish; they have endeavoured and obtained settlements. We have had several instances where a man has refused a house at 8*l.* a year, and taken one at 10*l.* not so good, for the purpose of making himself a parishioner.

"Do any of the labourers who are earning the wages you have stated, (from 12*s.* to 15*s.* a week) procure relief in money from the overseers?—Yes.

"On what ground do they obtain such relief?—We had a scale sent by the magistrates to the overseers and the committee, desiring that we would allow every man, woman, and child that there were in family, to make up their wages equal to two quartern loaves per head per week, all at 3*s.* a week as nearly as possible. We thought that the poor people, many of them, were allowed too much money, and the committee conceived that there was not a distinction made between the labourers who worked from day-light to dark, and the men who worked for 12*s.* a week only, for seven or eight hours a day, and we made an alteration according as we thought they deserved it: to some we gave more than the magistrates ordered, and some less; and we received an order the next morning, that the money should be made up immediately to those who received less.

"When was the scale by which the paupers are paid, first fixed?—I should think about four months since.

"Can you state at all the effect that it had?—I know an instance myself where a man was at work and earned 18*s.* a week, and another man who lived next door to him was at work and had 12*s.*; and after the scale was settled by the magistrates, the (first) man did not go to work in the usual way, but worked easier, and the money was made up by the parish.

"Has there not been a committee appointed to carry those orders of the magistrates into execution?—It is an open committee of the whole parish; no select committee.

"There was a wish expressed by the magistrates, that some of the most respectable of the inhabitants should form a committee?—Yes; and I went down with some of the larger renters of the parish, and made an alteration, and reduced some and added to others; but the magistrates ordered that they should have so much per head, whether they worked or not.

"Is the scale you speak of used in other parishes besides yours?—I believe not.

"Framed for your parish specially?—I believe the magistrates framed it for the whole hundred, but the other parishes refused to comply with it, and have not done it. Some of the magistrates that attend our bench did not agree with the scale, but were overruled by the majority; therefore when the overseer of Thorp applied to the magistrate there, he did not compel them to give that sum, but left it to the discretion of the overseer. The men in our parish are impudent, and will not work, and they tell us so."*

* House of Commons' Report on Poor Laws, 1817, pages 110, 111, 113.

It is probable that the allowance system was encouraged, and perhaps suggested, by the 33rd Geo. III. c. 8, which ordered that if a militia-man, when called out and ordered to march, should leave a family unable to support themselves, the overseers of the poor of the parish where such family should dwell, should, by order of a justice of the peace, out of the rates for the relief of the poor of such parish, pay to such family a weekly allowance according to the usual price of labour in husbandry in the place, by the following rate:—a sum not exceeding one day's labour, nor less than 1s. for the wife, and a similar sum for each child under ten years old; and it must have been facilitated by the 33rd Geo. III. c. 55, which enabled the justices at petty sessions to fine the overseers for disobedience to the orders of any justice or justices.

The clause of the 9th Geo. I. c. 7, prohibiting relief to those who refused to enter the workhouse, was, however, an obstacle; to remove it, the 36th Geo. III. c. 23. was passed. That Act, after reciting the clause in question, proceeds thus:—

“And whereas the said provision contained in the Act above-mentioned has been found to have been, and to be, inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to the peculiar case of such poor person; and inasmuch as in certain cases it holds out conditions of relief, injurious to the comfort, and domestic situation, and happiness of such poor persons.”

And then repeals the clause, forbidding relief to those who should refuse to enter the workhouse, and proceeds more directly to its object by the following provision:—

“And be it further enacted, that it shall be lawful for any of his Majesty's justice or justices of the peace for any county, city, town, or place, usually acting in and for the district wherein the same shall be situated, at his or their just and proper discretion, to direct and order collection and relief to any industrious poor person; and he shall be entitled to ask and receive such relief at his home or house, in any parish, town, township, or place, notwithstanding any contract shall have been, or shall be made, for lodging, keeping, maintaining, and employing poor persons in a house for such purpose hired or purchased; and the overseers for such parish, town, township, or place, are required and directed to obey and perform such order for relief given by any justice or justices as aforesaid.”

Those who are irritated by the pressure of the evils which allowance to the able-bodied has produced, and by the apprehension of the still greater evils which it may be expected to produce, are sometimes inclined to attribute the most childish folly, or the most profligate dishonesty, to those who could aid in establishing such a system. But we must not judge them ac-

ording to the knowledge which we have acquired in the dear-bought experience of forty years. It is clear, that when the magistrates assembled at Speenhamland, in 1795, “to settle the weekly income of the industrious poor,” public opinion sanctioned their attempt. This is shown by the 36th Geo. III. c. 23, which was passed a few months after, and may be considered the great and fatal deviation from our previous policy. The 43rd Elizabeth never contemplated, as objects of relief, industrious persons. It made no promises of comfort or happiness; it directed that those having no means, and using no daily trade of life to get their living by, should be set to work, and that the impotent should receive necessary relief. These were unalluring offers—they held out nothing but work and necessary relief, and those only to the impotent, and to persons who must always form a small minority in any tolerably regulated society—that is, persons having no property, and using no daily trade. The able-bodied industrious labourer was carefully excluded, and relief, therefore, as Mr. Pitt (in the speech introducing his Poor Bill in 1796) complained, became a ground for opprobrium and contempt. They were precise offers;—the question whether a person using no trade had been set to work, or one unable to work had received necessary relief, were matters of fact. The engagements of the 43rd Elizabeth, were, perhaps, dangerous engagements; but they were engagements which, for 100 years, were performed apparently without substantial injury to the morals and industry of the labourers, or to the general prosperity of the country. And whatever may be the objections in principle to the power given to the magistrates, or assumed by them under the 3rd and 4th Will. and Mary, and 9th Geo. I., it does not seem to have produced much practical evil, while the 9th Geo. I. was in force. Parochial relief appears to have been given chiefly through the workhouses, and not to have been extended to many besides the impotent. The duty of the magistrate was tolerably plain: if the applicant fell within the classes pointed out by the 43rd Elizabeth, as objects of relief, that is, if he had no property, used no ordinary and daily trade to get his living by, or was lame, impotent, old, blind, or otherwise not able to work, he could direct him to be admitted into the workhouse, and if he was included in the first class, set to work by the parish officers; or, if included in the second class, supplied with necessary relief. Relief was considered a burthen to the payers, and a degradation to the receivers (and to be marked as such by a badge), a remedy for unexpected calamity, and a mitigation of the punishment inflicted by nature on extravagance and improvidence, but no part of the ordinary fund for the support of labour. Public

opinion sanctioned the magistrate in a sparing exercise of his power, and he had, in fact, no motive for undue interference. The paupers were a small disreputable minority, whose resentment was not to be feared, and whose favour was of no value; all other classes were anxious to diminish the number of applicants, and to reduce the expense of their maintenance.

The 36th Geo. III. removed all these fences; it recognized, as objects of relief, industrious persons, and enabled the magistrate, at his just and proper discretion, to order it to be given in a way which should not be injurious to their comfort, domestic situation and happiness. Mr. Pitt's Bill went still further; it admitted, within the pale of pauperism, not only the industrious labourer, but the person with property, and enabled him, when possessed of land, not only to retain it while an applicant for relief, but to be supplied, at the expense of the parish, with a cow. It is true, that this Bill was dropped, but as it was not an individual, but a government measure, it may be cited as evidence of the general feeling on the subject.

When allowance to the able-bodied, in aid of their wages, had once been introduced, when it had been found to be an expedient by which the expenditure in wages could be reduced, and profits and rents could be raised, when the paupers became numerous in most districts, and in some places formed the majority and even the large majority of the peasantry; when their clamours for allowance were favoured by the farmers, and apparently justified by the rise in the price of the necessaries of life, who can be surprised if the magistrates were led, in some places, to connive at, in others to sanction, and, in still more, to promote, a practice, the evil of which had not then been experienced, which seemed so plausible in itself, and which so many persons combined to favour? Who can wonder that, thus urged and encouraged, they should have fancied themselves entitled to settle the weekly income of the labourers; and who can wonder at any amount of evil that has followed so preposterous an attempt?

We have seen, that one of the first effects of the power thus assumed by the magistrates, was the publication of scales of relief—a practice which still continues. The publication of these scales has been much complained of, but we think rather unreasonably. It is true that the evils of the system recommended or enforced by the scales, cannot be exaggerated; and it is true that the publication of a scale is an acknowledgment of the system, which shows how little those who publish it are aware of the consequences of their conduct. But the evil resides in the practice, not in the scale, which is its almost inevitable consequence. When a magistrate takes on himself "to regulate the incomes of

the industrious poor" within his jurisdiction, he of course frames to himself some standard by which to regulate them! If he does not, all must be favour or caprice; of course also the magistrates of the district or the division must be anxious to make their individual standards correspond, or, in other words, to agree on a scale. It need not, indeed, be published, but no one can doubt that though unpublished, the paupers soon find it out, and the only difference is, that it is traditionary instead of written—the common law of the district instead of a code.

The following answer by the Rev. John Oldham, rector of Stondon Massey, in the county of Essex, to question 39 of our queries, for rural districts; is an instructive account of the enactment and repeal of a scale:—

"An order issued from the poor bench at Epping, in 1801, directing allowances to be made in proportion to the number in family (borrowed, probably, from Pitt's Poor Bill of 1797.) Not then acting as magistrate, but from a wish to facilitate the execution of the order, I formed a scale of allowances according to it, beginning with one up to ten in family, and taking the quarter loaf from 6d. up to 2s.; showing the amount of money to be made up between such extremes. I had it printed, and sent one or more copies to each parish of the division. I was thanked for the trouble I had taken, and the scale was adopted and acted upon, not merely in our division, but probably in different parts of the country. It was, however, soon discovered that the paupers and labourers, having got to the knowledge of it, availed themselves of the opportunity of claiming under it what they were willing to consider a regular pension. The evil was felt very sensibly, and a meeting called of all the magistrates in the division, which I attended; this, I think, was in 1806, and the meeting determined unanimously to call in, as far as possible, all copies of the scale, and to make no further use of it; it was, in fact, suppressed, and no longer referred to. In consequence, many applicants expressed great disappointment and ill-humour, but the magistrates were firm, and nothing is said of it."

The evils of the scale system are so generally admitted, that we think it sufficient to quote the following statement of them by Mr. Okeden,* himself a magistrate of great experience, contained in his Report from that part of Oxfordshire, which lies west of the great canal.

"About twenty-four years ago the payment of head-money, by a scale, was introduced into all these divisions, and continues in full operation, with all its varieties of roundsmen, billet system, &c. &c. The magistrates decide on the sum which is, in their opinion, necessary for the support of a man and his wife and children, and, by a scale, order the overseers to make up the man's low wages to that sum from the parish. This scale system is so complete, that the history of one

* App. (A.) Part I. p. 1.

of the parishes is, in fact, the history of all. I will, therefore, lay before you a general statement of the working of this scale process throughout the western divisions of the county of Oxford.

"There is a trifling variation of the scale in some districts, but so small as hardly to deserve notice. One system, therefore, pervades all the districts, and all the parishes are governed precisely in the same form, only varying at times from the better or worse management of the overseers. The results of this system (of its illegality I need not speak) are now become apparent. The first and most prominent is, that, from neglect of single men, and the lower place to which they have been and are forced in the scale, a series of early marriages has ensued, for the avowed purpose of increasing income, until a generation of superfluous labourers has risen up, all demanding work or pay from the scale. If this system continues, in ten years more another generation will be hastening on. The present race, which this illegal perversion of the Poor Laws has created, are playing the game of cunning with the magistrates and overseers; give them ten years, and they will convert it into the dreadful game of force. My humble opinion is, that if some measure be not adopted to arrest the progress of the evil, a fearful and bloody contest *must* ensue.

"But besides the first result of this scale system, namely, the creation of a generation of superfluous labourers, two others accompany it: one is the equalization of industry and idleness, the other that of honesty and dishonesty. I asked every overseer of the 104 parishes, the condition of which I investigated, whether the due regard was paid to character and industry in the granting of relief. Every one openly and shamelessly avowed that no attention was paid to either, but that *all* were relieved according to the scale. I put the strongest possible case, that of a man who, by repeated thefts and rogueries, had actually flung himself out of employ, so that no farmer would permit him to enter his premises; the answer was still the same, 'We should relieve him and his family from the scale.' The odium of this part of the scale process the overseers seem inclined to fling on the magistrates, and, I believe, with reason.

"So much for the placing honesty and knavery on a level. With regard to the equalization of industry and idleness, when the honest, industrious labourer sees by his side, on the road, or in the field, a notoriously lazy fellow dawdling over his work, what must be the consequence? He reasons the case over in his mind, finds that his idle companion, with the deduction of only twopence per day, receives as much as himself, and, of course, he relaxes in his work; and indifference and laziness succeed to vigour and industry; the industry of the labourers is everywhere decidedly diminished; agricultural capital is on the wane; the poor regard the allowance as a right, and it is called sometimes 'the county allowance,' sometimes 'the Government allowance,' sometimes 'the Act of Parliament allowance,' and always '*our income*.'"

But though the scale is the worst form in which the influence of magistrates can be exerted, great evils arise from their inter-

ference even when less systematically exercised. In the first place, the very mode in which their jurisdiction is enforced seems intended to destroy all vigilance and economy on the part of those who administer relief, and all sense of degradation or shame on the part of those who receive it. The overseer is summoned, perhaps, six or seven miles from his business, or his farm, to defend himself before the tribunal of his immediate superiors against a charge of avarice or cruelty. He seldom has any opportunity to support his defence by evidence; the pleadings generally consist of the pauper's assertions on the one side, and the overseer's on the other. The magistrate may admit or reject the evidence of either party at his pleasure; may humiliate the overseer in the pauper's presence, with whatever reproof he may think that his frugality deserves, and finally pronounces a decree, against which, however unsupported by the facts of the case or mischievous in principle, there is no appeal. It must be remembered, too, that the pauper has often the choice of his tribunal. The clause of the 3 and 4 William and Mary, c. 11, which confined the jurisdiction to a justice of the peace residing within the parish, or, *if none be there dwelling*, in the parts near or next adjoining, was disregarded at the unfortunate period to which we have referred. The 36 George III. c. 23, gives its discretionary powers to any of his Majesty's justice or justices of the peace for any county, city, town, or place, usually acting in or for the district wherein the same shall be situated. And though the 59 George III. c. 12, s. 5, has required the concurrence of two justices to an order for relief, yet this restriction, as is the case with many other wisely intended clauses in the Act, is neutralized by a proviso enabling one justice to make an order in case of emergency; an emergency of which *he* is the judge. All the overseers of a district are therefore at the mercy of any two magistrates, and to a considerable degree at the mercy of any one. The pauper may select those magistrates whom misdirected benevolence, or desire of popularity, or timidity, leads to be profuse distributors of other people's property and bring forward his charges against the overseer, secure of obtaining a verdict. He appears in the character of an injured man dragging his oppressor to justice. If he fails he loses nothing if he succeeds he obtains triumph and reward. And yet we find persons expressing grave regret that the parochial fund is wasted, that relief is claimed as a right, and that pauperism has ceased to be disgraceful. The subject of regret is, either that the existing system is suffered to continue, or that such is the constitution of human nature, that a vigilant administration of public money is not to be expected from those on whom we have heaped every motive to extravagance and every obstacle against economy; that

what the magistrate awards is considered a right, and that the exercise of an acknowledged right is not felt a degradation.

Most of our preceding remarks apply not to the magistrates personally, but to the jurisdiction exercised by them respecting relief, and would be applicable to any tribunal invested with similar powers; to any tribunal, in short, which should be empowered to enforce charity and liberality by summons and fine. But supposing that such a power ought to exist, there are strong grounds for thinking that the present magistrates are not the best persons to be intrusted with it. In the first place, they are men of fortune, unacquainted with the domestic economy of the applicants for relief, and as unfit from their own associations "to settle what ought to be the weekly incomes of the industrious poor," as the industrious poor would be to regulate the weekly expenditure of the magistrates.

The following passages from Mr. Chadwick's and Mr. Villiers's Reports, and which are corroborated by all our evidence, show how loosely and imperfectly the means of the independent labourers has usually been inquired into, and how little is really known of their wants by those who order relief.

"I have endeavoured," says Mr. Chadwick, "to ascertain from several of the magistrates who are advocates for the allowance system, or for the regulation of wages, in what way the labouring man within their districts expends for his maintenance the sum which they have declared to be the minimum expenditure, to sustain life? Some of these gentlemen admitted that they did not know; others stated that they laid it down as a general rule, that a labouring man must have bread and meat; but whether three or four loaves of bread, whether a pound or a pound and a half of meat, constituted the least quantity requisite as food for a given period, none of them could state. Several promised to make inquiries on the subject, when I asked them how they could safely set aside the decisions of the parish officers, or determine with due precision what was the minimum allowance of money for the labouring man's subsistence, unless they knew how many commodities were absolute necessities for him, and the exact quantity and the price of each.

"Whilst complaining of the effects of the beer-shops established under Mr. Goulburn's Act, the same magistrates frequently stated that habits of drunkenness prevailed with the whole of the labourers within their districts, and that these labourers were accustomed to carouse, during one or two days in the week, gambling and indulging in the most vicious habits. Having previously received evidence that so large a proportion of the agricultural poor-rate is expended in aid of wages, I have been startled by the declarations that the habits of dissipation have become so prevalent. In answer to further inquiries, I received assurances that the habit is *general*; that there are few, if any, exceptions. I again asked, whether the exceptions are formed of those who received parochial relief, and I was assured (and satisfactory evidence

was adduced to me to prove the fact), that the agricultural labourers receiving poor's rates in aid of wages, are to be found at the beer-shops as frequently, at least, as the independent labourers. The questions which appeared to me naturally to follow are—Do you consider beer or gin a necessary of life to the paupers?—if it be admitted that beer is a necessary of life to the independent labourers, at all events the quantity required for intoxication can hardly be necessary. Ought you not, then, to ascertain and deduct the amount of money spent in drunken revelry? As it must be presumed that a man pays for the beer he drinks at the beer-shops, (which beer is not deemed absolutely necessary for his subsistence,) is it not clear that you have not arrived at the minimum allowance? If, for example, you order wages to be made up to a man to the amount of 9s. a week, and you find that he gets drunk one or two days in the week, and that his excess of drink costs him 2s. a week, since he actually lives on 7s. a week, does he not prove, by so living, that 7s. is all that he really requires?

"It was observed by Colonel Page, one of his Majesty's deputy lieutenants for Berks, in his communications with me, that the magistrates, from their ignorance of the habits of the labouring classes, are extremely unfit judges as to the amount of relief to be administered. 'To a gentleman,' said he, 'a shilling appears an extremely small sum, but it often procures two, or even three days' subsistence to a labouring man; and hence the most benevolent men commonly make the most profuse and injurious allowances.'

"The witnesses, who have had much experience in maintaining considerable numbers, attest the correctness of the rule—that by adding rent and 20 per cent. as the retailer's profit on commodities, an estimate may be made of the expense at which a single person may live, in the same manner that a number are kept in a workhouse, or in a community of any sort, where the commodities are purchased at wholesale prices. Thus, if at any place, as at Gosport workhouse, the able-bodied paupers are clothed and fed better than most labouring men, at an expense of 2s. 6d. per head, allowing 6d. for the retailer's profit, and 1s. for rent, the allowance to enable an out-door pauper to live in the same manner would be 4s. per week. If the allowances in aid of wages are tried by this rule, it will be found that a large proportion of them are in error, to the extent of 100 per cent. I have found none that were in error less than about 20 per cent.*

"In the parish of Hanley Castle, in the Pershore hundred of Worcestershire, and in the neighbourhood," says Mr. Villiers, "having heard much complaint of the magisterial interference, I visited the gentleman who was said to be the senior magistrate of the district, and inquired of him, upon what principle he ordered relief to be granted to the able-bodied labourers. He informed me that he considered that every labourer was entitled to claim a certain sum per week for every child born after the third. Upon further asking him, if he considered that to be the proper and legitimate construction of the statute of Elizabeth, he stated that he did

* Extracts, p. 226. App. (A.) Part II.

so entirely, and that he thought that when a man had four children, he might fairly be considered within the meaning of the Act as 'impotent,' which he further explained by saying, 'that he considered it impossible for any labouring man to support four children. Having been previously informed of the fact, I inquired of him if he was not aware that a man living in his own parish was at that time maintaining his wife and five children, independently of all relief. He said that he was not aware of any such case, and should think it extraordinary if there was. He then referred to a farmer residing in his parish to ascertain the truth. The farmer assured him that the fact was as I had stated it; that the man referred to was a regular labourer, peculiarly industrious, but that he was not earning more than the average wages of the division, which was considered about 10s. a week for the man, paid by the day, or 12s. or 14s. by the piece.'*

In answer to our question, whether a labouring family can save, a great majority of the respondents state positively that they cannot. About half the respondents from Devonshire make no answer to the query. W. J. Coppard, the minister of Plympton, St. Mary's, says, "A few have trifling sums in the savings' bank." The other respondents either express a strong doubt whether anything could be saved by a labouring man, or declare positively that he could lay by nothing; yet we find, from the returns of the deposits in the Exeter savings' bank, upwards of 70,000*l.* saved, under all obstacles, by 2000 labourers, or by one out of every ten heads of agricultural labourers' families in this same county." †

The following are the statements of some of the respondents (clergymen and gentlemen serving parochial offices in the metropolis) to Queries 35, 36, 37, 38—What can a family earn, and whether they can live on these earnings, and lay by anything?

"The answer from Chiswick states, that a family *might* earn 49*l.* per annum, on which they might live, but could not save. From St. Anne and Agnes, and St. Leonard, Foster-lane, family might earn 60*l.*; could not live on it. From St. Botolph-without Aldersgate, family might earn 63*l.* 18*s.*, on which they might subsist, but could save nothing. From Mile End, New Town, and St. Mary Somerset, city of London, family might earn 65*l.*, on which they might live, but could not save anything. From St. Leonard, Eastcheap, family might earn 78*l.*; could not save, and cannot ascertain whether they could live upon it. From St. James's, Westminster, man might earn 78*l.*, besides material assistance from his wife and children; might live on wholesome food, but cannot attempt to say whether they could save. From Holy Trinity the Less, family might earn 93*l.*; might live on spare diet; could not save anything. Mr. Baker, the coroner and

* App. (A.) Part II. p. 16,

† Extracts, p. 233,

vestry clerk of St. Anne's, Limehouse, states that a family might earn 100*l.*, on which they could live, but *not* save. The return from Hammersmith declares that a family might earn 49*l.* 8*s.*, which would give them wholesome food, and that they might and do save."*

The variations in the several Returns above quoted exhibit the uncertainty and the wide variations of the impressions on which relief is administered, and the utter want of any standard of reference. Each gentleman, from the one who at Chiswick declares that forty-nine pounds is the sum on which a family could only live, to the gentleman who pronounces that one hundred pounds per annum only suffices for the bare subsistence of a labouring man's family, which is higher than the actual incomes of hundreds of families of professional men, would doubtless in his respective district fix the condition of the pauper agreeably to his impression of the means of subsistence required. This variation is not greater than the actual variations of the nature and amount of relief administered to the same classes within the same district. It is a remarkable and important fact, that it is found that at the boards of guardians, or other parochial boards for the administration of relief, those members who are distinguished for the greatest strictness, which others decry as harshness, in the administration of relief, are commonly persons who have themselves risen from the ranks of labouring men. This strictness, which is usually exhibited where there is no connexion or acquaintanceship to bias them, appears to arise from the better knowledge which they possess of the real wants of the applicants, and of the nature of the means of satisfying them.

Secondly. The magistrate, even if he have a general knowledge of the subject, seldom has and seldom can acquire a knowledge of the individual facts on which he has to decide. A pauper claims 3*s.* on the ground that his family consists of five persons, and that he has earned during the last week only 7*s.* The overseers believe that he has, in fact, earned more, or that he might have earned more if he had thought fit to exert himself, or that the lowness of his acknowledged earnings is the result of a collusion between him and his employer, in order to throw part of his wages on the parish. The vestry agrees in opinion with the overseer, and the pauper appeals to the magistrate. If questions like these, so difficult of proof, and the two latter matters of opinion not of perception, are to be decided, it must be by a tribunal acquainted with the habits and character of the applicant and of his employers, capable of collecting and weighing many minute indicia of evidence, and ready to undergo

* Extracts, p. 235.

so tedious and unsatisfactory a task. Can it be expected that it will be performed, or even undertaken by the magistrates, who give a few hours a week to the affairs of twenty parishes, who live at a distance from the scene of the dispute, and know little more than the names of the parties to it, and perhaps not even so much? In fact, the appeal is made from those who are acquainted with the general nature of the subject to be inquired into, to those who are ignorant of it; from those who either know the facts, or have the power to ascertain them, so far as they are capable of being ascertained, to those who have no previous knowledge of the matter, no interest in diligent investigation, and no means to render that investigation successful.

We have selected from the vast body of evidence contained in the Appendix respecting the prevalence and effects of magisterial interference, the following passages, not as peculiarly striking, but because they illustrate most of the remarks which we have made.

Mr. Majendie states, that in his district,—

“The opinion of many of the most experienced magistrates themselves coincides with that expressed by occupiers and overseers, that the over liberality of magistrates in granting relief has been a principal cause of the high rates, and of the dependence of labourers on the parish. In many instances they have adopted a dictatorial tone to the parish overseers, which has induced men of respectability to avoid the office, and when harsh observations have been made in presence of the pauper, the authority of the officer is destroyed. Though the mischief of this proceeding has been apparent, and a more cautious plan has been adopted, still there are many complaints of magisterial interference, particularly in those districts where a scale of allowance is adopted; overseers represent that they give relief to a greater extent than they think requisite, from a conviction derived from experience, that such relief would be ordered on application to the bench. In some districts where the magistrates represent that they have discontinued a fixed scale, and decide each case according to its merits, the overseers still act under the impression that such a scale exists. A magistrate, whose opinion is looked up to with much respect, expressed to me his feeling, that deciding in cases of application for relief was the most unsatisfactory and painful of his duties; on the one hand, injudicious liberality might be a great injustice to the rate-payers; on the other, the denial of relief might be an act of cruelty to the applicant, who, in periods when the low wages of farmers and bad state of agriculture cause many to be out of work, might be reduced to severe distress. Great part of the mischief has been effected by the magistrate acting singly in his own house. A gentleman of property first starting in that office, without experience in the employment of labour, or the character of labourers, is easily imposed upon by their false representations; and should he obtain the character of the poor man's friend, he becomes in fact

their greatest enemy, and may throw a spell over the industry of a whole district. Both in Kent and Sussex I have heard that paupers threaten application to some individual magistrate.”*

“At Over,” says Mr. Power, “a village not far from Cottenham, I found a person of great judgment and experience in Mr. Robinson, the principal farmer in that place. He is now serving the office of overseer for the fourth time. At present there are 40 men and more upon the parish; the average during eight months is 25. Part of this arises from farmers living at Willingham and Swavesey, occupying about one-fifth of Over parish; these persons employ none but Willingham and Swavesey labourers; it arises also in part from the growing indifference to private employment generated by the system of parish relief. A man with a wife and four children is entitled to 10s. and more from the parish for doing nothing; by working hard in private employ he could only earn 12s., and the difference probably he would require in additional sustenance for himself; consequently all motive to seek work vanishes. Coming into office this year, Mr. Robinson found 12 married men on the box, some of the best men in the parish; he knew they could get work if they chose at that time; he set them to work digging a piece of land of his own at 3d. a rod; they earned that week only about 7s. 6d. each, though they might have earned 12s.; and the next week they disappeared to a man. He complains bitterly of the obstruction given to these exertions by the decisions of the magistrates; they are always against him, and he regrets some unpleasant words spoken to him very lately by one of the bench. On one occasion he had refused payment of their money to some men who would not keep their proper hours of work upon the road; they complained to the bench at Cambridge, and beat him as usual, and returned to Over, wearing favours in their hats and button-holes; and in the evening a body of them collected in front of his house, and shouted in triumph.

“Mr. Robinson's evidence having brought me once more to the subject of the magistracy, I will take the opportunity of saying, that one disastrous effect of the general mal-administration is to prevent many gentlemen, the most eligible in respect of understanding and ability, from joining the body, or from acting with them in the general business of the petty sessions. I could mention, were it not perhaps invidious, the names of several persons whom I know to have been so influenced, and whose services have been lost to the side of good sense and propriety. Another cause of monopoly of the parochial business in the most objectionable hands is, the power which the paupers have of choosing their own tribunal. It was said by a farmer the other day, of a most excellent and benevolent gentleman in this county, ‘We,’ (meaning the parish) ‘could afford to give him 100l. a year, sir, if he would consent not to act.’ Another anecdote communicated to me at Gamlingay is also pretty much to the point. The overseer there told me, that a few days ago he had a difference with several of the paupers about their parish pay, when they summoned him before a magistrate

* App. (A.) Part I. p. 169.

who lives about six miles off. On the day of their attendance there, something prevented the case being heard, and they all returned to Gamlingay together. In passing the house of another magistrate, about two miles from home, the overseer said, 'Now, my lads, here we are close by; I'll give you a pint of beer each if you'll come and have it settled at once, without giving me any more trouble about it.' The proposal was rejected without hesitation. I merely mention this to show that paupers have their preferences, and that they consider it important to abide by them.

"I shall only make one more observation on this subject. It is in vain for the magistrate to represent the difficulty of his situation, in cases where he sees the pauper does not deserve relief, but where it is also clear that he is in destitute circumstances. 'True,' say they, 'the man is a bad character, and he ought to have saved his money; but then you know, overseer, he must not starve.' There is no difficulty in the situation whatever; the overseer requires neither magistrate nor ghost to tell him that the man must not starve; he has human feelings like the magistrate, and he is also liable to be indicted for cruelty in the discharge of his office; therefore why not let him use his discretion, and abide the consequences? particularly when, after all and in spite of the order of relief, he may still misuse the man at the peril only of the like punishment. It remains, however, to be observed, that were parish officers left to their own discretion, there would probably be found very few who, like Mr. Robinson, would apply themselves with zeal and vigilance to the reduction of the parish expenses; the greater part have seemed to me but too happy to waive the trouble of a strict administration, and to shift from themselves to the magistracy the heavy responsibility of the parochial extravagance and ruin. Resistance to the demands of the bold and turbulent is seldom attempted, on the plea that the magistrates cannot be depended on for their support in such cases; while, on the other hand, the true objects of the charity, the helpless and impotent, are sometimes so harshly treated, as to justify that interference by the magistrate in their behalf, which makes the overseer's excuse in the former cases. By the joint operation of these two ill-assorted functions, mischief is progressing with a fearful rapidity."*

"In the case of appeals to individual magistrates," says Captain Chapman, "I found that the usual course of proceeding was to send the applicant back with a note to the overseer, desiring that the matter might be inquired into, and, if not satisfactorily arranged, that both parties would attend at the house of the magistrate at a time named.

"This, the most mild mode of exercising the power vested in the magistrates, was open to the objections of being influenced by the peculiar views of each individual, of reducing the inquiry into a statement on the part of the pauper, and a counter statement on the part of the overseer, and of thus tending to render the decision of the vestry of no avail. The result of this course was generally conclusive, so that instances of summonses were very rare.

* App. (A.) Part I. p. 252.

"In the cases which were brought before the petty sessions which I attended, great pains were taken by the magistrates to get at the truth; but here again the question degenerated into a statement and counter statement, unsupported by any evidence or document, so that the bench, with every desire to do justice, had not the power to do so. The leaning in the spectators was decidedly in favour of the pauper; the magistrates considered themselves as the protectors of the poor, and whatever were the demerits or merits of the case, that they were equally bound to prevent the parties from starving; the overseers were looked upon as almost devoid of the feelings of humanity, and the tendency was still more decidedly to render the decisions of the vestry of no avail. Every appeal gained by the pauper was looked upon as a triumph over the overseers and vestry, and this feeling, in some cases, was participated in by the labouring classes in general. At St. Pether-ton, near Taunton, for instance, I was informed that on a recent occasion a pauper, who had gained his point, returned throwing his hat into the air, hurraing and cheering, and that he was joined by many others, who conducted him in triumph to his home; but cases in which this feeling was so decidedly expressed are, I believe, of rare occurrence, although its existence was universally complained of by the overseers.

"The effect upon the vestries, I was led to believe, was, to cause many respectable persons to refrain from attending, and to have even caused many select vestries to have been given up; the members leaving the overseers to 'fight it out with the pauper and magistrates.'

"The duty which has been thus imposed upon the magistracy appeared to place them in a situation of peculiar difficulty. In almost every parish a proportion of idle and worthless are to be found, who are a constant source of trouble and of complaints; whatever may be their character, the magistrate has no power to punish unless a regular complaint is made by the overseers for the special purpose, and whatever may have been their previous earnings, he must prevent the pauper from starving. In the rural districts, where there are no workhouses, there are no means of control, and the only resource is work, or, where the family is numerous, pecuniary assistance, in addition. If the industrious, by any chance beyond their control, are reduced to the necessity of applying for relief, the only means of marking a distinction in character is by making a difference in the amount of relief; this leads to all the inconveniences of difference in opinion, and places the magistrates not only in collision with the vestry, but in an invidious and false position as regards each other.

"In most cases a sum, considered as the minimum on which a person can live (1s. 6d. per week), is the guide in ordering relief; but although a bench may have agreed upon this, they have no security that each individual member will adhere to it; so that the efforts of the experienced and the decision of the bench may be frustrated by the views of a mistaken, weak, or a designing man. This was frequently complained of, and thus forcibly expressed by a magistrate of long standing and experience:—

"Great difficulties in the administration of the Poor Laws arise

out of the power which one magistrate has of ordering relief arbitrarily; and one good effect of the Select Vestry Act is, that it limits the application for relief and the complaint of the pauper to two justices; for let a man's intentions be ever so good, he is subject to passions, and often errs when he acts alone; but where a second magistrate is present; his conduct and judgment will be more cautious and deliberate. The effect of this I have remarked even in men of the best intentions; but in the case of unprincipled or popularity-hunting magistrates, or of a weak and over-liberal dispenser of his neighbour's money, the evil of intrusting the power of giving relief at all to one magistrate is most apparent.

"If two or ten magistrates of a division agree to act in unison or with vigour on the subject of relief to the poor, more especially the idle and dissolute poor, and one black sheep in that division, one popularity-hunter, chooses, he may thwart and destroy the effect of their endeavours, and perhaps they may get their stacks burnt about them for their hard-heartedness, or rather, I should say, integrity and principle.

"I have often been threatened by paupers, to whom I have refused relief, that they would go to a neighbouring justice who was always kind to the poor; and I have had occasion to write to that justice on the subject, and to endeavour to stop his interference after I had refused relief. This is one of the crying evils of the Poor Laws."*

"The greatest evil of which I am aware, is the facility with which every plan of the vestry or overseer is brought into question on the complaint of the pauper, who selects a kind and often inconsiderately liberal magistrate as his patron."†

These extracts apply to country parishes. In towns, and above all, in the metropolis, the number of cases which require investigation, and the difficulty of obtaining information where everybody is lost in the general crowd, renders the jurisdiction of the magistrates with respect to relief still more objectionable. The evidence, of which the following is an extract, was collected by Mr. Chadwick, respecting the district within the jurisdiction of the Worship-street office; and its value is much increased by its having been subsequently read over to Mr. Bennett, the magistrate principally complained of, and his replies and comments being inserted.

"EVIDENCE of Mr. *Heritage*, Chief Clerk of the Magistrates at Worship-street.

"With regard to applications for summonses against parish officers for refusing to grant relief, I may state, that summonses are granted indiscriminately upon application at our office. When the parish officers attend upon the summonses, relief is ordered almost as indiscriminately.

* App. (A.) Part I. p. 474.

† App. (B. 1.) Question 44, Answer by Mr. Portman, Blandford Division, Dorset, p. 137 d.

minutely. We have constantly fine, hale, hearty-looking young men applying for relief.

"I have known an officer sent with as many as twenty paupers in a day, with an order to see them relieved. It was not sufficient that the officer left the paupers with the overseer; he was enjoined by Mr. Bennett to see them relieved, and if there was no overseer to be found, he was directed to relieve them out of his own pocket, the magistrate promising that he would undertake that the overseer should reimburse him the next day. This has been a practice for several years; it has occurred most frequently on Saturdays. Now the parish officers frequently attend, to render these steps unnecessary.

"Mr. Bennett.—This is generally on the Saturday night, when the overseer has neglected to attend; of course, it would not be done when the overseer is present.

"To-day three hearty young women, from eighteen to twenty years of age, applied for relief; summonses were granted them without any inquiry. I mentioned this case to Mr. Twyford, but he seemed to think we had no discretion.

"The Act now allows only one magistrate to interfere in cases of 'urgent necessity;' but they deem all cases to be of urgent necessity, for the summonses are uniformly ordered by one magistrate."

"EXAMINATION of Mr. *John Othen*, Office-keeper at the Public Office, Worship-street.

"[Has been in office eighteen or nineteen years.]

"I generally have to make out the summonses granted at the instance of paupers against parish officers who have refused them relief. Of late years the applicants have greatly increased in number as well as badness of character; in badness of character particularly.

"I should think that there are, upon an average, thirty paupers receiving summonses daily. A very large proportion of these paupers are Irish, in St. Luke's parish especially. I think that there are more females amongst the applicants. I see the same characters constantly; from their dress and deportment I know a large proportion of them to be prostitutes. Every day we have a proportion of not less than ten of this description amongst the applicants from the various parishes. They invariably have summonses when they apply, and say that the overseers have refused to give them relief. Their cant name for the parish money is, 'their reg'lars;' this is 6d. a day for each person, male or female; this is the allowance which the magistrates stipulate that they should have from the parish.

"Amongst the males who apply for relief are a number of able and hearty young fellows, who are vagabonds at large, and who will not work so long as they can get a sixpence from the parish. Their general object is the allowance of 6d. a day. I believe that there are many of these men who make out their living by petty depredation.

"We have had it happen that, after their cases have been heard, and relief has been ordered to them; but when it has not been quite so much as expected, they have threatened to 'serve out the overseer,' and the paupers have waited outside the office in clusters, each encouraging the

others, and waiting for their respective parish officers. If the beadle happens to be in waiting, he conducts the overseer home; but where the beadle has not been present, the overseer has applied to the magistrate for protection, and an officer has accompanied him home. In some instances, however, the beadle is not sufficient, and additional protection is required. The magistrates have so little knowledge of people of this class of life, that they cannot see what is seen by us who know more of them.

“ Mr. Benett.—That is natural enough. The magistrates can hardly be expected to know so much of this class of persons as those who mix with them, and converse with them, and overhear them.

“ In cases where the parish officer suspects that the applicant, being a strong hearty man, might obtain employment, or that he has employment or means of subsistence, is it usual for the magistrate to postpone the case, to give the parish officers an opportunity of investigating the case?—No. The magistrate says, ‘ This man swears he is in want of subsistence, and you must give him relief; if you hereafter find out that he has the means of subsistence, bring him before us, and we will punish him.’

“ Mr. Benett.—This relief is only for the exigency of the moment, and not permanent. This relief is never permanent, but only day by day, as the exigency occurs.

“ In the great majority of cases, the oath of the pauper is conclusive.

“ It frequently, constantly occurs, that the applicants for relief inquire who is sitting. If it is one magistrate, they will say, ‘ We will go away, we shall get nothing.’ If another sits, they say, ‘ Oh, that will do; we will stay.’ They make themselves acquainted with the character of particular magistrates, and their decisions, and know them well. It is the class of paupers who come the most frequently, the young and able-bodied, who make this application. It is with the most humane magistrate that the worst class of paupers succeed best. I have known them go away, when they found that this magistrate was not in the way.”

“ EXAMINATION of Mr. John Coste, Relieving Overseer of St. Leonard, Shoreditch.

“ IN consequence of the practice which one magistrate (Mr. Benett) has pursued at Worship-street Police-office, I do believe that if that magistrate had the undivided control, it would be impossible for our parishioners to pay the rates.

“ Mr. Benett.—My practice is invariably this. When the pauper applies for relief, the first question put to him is, ‘ Do you live in the parish?’ The second question is, ‘ Have you asked the overseer for relief, and been refused?’ If the answers are in the affirmative, I grant a summons. If the overseer does not appear to the summons, and the pauper applies again, I ask if he has given the overseer the summons. If the answer is again in the affirmative, I grant a second summons, with a recommendation in the margin, that immediate relief may be given to the pauper: it is only a recommendation. If the second summons is not attended

to, and the pauper applies the *third* time, I ask him if he has given the second summons to the overseer, and if the answer is still in the affirmative, I send an order of 6*d.* a day for an adult, and 3*d.* a day for a child, for seven days, the Act of the 59 Geo. III. c. 12, s. 5, empowering me to make an order for fourteen days, or until the next petty sessions, where there is no select vestry. The order is served on the overseer by one of the officers of the establishment, who keeps a copy. This is my *general* practice; but, in case of urgent distress, I send a summons, with the recommendation of ‘ immediate relief’ in the margin, by an officer, and also on the Saturday night, when the overseer does not appear to a previous summons.

“ His practice is, without swearing the parties as to whether they have applied for relief, to grant summonses to all who choose to apply for them, and who choose to say that they are in need.

“ Mr. Benett.—That is true, and that practice must be continued. The pauper must have his case heard.

“ There is usually the following *nota bene* affixed to these summonses:—

(N.B. It is requested by the sitting Magistrate that this pauper may be immediately relieved.

(Signed with the Magistrate’s initials.) W. B.)

“ Mr. Benett.—This is the second summons, except in a case of urgent distress; and then an officer is sent with the summons, to explain the nature of the case to the overseer, who can appear before the magistrate, if he chooses to object, it not being an order.

“ It is generally a mere matter of form for the pauper to say he has had no victuals that day, when the *nota bene* is at once attached.

“ Mr. Benett.—The recommendation is not an order, and the overseer can answer that *nota bene* if he likes, he not having answered the summons. It is, in fact, a caution to him, equivalent to saying, ‘ That if you do not appear, and show cause why you do not relieve the pauper, an order will be granted.’

“ It is very rare that any investigation into the real case of the pauper is made before this order is given.

“ Mr. Benett.—Who is to be examined; the pauper alone, who will make good his own case, or the overseer, who refuses to appear and state his case before the magistrates, which refusal has occasioned the order to be made? The examination of forty or fifty paupers would consume from three to four hours, at three or five minutes each person, which at the office of Worship-street, where there are occasionally upwards of seventy persons committed for trial in a month, and where the great variety of other business presses so severely on the magistrates’ time, that the office is frequently kept open until six o’clock in the evening, and the business resumed again at seven in the evening.

" Since June, 1831, I have received from the magistrates of this office about 590 summonses. Of these there were from—

" Mr. Benett - - 240	} To the summonses of each	109	} <i>nota benes.</i>		
Mr. Twyford - 179				} of these magistrates were	46
Mr. Broughton 167					

" In the year 1827, I had as many as fifty names on one summons, on one day, from Mr. Benett, and I venture to say, that of these above thirty were bad characters, prostitutes, and thieves, who ought not to be relieved at all.

" Mr. Benett.—This is a proof of the justice of my complaint of the immense masses of paupers brought from the parish of Shore-ditch before the magistrates of Worship-street. Many of these paupers ought to have been relieved without the intervention of the magistrates. In this instance, he says that thirty of the fifty were bad characters, who ought not to have been relieved. Why were not the twenty who were *not* bad characters relieved without the intervention of the magistrates; and were the cases of the thirty individuals objected to inquired into by the officer before the cases were brought before the magistrate? I do not think that the character of a pauper, if he is in distress, can be taken into consideration; for the Poor Laws were not established as a reward for good conduct, but as a provision for the person in immediate distress, and a person just discharged from the house of correction, or a prostitute, is as much entitled to relief as the most respectable pauper in the parish, because the principle of the English Poor Law is, that no one shall starve; therefore the magistrates are obliged to order relief to bad characters as well as good, if they are incapable of supporting themselves. If you refuse to persons who are bad characters relief when they are in immediate distress, the collective result must be very injurious to the best interests of society.

" All this troop, about fifty persons, came to my door, with an officer at the head of them, demanding immediate relief on the magistrate's order. I said, 'No, I cannot think of letting the parish be robbed in this way; I shall attend the summons this night at the office.' I did attend, and stated to Mr. Benett that I should insist on the whole of those fifty cases being gone into separately before I gave any money.

" Mr. Benett.—To examine into these cases of fifty paupers, at five minutes per case, would take four hours and ten minutes, which is impossible to be done, and *unnecessary*, inasmuch as it was the duty of the overseer to have inquired into the cases himself, and relieved the deserving, and rejected the undeserving.

" He said he was not going to have a vestry-room made of his office. I then handed him up the summons, and said, 'That is your signature, and I am come to answer it.' He then went into two or three of the cases. I think the first or second of these cases was that of a lad named Perkins. One of the officers told me that he knew that this Perkins had been at work that week, and had

earned 8s. or 10s. This was proved. I then asked Mr. Benett whether such a lad as this ought to have had a summons, and an order for immediate relief.

" Mr. Benett.—It being Saturday night, and the overseer having neglected to inquire into the cases, it would not do to risk the chance of rejecting really distressed persons, and forcing them to go without relief through the Sunday, or starving until the succeeding Monday.

" Mr. Benett said, no; but that he had no means of inquiring into the cases. The lad was certainly discharged without relief. This lad has since been transported. I had no specific information, and had no means then of obtaining any with respect to the rest, and Mr. Benett having gone through about half a dozen of these cases, I then said to him, seeing him getting very angry at the prospect of a long detention, 'I will take the rest of them into the house.'

" Mr. Benett.—It is the usual practice which prevails now for the overseers to attend at the office on a Saturday night, I may almost say with masses of paupers. I have known 100, for I have had them counted. I have then said to the overseer words to this effect: 'There must be a great many distressed persons deserving of relief in this number; take them out, and relieve those who are deserving of relief, and bring back those whom you object to, and I will hear them separately;' and this has been frequently done by Mr. Coste. On these occasions I have sat at the office till ten and eleven o'clock at night. From the refusal of the overseers to relieve the paupers, and from their inattention to the summonses, such inconveniences constantly occur on a Saturday night.

" Myself and the beadle then went away, followed by the train of paupers, for on Saturday nights I find it necessary to take one or two beadles with me for personal security. The paupers used excessively bad language to us, and as they passed by-streets on the road to the workhouse, they slunk away, until at the workhouse, I think, we had only ten or a dozen, who chose to come in and accept the bread, for the want of which they declared to the magistrate they were starving at the time they first applied for immediate relief.

" Mr. Benett.—This is very probable; but how is the magistrate to help that, if, upon the investigation in the office, the pauper succeeds in his imposition? It is the duty of the overseer to inquire into the cases of the paupers, and he might come prepared with the evidence to prove the fraud.

" We frequently make the experiment of taking the applicants into the house with much the same results; but it by no means follows that when they are willing to go into the house they are deserving characters. They frequently get a magistrate's order to get into the house—

" Mr. Benett.—This cannot be; the magistrate has by law no power to order the parties into the house.

" But are no recommendations given which the overseers may call orders?

"Perhaps he means by an order, a recommendation. We often recommend the overseer to admit the parties into the house, but the law gives us no power to order.

"— for the purpose of getting clothed, and then escaping with the clothes; and very commonly, when they escape with their clothes, they sell them."

"OBSERVATIONS of *W. Benett*, Esq.

"From the injurious practice of the overseers of some of the parishes in the district of Worship-street, and particularly of the parish of Shoreditch, of refusing to relieve their poor, many of whom are deserving characters and in immediate distress, without the intervention of the magistrates, great numbers of their paupers apply daily at the office for summonses; if they are asked whether they have been to the overseer, such reports are frequently made by them of the answers of one of them to the applications, and so offensive, as far as they regard the magistrates, that they are often obliged to check them in their replies; and this completely puts an end to all confidence of the magistrates in that overseer, who once gave such an answer to an officer of the establishment who was sent with a pauper and an order for immediate relief, which was not obeyed.

"I have known an instance of another overseer of Shoreditch, appearing before me at the office at Worship-street, and in the presence of 105 paupers, who were counted, when I remonstrated with him, and desired him to relieve such as were in real distress, and bring those he objected to before me, declaring that he cared not for me or the law, and that he would not relieve one of them. I then proceeded to make an order in each individual case, when he stepped forward, and as each order was made, said, 'I will relieve him,' (or 'her,') and so continued throughout the whole number, converting by these means the magistrate into a relieving overseer, and the office into a vestry-room, and I did not finish this painful and unnecessary task till 11 o'clock that night."

No one can read Mr. Benett's evidence without being convinced of the excellence of his intentions; and our following remarks are directed not against him individually, but against the system, of which he is one among many administrators. It appears that he considers every adult within his district entitled, merely on his own showing, to 6*d.* a day from the public, unless the overseer can show cause to the contrary. The 59 Geo. III. c. 12, empowers a single magistrate, in case of emergency and urgent distress, to order such relief as the case may require, stating in his order the circumstances of the case. The Act throws on the magistrate the *onus probandi*; he is not only to ascertain that the party is in urgent distress, but he is to state in his order the circumstances of the case; that is, the nature of the urgent distress which has been proved

to him. His practice, and it appears from other parts of the evidence to be a common practice, is to throw on the overseer the *onus probandi*; not to require the applicant to prove that he is in urgent distress, but the overseer to prove that he is not. The overseer, generally a person fully occupied by his own concerns, is to show this on a day's notice, with respect perhaps to fifty persons, scattered among the hundreds of thousands of this metropolis. "His practice," says the overseer of St. Leonard's, "is to grant summonses to all who choose to apply for them, and who choose to say they are in need." "That is true," replies Mr. Benett, "and that practice must be continued." "It is very rare," says the overseer, "that any investigation into the real case of the pauper is made before the order is given." "The examination," replies Mr. Benett, "of forty or fifty paupers would consume from three to four hours at three or five minutes each person." This might be a ground for altering the law, and for enabling a justice to order relief *without* inquiring whether it is such as the case may require, and *without stating in his order the circumstances of the case*, or it might be a ground for the magistrate's refusing to interfere, and leaving the overseer to exercise the discretion which the law throws upon him; a discretion, for the exercise of which he alone is responsible; but while the law remains unchanged, it is no ground for ordering the applicant relief without investigation, on the plea that, if the overseer *thereafter* finds that he had the means of subsistence, the magistrate will punish him; punishment of which we do not find a single example. "I stated," says the overseer, "that I should insist on the whole of the cases being gone into before I gave any money." Mr. Benett—"To examine into these cases of fifty paupers, at five minutes per case, would take four hours and ten minutes; which is impossible to be done." To examine into them satisfactorily would probably have taken fifty or a hundred hours; and there cannot be a clearer proof of the necessity of returning to the words and the spirit of the law. When the 3 and 4 Will. and Mary, c. 11, enacted, that no person should receive relief except those whom the vestry should think fit and allow, but by authority of a justice of the peace; when the 9 Geo. I. c. 7, enacted, that no justice should order relief until oath should be made before him of some matter which he should judge to be a reasonable ground; when the 59 Geo. III. c. 12, s. 5, directed that in every order the *special cause* for granting the relief thereby ordered should be *expressly* stated; and when the liability of the overseer to an indictment for not affording necessary relief without a previous order, was carefully continued, and not a single Act *requires* the justice to

make an order, who can doubt that the power given to the justice was a power to be regulated by a sound discretion, to be enforced only when he was convinced that the balance of evil was on the side of non-interference, and convinced by a careful examination of the facts of the case,—an examination so complete as to enable him to state them in his order?

The unquestionable fact, that sufficient inquiry cannot be made when fifty cases are to be decided on in an evening, proves only that the Legislature did not intend that the jurisdiction of the justice should form part of the routine of the administration of the Poor Laws. It was to be exercised *in case of emergency*. If its exercise is to be habitual, every populous parish must have its peculiar magistrate, as well as its peculiar overseers. On no other grounds can we explain why the justices are required to take into consideration the character and conduct of the applicant; a duty which is not enforced on the overseer. The justices are at liberty to interfere or not. The overseer has no such discretion. If he has suffered a man to starve, it is no defence that the applicant starved, only because such was his character and conduct that he could obtain no work, and he was unsuccessful in stealing. As he is not to be influenced by the character of the applicant, he is not directed to ascertain it.

The magistrates are to take it into consideration. For what purpose? That they may order to persons of good character more relief than is strictly necessary? Whatever may be the errors of our pauper legislation, it has stopped short of this. Necessary relief is all that the justices can order to the most meritorious applicant. How, then, are they to deal with the undeserving? Are they to consider their conduct, and then act precisely as if they had not considered it? The only conceivable construction of the Act is, that if they think the character and conduct of the applicant such as to render their interference inexpedient, they are to leave the matter in the hands of the overseer. The whole of the evidence shows how little this has been understood.

Our Appendix contains many complaints of the conduct of magistrates. It is to be observed, that much of this is *ex parte* evidence, which the persons complained of had no opportunity of contradicting or explaining, and that the overseers, from whom it was principally derived, may be supposed to have been anxious that the blame of mal-administration should rest on any persons but themselves. It must be acknowledged, however, that in so large a body as the magistracy of England and Wales, invested with powers so extensive and so uncontrolled, cases of misconduct must from time to time arise. Admitting, as we are anxious

to admit, the general integrity and intelligence of the magistracy, and the importance of their services in the administration of justice, we yet cannot doubt that there are to be found among more than two thousand persons some exceptions to the general character. But we believe these exceptions to be rare, and that in a great majority of instances—so great as to form the general rule—the magistrates have exercised the powers delegated to them by the Poor Laws—not wisely, indeed, or beneficially, but still with benevolent and honest intentions, and that the mischief which they have done was not the result of self-interest or partiality, or timidity or negligence, but was, in part, the necessary consequence of their social position, and of the jurisdiction which was confided to them, and in part arose from the errors respecting the nature of pauperism and relief which prevailed among all classes at the time when the allowance system and the scale were first introduced, and still appear to prevail among the majority. Under the influence of such opinions even good intentions may become mischievous. A more dangerous instrument cannot be conceived, than a public officer, supported and impelled by benevolent sympathies, armed with power from which there is no appeal, and misapprehending the consequences of its exercise.

We have now given a brief outline of the most striking points in the present mal-administration of the laws for the relief of the poor, and of the principal causes to which we attribute it. We have endeavoured to account for it by the immediate gain which large classes have hoped to obtain, and in many cases have actually obtained from that mal-administration, and from the constitution and character of the authorities by whom parochial relief is distributed and awarded. There remains, however, one source of evil which has been alluded to in our previous remarks, but never distinctly stated; and that is, the evil which has arisen, and is arising, from the law which throws the burthen of relieving the pauper, in the first place, on those who occupy property in the district in which he is said to be *settled*. We will preface our account of them by a short history of the Law of Settlement.

SETTLEMENT.

THE 43 Eliz. c. 2, contains no definition of settlement; but we have seen that in a long train of legislation, a person had been considered settled in the parish in which he was born, or in which he had dwelled or been principally conversant for the preceding three years; or under the 39 Eliz. c. 4, in the case of vagabonds, whose place of birth could not be ascertained, for one year. So that until the 13 and 14 Car. II. c. 12, there seem to have been only two statutory grounds of settlement, birth and residence, first for three years, and afterwards in some cases for one.

The 13 and 14 Car. II. c. 12, after reciting that "the necessity, number, and continual increase of the poor, not only within the cities of London and Westminster, but also throughout the whole kingdom of England and dominion of Wales is very great, and exceedingly burthensome; and that by reason of some defects in the law, poor people are not restrained from going from one parish to another, and, therefore, do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy; and when they have consumed it, then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks, where it is liable to be devoured by strangers," enacts, "That it shall be lawful upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of peace within forty days after any such person or persons coming so to settle as aforesaid in any tenement under the yearly value of 10*l.*, for any two justices of the peace whereof one to be of the quorum of the division where any person or persons that are likely to be chargeable to the parish shall come to inhabit, by their warrant to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native, householder, sojourner, apprentice, or servant, for the space of forty days at the least, unless he or they give sufficient security for the discharge of the said parish, to be allowed by the said justices."

Never was such important legislation effected by means of exceptions, qualification, and hints, and seldom have any laws been so pertinaciously adhered to after the principal, and in some cases the only, reasons for their introduction had ceased. The direct purpose of the Act stripped of all that qualifies it, is to enable the justices, on complaint of the churchwardens or overseers, to remove any new comer from a parish, though not applying for relief, if they think or profess to think that he is likely to

become chargeable. Such a power, however, was even then felt to require some restriction. It was required, therefore, that it should be exercised within the first forty days after the arrival of the new settler, and persons settling in a tenement of the yearly value of 10*l.*, a sum equal, according to the present value of money, to more than 50*l.*, were directly excepted. Forty days' residence, without removal, or occupying a tenement of 10*l.* annual value, gave, therefore, a right to remain, or, as it is now called, a settlement, and the direction that persons should be removed to the place where they were last legally settled as natives, householders, apprentices, servants, or even sojourners, for forty days made also forty days' residence a means, not only of acquiring a settlement, but also a means of losing any previous settlement, and established birth as a settlement, where no other had been acquired. To these the common law added estate, or property in land, because no person ought to be removed from his estate, and marriage in the case of a woman, and parentage in the case of a legitimate child, on the ground that a wife must not be separated from her husband, or a child, until emancipated, from its parents; and the 3 and 4 Will. and Mary, c. 11, s. 6, added, serving an annual public office, and contributing to the public taxes of a parish.

The object of all the subsequent Acts on this subject has been to restrict these modes of acquiring a settlement. 1st. By enacting, that except in cases of persons serving offices, or paying parochial taxes, unmarried persons, without children, hired for a year, and apprentices, the forty days' residence shall be accounted only from the delivery of a notice in writing to the overseers, which they are bound to read in church and register:* 2dly. By preventing residence from conferring a settlement on persons bringing a certificate from the overseers of their previous parish, acknowledging them to be settled there:† 3dly. By declaring that hiring shall not confer a settlement unless the person hired shall continue in the same service a year:‡ 4thly. By enacting, that the purchase of an estate for less than 30*l.* shall not confer a settlement:§ 5thly. By preventing a settlement from being gained by payment of taxes in respect of tenements of less annual value than 10*l.*;|| a restriction which has virtually repealed this head of settlement: 6thly. By a series of Acts, all endeavouring to explain and define the circumstances under which renting a tenement shall confer a settlement.¶

In the mean time, however, the circumstances under which apprenticeship, hiring and service, estate, renting a tenement,

* 1 James II. c. 17; 3 W. and M. c. 11. † 8 and 9 W. III. c. 30.
 ‡ 8 and 9 W. III. c. 30. § 9 Geo. I. c. 7. || 35 Geo. III. c. 101.
 ¶ 59 Geo. III. c. 50; 6 Geo. IV. c. 57; 1 Will. IV. c. 18.

and serving an office, had been held to confer a settlement had changed. We have seen that they were introduced as qualifications and restrictions on the power given by the 13 and 14 Car. II. of removing all new comers whom the overseers chose to consider likely to become chargeable. This power was put an end to by the 35 Geo. III. c. 101, which enacts, that no poor person shall be removed until he shall become actually chargeable. A change so imperiously demanded, not only by expediency, but by justice, that it is difficult to conceive how the arbitrary enactment of the 13 and 14 Car. II. could have been tolerated so long.

It might have been expected that the grounds of settlement which were established when the power of removal was given, would have been reconsidered when that power was taken away. This, however, appears not to have been done, for it cannot be supposed that, if attention had been called to the subject, they would all have been allowed to continue. The consequence has been, that in this instance, as in many others, like a patient who continues the use of remedies after the disease has ceased, we are suffering under laws of which the grounds have long been removed.

The reply to our printed question,—Can you suggest any and what alteration in the settlement laws? almost always contains a protestation against settlement by hiring and service. As the demand for agricultural labour varies with the seasons, it is of great importance to the labourer that he should be engaged by the year. When hired for any shorter period he is in danger of being out of work during the winter months, at the very time when his wants are greatest. It is of the greatest importance, also, to the farmer that the persons on whose conduct his own welfare so much depends should have the local knowledge and skill, and the attachment to his person and his interests, which only long continuance in the same service can produce. Accordingly we find that where things are left to take their natural course, the agricultural labourer is generally hired by the year, and often passes his whole life on the same farm. But instead of things being left to their natural course, the employer has always to consider how his interests may be effected if he allows a labourer to obtain a new settlement, and the labourer, what may be the consequence to himself, of losing his previous one. If the farmer, either from being a proprietor or a lessee, or a tenant-at-will, with the prospect of continuance, is interested in preventing settlements, he effects it either, 1st, by employing no non-parishioners; or, 2dly, by hiring all his non-parishioners for periods less than a year; or, 3dly, by preventing those whom he hires from sleeping in his own parish. The first plan, when

generally adopted in a district, distributes the labourers, not according to the real demand for labour, but to the accidental divisions of parishes. The second plan is sometimes used as a mere evasion, the labourer being hired for 51 weeks, or for 364 days, or some other period less than a year, but practically retained without intermission from year to year. In this case, however, the only protection against settlement, is evidence that the contract between the parties, almost always a verbal one, was for less than a year. The danger that this evidence may be lost, or wilfully suppressed, or falsified, has occasioned it to be more usual to let the service, as well as the hiring, be for less than a year; an interval of a few days being interposed, after which a new contract is made, and a new service begins. This interval, however, is almost always spent by the labourer in idleness, and often in debauchery, to the injury of both parties; and even if it be not so spent, the constant recurrence of a separation and a new agreement destroys the intimacy and security of the connexion, and has a tendency to introduce the still worse practice of hiring by the season, the month, the week, or even the day; a practice which many of our most experienced informants describe as most mischievous to the character and happiness of the agricultural labourers. On the other hand, the labourer, if he thinks his parish a *good* one, that is, one in which public or private relief is profusely distributed, is averse to endanger his existing settlement, by leaving it. With that general and vague idea of the law on the subject which floats in the minds of those who have picked it up by hearsay, he is aware that there are many means by which a settlement may be lost as soon as a man has left his parish, though he is not precisely aware what they are, or how they are to be evaded; while he stays, however, he is safe. The land, to use his own expression, is to maintain him, and it is not his business to inquire whether he is wanted elsewhere, or whether he is an incumbrance where he is.

The Rev. R. R. Bailey, chaplain to the Tower, who has had extensive opportunities of observing the operation of the Poor Laws in the rural districts, was asked,—

“Can you give any instances within your own knowledge of the operation of the existing law of settlement?—I was requested by Colonel Bogson, Kesgrove-house, to furnish him with a farming bailiff. I found a man in all respects qualified for his situation; he was working at 9s. a week in the parish where I lived. The man was not encumbered by a family, and he thankfully accepted my offer; the situation was, in point of emolument, and comfort, and station, a considerable advance; his advantages would have been doubled. In about a week he altered his mind, and declined the situation, in consequence, as I

understood, of his fearing to remove from what was considered a good parish to a bad one, the parish to which it was proposed to remove him being connected with a hundred house, in which there is more strict management. I was requested by a poor man, whom I respected, to find a situation for his son, in London: the son was a strong young man, working at that time at about 8s. a week: I eventually succeeded in getting him a good situation of one guinea per week, in London, where his labour would have been much less than it was in the country; but when the period arrived at which he was expected in London, he was not forthcoming. It appeared he had altered his mind, and determined not to take the place; as I understood, his reason for refusing to accept it arose from a reluctance to endanger his settlement in his parish. Such are the instances which are continually presented to my observation with respect to the operation of the present system of settlement.*

"Among our present modes of conferring a settlement," says Mr. Russell, in the replies to which we have already adverted, "that by hiring and service is incomparably the most pernicious; it tells the poor man that he shall encounter a prohibitory duty in every market in which he attempts to dispose of the only commodity he must live by selling; it shuts the door against the most respectable and advantageous employment in which a servant can engage; by abridging the term; it impairs the strength of the connexion between him and his master; and it not only drives the servant from his place, but often betrays him, during the interval between his being discharged from one house and hired at another, into bad company, dissipation and vice." †

There seems, indeed, good reason to suppose that the influx of Irish labourers into London is mainly attributable to the disinclination of the labourers in the neighbouring country to quit their existing settlements. "As far as my experience goes," says Mr. Tyler, the rector of St. Giles, "I think it probable that the Irish labourers obtain employment here to the extent to which they do, in consequence of the English labourers being kept in their parishes by the present mode of administering the law, and the effects of the present law of settlement." ‡

"I found," says Mr. Chadwick, "that in nearly every parish I examined, where bodies of Irish labourers are located, the evidence as to the cause of their location was of the following tenor:—

"Mr. Joseph Whittle, one of the guardians of the poor and overseer of the poor, in the parish of Christchurch, Spitalfields, stated—

"In our parish it is a very rare thing to find any labouring men working for less than 12s. a week: indeed, the average rate of wages throughout the year is not less than from 15s. to 20s. a week. A man could not be obtained to work job-work at less than 3s. a day.

"Are there many Irish labourers in the parish?—Yes; there is a great proportion of them, and especially about Spitalfields market.

* Mr. Chadwick, App. (A.) Part II.

† Ibid.

‡ Ibid.

"Do they usually receive the average wages you mention?—Yes, they do.

"Why are English labourers not employed; or why are Irish labourers preferred?—Because English labourers are not to be had for love or money to perform the labour. Thousands of instances may be given, where the labourers will not stir for fear of losing their parishes. I think the law of settlement is the great means of keeping the English labourers confined to their parishes; it appears to them to be like running away from their heir-looms, or their freeholds. I am sure, from my own knowledge of the Whitechapel and other adjacent parishes, that there are not enough of English labourers to be had for such wages to perform the labour."

"Mr. T. H. Holland, some time vestry clerk of Bermondsey, stated:—

"There are great numbers of Irishmen employed in our parish; but they are only employed because English labourers cannot be got to do the same work for the same wages.

"And what sort of wages are those?—Not less than from 10s. to 15s. a week. An English labourer might live upon this. But English labourers would have more wages, if they were to be had for the work, because they are worth more. I have heard a saying amongst the employers of these labourers, that an Irishman must always have his master over him. An English labourer does not require so much superintendence.

"Why is it that, in your district, the English labourers have not taken the employment?—I fear that the facility of obtaining parochial relief indisposes them to exert themselves or seek about to procure employment, or to take the labour which is given to the Irish." *

The third plan, that of preventing the unsettled labourer from sleeping within the parish, accounts for the frequent occurrence in the most pauperized districts of small parishes, with very low or almost nominal rates. When a parish is in the hands of only one proprietor, or of proprietors so few in number as to be able to act, and to compel their tenants to act in unison, and adjoins to parishes in which property is much divided, they may pull down every cottage as it becomes vacant, and prevent the building of new ones. By a small immediate outlay they may enable and induce a considerable portion of those who have settlements in their parish to obtain settlements in the adjoining parishes; by hiring their labourers for periods less than a year, they may prevent the acquisition of new settlements in their own. They may thus depopulate their own estates, and cultivate them by means of the surplus population of the surrounding district. Against such conduct as this a parish, in which the property is much divided, and that is the case in all towns, has no defence. Small master bricklayers and carpenters, and retired tradesmen with

* Mr. Chadwick, App. (A.) Part II.

trifling accumulations, find cottages and houses, inhabited by the poor a most lucrative investment. They must exercise, indeed, great vigilance and occasional harshness; they must be ready to wring their rents from their tenants, or to extort them from the overseer, by constantly threatening, and sometimes effecting distresses and executions; and as no educated person could bear to seize the small property of the poor, or to turn whole families into the streets, those who seek a profit, by providing accommodation for the labouring classes, are generally persons whose habits have rendered them not merely indifferent to the general prosperity of the parish, but anxious to promote the pauperism that creates the demand for their crowded and unhealthy habitations. On this point, as in many others, the evidence of the Rev. H. Millman, of Reading, is very valuable.

"I have now," says Mr. Millman, "between ten and twenty families residing together, who belong to one parish, and, though working for the farmer of their own parish, are obliged to reside in mine, at the distance of two, three, or four miles from their work, and whose cottages have been almost literally pulled down over their heads. Even when cottages are not destroyed none are built where the population increases. Many, again, are bribed by presents in actual money, or by promises of advantage, to seek their fortunes in the town. There are always plenty of speculative builders ready to run up cottages, which spring up around us like mushrooms. More than one has told me that, when they made a request for a cottage, the answer was, 'there are plenty in Reading.' I feel convinced, that if the present pressure long continues, that system of demolishing cottages in small parishes, and wherever the landlords can combine for the purpose, will become a general system, and the inevitable consequence will be, to crowd still more those parishes which are already over-crowded, and to force a large portion of the village population into the provincial towns."*

The instances of similar practices on the part of the manufacturers are comparatively few; but we cannot hope that so obvious a source of profit will long be overlooked. If the present system continues, we may expect to see manufactories erected on one side of a parochial boundary, and cottages for the work people on the other; so that all the allowances to the labourers, all the casualties to which they are subject, and the great casualty of the failure of the manufactory, may fall exclusively on that parish in which the master manufacturer owns, perhaps, nothing but the three or four acres which he has covered with his cottages.

The evils arising from settlement by apprenticeship, though less than those produced by hiring and service, are still very considerable. In the first place, it leads to a shameful abuse of the trust reposed in the parish officers who have to bind out

* Mr. Chadwick, App. (A.) Part II.

apprentices, a trust of which the importance cannot well be exaggerated, since the whole welfare of the child may depend on its faithful execution.

Mr. Henderson states,* that in some towns in Lancashire (and Lancashire ranks high among the best administered counties) "the practice pursued systematically is to bind the parish apprentices into out townships in order to shift the settlement, so that the binding parish may be rid of them. When he inquired how they turned out, the answer was, 'we have nothing to do with them afterwards.'" This evil is much promoted in many parishes by charitable endowments, for the purpose of apprenticing children. The premium supplied by the charity affords an easy mode of tempting an out-parishioner to take the children, and it is to be feared that in many cases the parish officers inquire no further; they have changed the child's settlement, and if he is ruined in consequence, his new parish must maintain him.

"The object of overseers," says Mr. Single, of Mile End Old Town, "is to get rid of the boy, to find a master in another parish. They seldom take any trouble to inquire into the character of the master who applies for one, nor ever make any inquiry about the lad after he is gone; they have got him off the parish, and they think they have gained something; but, as other parishes do the same, nothing is gained: we have only placed ours on some other parish, and in return have got another one placed on ours. I have known many instances where the masters having obtained the first part of the premium, then turned them adrift. It is a very rare instance now for a respectable, or even a decent tradesman, to take a parish apprentice, consequently the poor boys get badly used, and badly brought up."†

Another evil of settlement by apprenticeship is the influence which it allows to mere accident. An apprentice is settled finally in the parish where he sleeps the last night in his condition of apprentice, provided he has slept there either continuously or at different times, though with intervals even of years, for forty days in the whole. In the meantime he carries with him, wherever he goes, a contingent right of settlement, and may in fact gain as many settlements as there are periods of forty days in the period of his apprenticeship; each fresh settlement suspending all the previous ones, subject to their revival, if his last night is spent in any parish in which he has slept as an apprentice for thirty-nine days. Bitter complaints are made of this grievance by the rate-payers of towns having ports, or situated on the banks of navigable rivers.

The following is an extract from a memorial addressed to us by the overseers and select vestry of South Shields, and printed at length in Appendix (A) p. 149:—

* Extracts, p. 363.

† Mr. Chadwick, App. (A.) Part II.

"That the township of South Shields is a narrow piece of ground, bounded on one side by the river Tyne, and on the other by the township of Westoe, and that it consists of docks, manufactories, shops, and houses, which houses are occupied, for the most part, by the working classes.

"That the township of South Shields becomes excessively burthened with 'sailor poor,' so much so that of 1500 paupers at present receiving relief, 75 per cent. belong to that class.

"That, as the law at present stands, the settlement of a seaman is purely a matter of chance, depending on the direction and force of the wind, the state of the weather, the manner in which a ship lies moored, and other circumstances purely casual; and that in by far the greater part of the applications made to this vestry by seamen, the settlement cannot be ascertained, and the difficulty is still much greater when the application is made by the widow.

"That all parishes and townships bordering on navigable rivers are more or less affected by the same circumstances."

"The following case of hardship, from this cause," says Mr. Maclean, "was represented to me by a gentleman resident in and occupying nearly the whole of *Itchenor*, a small parish at the western extremity of the county of Sussex. This parish is divided from that of *Bosham* by a small arm of the sea running up to the port of *Chichester*. It is the practice of vessels belonging to the above port to unload their cargoes at *Itchenor*, and consequently to moor the vessels there. It not unfrequently happens that articles of apprenticeship expire during the time that a vessel is moored there, and consequently the apprentice gains a settlement, as he has probably, during the term of his apprenticeship, slept the requisite number of nights at *Itchenor*. The allowing a settlement to be gained by the passing of forty (not consecutive) nights off *Itchenor* is one grievance, but there is another in this case: the channel divides *Itchenor* from *Bosham*, and as the cable is long enough to allow the vessel to swing across to the *Bosham* side, according as the wind may blow, if a man will swear the ship was lying at *Itchenor*, and the parish officer is unable to prove to the contrary, he will be sent home on an order by the magistrates, and so obtain a settlement. The father of the present occupier tried the point and lost it, as the post to which the vessel was moored was on the *Itchenor*, and not on the *Bosham* side of the water. The appeal, I understand, was allowed. The parish of *Itchenor* derives no benefit from vessels unloading or taking on board their cargoes. It is considered that more than half of the persons having settlements in this parish have obtained them in the above manner; and it is impossible to say how many other persons may have acquired settlements, or how soon, and with what families they may come home. From the above cause the expenditure has increased one-third within the last few years."*

Nearly the same objections apply to settlement by hiring and service, the servant being settled where he slept the last night before his discharge, provided he has slept there during the course

* App. (A.) Part I. p. 570.

of his service, though at different periods, for thirty-nine days in one year. Years may elapse between the occurrence of the last of these important sleepings, and their consequences to the parish in which they occurred. A man applies to a London parish for relief for himself, his wife, and their six children. He states that he was born in Suffolk, and at the age of fifteen apprenticed to a person in the parish of A.; that disliking his treatment, he absconded at the end of the first two months; that his master, satisfied with having received the premium, made no inquiry about him; that he came to London, and has lived there for the last thirty years, always hired by the day, or the week, or the job. On this statement he and his wife and family are sent to parish A.; parish A., however, endeavours to show that he did not go to London immediately after he ran away from his master, but was hired for a year as a gentleman's groom, and discharged at the end of his year's service at B., a small watering-place in Wales, where his master had been spending six weeks. To B., therefore, the pauper with his wife and family are again removed, subject to still further removal, if B. can show that the gentleman with a groom, who is said to have staid six weeks at the hotel, thirty-one years ago, in fact staid there for only five weeks and a half, or that though six weeks elapsed between his arrival and final departure, yet that during three days he was absent with his groom on a visit, or that though he kept his groom for a year, he did not hire him for a year, or that he discharged him a day before the year ended, or a day before the forty days of residence ended, or can adduce any other fact, however apparently trifling, of equal legal force. And it is on absurdities like these that the question depends, whether parish A. or parish B., neither of which has any real connexion with the pauper, neither of which could by any vigilance have prevented his acquiring a settlement, is to support him and his family, and perhaps his children's children, for ever.

It is no slight aggravation of these evils that they may arise not merely from accident, but from fraud.

"Settlement, by hiring and service," says Mr. Maclean, may be converted into a most prolific instrument of fraud upon parishes: e.g., an individual assessed to a large amount in the parish of A., and to a small amount in the adjoining one of B. wishing to relieve the burdens of parish A., takes into his service at a yearly hiring in the parish of B., parishioners of A.; these he employs for one year, and then discharges, to be a permanent burden on B., and is again at liberty to take others, and act by them in a similar manner."*

The case supposed by Mr. Maclean is described by Mr. Cowell as actually occurring in Ely.

* App. (A.) Part I. p. 570

"A proprietor possessing nearly the whole of a parish at some distance from Ely, as we were told, hired a farm in Ely, which he manages by a bailiff; he sends his own parishioners to work on it. To these persons his bailiff gives settlements in Ely, by hiring, and at the end of the year they are turned off upon Trinity parish in Ely, and their places supplied by a fresh immigration from the mother parish. The proprietor may have had very different motives from those attributed to him by our examiners, and this circumstance is not mentioned for the purpose of casting any reflection on him (we do not know his name, nor what account of the transaction he himself might give,) but in order to point out the temptations which 'settlement by hiring and service' throws in the way of persons even of station and education. In the case of Great Shelford, are not the landowners, who daily see their property slowly but surely passing away from them, under a strong temptation to save themselves from ruin, by hiring a couple of farms for seven years in two distinct parishes, and bribing their supernumerary families to take service there? And this is clearly possible by the existing law."*

"Many settlements," says Mr. Everett, "have been obtained in Saint Andrew the Less, Cambridge, by persons who have rented houses of 10*l.* yearly value; the rent for which has been in reality paid by other parties or parishes collusively, for the purpose of getting rid of troublesome parishioners, and fixing them in the parish of Saint Andrew the Less."†

"I have been told," says Mr. Maclean, "that some parishes have arrangements with brokers and other persons in large towns, who are in the habit of letting small tenements, under which the broker or other person receives a premium upon each pauper of whom he so relieves a parish."‡

Settlement by estate is a still easier mode of fraud than settlement by renting a tenement, as the slightest interest in land, if acquired gratuitously, even the last six months of a hovel, let at 5*s.* a year, confers a settlement. Mr. Majendie mentions the case of an Irishman, to whom, for the express purpose of fixing him and his wife and family in a Sussex parish, his father-in-law conveyed some land. He now receives in consequence a fixed weekly allowance of 11*s.* 6*d.* from the parish.§

Settlement by marriage seems to be a fertile source of fraud.

"It is the usual custom," says Mr. Brushfield, of Spitalfields, "when single women are pregnant, for them, as a matter of course, to make application to the parish officers for relief. The parish officers inquire as to her settlement. She belongs to their parish; but they find that the father of the child is single, and belongs to another parish, and acting for the benefit of their own local circumscribed boundary, they immediately begin a sort of negotiation for the purpose of marrying the father and the mother previous to the birth of the child. Such negoti-

* App. (A.) Part I. p. 594.

† App. (A.) Part I. p. 571.

‡ App. (A.) Part I. p. 673.

§ App. (A.) Part I. p. 230.

ations frequently succeed, and so by removing the burthen from the shoulders of their parish altogether, a comparatively light burthen, they inflict on a neighbouring parish a heavy load, and on society a perpetually increasing evil. To such sources may be attributed, as I conceive, a very great portion of that misery, immorality, want of care and affection for their offspring, attachment to home, respect for themselves, and for domestic economy, which are so prevalent among the labouring classes of society. That such negotiations are anticipated in many cases by the parties is very evident, for on the first application to the parish officers, the young woman is ready with 'He's willing to marry me *if he could afford it*, and he does not belong to you' (viz., your parish)."

"Marriages," says Mr. Mott, of Lambeth, "are frequently made up by parish officers, in order to throw the charges on other parishes. To evade the odium and avoid publicity, the arrangement is often made by some pretended disinterested person, and the money repaid by the overseers; but the beadles are commonly employed to effect the arrangement. The following case occurred last week:—A young man, named Charles Brockley, belonging to some parish in Hertfordshire, applied to the overseers of Lambeth, offering to marry a young woman, named Sarah Isles, an inmate of Lambeth workhouse (a most determined drunkard.) The overseers bargained with him for two guineas, and agreed to pay, in addition, the marriage fees. Monday, 22nd April, one guinea was advanced to buy Isles some clothes; a gown was purchased, and Isles had it to make. Wednesday, 29th April, was appointed for the marriage. The gown was made by Thursday, and on Friday morning Isles pledged it for one shilling. On the Monday morning she related the circumstance to Mr. Drouet, with a mixture of pretended regret and laughter, imploring him to lend her a shilling to get the gown out of pawn, otherwise she could not be married. This was done. A person was sent to accompany them to church, and, upon the completion of the marriage, paid the fees, and gave the husband the remaining guinea. Such marriages are very common. In cases where young women are likely to inflict a burden upon parishes, being pregnant, the reputed fathers are frequently induced by such arrangements to marry the girl, and thereby throw the burden of the young woman and her offspring upon another parish. During some inquiries I made, a beadle, in a *small district* of one parish, assured me he had alone effected fifty marriages of this description in the course of a few years, and that the aggregate of such marriages in that parish in one year was very considerable."

To these evils must be added the perjury and falsehood which seem peculiarly incidental to these inquiries. Though the English law has assumed that the minutest interest overbalances in every man and on every occasion, both the love of truth and the fear of punishment, inasmuch as it has declared, that a witness who has anything, however trifling, to gain or lose by the deci-

sion, is unfit, not merely to be fully trusted, but even to be heard,* it yet admits, and necessarily admits, the evidence of the proprietor on points which are to decide whether his property is or is not to support an additional burden, and that of the pauper, when the question is, as to the place where he is to be fixed during the remainder of his life. It admits this questionable evidence where it cannot possibly be verified or contradicted. Settlements are claimed by hiring and service under masters who have long been dead, under apprenticeship when the indentures are lost or destroyed, by renting a tenement when houses have been pulled down. And they are rebutted or supported by narratives of conversations which occurred, perhaps, twenty years before, and which were not of a nature to dwell on the memories of those who profess to report them. We cannot better characterize the evidence on which the justices have to decide in matters of settlement, than by saying, that it is almost as unsatisfactory as that which guides them in matters of relief.

These evils arise almost exclusively from the heads of settlement, which were introduced in consequence of the 13 and 14 Car. II., and might be almost entirely removed if those heads of settlement were put an end to. But there are others greater and more extensive, which arise from the mere existence of a law of settlement, whatever that law may be, which increase in intensity in proportion as the limits of the district, which has to support what are called its own poor, are restricted, and could be mitigated only by its extension, and removed only by its entire abolition.

As soon as it was established by practice, whether legally or not we will not inquire, that all the persons having settlements in a parish must be supported, either paid for working or paid for being idle, it became the interest of every parish, having more parishioners than could be profitably employed, to apportion among the applicants the fund for the subsistence of the labouring classes, in such a manner as to give to all a subsistence, and if possible to none more than a subsistence; to treat them, in short, like slaves or cattle. Every one who endures the painful task of going through this Report must be struck, and, if the subject is new to him, astonished, by the cases which we have cited, in which those men who have accumulated any property are found to be refused employment, to be denied even the privilege of working for hire, until their savings have been wasted in idleness; by the difference in the remuneration obtained from the same master in return for the same exertion by the married and single; and by the studied attempts, by means of mutual com-

* Since this passage was written the law on this point has been materially improved by the 3d and 4th Will. IV. cap. 42, sec. 26 and 27.

pacts among the farmers, and by rating strangers and excusing parishioners, to drive all who have no settlement from the parish. But all these are the natural results of the parochial system, and cannot be got rid of, unless we are willing either to refuse parochial relief to the able-bodied and their families, or to distribute the burden affording that relief over districts so large as to prevent any individual from feeling that its immediate pressure on himself can be increased or alleviated by his own conduct.

BASTARDY.

ONE subject remains to be considered, which, notwithstanding its importance, we have placed at the end of this portion of our Report, as it is a branch of the Poor Laws, distinguished from the rest, both as to the principles on which it is founded, and the evils which it has produced. This comprehends the support of illegitimate children, the relief afforded to their mothers, and the attempts to obtain the repayment of the expense from their supposed fathers.

By the first Act on this subject, the 18 Eliz., c. 3, s. 2, concerning bastards begotten and born out of lawful matrimony (an offence against God's law and man's law) the said bastards being now left to be kept at the charges of the parish where they be born, to the great burden of the same parish, and in defrauding of the relief of the impotent and aged, *true poor of the same parish*, and to evil example and encouragement of lewd life, it is enacted, that two justices of the peace, upon examination of the cause and circumstance, shall, by their discretion, take order as well for the punishment of the mother and reputed father, as also for the better relief of every such parish in part or in all; and for the keeping of every such child, by charging such mother or reputed father with the payment of money weekly, or other sustentation, for the relief of such child in such wise as they shall think convenient: and if after the same order by them subscribed under their hands, the said persons, viz., mother or reputed father, upon notice thereof, shall not, for their part, observe and perform the said order, every such party so making default to be committed to gaol, there to remain, except he, she, or they shall put in sufficient surety to perform the said order, or else personally to appear at the next general sessions of the peace, and also to abide such order as the justices of the peace then and there shall take in that behalf.

The object of this Act was merely to force the parents to support their child—a duty which appears to have been previously performed for them by the parish. Its failure may be inferred from the next Act on the subject, the 7 Jac. I. c. 4, s. 7, which

“because great charge ariseth upon many places within this realm by reason of bastardy, besides the great dishonour of Almighty God, enacts that every lewd woman which shall have any bastard which may be chargeable to the parish shall be committed to the house of correction, there to be punished and set on work, during the term of one whole year; and if she shall estsoons offend again shall be committed to the said house of correction as aforesaid, and there remain until she can put in good sureties for her good behaviour, not to offend so again;”—a sentence which, if executed, must often have been imprisonment for life. The 50 Geo. III. c. 51, s. 2, repeals this power, and enables the justices to sentence the woman to imprisonment for any period not less than six weeks, or more than one year.

It appears, by the 13 and 14 Car. II. c. 11, s. 19, that the previous Acts were defeated by the parent's running away out of the parish, and sometimes out of the country, leaving their children on the charge of the parish where they were born. The Act, therefore, enables the churchwardens and overseers for the poor of such parish where any bastard child shall be born, to take so much of the goods and chattels, and receive so much of the annual rent or profits of the lands of such putative father or mother as shall be ordered by any two justices of the peace for or towards the discharge of the parish for the bringing up and providing for such child.

By the 6 Geo. II. c. 31, and the 49 Geo. III. c. 68 (by which the former Act is repealed, and then re-enacted with some variations,) it is enacted, That if any single woman declare herself to be pregnant, and charge any person with being the father, it shall be lawful for any justice of the division, on the application of the overseers, or of any substantial householder, to issue his warrant for the immediate apprehending such person, and he is required to commit such person to gaol, unless he shall give security to indemnify the parish, or enter into a recognizance, with sufficient surety to appear at the quarter sessions, and to perform the order to be then made:—

“It seems,” says Mr. Nolan, the principal text writer on the subject, “that proceedings under this statute may be altogether *ex parte*. No summons need issue to bring the person accused before the justice; and it appears unnecessary that he should be present at the woman's examination. When the reputed father is brought by warrant before the justice, the magistrate has no power to examine into the merits of the case, but is bound by the express terms of the statute to commit him to the common gaol or house of correction, unless he gives security, or enters into a recognizance with sufficient surety.”*

If there were no other objections to these laws, than that they place at the mercy of any abandoned woman, every man who is

* Nolan's Poor Laws, vol. ii. p. 288, 289.

not rich enough to give security or find sureties, that they expose him to be dragged, without previous summons, on a charge made in his absence, before a tribunal which has no power to examine into the merits of the case; if these were their only faults, we should still feel it our duty to urge their immediate abolition. What can be conceived more revolting than a law which not only authorizes but compels the oppression thus detailed by Captain Chapman:—

“At Exeter, an apprentice under eighteen years of age, was recently committed to the house of correction for want of security. It was admitted that there was no chance of his absconding, but the overseers said he had been brought for punishment. The woman stated that she was only three months gone with child; and thus the boy is taken from his work, is confined five or six months among persons of all classes, and probably ruined for ever, on the oath of a person with whom he was not confronted, and with whom he denied having had any intercourse.”*

The overseers, it seems, said, “that he had been brought for punishment.” For what was he punished? For having committed the act with which he was charged? That act was an offence not punished by the English law. Whether punishable or not, he denied having committed it; and the tribunal which sentenced him, though competent to punish, was not competent even to hear his defence; he was punished simply for his youth, poverty, and friendlessness, for not being able to give security or find sureties; and his punishment was five or six months' imprisonment—a punishment severe even to hardened criminals, but absolutely ruinous to a boy of eighteen.

But these are not the only, they are not even the principal, objections to the enactments of which we have stated the substance. The mode in which they oppress the innocent, revolting as it is, is far less mischievous to society than that by which they punish the guilty. Without recurring to the proceedings which may take place during the mother's pregnancy, we will consider those which follow the birth of an illegitimate child. The mother, as a matter of course, requires the parish to support her child. The overseers apply to the magistrates, who make an order that the woman, and the man whom she swears to be the father, shall each pay to the parish a weekly sum for the child's support. The sum charged on the woman is scarcely ever exacted, as she is supposed to earn it by nursing the child. If the man, on demand, refuse to pay the sum charged on him, he may be imprisoned three months, and so, from time to time, while the order remains in force. Whatever is received from the man is paid over by the parish to the woman, and in almost every case the parish

* App. (A.) Part I. p. 452.

pays to the woman the sum, whatever it may be, that has been charged on the man, whether paid by him or not. The sum charged on the man varies from 7s. or 8s. a week to 1s. The average is about 3s. or 2s. 6d. in towns, and 2s. in the country; but generally higher if he is in good circumstances. In most cases the sum is as great, in many it is greater, than that for which a child can be put out to nurse, or than that which would be allowed by the parish if it were legitimate and its father dead. To the woman, therefore, a single illegitimate child is seldom any expense, and two or three are a source of positive profit. To the man, indeed, it is a burden, unless, as is frequently, perhaps we might say most frequently, the case, he avoids it by flying to some part of the country where he is unknown, or so distant from the scene of his delinquency as to make the expense of endeavouring to enforce payment a sufficient motive to leave him unmolested. Still more frequently, however, as soon as he finds that the evil of becoming the father of a bastard is otherwise inevitable, he avoids it by marrying the woman during her pregnancy—a marriage of which we may estimate the consequences, when we consider that it is founded, not on affection, not on esteem, not on the prospect of providing for a family, but on fear on one side, and vice on both.

We will support these statements and inferences by the following passages from the evidence:—

1st.—With respect to the pecuniary indemnity, and in many, and those the most aggravated cases, the pecuniary benefit offered to the woman for her incontinency.

“Colonel A’Court, J. P., Castleman’s, near Maidenhead, Berks, June, 1832.

“The certainty of women obtaining care and provision for themselves during pregnancy and birth of children born in bastardy, as well as parish allowance for the maintenance of their children so born, tends to remove those checks to irregular intercourse which might otherwise operate were they in such cases left more dependent upon the honour and ability of the men to support them in such difficulties. No restraint is now imposed by necessity of circumstances to influence women to observe caution or forbearance, or even decent scruples, in their choice. Middle-aged women will sometimes unblushingly swear mere lads to be the fathers of their bastard children; lads whom they have perhaps enticed to the commission of the offence. I have seldom observed any diffidence in women in passing through the forms prescribed by the laws for the affiliation of bastards; but I have witnessed a disposition on their parts to persuade the magistrates to order the weekly payment by the men as heavy as possible, which being invariably paid by the parish to the woman, she considers as a sort of pension to herself.”*

* App. (C.) p. 214.

“John Kirkham, Assistant Overseer, Louth, Lincolnshire, has had six Parishes at a time under his charge.

“With respect to the women, in the course of my personal acquaintance with those parishes I have had to manage, as well as from extensive inquiry, I find there are numbers in most parishes, who have from two to four children, receiving different sums of money with each, according to the ability of the putative father; so that the sum the woman receives with the whole of the children, and what the mother can earn, enables them to live as comfortably, or indeed more so, than most families in the neighbourhood. It may be truly said, that the money she receives is more than sufficient to repay her for the loss her misconduct has occasioned her, and it really becomes a source of emolument, and is looked upon by others as an encouragement to vice. Many of those escape punishment of any sort, and if some of them go to the house of correction for 12 months, it appears to have very little effect either upon them or upon the morals of others.”*

“John Dodgson, Roanstrees, Parish of Bewcastle, Cumberland.

“We, at this time, in our parish, are supporting two bastard children whose mothers have landed property of their own, and would not marry the fathers of their children. The daughters of some farmers, and even land-owners, have bastard children, who keep their daughters and children with them, and regularly keep back their poor-rate to meet the parish allowance for their daughters’ bastards. We have no doubt the same grievance exists in many other parishes.”†

“Edward Tregaskis, Vestry Clerk, Penryn St. Gluvias, Cornwall.

“We know, and are satisfied, from long and serious observation and facts occurring, that continued illicit intercourse has, in almost all cases, originated with the females; many of whom, under our knowledge, in this and neighbouring parishes, do resort to it as a source of support, taking advantage of the kindness of the provisions for the nurture of the offspring from their own known inability to contribute, and thus receive the fixed weekly allowances from the parish officers; and a deliberate repetition of offence gives them in this manner a right to claim the allowances, which, when added together according to the number of their children generally with them, is sufficient in many cases to afford support.”‡

“At Totness,” says Captain Chapman, “the sum ordered upon putative fathers varies from 1s. 3d. to 2s. 6d., according to means; the whole is given to the mother, whether paid to the parish or not, the order being considered as an order upon the parish itself; one case of a person having absconded some years ago, on whom an order was made for 2s. 6d., the parish continued to pay the full amount. In addition to the allowance, the mothers receive clothing.

“A widow, with a legitimate child, would in no instance receive more than 1s. 6d. per week.

“It was a matter of general notoriety that such persons receive

* App. (C.) p. 216. † App. (C.) p. 218. ‡ App. (C.) p. 220.

money from those with whom they may have had intercourse, to induce them not to affiliate upon them, but to swear to some poor man who is frequently paid, and from whom nothing can be recovered. At Liskeard, the assistant overseer informed me, that a person of respectability had within a few days paid an allowance or composition for a bastard, and lamented that he had been such a fool as to refuse to give the mother a small sum, which she had asked for, and then would have sworn to some other person. Instances of such arrangements are said to be very common. In garrisons in particular, it is a common practice to swear the child to a soldier, from whom nothing can be recovered, and who can only be sent to the tread-wheel for a short time. Indeed, so general is the system of compromise, that it was the opinion of the most experienced parochial officers, that, from ignorance and wilful perjury combined, *nine bastards in ten are falsely sworn in towns.* But I heard of no instance of punishment for perjury, and believe that they are of very rare occurrence.*

"In some districts," says Mr. Majendie, "the custom prevails of overseers paying over to the mother of a bastard the sum directed by the order of maintenance, whether it be recovered from the father or not, and this comes under the denomination of 'Pay' in pauper language. The sum allowed to the mother of a bastard is generally greater than that given to the mother of a legitimate child; indeed, the whole treatment of the former is a direct encouragement to vice. If a young woman gets into trouble, she is probably taken into a workhouse, where she is better lodged and fed than at any period of her former life, and maintained perhaps for a year in perfect idleness; it is not wonderful, then, that she comes back under the same circumstances; hence the bastardy debt sometimes amounts to 500*l.* or 600*l.* in agricultural parishes; not more than one-fifth of the expense is recovered from the fathers, and *that* subject to the deduction of heavy law expenses.

"In Croydon the number of bastards in the house is 12, out of the house 88 = 100; the vicinity of London is considered a cause of this large number. The total annual expense is, on an average, 500*l.*, of which about one-fifth is recovered from the fathers; the order of maintenance is from 2*s.* to 3*s.* per week, according to the circumstances of the father, and is paid to the mother whether received from the father or not; to the mother of a legitimate child, if in distress, the weekly allowance is 2*s.*: thus the mother of a bastard is, at all events, as well provided for, and it may be better." †

"The administration of the laws on bastards," says Captain Pringle, "are the cause of great evils, without appearing to have almost any redeeming quality.

"The allowance made to the mother for the support of her child, and secured to her by the parish in case of the putative father failing to pay the amount awarded, is an encouragement to the offence; it places such women in a better situation than many married women, whatever may be the number of children.

* App. (A.) Part I. p. 453.

† App. (A.) Part I. p. 165.

"The system of making the allowance vary from 1*s.* up to 5*s.* per week, according to the circumstances of the putative father, is an inducement to false swearing. It appears even to be a cause of leading the parish officer to encourage the woman to pick out a 'good man,' for the latter can easily be made to pay; whilst servants, labourers, and mechanics often escape; so that from one-half to one-third is never recovered from the father, and, consequently, comes as a charge on the parish.

"Parish aid has a tendency to remove all shame: thus, in Cumberland, the daughters of farmers sometimes claim such allowance, or it is claimed by their fathers, and deducted out of their payment of poor-rates." *

Mr. Tweedy:—

"Snaith, Yorkshire.—The usual order on the father has been 2*s.* per week, and the same on a second or third child; but now the magistrates seem determined to allow no more than 1*s.* 6*d.* If a woman has 2*s.* a week allowed for each child, she may save something on having a third child. There is one instance in Carleton of a woman who is now receiving 4*s.* for two children, and is about to have a third; and she said, if she had a third, she could live as well as anybody." †

Mr. Cowell:—

"Swaffham, Norfolk.—A woman in a neighbouring parish had five illegitimate children, for which she was allowed 10*s.* per week, and 6*s.* for herself. She is now in the receipt of 18*s.* per week, the produce of successful bastardy adventures.

"My informant in this and the following instance was Mr. Sewell, clerk to the magistrates at Swaffham.

"A woman of Swaffham was reproached by the magistrate, Mr. Young, with the burdens she had brought upon the parish, upon the occasion of her appearing before him to present the parish with her seventh bastard. She replied, 'I am not going to be disappointed in my company with men to save the parish.' This woman now receives 14*s.* a week for her seven bastards, being 2*s.* a head for each. Mr. Sewell informed me, that had she been a widow with seven legitimate children, she would not have received so much by 4*s.* or 5*s.* a week, according to their scale of allowance to widows. A bastard child is thus about 25 per cent. more valuable to a parent than a legitimate one. The premium upon want of chastity, perjury, and extortion, is here very obvious; and Mr. Sewell informed me that it is considered a good speculation to marry a woman who can bring a fortune of one or two bastards to her husband.

"Holbeach, Lincolnshire.—Informants, the overseer and master of the workhouse.

"Many illegitimate children—ten or twelve every year; bastards increasing; order from 1*s.* to 2*s.* 6*d.*, and above—depends on the circumstances of the father.

"An unmarried girl, upon leaving the workhouse after her fourth

* App. (A.) Part I. p. 330.

† App. (A.) Part I. p. 828.

confinement, said to the master, 'Well, if I have the good luck to have another child, I shall draw a good sum from the parish; and with what I can earn myself, shall be better off than any married woman in the parish;' and the master added, that she had met with the good luck she hoped for, as she told him, a short time before I was at Holbeach, that she was five months gone with child.

"I asked him what she had for each child?—He answered, 2s.; and that women, in that neighbourhood, could easily earn 5s. a week all the year through. Thus she will have 15s. a week.*"

Mr. W. Sefton, Collector of the Poor Rates of Lambeth.—"I have had the care of the bastardy accounts of the parish for seven years; and I am of opinion, that the crime has greatly increased in our parish within that period, far more than in the proportion in which the population has increased.

"In cases where the children are affiliated, we pay over to the mothers all the sums we receive from the fathers under the order of the magistrates; and they vary from 2s. to 7s. a week; indeed, I know one case in which 8s. was awarded by the magistrates, and that sum has been paying for several years, and is still paid to the mother, who is now married and living respectably. †"

Mr. George Chadwin, Vestry Clerk, and Mr. James Unwin, Overseer, of St. Mary, Battersea.—"We have many illegitimate children; and we think that the numbers have increased of late years. If a young woman has two or three bastard children, and receives 2s. 6d. a week for each, it is a little fortune to them. As soon as the children can run about, they can be taken into infant schools for 2d. a week, and kept from nine in the morning till five in the evening; so that the mothers can get their living by work, or waste their time in idleness. ‡"

"In Sunderland," says Mr. Wilson, "the witnesses dwelt on the shocking inequality established in the bastard's favour over the legitimate child. A respectable widow would actually receive less for her children, than a prostitute for the offspring of promiscuous concubinage; and when the overseers endeavour to correct this sort of regimen, the first question asked them by the magistrates when summoned before them, without allowing them time to explain the reasons of their conduct, is, 'Why don't you pay the sum named in the order?' and this in the girl's presence, who is thus encouraged to claim *her rights*. Witness mentioned a case within his own personal cognizance, of a young woman of four-and-twenty, with four bastard children; she is receiving 1s. 6d. weekly for each of them. She told him herself, that *if she had one more, she should be very comfortable*. Witness added, 'They don't in reality keep the children; they let them run wild, and enjoy themselves with the money.' §"

Secondly, as to its tendency to promote her marriage,—

"Charles Sawyer, Esq., J. P., Bray, Berks.

"In the case of poor people, the magistrates of the Maidenhead division of the county of Berks order the father of the bastard to pay

* App. (A.) Part I. p. 647, 648. † Mr. Chadwick, App. (A.) Part II. ‡ Ibid. § App. (A.) Part I. p. 136.

2s. a week for the maintenance of the child; and it sometimes happens, that if a woman has two or more bastard children, she is considered a good object of marriage on account of these weekly payments; and thus marriages are contracted which are in the end productive of misery to the parties and of injury to the community, by becoming the source of a disorderly and profligate population.*

"The charge of bastardies," says Mr. Power, "is accompanied by a very large share of mischievous and immoral consequences. The disgrace, such as it is, is the only punishment which awaits the mother; the other difficulties affect neither her nor her relations. The usual allowance of 2s. *guaranteed by the parish*, makes an illegitimate child a less incumbrance, almost by half, than a legitimate one. But the most active inducement to incontinence in the female, is the prospect of all being cured by a forced marriage, the usual consequence of a state of pregnancy in country parishes. Accordingly it is found, and the fact is so flagrant as to make a part of all testimony on this subject, that the female in very many cases becomes the corrupter; and boys, much under the age of twenty, are continually converted by this process into husbands. At Girton, a small village about four miles from Cambridge (population 330 in 1831), I was told that twelve marriages had taken place within the parish during the last year, and that all the parties were very young. It is difficult to say whether the Bastardy Laws, or the system of relief, have the greatest effect in the promotion of those early marriages. †"

"Bastardy," says Mr. Villiers, "leads to marriage. At Bulkington, in Warwickshire, Mr. Warner stated, that he had lately questioned the clergyman of the parish, as to the proportion of pregnant women among the poor whom he married, and his reply was, 'not less than nineteen out of every twenty.' Having repeated this statement to the clergyman at Beckenhill, in the same county, he said that it precisely corresponded with his experience in his own parish.

"At Nuneaton, the solicitor to the parish, Mr. Greenaway, stated, that his house looked into the churchyard; that he was in the habit purposely of watching the persons resorting to the church for marriage, and that he could confidently say, that seventeen out of every twenty of the female poor who went there to be married were far advanced in pregnancy. ‡"

"Where early marriages are complained of," says Mr. Richardson, "that is every where, I have also been told that the women, as they feel no disgrace, either in their own eyes, or in those of others, at becoming the mothers of bastards, have still less reluctance in allowing the claims of a husband to anticipate the marriage ceremony, in fact they are almost always with child when they come to the church. I heard from the brother of a clergyman living at a parish which I had not time to visit, that his brother being anxious to reform the morals of his parish, had preached for some years with great vigour and plainness of speech against this custom, and had offered rewards to any woman whose first child was not born within a given time. It was only given once, and even then it turned out that the clergyman had

* App. (C.) p. 222. † App. (A.) Part I. p. 261. ‡ App. (A.) Part II. p. 9.

been deceived. This parish, I believe, was a very bad one, for the corruption had extended there to rather a higher grade of society than the common labourers; but so far as they are concerned, the experiment might be repeated with the same ill success in all the pauperized villages in the country.*

"In the parish of Midhurst," says Mr. Maclean, "there has been no increase of chargeable bastards, but a great increase of marriages to prevent it; and these, though not compulsory on the part of the parish, take place under the impression, that it is better for them to receive an allowance for a legitimate, than to be liable to a weekly payment for an illegitimate, child. †

"In the parish of Cranley, with a population of 1350, the number of bastards chargeable does not average one in the year, as the man marries the woman as soon as she is with child, in the expectation of being better off. The order is generally 2s. on the father, and nothing on the mother. ‡

"Several clergymen told me that four-fifths of the women are with child, and frequently near their confinement at the time of their marriage, and that this want of chastity may be attributed in a great measure to the law of bastardy, which secures to the woman either a husband or a weekly allowance for the support of the child." §

"Bastardy," says Mr. Walcott, "is a growing evil in Wales. The laws on this subject were universally condemned, not only as inefficient to indemnify the parish and repress the mischief, but as operating directly to cause its increase. I found, that in practice, so far from punishing the female, they intercept one of the punishments naturally consequential on the offence, the burthen of supporting the child; they hold out to her, if not a pecuniary reward, in many instances, the powerful aid of parish officers in obtaining a husband; they effect, and often by the most shameful practices, marriages which ought to have been discountenanced; they encourage perjury on the woman's part, to the injury and disgrace of innocent persons; they convert into vagrants and dissolute characters, many of the industrious; and worse than all, they tend to induce the crime of abortion, from the interest they give the man in preventing a birth, which presents the alternative of a prison, or (to him) a heavy weekly expense. Instances were mentioned to me of applications to medical practitioners, by males, for drugs for this purpose.

"A detail of all the instances adduced to exemplify the operation of these laws would be tedious, but on the subject of improper marriages it may be observed, that where the female is of a different parish to the male, the officers of her parish, upon default in payment under the order of maintenance (to use the expression of one of my informants) sometimes, 'takes the woman in one hand and a warrant in the other, and gives the man the option of going to church, or to gaol.' An aggravated case of this sort was related to me by a clergyman, where a man to whom a child had been affiliated by a woman of loose character, in order to avoid the imprisonment with which he was

* App. (A.) Part I. p. 399.

† App. (A.) Part I. p. 539.

‡ App. (A.) Part I. p. 540.

§ Mr. Maclean, App. (A.) Part I. p. 541.

threatened, consented to marry her; but lest he should change his mind and abscond before a special license was obtained, he was kept under lock and key, and ultimately led handcuffed to the church-door. As soon as the ceremony was over he quitted the neighbourhood. The object, however, was gained in the transfer of the female's settlement to another parish.

"One gentleman stated that in forty-nine out of every fifty marriages that he had been called on to perform in his parish amongst the lower orders, the female was either with child, or had had one, and many affirmed this of nineteen out of twenty cases.

"The remedy which the majority of witnesses thought would meet most, if not all, of the present evils, would be to repeal the bastardy laws, and to make it unnecessary for parishes to interfere with illegitimate children, except they were orphans or deserted.

"The application of such a remedy to a first offence in North Wales, may perhaps seem too harsh, from the appearance of hardship in punishing one, whose fall a national custom may have greatly contributed to effect. But for a second or subsequent offence this could not be urged; and on the whole, I think the plan might be beneficially adopted. The natural consequences of misconduct would then be its punishment, and the motives for prudence, on the woman's part, rendered as powerful as they could now be made.

"I met with a striking instance, which proves that the female in these cases is generally the party most to blame; and that any remedy, to be effectual, must act chiefly with reference to her. In 1823, the then overseer of the parish of Machynlleth, who was represented to be of a strict and resolute character, made known his determination to punish every single woman offending in this way, and he kept his word; the consequence was, that in the two years succeeding his year of office, not one case of bastardy occurred in the parish; but in the third year, when the terror of his reign had somewhat abated, the evil recommenced with one case, and no punishment following, gradually increased to its former level.

"Desertion of children, with infanticide, were objections sometimes urged against the plan; but the great majority of clergymen, magistrates, and others, whom I examined on the subject, thought that the former would not be more frequent than at present; and that abortion and infanticide would be less frequent, not only from there being fewer cases to give rise to them, but because the man who in most instances is now the first to suggest these crimes, especially that of abortion, and to assist in their execution, would no longer have an interest in doing so; and the female left to herself, from maternal feelings, and natural timidity, would seldom attempt the destruction of her offspring. The repeal of the present laws would likewise deprive the man of a plea of great weight with the female, namely, that if she is likely to become a mother, he shall be compelled to marry her, or go to prison." *

We will conclude this picture by the following extract from the evidence delivered by Mr. Simeon before the House of Lords' Committee on Poor Laws in 1831, p. 361, 362.

* Mr. Walcott, App. (A.) Part II.

"The bastardy laws proceed upon the principle of indemnifying the parish, by throwing the onus of the bastard upon the father. Now I rather believe that we shall never be able to check the birth of bastard children by throwing the onus upon the man; and I feel strongly convinced, that until the law of this country is assimilated to the law of nature, and to the law of every other country, by throwing the onus more upon the females, the getting of bastard children will never be checked. Your Lordships are aware, that when a man has the misfortune to have a bastard child sworn to him, he is brought before a magistrate. The magistrates are placed in this predicament; they say to the man, 'Will you marry this woman, will you support the child, or will you go to prison?' The man very naturally says, 'I cannot support the child, for I have not got the means; out of 3s. 6d. a week, it is impossible to give 2s. a week, and I am exceedingly unwilling to go to Oxford gaol, and, therefore, of the three evils I will choose the least, and marry the woman, although it is probable that the child is not mine.' Your Lordships are aware, that when a bastard child is sworn to a man, the magistrates will not go into the question, whether the woman has had any connexion with any other man. The consequence is, that a woman of dissolute character may pitch upon any unfortunate young man whom she has inveigled into her net, and swear that child to him; and the effect of the law, as it now stands, will be to oblige the man to marry her. The consequence is, that the parish, instead of keeping one bastard child, has to keep half a dozen legitimate children, the result of the marriage. As far as regards the females the case is infinitely worse. You say to a woman—'As long as you continue virtuous and modest you have no chance of getting a husband, because, in the present state of things, the men are cautious about marrying; but if you will be intimate with any person you please, the law will oblige him to marry you.' You thus secure to her what every woman looks upon as the greatest prize—a husband. You thus make the vice of the woman the means of getting that which she is anxious to get; and I feel convinced that three-fourths of the women that now have bastard children would not be seduced, if it were not for the certainty that the law would oblige the man to marry.

"Is it not an unlawful act on the part of the magistrates?—The magistrates do not put it in so many words; but the man comes before the magistrate knowing perfectly well that such and such will be the case; and the magistrate would never venture to say to the man, 'if you do not marry the girl I will send you to prison;' but the man knows that will be the case. For myself I am so convinced of the iniquity of the Bastardy Laws, that I have always refrained from acting upon them in my own house, and send the cases to the petty sessions.

"What alterations can you suggest in the Bastardy Laws?—By refusing to give any order upon the father for support, or upon the parish even. I would throw the *onus* entirely upon the woman. I know of many instances in which the mothers have themselves been instrumental in having their daughters seduced, for the express purpose of getting rid of the *onus* of supporting them, and saddling them upon any unfortunate young men of the neighbourhood whom they could get to the

house. Now as long as their consent can meet with that result it will invariably be continued, and the population must go on increasing.

"Do you then attribute the rapid increase of the population very much to the effect of the Bastardy Laws in forcing early marriages?—Almost entirely."*

The objects of these laws appear to be two: the diminution of the crime; and the indemnity of the parish when it has occurred. Of these the first is, of course, the most important. Unhappily both the attention of the legislature and the efforts of those who administer the law have been principally directed to the second; and with the usual fate of pauper legislation and pauper administration, the indemnity of the parish has not been effected, though every other object has been sacrificed to it. The guidance of nature has been neglected, the task of resistance has been thrown upon the man instead of the woman; marriages in which the least fault is improvidence, have been not only promoted but compelled; every possible inducement has been held out to perjury and profligacy, simply to save parishes from expense, and the direct effect has been, in all probability, to double or quadruple that expense,—the indirect effect to augment it still more. As far as we can judge from our returns, it appears that not one-half of the money paid by parishes to the mothers of bastards is recovered from the putative fathers, and that the portion so recovered is generally recovered at an enormous expense; on the other hand, whenever an unmarried female becomes pregnant in a parish of which she is not a parishioner, a new and artificial expense is created by her removal to her place of legal settlement. Captain Pringle states, that in a Cumberland parish the clergyman told him that in one year to seven legitimate children he had baptized nine bastards, almost all of them the children of women who had been out at service out of the parish, and removed thither to lie in; one from Suffolk at great expense.† It may be added, that in many, perhaps the majority of these cases, the women, if allowed to remain unre-moved, would have earned their own and their children's support.

"There are many cases," says Mr. Wilson, in his report from Durham, "of mothers of bastard children, who would struggle on for years without applying for parish relief. So soon, however, (as my informant, Mr. Hall, of Wickham, expressed it) as the ice is once broken, so soon as the overseer has once spoken to the female, all shame and reluctance are at an end, and she ever after comes to demand the allowance, which she regards as her right. In evidence of the expediency of the parish abstaining from interference, and leaving the offence to be

* Minutes of Evidence taken before the Select Committee of the House of Lords on Poor Laws, in 1831, p. 284, 285.

† App. (A.) Part I. p. 323.

attended with its natural consequences, witness mentioned three cases in which relief had never been asked. In two of these the women had secreted themselves before birth of the child, in order to avoid removal; in the third, she had clandestinely returned after removal; in all three, the mothers had struggled on without aid from the parish."*

When we add to these sources of expense the profuseness of the allowances to the mothers in compliance with the order on the father, not half of which is, as we have seen, recovered, the tendency to vice which the hope of those allowances creates, and the number of illegitimate births, and the still greater number of legitimate births which are the consequence, it is impossible to doubt that even the saving, for which all these evils have been let loose has not been effected. Even among the laws which we have had to examine, those which respect bastardy appear to be pre-eminently unwise.

Before we quit this subject we must advert to one class of illegitimate births mentioned in the evidence as productive of great and growing inconvenience. It appears that the Irish in the capital and in large towns, either with a view to effect the consequences which we are going to state, or from ignorance or negligence, are frequently married by Roman Catholic priests alone. These marriages satisfy the conscience of the wife, and while the family requires no relief, their invalidity is unknown or unattended to. But as soon as the man becomes chargeable, and the parish proceeds to remove him and his family, he shows that he is not legally married, and his children claim settlements on the parishes in which they were born. A magistrate who has sat for only a very few months, informs us, that as many as a dozen of these cases have come under his notice in a single day.

We have now reported the result of our inquiry into the practical operation of the Laws for the Relief of the Poor, and into the mode in which those laws are administered; and we proceed to the performance of the remaining part of our duty, that of reporting what alterations, amendments, or improvements may be beneficially made in the said laws, or in the mode of administering them, and how the same may be best carried into effect.

We shall preface this part of our Report by a short statement of the principal amendments which have been suggested to us and to which we cannot add our recommendation.

Many persons, for whose opinion we have a great respect, have proposed that the relief of the poor should be made a national instead of a parochial charge, and be both provided and administered under the direction of the government.

* App. (A.) Part I. p. 133.

The advantages of making it a national charge would be great and immediate.

It would put an end to settlements. With settlements would go removals, labour-rates, and all the other restrictions and prohibitions by which each agricultural parish is endeavouring to prevent a free trade in labour, and to insulate itself by a conventional cordon as impassable to the unsettled workman as Bishop Berkeley's wall of brass. There would be no longer a motive for preferring in employment the men with large families to those with small, the married to the unmarried, the destitute to those who have saved, the careless and improvident to the industrious and enterprising. We should no longer have these local congestions of a surplus, and, therefore, a half-employed dissolute population, *ascripta glebæ*, some driven, not by the hope of reward, but by the fear of punishment to useless occupation, and others fed on condition of being idle; character would again be of some value to a labouring man. Another advantage much smaller than the first, but still considerable, would be the diminution of expense; a considerable sum would be instantly saved in litigation and removals, and we might hope to save a still larger sum by substituting the systematic management of contractors and removeable officers, for the careless and often corrupt jobbing of uneducated, unpaid, and irresponsible individuals.

It may be added, that there is no change that would have so numerous and so ardent a body of supporters; all the heavily burdened parishes, and all those which, though still in a tolerable state, foresee, from the annual increase of their expenditure, the ruin that is creeping on them, all the rate-payers who are hesitating between a voluntary exile from the homes to which they are attached, and remaining to witness vice and misery, and encounter loss and perhaps danger, would hail with transport the prospect of such a relief. Other changes may be submitted to; this alone would have enthusiastic partisans.

Still admitting the force of all these arguments in favour of a national charge, we do not recommend one.

In the first place, it is objectionable in principle. To promise, on the part of the government, subsistence to all, to make the government the general insurer against misfortune, idleness, improvidence, and vice, is a plan better perhaps than the parochial system as at present administered; but still a proposal which nothing but the certainty, that a parochial system is unsusceptible of real improvement, and that a national system is the only alternative against immediate ruin, the only plank in the shipwreck, could induce us to embrace.

It is probable—indeed it is to be expected—that at first it would work well; that there would be a vigilant and uniform