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NECESSITY OF COMBINING

A

LAW OF SETTLEMENT

WITH LOCAL ASSESSMENT

IN THE PROPOSED BILL

FOR THE

RELIEF OF THE POOR OF IRELAND.

DUBLIN

MILLIKEN AND SON, GRAFTON-STREET,

BOOKSELLERS TO THE UNIVERSITY.

JAMES RIDGEWAY AND SONS, PICCADILLY, LONDON.

MDCCCXXXVIII.

The following Observations were not intended for publication in their present form, but peculiar circumstances having prevented the writer from revising them, and the progress of the Bill to which they refer, requiring that they should be immediately circulated, in order to effect the object for which they were designed, they are thus offered with this apology, by

A Member of the Mendicity Association.

Dublin, February 20, 1838.

THE NECESSITY

OF A

POOR LAW SETTLEMENT.

WHETHER the Bill for the Relief of the Poor in Ireland, recently presented to the House of Commons, may be amended by a clause enacting "a law of settlement," is probably the most important question arising from the consideration of that important bill.

On the one side, we find Lords John Russell, Howick, and Morpeth, Messrs. Frederick Shaw, Daniel O'Connell, Lynch, Smith O'Brien, &c. &c. asserting that—*"In Ireland a law of settlement must operate to the increase of mendicancy;" would give a right to relief which it is desirable to avoid, and inevitably lead to litigation and fraud. Whilst on the other side we find Lords Stanley and Sandon,

* Speech of Lord Morpeth. Mirror of Parliament, 1837. p. 1260.

Messrs. Whittle Harvey, Sharman Crawford, Lucas, Wyse, Poulet Scrope, O'Conor Don, &c., declaring that—*"Without a law of settlement, the experiment can never be carried into execution;" and that—†"A law of settlement of some kind or another we must necessarily have in Ireland."

Both sides apparently agreeing that a legal provision for the poor, unaccompanied by a law of settlement, is a novelty, and that the experiment about to be tried in Ireland is one which has probably never been tried elsewhere.

Admitting, then, that the subject is surrounded by difficulties, and that any decision must be a choice of evils; yet finding that in every part of Europe or America where a poor's law exists, a law of settlement continues to be enforced, we presume to think that there are no evils inseparable from this law, sufficient to outweigh the benefits which it avowedly confers: and we offer the following reasons for this opinion, ardently desiring to contribute to the efficiency of a measure, which, be it for good or for evil, "must greatly influence the future destinies of Ireland."

The preamble of the bill now before Parliament, recites that—"It is expedient to provide for the more effectual relief of the destitute poor, and for pre-

* O'Conor Don. Mirror of Parliament, p. 1465.
† Mr. Wyse. Ibid. p. 1489.

venting mendicancy in Ireland;" and it is expected that this Bill will act to a certain extent, "as a system of police, as a measure of peace, enabling Government to prohibit vagrancy, and those vagrant occupations which are so often connected with outrage;" that it will "interest landowners and persons of property in the country in the welfare of their tenants and neighbours;" and "by compelling them to furnish means for the subsistence of the destitute, it will become the interest, as it is the natural occupation of a landlord to see that all persons around him are well provided for, that they are not in want of employment, and that his immediate tenants are in a condition to live in a state of comfort."*

To effect these objects, it is proposed to enact, that the country shall be divided into districts of such extent and in such manner as the Poor Law Commissioners shall direct.† That a Board of Guardians, to be elected by the rate-payers of each district, shall assess that district for the support of its workhouse;‡ *wherein* the Guardians may "relieve at *their discretion*," all such as *they shall deem* to be destitute poor."‖

* Speech of Lord John Russell. Mirror of Parliament, 1837, p. 146.

† Clause 15. ‡ Clauses 19 and 58. ‖ Clause 41.

And further, that when a workhouse "is declared to be fit for the reception of destitute poor, and shall be *capable* of receiving them," any person found begging within that district, shall, on the oath of one witness before any Justice of Peace at Petty Sessions, be committed to gaol and kept at hard labour for a time not exceeding one calendar month, and for a second offence, shall be kept to hard labour for any time not exceeding three months.*

For the purpose of assisting emigration, the Commissioners may direct the Guardians to raise such sums as the Commissioners shall think requisite, and charge these sums on the future rates of the district. But they cannot direct this levy, unless on the application of a majority of the Guardians.†

As the intention of a statute is to be collected from its own language, and not from the reports or speeches of those by whom it was framed or proposed, it may be perceived that under this bill, (which is very ambiguously worded, and which is well calculated to confer powers and effect objects which are not at first view apparent,) the poor are to have no *right* to relief. Even the most destitute are to be dependant on the will of the Guardians and the state of the workhouse. The Guardians may refuse relief although the workhouse be empty, but have

* Clauses 53 and 54. † Clause 47.

no power to relieve if it be full,* and the pauper—who may beg in any district where the workhouse is not capable of receiving him—may be punished for begging near an empty workhouse, into which he had in vain sought for admittance.

Each workhouse is to be maintained by local assessment, the inhabitants of the district in which the workhouse is situate, are to be taxed for the support of all paupers admitted into that workhouse; and every pauper in the kingdom may apply for, and will have an equal claim to relief in any district he may please to select.

Such is an outline of the contemplated enactment; it will facilitate our observations to add, a sketch of the habits of the peasantry in the pauper districts of Ireland, whose mendicancy this bill is to suppress, and whose landlords it is to render anxious for the welfare of all around them.

We do not mean to insinuate that all the poor of Ireland have similar habits; but the pauperism of Connaught and Munster is so extensive, and its effects are so universally felt, that a consideration of the state of these provinces, must influence any legislation for Irish destitution.

* Sec. 48. "It shall not be lawful for the Commissioners, Guardians, &c. acting in the execution of this Act, to apply, directly or indirectly, any money raised under the authority of this Act, to the relief of destitute poor in any other manner than is herein *expressly* mentioned, or to any purpose not expressly provided for in this Act.

The habits of the peasantry in Mayo, Sligo, Roscommon, &c. are thus described in the evidence of the First Report of the Commissioners of Poor Inquiry :—

"In many instances the peasant, in return for a portion of his labour, receives from a neighbouring farmer a small piece of the worst land for the season—this, manured with sea-wrack, and planted with potatoes, yields a supply of provisions for two to six months, affording at the same time to the farmer who has given his land, the benefit of a corn crop, for which the ground is thus prepared for the succeeding year"—or,

Early in spring he takes a portion of "con-acre," according to his means, varying from half a rood to half an acre, which is generally planted with potatoes for winter food—when this is done, "the greater number leave home, taking their families with them, and do not return until the potatoes are fit to be dug. The men sometimes accompany their families, carrying their spades on their shoulders, seeking employment; and if unsuccessful in this, live on what their families beg. Sometimes they separate from their families, going in search of work, generally to some part of Ireland, less frequently to England."*

* Appendix to First Report from the Commissioners, &c. p. 382.

At the end of harvest all return home—if the husband has not been successful, and cannot pay his rent, the landlord seizes the crop*—if he has been successful in his efforts to procure employment, the rent of the potato ground is paid—the potatoes are dug out, and upon them and a little buttermilk, when it can be procured, the family live in perfect idleness during the winter. †"I have," says one witness examined in Roscommon—"I have gone over to England for work this last nine years; never took my wife or family across the channel; it is a poor place for them that are not well spoken in English."—"I made £3 10s. my last trip; have £1 5s. of it left still; must keep that to *pay the rent of a rood of con-acre* I have in Ballingar; I mean to go back in November, and live as I can on the potatoes I'll have out of that rood, through the winter; it would not do to begin at the potatoes much sooner; did not look for work in Ballingar; there was a new road making there; could get six pence a day at it; would not work for that; don't like working for such wages in my own place, because my family would be about me in spite of me, and a short way six pence a day would go, unless they used the potatoes that we must save for the end of winter."

* p. 383. † p. 516.

In the first place it is to be observed, that habits like these must deprive the discipline of a workhouse of half its terrors. The separation of the sexes, and of members of families, will scarcely be felt, because they are already voluntarily endured, for the period during which it is necessary to seek relief—and confinement will be mitigated by the permission to wander from one workhouse to another, whilst the diet and lodging of the worst workhouse must offer inducements from their superiority to the ordinary food and residence of the pauper. But how will the landowner be stimulated to exertion for the population thus described? If there be no Law of Settlement, he can rarely suffer from the pauperism of such tenants, although he may profit by their numbers. They will still give a high rent for pieces of "con-acre"—plant potatoes in spring, and seek employment in England until autumn, when they will return as they now do with the means to pay their rent—whilst their wives and children will continue to beg in some distant country, or seek an asylum in some distant workhouse for four or five months of the year, returning in winter to live on the produce of the potato ground, at their own fire-side, until the period of migration again returns.

Perhaps it will be said, that the wives and children of these pauper labourers will not go into other dis-

tricts, as they now do—that having a workhouse within their own district, they will apply there for relief, and that when the landowner finds that his estate will be taxed for their support, he will no longer encourage such tenants. We will presently shew that there are clauses in the bill which relieve him from all fear on this head, but even if it were otherwise, are we confident that means would not be adopted to induce these poor people to seek relief in a distant workhouse, so long as by law, every workhouse in the kingdom would be equally open to receive them. We have no inclination to join in the too general, and frequently very reprehensible, outcry against Irish landlords and absentee proprietors and their agents—but with the evidence of the Poor Inquiry Commission before us, there is assuredly much reason to dread the cruelty and chicanery of grasping and needy landlords or agents, and, we ask, is it impossible that any stipulation could be added to the agreement for con-acre, by which the tenant would covenant to do, what he now does, send his family to beg at a distance from home, and thus preserve his landlord from any tax for their support?

Or, supposing it were impossible to make such a stipulation, is it improbable that those bad and selfish men, who now hesitate to relieve their starving tenants, would refuse to admit those tenants

into a workhouse when the cost of maintaining them should be levied on the estate; and particularly, when by keeping the workhouse from being full, by keeping it in a state "capable of receiving destitute poor," they would preserve to themselves the power of imprisoning and punishing every person found begging in the district, and would thus be enabled to drive paupers to seek relief elsewhere.

Would shame prevent the adoption of such a system? They who are not now ashamed to have their tenantry begging for six months of the year in adjoining counties, would not blush to have them maintained in distant workhouses for the same period. Nor would those landlords who have seen their tenants supported by the benevolence of a "London Committee," feel much repugnance to hear that they were inmates of a Dublin workhouse. If farmers now give some of the worst of their land as potato ground, that they may have the benefit of a corn crop, for which the ground is prepared for the following year, are they likely to abandon a system so profitable? Or will the landed proprietor described by the Roman Catholic archbishop of Tuam.*—One "who will encourage population on a mountain or waste, in order to bring it into cultivation, and who will, as soon as his object is

* Evidence of Committee on Poor Laws, Parl. Pap. 1830, p. 110.

obtained, throw that population upon the public for support." Will such men cease to amass wealth at the expense of the charity and benevolence of the public, if they can free themselves from all burden by closing the doors of the district workhouse, and can drive this wretched population into other districts by threats of imprisonment and hard labour. Is there any clause in the proposed bill which would prevent the continuance of the system now pursued? We conceive that there is none—it contains no clause framed to throw the burden on those who should bear it; and thus render them cautious in creating a population which they should ultimately support, and so far we think, that there is an abundance of facts to justify the opinion of the Secretary to the Poor Law Commission,—that,* "If settlement does not co-exist with local taxation, cruelty to the poor and ill-will and fraud amongst the rate payers will arise from the constant endeavour by intimidation, persuasion, and bribery, to induce persons to transfer their claims for relief from one district to another."

But if there be little to improve the habits of such landlords, or the condition of such tenants, is the Bill (in an essential particular) more likely to improve the condition of the country—"to act, to a certain extent, as a system of police, enabling

* Evils of the state of Ireland, by John Revans, p. 145.

government to prevent those vagrant occupations which are so often connected with outrage."

Merely viewed as a measure of police, a Law of Settlement has always been considered of the utmost importance; so much so, that in Great Britain it preceded any legal assessment for the relief of the destitute.

The Act of 12th Richard II. (A.D. 1388,) directed that, "All beggars impotent to serve shall abide in the cities and towns where they be dwelling at the proclamation of this statute."

The 11th Henry VII. c. 2, (1495,) enacted that, "Every beggar not able to work shall resort to the hundred where he last dwelled, is best known, or was born, and shall there reside under pain of being set in the stocks, &c."

The 19th Henry VII. c. 12, (1504,) required them to go to the place where they were born or last abode, for the space of *three years* without begging out of the place.

And the 22nd Henry VIII. c. 12, (1530,) enacted, "That the justices of peace shall give license to aged and impotent persons to beg within certain precincts, and that if any beg without license or without that precinct they shall be whipped."

In Scotland, James I. enacted in 1424, "That those allowed to beg should have badges given to them by the sheriff." And by the Act of 1535, all beggars were confined to their respective

parishes, and all persons who gave alms to them elsewhere were liable to be fined.

Whilst in Ireland, the Act of the 33rd Henry VIII. (A.D. 1542,) enforced nearly the same clauses which were contained in the English Act of the 22nd Henry VIII. c. 12, and even so late as 11th and 12th George III. c. 30, (1772,) it was provided, "That the corporations of the poor in every county—county of a city and county of a town in Ireland—shall grant to the helpless poor who have *resided for one year* within their respective counties, cities, or towns, badges and licenses to beg within the counties, &c. of said corporations."

The principal object of all these enactments being to prevent vagrants and impostors from wandering over the country, and to give to the necessitous mendicant a greater chance of relief by preserving to him a district where his character and circumstances were likely to be known.

With a similar object, a Law of Settlement is yet enforced in countries where there is no assessment for the relief of the destitute. From the Foreign Communications to the Poor Law Commission, we find that in districts of France, for instance, "in Brittany no such thing is known as a legal claim for assistance from public or private charities." Yet, "in towns where the police is well regulated, the only mendicants permitted to sojourn are the

paupers belonging to the parish. They are known by a tin badge, for which they pay at the police office."

"Destitute workmen, or other persons in distress, must be authorized by the municipality previous to soliciting public or private assistance—to effect this the pauper makes known his case to the commissary of police of the quarter he inhabits, who makes inquiry amongst the neighbours. Should the destitute case of the applicant be established, the mayor grants him a certificate of indigence, which authorizes him to apply for relief to the public institutions, and to solicit private charity."*

In Wurtemberg, "every native vagabond who travels about without a profession, has a fixed place of residence assigned to him, if it has not already been done in the middle of that inland community in which, according to the laws he has to claim a right of settlement, and which is accordingly bound to receive him.

"No person so restricted may remove from the place of residence assigned to him on pain of corporal punishment or hard labour, without special permission from the magistrate, and this permission can only be granted in case of his having observed an unexceptionable conduct during his abode in the place assigned to him."

* Appendix F, Foreign Communications to the Poor Law Commissioners, p. 728.

"In case, however, of blameless conduct for several years, and a regular business securing his subsistence, a person so restricted may be relieved from the restriction imposed on him."

"Every Wurtemberg subject, who is caught begging out of his place of residence, is imprisoned, for the first offence, three days—for the second, for eight days, every other day on bread and water."*

In Bavaria, "the inspection of each particular pauper regards not only their moral and civil conduct in general, but also particularly their instruction, their industry, their forbidden gain by begging, their feigned poverty, &c.

No pauper who partakes of the benefactions of the poor institutions, may go away from his dwelling without the knowledge and leave of the head of the village, to stay for some time, or permanently, in another village, even in the same district.

The same leave from the police direction is necessary, when a pauper wishes, for some good reason, to go out of his police district; the leave is only given in both cases on well-grounded reasons, and on proofs that the poor will not be burthensome to other villages and districts, &c., and he must state the villages to which he intends to go."

"Paupers who have been warned in vain concern-

* Appendix F. Foreign Communications, pp. 520, 521.

ing bad conduct and idleness, shall be proceeded against without favour, by the power of the magistrates."*

Other instances might be adduced, but these are sufficient to shew how far a law of settlement was, and is yet considered necessary as a measure of police; but it will be perceived that there is another object connected with this, to which the enactment is also of much importance.

"Without a law of settlement," said the late Dr. Doyle,† "without fixing the domicile of the poor, we can never have a moral police in the country, whilst if we adopt it we may establish it in every part."

In England, the Guardians in each parish are, or may become, intimately acquainted with the character and habits of almost every person who applies to them for relief; because the majority of those who can claim relief must have been born in, or have resided for a long period, within the parish to which they apply. The Guardians are further enabled to prevent strolling vagrants or beggars from coming from other parishes, and can also prevent the dissipated or idle of their own parish from preying on the industrious.

In Scotland, the Elders, as guardians of the poor,

* Appendix F. Foreign Communication, p. 559.

† Irish Poor Committee, 1830.—Evidence Dr. Doyle, question 4470.

are warned to make themselves well acquainted with the actual character and condition of the persons they may be called on to relieve. They are told that—" it ought ever to be kept in mind, as a general principle of unspeakable importance, that, in the business of charitable distribution, they ought to proceed in such a manner as will most effectually alleviate the wants of the poor without encouraging their evil propensities, or checking the honorable spirit of industry and independence. That it is absolutely necessary that every claim, however imposing, be narrowly examined; that every character, however specious, be studied, that the actual circumstances of applicants be ascertained by experiment, and that relief be proportioned to real character and circumstances."

But how is the moral conduct of the poor in Ireland to be affected by the proposed bill? What inducement does it offer to the guardians to acquire an accurate knowledge of the habits and character of the poor; or to the poor to preserve such a character as would entitle them to the sympathy of their neighbours?

As the bill now stands, the Guardians, in many cases, can have no knowledge whatsoever of the previous conduct or present circumstances of the applicant, because the self-styled pauper may have travelled from the most distant part of the kingdom, and proceeded direct to the workhouse, without having

resided for a single hour within the district in which that workhouse is situate. He may be one of the most idle and dissipated of mankind, he may have relations and friends able and willing to support him if his habits could be corrected; he may be possessed of a pension or other income, which he may squander as soon as it is received, and he may then present himself at some distant workhouse, where the Guardians, in total ignorance of his history, will relieve him as a destitute person.

Even in cases where the applicant belongs to the district to which he applies, and that his dissipation or idleness is known to the Guardians, they can have very little control over his actions,—very little effect can be produced by their refusal to admit him, as he can, in a few hours, reach another district, where he is to have an equal claim to relief, and where the Guardians, unacquainted with his character and resources, will probably receive him without hesitation.

It appears therefore, that both as a measure of civil and moral police, the omission of a law of settlement will be severely felt in Ireland.

Under a law of settlement, the vagrant should apply to the workhouse of that district "where he was best known or had last resided." No where else would he be relieved, and therefore, to that workhouse he would be confined; or if it were incapable of affording relief, he would only be licensed

to beg where his wants were known or could be ascertained, and his wanderings would thus be restricted. But under the proposed bill, all workhouses are to be alike open to receive him, and he may freely indulge his vagrant propensities; he may beg in every district where the workhouse is full; and if there be, every where, workhouse accommodation for him, he may move from one workhouse to another, he may enter each as a traveller would enter his inn, remaining there only until he feels an inclination to travel farther; whilst the chief advantage contemplated from denying a right to relief will be lost, because there will neither be the possibility in all cases, of discriminating between the claims of paupers, nor will there be the strong inducement, which otherwise might exist amongst the poor, to sober and industrious habits in days of prosperity, as giving a claim to the benevolence of neighbours in the days of adversity.

We shall presently revert to this subject, which is closely connected with the vagrant clauses of the bill; but we will previously endeavour to show, that in other respects, the objects of the bill cannot be attained, nor can it be brought into beneficial operation without a provision for settlement.

There are two ways by which it has been proposed to bring the bill into operation: by trying the effect, in one or two districts in the first instance,

and then extending the operation of the law to other districts; or, by the simultaneous opening of workhouses in every district.

If it be intended gradually to act on the bill, we conceive that there must be a law of settlement to prevent an excessive influx of paupers into that district, in which the first workhouse may be built. Indeed, this appears to be admitted by the highest authority, as we are told that, *"during this interval it might be useful, in certain cases, for the union authorities to have a settlement law to fall back on."

But this admission is coupled with a very startling observation,—it is added, that "the object may, however, be accomplished without the inconvenience of a law of settlement, by the general powers given to the Commissioners to prescribe the conditions on which relief shall be administered, and who might issue regulations specially adapted to the evil, either existing or apprehended." Is it then to be within the power of the Commissioners, to forbid the guardians to relieve any class of the destitute? It is expressly stated that they are not to interfere in any individual case for the purpose of ordering relief, but are they to be empowered, by the 3d sec. of the act, "to issue such orders for the government of workhouses, and for the guidance and control of all guardians, and others, acting in the management or

* Second Report of George Nicholls, Esq. p. 25.

relief of the destitute poor," as will prevent guardians from relieving any destitute persons, whom the Commissioners may desire to exclude?

If this be the intention of the framers of the bill, it is highly desirable that it should be explicitly declared, and yet if it be not the meaning of the bill, how could the Commissioners prevent the contemplated influx of paupers? But whether the Commissionors are to have this extraordinary power or not—whether they can, by a direct order, or other means, exclude any class of destitute paupers from any workhouse—or that the guardians, without the interference of the Commissioners, determine only to admit the poor of their own district—by whatever means the exclusion will be effected, that exclusion will be a law of settlement, and must be acted on, whilst the unions are in progress of formation.

Supposing, however, that a different plan be pursued—that workhouses be at the same moment opened in every district, and the bill at once carried into full operation in Ireland—the danger from an influx of paupers would be so far obviated—one union would not have to bear the entire burden of pauperism, until the other unions were formed; but, is it not obvious, that without a law of settlement, the seaport towns on the eastern coast must still be exposed to an undue pressure?

From Scotland the Irish paupers are generally

"passed over" to Belfast,—from the great manufacturing districts of Lancashire and Yorkshire, they are generally sent through Liverpool to Dublin, and Waterford and Cork receive some portion of the destitute poor, transferred through Bristol.

On the other hand, England being the great market for Irish labour, those who endeavour to reach it, proceed in the first instance to Dublin, Belfast, Cork, &c. and if by any circumstance prevented from crossing the channel, or if from sickness or destitution on their return, they be unable to proceed homewards, they must become a burden to these seaports.

Dublin, however, is the great point of steam communication with all parts of England; it is the nearest port to the great manufacturing districts of Lancashire and Yorkshire, whence so many pauper families are periodically transmitted; and it is the direct line of march from the western districts of Ireland, for the harvest labourers, in their annual journey to Great Britain.

Dublin, therefore, must suffer severely by any bill, under which the citizens would be compelled to support, by a local assessment, every destitute person who would apply for admittance to their workhouse. It is, however, alleged, that "much of the reasoning in favour of a law of settlement for the protection of Dublin is founded on the assumption, that Dublin at present only supports its own

poor;" whereas, "of 888 inmates in the aged department of the House of Industry," 499 do not belong to Dublin; "and of 2409 individuals on the books of the Mendicity Institution," only 1448 are natives of the city; and it is stated that "this was to be expected, for there is nothing to prevent the influx of mendicants into Dublin;" that "begging, at least, is always open to them, and thus a mode of relief, the most expensive and the most demoralizing, is perpetuated." "This," it is said, "is the present state of Dublin, and if a poor law were established without a law of settlement, there seems to be no reason for supposing that it would then be worse."*

It is further stated, with reference to the mendicant and destitute classes, that, †"Whatever may have been the amount of these classes in Dublin up to the present time, or however they may have been led thither—whether settled denizens, or voluntary migrants from other parts of Ireland, or sent compulsorily from Great Britain—it seems quite certain that there is nothing in the intended poor law calculated to increase their numbers."

We are bound to believe that such statements are made in ignorance of facts, and it becomes necessary, therefore, that some of these facts should

* Second Report of George Nicholls, Esq. 8vo. pp. 29; 69.

† Ibid. p. 28.

be stated, in order to induce the very different opinion which we think should prevail respecting the probable effect of the proposed bill.

When the Mendicity Association commenced measures for suppressing mendicity in 1818, they found in the streets of Dublin upwards of 5000 beggars. In the course of investigation, it became evident, that "no system of relief dependant on voluntary contributions could create a reasonable hope of success without some plan or modification of the system of settlement." One of the original resolutions of the Association was, therefore, "that no individual should be considered an object for relief, who could not prove a residence within the city or its precincts for *six months*, at least, previously to the first of January, 1818."*

In the first year, the number of destitute persons whose cases were registered, exceeded 7500. Of these 2251 were sent to their homes or friends in England, Scotland, and the country parts of Ireland; and about 2400 were rejected under those rules and law of settlement which the committee had adopted.†

But so far from the resource of begging being always open to those who have not acquired a

* Resolutions of the Meeting held at the Rotundo, January 22, 1818.

† First Report Mendicity Association, p. 10.

settlement—so far from perpetuating that expensive and demoralizing mode of relief, by permitting those to beg within the city who have no "settled" claim to support from the citizens, the Committee of the Mendicity Association have left no exertion untried to terminate that evil: they have appointed street inspectors, they have sought and obtained such assistance as the police could give, and in one year have had upwards of 4300 beggars apprehended and brought before the magistrates. To these exertions we must attribute the diminution of vagrancy and pauperism which is now apparent in Dublin. Country beggars are deterred from entering, or are driven from the city, in which they cannot beg with impunity; whilst of those who were found destitute in our streets between the 1st of January and the 14th of October 1837, upwards of 300 received pecuniary aid from the institution, to enable them to remove to their birth-places or homes in the interior, upwards of 200 more being transmitted to Liverpool, when it was ascertained that they were without means to procure a passage for themselves. If then, notwithstanding these exertions, we find that under an institution, acting on a law of settlement, having means of sending destitute paupers to their own districts, and having power to coerce beggars, if we find that the citizens are compelled to support the large proportion of pauper strangers mentioned in the report, and that beggars are yet

to be met in every street,—have we no reason for supposing that it would be worse under the proposed bill; and should we be "quite certain, that there is nothing in the intended poor law, calculated to increase their numbers:" when we are informed that the Guardians will have no funds at their disposal, for sending destitute strangers out of the city; no right to send them out of it even if there were funds, nor any power whatsoever to prevent them from begging within it, if the workhouse be full?

We must always recollect the extent of mendicancy in 1818, and though we admit that the numerous streams of vagrancy, that then flowed with unrestricted current into the metropolis, will be cut off to a certain degree, by making provision for the destitute in other districts throughout the country, yet, considering the extraordinary increase which has been since produced in the annual migration of labourers, by the cheapness and facility of steam communication with Great Britain—considering the inducements which these labourers will have to leave their wives and families at the place of their embarkation or debarkation—considering the increased number of Irish workmen in Manchester, Birmingham, &c. and the increased facilities for removing them, if they become burdensome to the parish—and above all, that the metropolis being the residence of the wealthy, must under any circumstances, attract paupers, as there the destitute may hope most

easily to obtain relief—the beggar to collect alms—and the vagrant to conceal and profit by imposture, considering these causes of mendicancy in Dublin, have we no reason to dread the effect of a poor law, unaccompanied by a law of settlement?*

If our workhouse be large, and the guardians actuated by benevolent feelings, receive all the paupers who apply for relief, a heavy tax must be imposed on the citizens for the maintenance of that workhouse, filled as it will be by paupers from all parts of the empire. But, if the workhouse be not large, if it be incapable of containing all who the guardians are willing to admit, mark the consequences,—the workhouse being full, every person may beg within the city, there will be no power to remove the most notorious imposter from the most public thoroughfare—our streets will again be thronged with the blind, and the cripple—with

* From the Report of the Governors we find that 8197 paupers were admitted into the House of Industry in the year 1800. This was a year of "scarcity," and, consequently, the number of poor exceeded the ordinary average, but it will show the necessity for a law of settlement—when we perceive that, even at such a period, a number of paupers nearly equal to one in twenty of the then population of the City, eagerly sought relief in a workhouse, which had always been viewed with terror, as a place of punishment and degradation, and into which it had previously been necessary to *force* the poor to enter.

loathsome objects, exhibiting every variety of real or simulated disease, and instead of finding that we have benefitted by the enactment of a law for the relief of the poor, we will find that our situation has been rendered much worse by the operation of that law.

Let it be observed, that there is nothing in this bill which gives a hope that the "old trade of begging" will ever be abolished. It is not intended, (or at least it is not provided for,) that the mendicant, who can exhibit a sore or deformity, is to be prevented from occasionally using it as an implement of trade in our streets and squares.

Mendicancy is to be a contingent crime. It is to depend on the declaration of the Commissioners that there is a workhouse in the district, and on the state of that workhouse.

If there be no workhouse within the district, any person may beg without interruption within that district, but if there be a workhouse begging may be a crime. It will not be a crime if the workhouse be full; it will be a crime if the workhouse be not full.

Thus, the act which is to be an offence one day may not be an offence the next day, and that which must be punished in one part of the kingdom may be done with impunity in another.

Such is to be the law, but how are the magistrates to execute it?

When persons are found begging within a district, are they to be arrested and imprisoned until the magistrates ascertain whether the workhouse be full or not?

Suppose that there be one or two vacancies in the workhouse, and that three or four beggars be arrested, are the magistrates to convict and imprison one or two, because the workhouse was "capable of receiving" them, and acquit and liberate the others, because the workhouse could not contain all?

If they be bound to punish some and not others, on what principle is the selection to be made?

Supposing several beggars to be arrested on the same day, in different parts of the same district, and brought before different magistrates, and that each bench of magistrates ascertains that there is one vacancy in the workhouse, is each to liberate one beggar and punish the remainder; or is there to be one beggar only liberated that day, and how and by whom is the selection to be made?

There is also to be an increased punishment for a repeated offence.* Is it for a second offence within the same district, and if not, how is the magistrate to ascertain whether the offender before him may not have been previously convicted in every other district in the kingdom? On what evidence is the conviction to be grounded in a court where no record of a previous offence is registered?

* Section 54.

And further, "every person, not a destitute poor person, who shall apply for relief within any union under pretence of destitution,* shall, on conviction be committed to gaol, and there kept to hard labour for any time not exceeding one calendar month."

But what is to be considered "destitution" within the meaning of this act? So far as relates to the conduct of guardians the term may remain undefined, the consequences of misinterpretation cannot be very serious; a person may be admitted into the workhouse who should have been kept out of it, or one may be rejected who should have been received, and who will consequently be compelled to seek relief elsewhere.

But as relates to the conduct of magistrates, the definition of the word is of much importance, because that interpretation gives to or takes from them the power to punish.

But even if the term "destitution" were clearly defined, how could the offence, in a majority of instances, be discovered? If beggars or applicants for workhouse relief may wander into each district from every other district in the kingdom, what knowledge can the magistrates or guardians have of the actual circumstances of such beggars or applicants? How can they discern whether the tale of distress be fictitious or not?

* Section 53.

And are the magistrates to be thus frequently called on to imprison and punish, under a law so indefinite, that they must be constantly in danger of overstepping its limits, and thereby exposing themselves to censure, and perhaps to vexatious lawsuits?

These are difficulties which the magistrates must encounter. The poor will not find the law more explicit.

When a beggar enters a district, he will immediately endeavour to ascertain the state of the workhouse, if it be not full he must wander on to some other district, if it be full, he has full liberty to exercise his vocation, no punishment can be inflicted, no person can prevent him from begging in that district. This impunity, however, may be of short duration; a pauper may die in the workhouse, or may leave it, or be dismissed from it, a vacancy will thereby be created, and to beg may then be a crime which magistrates must punish if they be required to do so by any individual. Is the pauper therefore to inquire every day at the workhouse, whether it be capable of receiving him or not, and if it be full in the morning, is he licensed to beg for twenty-four hours?

As regards the guardians of the poor, the difficulties which they must encounter without a law of settlement, can scarcely be overcome.

By the 50th section, it is to be enacted, that all relief given to a wife or child shall be considered as

given the person who is liable to maintain such wife or child, and said person shall be deemed chargeable for such relief; and by the succeeding sections the Commissioners are empowered to declare any relief given, to be given by way of loan, and at any future period to attach the wages of the person to whom it was given, until the amount be repaid.

By the 53d section, any person able to work, but refusing or neglecting to do so, whereby he, or any person he is liable to maintain, shall become destitute and be relieved, shall, on conviction, be committed to the common gaol, and there kept to hard labour for any time not exceeding one calendar month.

There can be no doubt that with a law of settlement, such clauses might be enforced; but is it possible to enforce them without it?

If a labourer from Mayo or Kerry go to England in search of employment, and leave his wife and family in Dublin or Cork, as he frequently does, how are the Guardians to recover from him the cost of relieving his family? If he continues in England, it will be extremely difficult to attach his wages there. If he return after the harvest labour, and proceed to Mayo or Kerry, where his family follow him, how are the Guardians in Dublin or Cork to discover his residence and obtain repayment of what they termed a loan. His cabin, his con-acre and potatoes are in Mayo, there is his domicile, and the Guardians of Mayo might obtain from him the cost

of supporting his family, if the family were supported in that district; but how can the Guardians of the poor in Dublin discover or reach him? And this is one of the reasons which have induced the opinion previously expressed, that the labourers of Connaught or Munster, when they have planted their potatoes, and are about to migrate for the summer, will prefer having their wives and children supported in a Dublin workhouse for six months of the year, to having them supported nearer home.

But, to prevent such frauds, and for other reasons, Lord John Russell states, that "it is intended that no relief shall be afforded to one member of a family, unless the whole family be at the same time admitted into the workhouse."*

This is intended, and it is one of the principles on which the Mendicity Association of Dublin act, but can it be acted on without a law of settlement?

The Guardians of the poor in Meath or Kildare cannot ascertain whether the women and children from Cork or Belfast, applying for relief, are really what they may represent themselves to be: either deserted persons, seeking runaway, profligate husbands, or widows and orphans wholly destitute.

On the other hand, how are the Guardians of Dublin to ascertain whether the entire of a family, from Mayo or Sligo, be or be not before them?

* Mirror of Parliament, 1837, p. 157.

May not the husband, or head of the family, be at the moment at his usual summer employment, the harvest of England; and how are the Guardians of the Dublin poor to discover this—having no previous knowledge of the family—no means of ascertaining its past or present circumstances; and will not this be a further inducement to harvest labourers, when about to proceed to England, to send their wives and families to some distant district?

In the 3d Annual Report of the English Poor Law Commissioners,* we find the Guardians of Stoke-upon-Trent applying for instructions in a case where workmen employed in the Potteries had combined for conditions dictated by the Trades' Union; and the Commissioners direct the Guardians "not to relieve contributors to the Union fund so long as that fund is available for their support; and wherever it is necessary to give relief, to grant it as a loan, attaching the wages of the person so relieved, for the repayment of that loan, when they shall have regained their former employment.

Could this case be provided for, or the advice acted on, if the combining workmen or their families could have applied to any parish but that where "they last resided and were best known;" and are there no grounds to fear that a poor's law, without a law

* Third Annual Report of the English Poor Commission, 1837, 8vo. p. 115.

of settlement, may facilitate such combinations in Ireland ?

Can the Guardians of the poor in Meath or Kildare ascertain, whether the persons applying to them for relief, be or be not the wives and children of men, loitering about the streets of Dublin, and daily rejecting employment, because the wages offered were not those which the "body" had fixed? Will not the men, thus freed from the incumbrance of a family, be enabled to prolong a struggle against their employers? Let it not be supposed that this is an event unlikely to occur. During periods of combination amongst workmen, the wives and children of the combinators have frequently applied to the Mendicity Association of Dublin for relief;* but, acting on the law of settlement enforced by that institution, the fact was quickly ascertained, relief was refused to the family, unaccompanied by the husband or father, and to him, unless he could prove, that he had offered to work, and had been unable to obtain employment at any rate of wages.

Again: endeavouring to guard against evils likely to arise from the use of the undefined term "desti-

* "This was the case with several idle manufacturers, who preferred such a mode of sustaining themselves to working at their trades; and also with others, who relied on it [street begging,] for support, whilst persisting in unlawful combination against their employers."—*First Report Mendicity Association*, p. 2.

tute poor," Lord Stanley expressed a hope, "that in considering the question of destitution, it would be clearly understood, that no person in the actual possession of land should be considered in a state of destitution, giving him a right to relief,"* "a principle which must be adopted, if we desire to prevent a great influx of paupers into the workhouse at different periods of the year." Every one conversant with the state of particular districts in Ireland must admit, that it is highly desirable that we should act on this principle; but here again we experience the difficulty, if not impossibility, of acting without a law of settlement.

How could the guardians of a Dublin workhouse ascertain whether the Mayo or Sligo pauper, who applies for relief, does or does not hold con-acre or other land in his native district? His potatoes may be planted, and he be awaiting the proper season to dig them out, but how can the guardians of the poor in Dublin ascertain this? If the pauper, by a law of settlement, were compelled to seek relief within the district in which he had last resided, even for one year, the guardians of that district could easily ascertain whether he were in the possession of land or otherwise disentitled to relief, but is it not nearly impossible for the guardians of any distant district to ascertain the fact?

* Mirror of Parliament, 1837, p. 160.

Nor, can we fail to observe, that an attempt to enforce this principle, without a law of settlement must aggravate evils to which we have already referred.

The harvest labourers, who now go to England for four or five months in every year, cannot, in these journies take their families with them,—neither is it possible for the majority of them to leave with their families the means of support.—Will it not then be imperative on them, to send their families to some distant district where their circumstances will be unknown?

And will not the combined action of all these motives inevitably tend to relieve from, rather than give to, landlords, an incentive to care for their neighbours and tenants, and confirm instead of destroy those habits of mendicancy, which it is so desirable to terminate.

Local assessment will influence—and the vagrant clauses, without a law of settlement, will give power to landlords to drive from their estates all who cannot be rendered profitable tenants. The freedom of all workhouses will give power to render tenants profitable, who would otherwise be a burden for six months of the year, and the unfortunate peasant who must annually seek in England the means to pay his rent, in Munster or Connaught, will find it to be necessary, even if it were not his interest, to second the wishes of his landlord, be-

cause, if relief is to be given as a loan—if one part of the family is not to be received without the other—and, if the possession of land be a disqualification—the family of the harvest labourer must seek subsistence in a distant district, where its circumstances must be unknown, and his existence cannot be discovered.

As regards emigration, it is difficult to perceive how the clause, which provides for it can be acted on as the bill now stands.

Local assessment, without a law of settlement, can scarcely be expected for this purpose.

If the inhabitants of any district were to tax themselves to assist emigration, and that there were to be no law of settlement, it is obvious, that all persons in the surrounding districts, who might be desirous to emigrate, would move into that district with the hope of participating in the bounty.

Is it likely then, that the inhabitants of any one district will solicit permission to tax themselves in order to assist the emigration of paupers from all other districts ?

Will the inhabitants of Dublin tax themselves for the cost of removing the tenantry of landlords in the southern or western counties, who may desire to clear their estates ?

And yet, if they will not do so—if they will only assist the emigration of the poor belonging to their own district, must they not for this purpose have

some law of settlement—some rule by which to decide who are the poor of the district?

A landlord who now desires to clear his estate, sometimes assists his tenants to emigrate, but we have never heard of a subscription amongst his neighbours to enable him to do so, and yet the bill contemplates such a subscription, when it supposes that the Guardians of any district will apply for liberty to assess themselves for the purpose of assisting general emigration.

But, even if the Guardians did propose to tax themselves, to assist emigration, what benefit could they expect from it? They must perceive that their annual poor's rate would not be diminished by the largest emigration rate they could levy.

The deportation of all the paupers within the district would only render the workhouse capable of receiving paupers from all other districts—clear the workhouse—clear the district, as frequently as you will, and the succeeding hours may see them again filled with paupers whom the inhabitants may be called on to support.

We must therefore have a law of settlement, or we can have very little, if any, assistance to emigration from funds raised by local assessment.

But the omission of a law of settlement will operate in another way to prevent this bill from being advantageously acted on.

One of the difficulties always contemplated even

by the warmest advocates for an Irish poor's law was, that competent persons could not be found in every district to act as guardians, and that in many places the administration of the law should be confided to individuals not qualified for the duties they would be called on to perform.

Does the proposed bill diminish or increase this difficulty ?

Self interest, one of the strongest incentives to action, with the majority of mankind, cannot operate under this bill, at least to the extent to which it operates under the law of England.

In England the landowners take, or have a strong inducement to take, an active part in the administration of relief, because the burden of taxation may be greatly increased or diminished by the manner in which that relief is administered. Under the English poor's law, there is no limit to taxation. Every pauper belonging to the parish must be relieved and the landowners have, therefore, a strong incentive to every exertion which may diminish the number of paupers within that parish, or the cost of maintaining them.

But in Ireland, if the number of workhouses be not far greater than has yet been proposed, the landowners will not be thus influenced to act as Guardians to the poor, or to take a deep interest in the selection of persons for that office. Their only care need be to elect Guardians, who will

be cautious always to keep the workhouse in a state "capable of receiving destitute poor," and thus enable them to drive all paupers out of the district, because the utmost amount of poor's rate which can be levied, could not be of much importance to the owner of an estate, even if the entire were to be paid by him.

Lord John Russell states, that it is proposed to divide the country into districts of twenty miles square, and in each district to erect a workhouse capable of containing 800 paupers. Now, if the average cost of maintaining each pauper be £4, the district tax cannot exceed £3,200 per annum, *because no tax can be levied except for the relief the poor *within* the workhouse, and as each district of twenty miles square, will contain 256,000 acres—the heaviest poor's rate will not exceed three pence per acre—or, supposing the number of workhouses to be increased to 100, the highest number mentioned by Mr. Nicholls, in his report,—the largest sum that could be levied for the support of the poor of Ireland would be £312,000 annually, or less than four pence per acre, supposing that land only were rated.

In the amount of poor's rate, which could be levied, there will, therefore, be no considerable inducement to the rate payers to attend to the expen-

* Any rate for Emigration is not included, as that must be seldom, if ever, levied in the greater number of districts.

diture of the rate, or the Guardianship of the workhouse. The object of importance, as we before observed, will merely be to elect Guardians who will never permit the workhouse to be full, always keeping it in that state that the magistrates may be required and compelled to drive the poor into other districts.

However, it must not be concealed that the Commissioners are to have unlimited power to increase the number of the workhouses—to diminish the extent of districts, to divide and re-divide these districts, at any time and in any manner they may deem expedient, and thus to increase the amount of tax to which any district may be rendered liable, and consequently that to which the country may be subjected. But, the observation on the difficulty of inducing competent persons to act as Guardians, is chiefly intended to apply to the bill in the manner in which it is at present proposed to act on it; although, in any case, if Guardians can be selected who will merely prevent the workhouse from being full, landowners may be careless in all other matters—they can banish into other districts those who they do not choose to *relieve*.

We presume to think, that these are strong reasons why the bill cannot be beneficially enforced without a law of settlement. We shall now endeavour to meet the objections which are urged against the enactment of that law.

In the first place—it is said "that the arguments by which a settlement is defended would not be satisfied by a union settlement—that in order to give its full effect to individual interest, each property, each estate, must be rated separately and separately support its own poor."*

It is true, that if every estate were rated for the support of its own poor, the owner of that estate would have a more direct interest in suppressing pauperism amongst his tenants. But because we know that it is impossible to make such a law, are we to consider that a law which would give to eight or ten estates a common interest would be useless?

If there be a law of settlement, it cannot be denied that where a bad landlord resides, the other landowners included in the district, must be taxed to support the paupers he creates—but it is also undeniable that he must himself contribute more largely to their support, than if there were no law of settlement, and that his neighbours, who feel that they are sufferers by his misconduct, will have a more direct interest in exerting any influence they possess, to reform his management.

In a union, composed of eight or ten estates, the improvement of any one estate would benefit the owner of that estate, and the district around it by reducing the number of paupers and conse-

* Second Report, p. 23.

quently diminishing the rate to be levied for their support.

In a Union of the proposed size, self-interest would therefore operate sufficiently to secure the combined action of all within that district, in promoting its prosperity and diminishing its pauperism. But without a law of settlement, the most powerful incentive to improvement will not be felt. The most judicious management of every estate within a district, may not, in the slightest degree, diminish the poor's rate within that district. Every tenant on these estates may be employed, every labourer attached to them may be amply provided for, and yet the workhouse may be filled from distant districts, the landlords taxed to the utmost limit, and their doors daily besieged by crowds of importunate strangers.

A law of settlement, therefore, may not be so effective in a large district, as in a small one; but this admission, assuredly, cannot be deemed a strong argument for not having a law of settlement in any district.

But it is alleged, that if there be a law of settlement, there must be "a right to relief," and that it would be very hard, as well as impolitic, to confine a man to one district, and absolutely to deny him the possibility of relief elsewhere, and yet not positively promise him relief in the district to which he belongs and to which he is restricted.

We do not intend to impugn the assertion, that it will be hard as well as impolitic, to deny the "right to relief" to those who are utterly destitute; but if granting a right to relief be deemed an insurmountable obstacle to a law of settlement, we do not hesitate to deny the allegation, that a law of settlement would necessarily confer that right.

Judging from other clauses of the proposed Bill, and the explanations given of them, we do not even think that such fears were entertained by those who framed the Bill.

Firstly—It is proposed, that no relief shall be given, except in the workhouse; but we are at the same time assured that no pauper is to have a right to relief when he applies at the workhouse.

Secondly—It is proposed, that any person begging within a district where there is a workhouse "capable of receiving" him, shall be punished, no matter whether he were refused admittance or not. And yet, although he be refused relief in this district, and even punished for seeking it there, he is neither to be told where he can be relieved, nor have a right to relief wherever he may be driven.

Is it not possible, that a destitute person may thus be confined in one district, and yet are we not assured that he is to have no right to relief in that district? Is it not certain, that we confine relief to the walls of the workhouse, and yet deny the right of relief within the workhouse?

If then, we say, that paupers can only receive relief where they were born or last resided, why does it necessarily follow, that we give them a right to obtain it there?

Can we point out a particular part of the district, and not point out a particular part of the kingdom, in which alone the pauper can be relieved? Can we say, "you must not beg here," and not say, "you must apply for relief elsewhere?" We cannot perceive how the argument can be admitted in the one case and rejected in the other. If we do not give the Destitute a right to relief, by refusing to relieve them except within the workhouse, we do not give them a right to relief by refusing to relieve them, except within their own district. Nor do we perceive that there would be greater hardship or impolicy, in "not positively promising relief when a pauper applies at the place we have pointed out," than in—punishing him for seeking relief where we choose to refuse it, and without any intimation where he may obtain it.

We urge these arguments, because they are furnished by the Bill itself, but we scarcely consider that any argument is necessary where we have evidence of the fact, that a law of settlement elsewhere exists, without a right to relief.

The domicile of all paupers, in Belgium, France, Holland, Venice, &c. is fixed; but they have no legal claim to relief within the district to which they

are confined, and until it can be proved that there is something essentially different between the poor of these countries and of that for which we are about to legislate, we may affirm that a law of settlement would not confer a right to relief in Ireland.

It is further alleged that a law of settlement would circumscribe the market of industry, that it would compel individuals to sell their labour in a particular district, for whatever they could there obtain for it, instead of disposing of it to the best advantage, wherever a demand for it exists.

This objection is frequently urged, and appears to have much weight, as some of the Irish Poor Law Commissioners "confess, that they cannot contemplate any modification of the law of settlement, which could possibly lead to the curtailment of the privilege of free migration hitherto enjoyed by the Irish poor—a privilege which the evidence of a former Report proves to have afforded not only a means of support to the industrious labourer, but the only hope of existence to a class too numerous and too virtuous not to be objects of the deepest interest to every benevolent mind."*

But to what extent is this objection applicable to Irish labourers?

It must not be forgotten that a law of settlement is now in force in England, and that it is to continue

* Poor Law Inquiry, (Ireland,) Appendix H. part i. p. 9.

to be enforced there, and, consequently, that Irish labourers are thereby "settled" in Ireland.

England and Ireland are still to be considered as distinct "parishes." The instant an Irishman becomes "chargeable" in England, he is to be removed to Ireland as his place of settlement; there is to be no alteration in this respect, there is to be no union of these districts, and, therefore, the enactment of a law of settlement in Ireland could only circumscribe the market of industry, in Ireland. In England, the great field for Irish labour, it could have no effect.

But even in Ireland, what are the grounds to fear that individuals would be virtually compelled to sell their labour in a particular district, instead of disposing of it to the best advantage wherever a demand for it exists?

We know that Irish labourers periodically visit the inland counties of England, when the harvest creates a demand for their labour, although a law of settlement is rigidly enforced throughout Great Britain. And if a law of settlement does not prevent our Connaught or Kerry labourers from seeking employment in Norfolk or Suffolk, why should it prevent them from seeking employment in Carlow or Kildare, if it were enforced in these counties?

Are there not thousands of Irish labourers permanently employed in London, Manchester, and

Liverpool, where they are subject to all the supposed evils of the law, and why should a similar law prevent them from being permanently employed in Dublin, Cork, or Belfast?

We confess, that whilst we see our labourers unhesitatingly wandering through every part of Great Britain in search of employment, we do not perceive much cause to fear that a law of settlement would limit their locomotion in Ireland.

In England indeed the effect may be different, English labourers may be deterred from changing their residence or settlement by the fear of removing from a *good* parish to a *bad* one, that is, from a parish in which public relief is profusely distributed to one in which it is scantily supplied. But this impediment to the "free circulation of labour," could not be felt in Ireland under the proposed bill, because no relief could be given there except in a workhouse, and all workhouses are to be alike in regulations, dietary, and management. We would further presume to suggest, that, if the operation of the bill be confined to the relief of aged, infirm, and destitute persons, the actions of able-bodied labourers would not, under any circumstances, be greatly influenced by it.

The objection to a law of settlement which appears however to have most weight is, "That it would inevitably lead to litigation and consequent ex-

pense," and the example of England is always referred to as a warning.

Now we are inclined to consider the example of England, not as a warning of evils inseparable from settlement, but as a warning of evils arising from a particular modification of the law.

The enormous expenditure on poor law litigation in Great Britain, was not the result of the original and simple law of settlement; *a residence of three years within the parish*, but is attributable almost solely to the alteration of that law, by the 13th and 14th Charles II., cap. 12, and subsequent enactments, by which the multiplicity of titles to settlement by estate, hiring, servitude, apprenticeship, &c., were introduced, and the corresponding multiplicity of doubts and subtleties upon which lawyers and justices have differed and decided, were created.

Some proof of this may be found in the fact, that in Scotland where the original law continues in force,—the pauper being settled where he has resided for three years, the expense of poor law litigation did not amount to two thousand pounds in ten years, whilst in England, it exceeded two millions in the same period.

But a further proof may be adduced by reference to the state of other countries.

We will not refer to America, because there the law of settlement is, in some of the States, similar

to that of England, and in others, settlement is obtained by residence. But we will refer to European States, where, almost universally, we find that the simple fact of residence is sufficient.

In Norway the settlement of the pauper is the place where he had last resided for five years, or if no such residence, his birth-place is his settlement.

In Holland the required residence is four years. *In Denmark three—in parts of Germany, two

* Mr. Nicholls, in his first report on Poor Laws in Ireland, 8vo. p. 4, says—"It may be noticed here, however, that three years is precisely the period of residence on which the acquisition of a right of settlement was founded in Denmark, but this was afterwards discovered to be productive of so much inconvenience and to lead to so many forced ejectments, with a view of preventing the completion of the requisite term, that the period has now been extended to fourteen instead of three years."

"The example which Denmark thus affords, of the tendency to abuse whenever such artificial distinctions and divisions are forced upon a community, is of considerable value, and when added to the dearly bought experience in England of the effects of a settlement law may well call for consideration as to whether any such law is actually necessary in Ireland, or whether settlement may not be there altogether dispensed with."

From the importance which Mr. Nicholls thus gives to the state of law in Denmark, it may be well to remark, that he has either not read the Foreign Communications received by the Commissioners, or that his statement is derived from some source not open to them, and to which he has given no reference. In Appendix F, part 2, of Foreign Communications to the Poor Law Commission, p. 304, we find the following statement:—

"The principle that a residence of three years gives a right, in case of necessity, to parish relief, might seem calculated to give rise to cabals, where for example a parish dreaded the pos-

years, and in Belgium and France a residence of one year fixes the settlement.

And yet we do not find in these countries the evils which exist in England. The law of settlement is simple and clearly defined, but independently of this, litigation is guarded against by regulations which might be beneficially adopted in Ireland.

In Norway, any dispute respecting the adminis-

sibility of a particular individual becoming needy—it might wish to shove the eventual burden on other parishes, either for instance, by ejecting such persons from the parish before the three years were out, or by enticing him before that period was elapsed to declare himself an object of charity, even though he might still be able to find support for himself. *But, hitherto, in Denmark there have not been many symptoms of such cabals.* The first of them especially could scarcely be put in practice in Denmark, for besides that it is forbidden to eject any one because he may, perhaps, in time become poor, and that a combination amongst the inhabitants of a parish, for the purpose of preventing such a one from having a house or home there, would be considered as unlawful and void; it is enacted, that the Poor Commission shall provide house room for persons willing to pay for it but not able to procure it—for which purpose, if other means fail, they are entitled to billet them on the parishioners in rotation. But the circumstance that the existence of such a regulation gives the power of defeating such cabals, prevents in a great measure the necessity of ever having recourse to it."

"*In Denmark we see no symptom of any wish to alter the principle which fixes three years as the period of residence required to confer a right to parish support.*"

"An alteration in this respect has, however, taken place in the Duchies of Sleswich and Holstein, so nearly connected with Denmark, where, since the year 1809, the time for acquir-

tration of the poor's law, is decided by the competent government department.

In Ireland, lawsuits on this subject might be avoided by a reference to the Commissioners, or to their assistants, whose decisions should be final.

The cost of "removal" is in many places prevented by a process, equally easy to follow.

When any person becomes destitute in a district, where he has not a settlement—notice of it is immediately given to the district to which he belongs, and any necessary support afforded to him is charged to, and paid for by his parish or district. No pauper is removed from the place in which he becomes destitute, except by the desire of the authorities of the district, where he claims a settlement, and he can never lose one settlement until he has gained another. If it be supposed, that his destitution will be temporary, or that the cost of maintenance will

ing a right for residence was also three years. That period, for example, was, in the close of 1829, changed to fifteen years, and the reason for this alteration was, that the above-mentioned cabals had there become prevalent to a great extent, *partly in consequence of local peculiarities, and partly in consequence of maxims which had taken firm root during the previously existing legislation.* And although, as already mentioned, no cause was seen for making a general alteration in Denmark, it was, however, enacted, as a measure of reciprocity, *and forming an exception to the general rule,* that individuals born in the said Duchies, or who had acquired a home right there, could not afterwards acquire a parish support right in Denmark, without having there resided continuously for fifteen years."

be less in one district than in another, he will be supported in that district, and here again any differences arising from the administration of the law, are immediately, and without expense, decided by the competent government officers.

But it is said, that if this system were adopted in Ireland, *"accounts lengthy and intricate would have to be often kept between the several unions; nor is it likely that the union authorities would exercise the same vigilance in administering relief to the unsettled casual applicant, the amount of which relief was to be paid to them by some other union, which they would exercise when acting for their own union."

In the first place, any intricacy of accounts might be prevented by fixing a rate for the daily subsistence of a pauper; the only account then necessary would be of the number of days during which the pauper was supported, as that would decide the amount to be paid—and

Secondly—if the discipline of a workhouse may be safely relied on, as a test of destitution, why should we fear any want of vigilance on the part of guardians, who can afford no relief except within the workhouse?

This is sufficient to show that the evils expe-

* First Report, p. 26.

rienced in England do not necessarily follow the enactment of a law of settlement; that the simple principle of settlement by residence which prevails throughout the Continent, which sufficed in England for 150 years, and has continued to suffice in Scotland for 250, is not productive of litigation, and that it may be so guarded by regulations under a central authority, under a Poor Law Commission, as to render the expenditure for litigation or removal nearly nominal.

We have now only to add a few words on the impolicy of omitting a law of settlement in Ireland, whilst it continues to be enforced in England.

We conceive that it is highly desirable that the laws of England and of Ireland should be assimilated as far as practicable, and that we should endeavour to avoid having dissimilar laws in operation in two countries united as these are.

But we think that this Bill, which provides that the same Commissioners shall administer the laws relating to the poor in England and in Ireland, renders it peculiarly desirable that there should be the least possible difference between the poor's law of the two kingdoms.

The Commissioner, who, for a stated period, had presided over the administration of one law in London, should not then be removed to Dublin for the purpose of superintending the execution of a very different law. If we are to have the

same executive, we should have, as nearly as possible, the same law. But independently of this motive for assimilation, there would be an appearance of injustice in omitting to enact a law of settlement for Ireland, whilst such a law exists in England.

Under the present law, if an Irishman becomes destitute in any part of England, and that he has not, by servitude or otherwise, obtained a parochial settlement there, he is immediately passed over to Ireland, where his settlement is supposed to be.

If an Irishman marry an Englishwoman, and that she becomes destitute, she and her children are also passed over to Ireland; because by her marriage she loses her own settlement, and can only claim relief from her husband's parish.

A large portion of the evils attributed to a law of settlement must therefore be felt in Ireland, whether that law be enforced there or not.

So long as there is a law of settlement in England, so long will the people of Ireland be liable to be called on to support, in age and infirmity, those Irish labourers, who, without acquiring a settlement, have spent their youth and vigor in the factories of Great Britain. We will thus suffer much of the evils of settlement and manufactures, without the commensurate benefit of either.

Our labourers, it is true, will be employed in Manchester, &c. during manufacturing prosperity;

but in periods of commercial distress, they will be sent home to us for support. Whilst they can earn wages, those wages will be expended for the benefit of the landlords and shopkeepers of England; but when they can no longer earn any thing, the landlords and shopkeepers of Ireland must support them.

The existence of a law of settlement in England will thus enable every English parish to remove the Irish poor and their connections; whilst under the proposed bill, if there be no law of settlement for Ireland, the English and Scotch poor cannot be removed from any parish in Ireland.

The Guardians of the poor are neither to have the authority nor the means to relieve any district from this burden.

They cannot expend any portion of the rates except for the maintenance of the poor within the workhouse, and cannot, therefore, send English or Scotch paupers to their own homes; nor can these paupers be prevented from begging in any district, if the workhouse of that district be incapable of receiving them.

Nor is it only in this respect, that the contemplated difference between the law of the two countries will operate unfavorably to Ireland. The omission of a law of settlement will give to the English and Scotch poor in Ireland, precisely the same claim to support which the native poor are to

possess. As destitute persons, they are to be as much entitled to relief in any Irish workhouse, as the poor of the surrounding district; and Ireland will thus be compelled to support such destitute poor of the United Kingdom, as may choose to apply for relief; whilst England, acting under a law of settlement, will support no poor except her own.

On the grounds, therefore, that without a law of settlement, the proposed bill cannot effect the objects for which it was apparently framed; that without a law of settlement, there are clauses which it will be difficult, if not impossible, to enforce; and that without a law of settlement, the bill is not likely to prevent vagrancy or to promote emigration—on these grounds, we advocate the enactment of that law, and we are the more inclined to do so, because we conceive that the objections hitherto urged against a law of settlement are not well founded; and that whilst a law of settlement exists in England, it would be impolitic, if not unjust, to omit the enactment of a law of settlement in Ireland, particularly when it is proposed to support the poor by local assessment.

THE END.

Dublin: Printed by John S. Folds, 5, Bachelor's-Walk.