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THE

STATUTES IN FORCE

RELATING TO THE

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COLLATED WITH EACH OTHER;

TOGETHER WITH

References to the Decisions of the Courts upon each Statute, and an Extensive Index.

BROUGHT DOWN TO THE END OF THE SESSION OF PARLIAMENT, 19 & 20 VICT.

BY

WM. CUNNINGHAM GLEN,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW, AND OF THE POOR LAW BOARD.

London:

SHAW AND SONS, FETTER LANE,

LAW PRINTERS AND PUBLISHERS.

1857.

TO

WILLIAM-REGINALD,

LORD COURTENAY,

SECRETARY TO THE POOR LAW BOARD,

&c. &c. &c.

THIS

Collection of Poor Law Statutes

IS (WITH HIS PERMISSION)

DEDICATED,

WITH THE HIGHEST ESTIMATION OF HIS

ADMINISTRATIVE TALENT, AND APPRECIATION OF HIS OFFICIAL

URBANITY AND CONSIDERATION,

BY HIS FAITHFUL SERVANT,

WM. CUNNINGHAM GLEN.

January, 1857.

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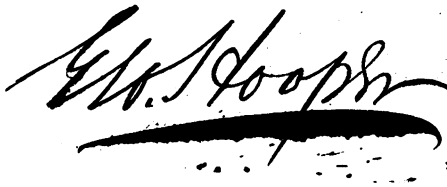

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HIS

POWERS AND DUTIES

IN THE

RIGHT EXECUTION OF HIS OFFICE.

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WM. CUNNINGHAM GLEN,
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GWYDYR HOUSE,
Whitehall,
January, 1857.

A

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GUARDIANS OF THE POOR.

Their number and qualification.] When parishes or townshis are formed into a union by order or with the concurrence of the poor law commissioners, for the administration of the laws for the relief of the poor, a board of guardians of the poor for such union is constituted and chosen, and the workhouse or workhouses of the union is governed, and relief to the poor of the several parishes is administered, by such board,—one or more guardians are to be elected for each parish, township, or place separately maintaining its own poor in the union, the number being determined by the commissioners; the qualification for the office of guardian consists in being rated to the poor rate of some parish or township of the union, to such an amount not exceeding the annual value or rental of 40*l.*, as may have been fixed by the commissioners, on the formation of the union. The qualification does not depend upon the amount of the assessment, but upon the annual value or rental of the property assessed. It continues so long as the person is rated, that is, until an effective poor-rate shall be made from which his name is omitted; and without such qualification no person shall be eligible as a guardian. 4 & 5 W. 4, c. 76, s. 38. The commissioners, having due regard to the relative population or circumstances of any parish included in any union, may alter the number of guardians to be elected for such parish. 7 & 8 Vict. c. 101, s. 18. But no assistant overseer of any parish, no paid officer engaged in the administration of the laws for the relief of the poor, and no person, who having been such paid officer, shall have been dismissed from his office within five years previously, shall be capable of serving as a guardian; and no person receiving any fixed salary or emolument from the poor-rates in any parish or union, shall be capable of serving as a guardian in any such parish or union. 5 & 6 Vict. c. 57, s. 14.

How elected.] The guardians in each parish, &c. of the union, are elected by the rate-payers (4 & 5 W. 4, c. 76, s. 38), who shall have been rated to the poor-rate the whole of the year preceding, and shall have paid their poor-rates (7 & 8 Vict. c. 101, s. 16) for one whole year, and all due up to the time of voting, except those due within the six months immediately

preceding (4 & 5 W. 4, c. 76, s. 40);—and by the owners of property in the parish (*Id.* s. 38), who shall, previously to the day of voting, give a statement in writing of their names and addresses, and the description of their property, to the overseers before the 1st February preceding (*Id.* s. 40; 7 & 8 Vict. c. 101, s. 15);—also corporations, and joint-stock and other companies may vote, by one of their officers appointed by them for the purpose, notice thereof being previously given to the overseers, in the same manner as by owners of property. 4 & 5 W. 4, c. 76, s. 40. And they may re-elect those who have been guardians for the preceding year; or they may elect as guardian any person who may already have been chosen as guardian for any other parish; *Id.* s. 38 (in such case, however, the guardian so elected for two parishes will not be entitled to give a double vote on any question before the board). Each owner and each rate-payer under 50*l.* shall have one vote; 50*l.* and under 100*l.* two votes; 100*l.* and less than 150*l.* three votes; 150*l.* and less than 200*l.* four votes; 200*l.* and less than 250*l.* five votes; and if it amount to or exceed 250*l.* six votes (7 & 8 Vict. c. 101, s. 14); and when the owner is also occupier, he may vote as well in respect of his occupation, as of his being such owner; owners also may vote by proxy. 4 & 5 W. 4, c. 76, s. 40; and see 7 & 8 Vict. c. 101, s. 15. Occupiers of small tenements, in respect of which the owners are rated to the poor-rate instead of the occupiers, are not entitled to vote in respect of their occupation; the owners of those tenements, however, when rated, will be entitled to exercise all the privileges of rate-payers, and to vote at the election of guardians as rate-payers as well as owners; but to entitle them to vote in the latter capacity they must have given in to the overseers the statement before mentioned. 13 & 14 Vict. c. 99; 14 & 15 Vict. c. 39. The votes are to be given in writing, and collected and returned in such manner as the commissioners shall direct. 4 & 5 W. 4, c. 76, s. 40. Any person put in nomination, however, may tender to the officer conducting the election his refusal in writing to serve the office; after which, the election, as regards him, shall be no further proceeded with. 5 & 6 Vict. c. 57, s. 9.

The election shall take place on the 25th day of March, or within [forty, 7 & 8 Vict. c. 101, s. 17] days after, and the guardians elected for the several parishes, or for the several wards in any parish divided into wards (under 7 & 8 Vict. c. 101, ss. 19-21), shall continue to act as such until the 15th April inclusive in every year, notwithstanding their successors may have been elected previously to that day; and from and after the 15th April, every guardian newly elected for any such parish or ward shall act as such guardian for the ensuing year (14 & 15 Vict. c. 105, s. 2); and in the

event of a vacancy occurring by death, removal or resignation, or by refusal or disqualification to act, of any elected guardian,—or if the full number of guardians be not elected, —the remaining members of the board shall continue to act until the next election, or until the board shall be completed (4 & 5 W. 4, c. 76, s. 38; 5 & 6 Vict. c. 57, s. 12; and see *R.* v. *Todmorden and Walsden*, 1 Q. B. Rep. 185) on this point. And when no person shall be elected as guardian in a parish at the annual election, the person elected for the previous year may, if he think fit, continue to act until the next annual election (*Id.* s. 10); but he cannot do so unless there be an entire failure to elect in the parish. His right to continue to act as guardian does not depend upon his continuing to possess the legal rating qualification for the office; for the statute gives an absolute right to the persons elected for the previous year, to continue to act as guardians until the next annual election. If there be two or more guardians to be elected, and one only is returned, the old guardians go out of office, and cannot serve without a new election. If there be no election, and the old guardian refuses to act for a second year, a fresh election cannot take place without a special order of the poor law board. Before such an order can be issued the old guardian must signify his refusal to serve in the following form:—

To the guardians of the poor of the —— union, in the county of ——.

I ——, of ——, do hereby declare that I was elected for the office of guardian in the parish [or *township*] *of ——, in the county of ——, at the annual election of guardians in the month of ——, in the year* 18—, *and, having been informed that no person has been elected at the election of guardians for the present year in the said ——, I do declare that it is not my intention to act hereafter as a guardian for the same.*

Signed this —— day of ——, 18—.

Witness.

The persons elected must act; they can only refuse the office at the time of the election, as already mentioned, and before they are actually elected, *supra*; and if they allow that opportunity to pass, they must serve. The Poor Law Board, however, may accept the resignation of any person elected as guardian, tendered for any cause they may deem reasonable; and in every case of omission to elect, or of vacancy by death, resignation or disqualification, the commissioners may order a new election for the completion of the board. 5 & 6 Vict. c. 57, s. 11. The following is the form in which a guardian should tender his signature for the acceptance of the Poor Law Board.—

I, ——, of ——, being an elected guardian of the poor for the parish [or *township*] *of ——, in the —— union, in the county of ——, do hereby, for the following cause:*—[here state the cause: it must be *reasonable*, as for instance, ill health incapacitating the guardian from attending the board of guardians, being about to go abroad or leave the parish or district for a lengthened period; dissent from a course of proceeding adopted by the board of guardians, or by the poor law board, will not be deemed a reasonable cause of resignation], *tender my resignation of the said office of guardian of the said parish* [or *township*], *for the acceptance of the Poor Law Board.*

As witness my hand this —— day of ——, 18—.
Witness.

Division of parishes into wards.] In every case in which a parish in which guardians are to be elected under the provisions of the 4 & 5 W. 4, c. 76, contains more than twenty thousand persons, according to the enumeration of the population then last published by authority of parliament; the Poor Law Board, by order under their hands and seal, for the purpose of conducting the election of guardians, may divide the parish into such and so many wards as they may deem expedient, so that no such ward shall contain a number of rated houses less than four hundred, and determine the number of guardians to be elected for such ward, having due regard to the value of the rateable property therein; each ward, for the purpose of every election of guardians, so far as the Poor Law Board may direct, is to be considered as a separate parish. 7 & 8 Vict. c. 101, s. 19.

The guardians of wards are to have the same qualification as guardians of parishes; but no person is to be elected for more wards than one; if he be nominated for more, he must elect for which he will stand. *Id.* s. 20. Votes must be in respect of property in the ward; and a person having property in more than one ward, may, by notice, elect in which ward he will vote; in default of such notice he can vote only in that ward in which he resides. *Id.* s. 21.

He must reside in the ward, that is, must have his place of actual residence there, and not merely a place of business, as a counting-house, workshop, &c.

For the purpose of conducting the election, the commissioners by their general orders of the 24th July, 1847 (directed to unions), and 8th December, 1847 (directed to parishes under separate boards of guardians), ordered as follows:

Article 1. The overseers of every parish in the union shall, before the twenty-sixth day of March in every year, distinguish in the rate-book the name of every rate-payer in their parish who has been rated to the relief of the poor for the whole year

immediately preceding the said day, and has paid the poor-rates made and assessed upon him for the period of one whole year, except those which have been made or become due within the six months immediately preceding the same day.

Art. 2. The clerk shall at every future annual election of guardians perform the duties hereby imposed upon him, and all other duties suitable to his office which it may be requisite for him to perform in conducting and completing such election; and in case the office of clerk shall be vacant at the time when any duty relative to such election is imposed on the clerk by this order, or in case the clerk from illness, or other sufficient cause, shall be unable to discharge such duties, the guardians shall appoint some person to perform such of the said duties as then remain to be performed, and the person so appointed shall perform such duties.

Art. 3. The guardians shall, before or during every such election, appoint a competent number of persons to assist the clerk in conducting and completing the election in conformity with this order; but if the guardians do not make such appointment within the requisite time, the clerk shall take such measures for securing the necessary assistance as he may deem advisable.

Art. 4. The persons appointed under Article 3 shall obey all the directions relative to the conduct of the election, which may be given by the clerk for the execution of this order.

Art. 5. The overseers of every parish in the union, and every officer having the custody of the poor-rate books of any such parish, shall attend the clerk at such times as he shall require their attendance, until the completion of the election of guardians, and shall, if required by him, produce to him such rate-books, and the registers of owners and proxies, together with the statements of owners, and appointments and statements of proxies, and all books and papers relating to such rates in their possession or power.

Provided that, where any register of owners shall have been prepared in any parish containing a population exceeding two thousand persons, it shall not be necessary to produce the statements of owners.

Art. 6. The clerk shall prepare and sign a notice, which may be in the form marked (A.) in the schedule to these rules, and which shall contain the following particulars:—

1st. The number of guardians to be elected for each parish in the union.

2nd. The qualification of guardians.

3rd. The persons by whom, and the places where, the nomination papers in respect of each parish are to be received, and the last day on which they are to be sent.

4th. The mode of voting in case of a contest, and the days on which the voting papers will be delivered and collected.

5th. The time and place for the examination and casting up of the votes.

And the clerk shall cause such notice to be published on or before the fifteenth day of March, in the following manner:—

1st. A printed copy of such notice shall be affixed on the principal external gate or door of every workhouse in the union, and shall from time to time be renewed, if necessary, until the ninth day of April.

2nd. Printed copies of such notice shall likewise be affixed on such places in each of the parishes of the union as are ordinarily made use of for affixing thereon notices of parochial business.

Provided that, whenever the day appointed in this order for the performance of any act relating to or connected with the election of guardians shall be a Sunday or Good Friday, such act shall be performed on the day next following, and each subsequent proceeding shall be postponed one day.

Art. 7. Any person entitled to vote in any parish, may nominate for the office of guardian thereof, himself, or any other person or number of persons (not exceeding the number of guardians to be elected for such parish), provided that the person or persons so nominated be legally qualified to be elected to that office.

Art. 8. Every nomination shall be in writing in the form marked (B.) in the schedule to these rules annexed, and be signed by one person only, as the party nominating, and shall be sent after the fourteenth and on or before the twenty-sixth day of March, to the clerk, or to such person or persons as may have been appointed to receive the same, and the clerk, or such person or persons, shall, on the receipt thereof, mark thereon the date of its receipt, and also a number according to the order of its receipt: provided that no nomination sent before the fifteenth or after the said twenty-sixth day of March shall be valid.

Art. 9. If the number of the persons nominated for the office of guardian for any parish shall be the same as, or less than, the number of guardians to be elected for such parish, such persons, if duly qualified, shall be deemed to be the elected guardians for such parish for the ensuing year, and shall be certified as such by the clerk under his hand as hereinafter provided in Art. 22.

Art. 10. But if the number of the duly qualified persons nominated for the office of guardian for any parish shall exceed the number of guardians to be elected therein, the clerk shall cause voting papers, in the form marked (C.) in the schedules to these rules annexed, to be prepared and filled up, and shall insert therein the names of all the persons nominated, in the order in which the nomination papers were received; but it shall not be necessary to insert more than once the name of any person nominated.

Art. 11. The clerk shall on the fifth day of April cause one of such voting papers to be delivered by the persons appointed for that purpose, to the address in such parishes of each rate-payer, owner, and proxy qualified to vote therein.

Art. 12. If the clerk consider that any person nominated is not duly qualified to be a guardian, he shall state in the voting paper the fact that such person has been nominated, but that he considers such person not to be duly qualified.

Art. 13. If any person put in nomination for the office of guardian in any parish shall tender to the officer conducting the election his refusal in writing to serve such office, and if in consequence of such refusal the number of persons nominated for the office of guardian for such parish shall be the same as, or less than, the number of guardians to be elected for such parish, all or so many of the remaining candidates as shall be duly qualified shall be deemed to be the elected guardians for such parish for the ensuing year, and shall be certified as such by the clerk under his hand, as hereinafter provided in Art. 22.

Art. 14. Each voter shall write his initials in the voting paper delivered to him against the name or names of the person or persons (not exceeding the number of guardians to be elected in the parish) for whom he intends to vote, and shall sign such voting paper; and when any person votes as a proxy, he shall in like manner write his own initials and sign his own name, and state also, in writing, the name of the person for whom he is proxy.

Art. 15. Provided, that if any voter cannot write he shall affix his mark at the foot of the voting paper in the presence of a witness, who shall attest the affixing thereof, and shall write the name of the voter against such mark, as well as the initials of such voter against the name of every candidate for whom the voter intends to vote.

Art. 16. If the initials of the voter be written against the names of more persons than are to be elected guardians for the parish, or if the voter do not sign or affix his mark to the voting paper, or if his mark be not duly attested, or his name be not duly written by the witness, or if a proxy do not sign his own name, and state in writing the name of the person for whom he is proxy, such voter shall be omitted in the calculation of votes.

Art. 17. The clerk shall cause the voting papers to be collected on the 7th day of April, by the persons appointed or employed for that purpose, in such manner as he shall direct.

Art. 18. No voting paper shall be received or admitted, unless the same have been delivered at the address in each parish of the voter, and collected by the persons appointed or employed for that purpose, except as is provided in Art. 19.

Art. 19. Provided that every person qualified to vote, who shall not on the fifth day of April have received a voting paper, shall, on application before the eighth day of April to the clerk at his office, be entitled to receive a voting paper and to fill up the same in the presence of the clerk, and then and there to deliver the same to him.

Art. 20. Provided also, that in case any voting paper duly delivered shall not have been collected through the default of the clerk, or the persons appointed or employed for that purpose, the voter in person may deliver the same to the clerk before twelve o'clock at noon on the eighth day of April.

Art. 21. The clerk shall on the 9th day of April, and on as many days immediately succeeding as may be necessary, attend at the board room of the guardians of the union, and ascertain the validity of the votes, by an examination of the rate-books, and the registers of owners and proxies, and such other documents as he may think necessary, and by examining such persons as he may see fit; and he shall cast up such of the votes as he shall find to be valid, and to have been duly given, collected, or received, and ascertain the number of such votes for each candidate.

Art. 22. The candidates, to the number of guardians to be elected for the parish, who, being duly qualified, shall have obtained the greatest number of votes, shall be deemed to be the elected guardians for the parish, and shall be certified as such by the clerk under his hand.

Art. 23. The clerk, when he shall have ascertained that any candidate is duly elected as guardian, shall notify the fact of his having been so elected, by delivering or sending, or causing to be delivered or sent to him a notice in the form (D.) in the schedule to these rules.

Art. 24. The clerk shall make a list containing the names of the candidates, together with (in case of a contest) the number of votes given for each, and the names of the elected guardians, in the form marked (E.) in the schedule to these rules, and shall sign and certify the same, and shall deliver such list, together with all the nomination and voting papers which he shall have received, to the guardians of the union, at their next meeting, who shall preserve the same for a period of not less than two years.

Art. 25. The clerk shall cause copies of such list to be printed, and shall deliver or send, or cause to be delivered or sent, one or more of such copies to the overseers of each parish.

Art. 26. The overseers shall affix, or cause to be affixed, copies of such list, at the usual places for affixing in each parish notices of parochial business.

Art. 27. In case of the decease, necessary absence, refusal, or disqualification to act, during the proceedings of the elec-

tion, of the clerk or any other person appointed or employed to act in respect of such election, the delivery of the nominations, voting papers, or other documents to the successor of the clerk or person so dying, absenting himself, refusing or disqualified to act, shall, notwithstanding the terms of any notice issued, be as valid and effectual as if they had been delivered to such clerk or person.

With regard to the payment of the expenses attending the election of guardians, it is provided by the Poor Law Commissioners' orders of 24th July, 1847, and 8th December, 1847 (election expenses orders), that the expenses of every election of guardians of the poor of the several parishes shall be defrayed by the guardians in manner following:—

Art. 1. The cost of providing the several forms marked (A.), (D.), and (E.), contained in the said order, being the notice of election, the notice to the guardians elected, and the certificate of the election, shall be defrayed (in unions) out of the common fund of the union.

Art. 2. The cost of providing the form marked (C.) contained in the said order, being the voting paper, shall be defrayed out of the funds in the possession of the said guardians belonging to the respective parishes to which the voting papers shall relate.

Art. 3. The compensation which shall be paid to the clerk or to the person appointed under the authority of the said recited order to act as such in the performance of the duties thereby prescribed, shall include the remuneration of the persons who may have been appointed or employed to assist him in conducting and completing the election, and shall, in respect of the several unions named in the following schedule marked (A.), be such sum, not exceeding 10*l.*, as the guardians shall determine, and shall, in respect of the several unions named in the following schedule marked (B.), be such sum, not exceeding 15*l.*, as the guardians shall determine, and such sums respectively shall be defrayed out of the common fund of the unions.

Art. 4. And in the case of every contested election one farthing per head on the population of the parish in which the contest shall have taken place, if the population shall be more than five hundred, and one halfpenny per head on the population of the parish in which the contest shall have taken place, if the population be not more than five hundred, shall be paid to the said clerk or other person as aforesaid in addition to such compensation, and shall be defrayed out of the funds in the possession of the said guardians belonging to such parish. And for the purpose of ascertaining the last-mentioned sums, the population of the parish shall be taken to be as stated in the census which at the time of such election shall

have been last made under the authority of any Act of parliament.

If any question arise as to the right of any person to act as guardian, the Poor Law Board may, if they think fit, inquire into the circumstances of the case, and issue such order therein under their hands and seal, as they may deem requisite for determining the question; and no such order shall be removed by *certiorari*, unless the application for the writ be made during the term next after the issuing of the order. 5 & 6 Vict. c. 57, s. 8. And no defect in the qualification or election of any person acting as a guardian at a board of guardians, shall vitiate the proceedings of the board, if the majority of the members then assembled there shall be entitled to act as guardians. *Id.* s. 13. Also, by stat. 10 & 11 Vict. c. 109, s. 25, in any civil or criminal proceeding it shall not be necessary to prove the sending of the original order of the Poor Law Commissioners, or of the commissioners constituting any board of guardians, in any case in which any person professing to form a board in obedience to such order shall have taken upon themselves to act, and shall have continued for three years to act, in the execution of the laws for the relief of the poor; and in no proceeding shall it be lawful to question the qualification or validity of the election of any person as a guardian after the end of twelve months next following the election, or the time when the alleged disqualification or want of qualification of the person, against whom such proceeding shall be directed, shall have arisen. With regard to Art. 24, *ante*, it should be stated that when the voting papers have been delivered by the clerk to the guardians, no one, whether he be a guardian of the union or not, will be entitled to inspect the nomination and voting papers, without first obtaining the permission of the guardians acting as a board.

Mal-practices at election of Guardians.] If any person, pending or after the election of any guardian or guardians, shall wilfully, fraudulently, and with intent to affect the result of such election, commit any of the acts following—that is to say, fabricate, in whole or in part, alter, deface, destroy, abstract or purloin any nomination or voting paper used therein, or permit any person entitled to vote at such election, or falsely assume to act in the name or on the behalf of any person so entitled to vote, or interrupt the distribution or collection of the voting papers, or distribute or collect the same under a false pretence of being lawfully authorized to do so; every such person so offending shall, for every such offence, be liable, upon conviction thereof before any two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour. 14 & 15 Vict. c. 105, s. 3.

Justices of the peace, guardians ex officio.] Every justice of the peace, residing in any parish [or in any extra-parochial place, the boundary line of which, or the greater part of the boundary line of which, is included within or coincident with the boundary line of such union, 7 & 8 Vict. c. 101, s. 24], and acting for the county, riding or division in which the same may be situated, shall be an *ex officio* guardian of the united or common workhouse, and shall, until such board of guardians shall be duly elected and constituted as aforesaid, and also in case of any irregularity or delay in any subsequent election of guardians, receive and carry into effect the rules, orders and regulations of the said commissioners; and after such board shall be elected and constituted as aforesaid, every such justice shall *ex officio* be, and be entitled (if he think fit) to act as, a member of such board, in addition to and in like manner as such elected guardians. 4 & 5 W. 4, c. 76, s. 38. And he shall not be disabled from acting as justice, either singly, or at any petty, special or general quarter sessions, in any matter, merely on the ground that he is *ex officio* a member of any board of guardians complaining, interested or concerned in such matter, or has acted as such at any meeting of the board. 5 & 6 Vict. c. 57, s. 15. He must, however, be qualified to *act* as a justice of the peace: hence a high-sheriff is not *ex officio* a guardian of the poor, as he is disqualified from acting as a justice of the peace during his sheriffalty. Magistrates of a corporate town are not entitled to be considered nor to act as *ex officio* guardians of the poor, as they are not qualified to act for the county, &c.

Guardians incorporated,—how to sue and be sued.] The guardians are a corporation, and are called "*The Guardians of the poor of the* —— *union* (or, *of the parish of* ——) *in the county of* ——;" and as such, they may accept, take and hold, for the benefit of such union or parish, any buildings, lands, or hereditaments, goods, effects, or other property, and may use a common seal; and by that name they may bring actions, prefer indictments, and sue and be sued, and take or resist all other proceedings for or in relation to any property, or any bonds, contracts, securities, or instruments, given or to be given to them in virtue of their office; and in every such action and indictment, relating to any property, it shall be sufficient to lay or state the property to be that of the guardians of the —— union, or of the parish of ——. 5 & 6 W. 4, c. 69, s. 7; 5 & 6 Vict. c. 57, s. 16. And in all cases in which they may make any application or complaint, or take any proceedings before justices at petty, special, general or quarter sessions, they may empower any of their officers to do so, by order in writing under the

hand of the presiding chairman, and sealed with the common seal of the board. 5 & 6 Vict. c. 57, s. 17.

Their meetings.] By the consolidated orders of the Poor Law Commissioners it is ordered as follows :—

Art. 28. The guardians shall, upon the day of the week, and at the time of day, and at the place already appointed for holding the ordinary meetings, hold an ordinary meeting once at the least in every week or fortnight for the execution of their duties; and may, when they think fit, change the period, time, and place of such ordinary meeting, with the consent of the commissioners previously obtained.

Art. 29. The guardians shall, at the first meeting after the fifteenth day of April, elect out of the whole number of guardians a chairman and a vice-chairman, who, provided they be guardians at the time, shall continue respectively to act as such chairman and vice-chairman for the year next ensuing.

Art. 30. The guardians at any time may elect two vice-chairmen, and if such vice-chairmen be appointed at the same time, the guardians shall determine their precedence; according to which precedence one of the said vice-chairmen shall thenceforth preside and act as in the case when only one vice-chairman is elected.

Art. 31. If a chairman or a vice-chairman cease to be a guardian, or refuse, or become incapable to act as chairman or vice-chairman, before the expiration of the term of office, the guardians shall, within one month after the occurrence of the vacancy, refusal, or incapacity, elect some other guardian to be chairman or vice-chairman, as the case may be.

Art. 32. Whereas no act of any meeting of the guardians will be valid unless three guardians be present and concur therein; if three guardians be not present at any meeting, the clerk shall make an entry of that fact in the minute book, and the time for holding such meeting shall be deemed to have expired as soon as the said entry shall have been made. But one hour at least shall be allowed to elapse from the time fixed for the commencement of the meeting, before such entry shall be made.

[Sect. 38 of the 4 & 5 W. 4, c. 76, provides that, "except where otherwise ordered by the Poor Law Commissioners, and also except for the purpose of consenting to the dissolution or alteration of any union, or any addition thereto, or to the formation of any union for the purposes of settlement or rating, —no *ex officio* or other guardian of any such board as aforesaid [*i. e.* board of guardians] shall have power to act in virtue of such office, except as a member and at a meeting of such board." And further, that "no act of any such meeting [*i. e.*

of a board of guardians] shall be valid unless three members shall be present and concur therein."]

Art. 33. If three or four or more guardians be present at any ordinary meeting, such three, or the majority of such four or more guardians, may adjourn the same to the day of the next ordinary meeting, or to some other day previous to the next ordinary meeting.

Art. 34. An extraordinary meeting of the guardians may be summoned to be held at any time, upon the requisition of any two guardians, addressed to the clerk. Every such requisition shall be made in writing, in the Form (F.) in the schedule to these rules, and no business, other than the business specified in the said requisition, shall be transacted at such extraordinary meeting.

Art. 35. Notice of every change in the period, time, or place of holding any meeting, and notice of the adjournment of any meeting, and notice of every extraordinary meeting, shall be given in writing to every guardian. Every such notice shall be respectively in the Forms (G.), (H.), and (I.) annexed to the orders, and shall be given or sent by the clerk to every guardian, or left at his place of abode two days, if practicable, before the day appointed for the meeting to which it relates.

Art. 36. If any case of emergency arise, requiring that a meeting of the guardians should immediately take place, they, or any three of them, may meet at the ordinary place of meeting, and take such case into consideration, and may make an order thereon.

Proceedings of the Board.] By the consolidated orders it is ordered as follows:—

Art. 37. At every meeting the chairman, or, in his absence, a vice-chairman, shall preside; but if at the commencement of any meeting the chairman and vice-chairman or vice-chairmen be absent, the guardians present shall elect one themselves to preside at such meeting as chairman thereof, until the chairman or a vice-chairman take the chair.

Art. 38. Every question at any meeting consisting of more than three guardians, shall be determined by a majority of the votes of the guardians present thereat, and voting on the question. [And by stat. 12 & 13 Vict. c. 103, s. 19, in case of an equality of votes, the presiding chairman shall have a second or casting vote.]

[If the meeting consist of only three guardians, no act can be done by it if the guardians are not unanimous. See Art. 32 and the note. A guardian must serve the office in person and cannot appoint a deputy to act for him, neither can he vote by proxy.]

Art. 39. No resolution agreed to or adopted by the guardians shall be rescinded or altered by them, unless some guardians shall have given to the board seven days' notice of a motion to rescind or alter such resolutions, which notice shall be forthwith entered on the minutes by the clerk. Provided always, that this regulation shall not extend to any resolution which immediately concerns the allowance of relief to any person, or the punishment of any pauper, or to any resolution which the commissioners may request the guardians to consider or amend, or to any question of emergency.

[The notice of motion referred to in Art. 39, is not required to be communicated by the clerk to any guardian who may not be present at the meeting. But if the subject of the notice be one of moment, the guardians should desire the clerk to give notice to each guardian who may be absent from the meeting at which the notice is given.]

Art. 40. The guardians may from time to time (as occasion may require) appoint a committee to consider and report on any special subject, and such committee may meet at such times and places as to them may seem convenient; but no act or decision of any such committee shall of itself be deemed to be the act of the guardians.

Art. 41. At every ordinary meeting of the guardians, the business shall, as far as may be convenient, be conducted in the following order:—

Firstly.—The minutes of the last ordinary meeting, and of any other meeting which may have been held since such ordinary meeting, shall be read to the guardians; and in order that such minutes may be recognized as a record of the acts of the guardians at their last meeting, they shall be signed by the chairman presiding at the meeting at which such minutes are read, and an entry of the same having been so read shall be made in the minutes of the day when read.

[As regards the minutes, they should always be copied into the fair minute book in the intervals between the meetings of the guardians, and be ready to be laid before the board at the following meeting, for the purpose of being signed by the presiding chairman thereof.]

Secondly.—The guardians shall dispose of such business as may arise out of the minutes so read, and shall give the necessary directions thereon.

Thirdly.—They shall proceed to give the necessary directions respecting all applications for relief made since the last ordinary meeting, and also respecting the amount and

nature of relief to be given and continued to the paupers then in the receipt of relief, until the next ordinary meeting, or for such other time as such relief may be deemed to be necessary.

Fourthly.—They shall hear and consider any application for relief which may be then made, and determine thereon.

[The guardians cannot by a general direction authorize the workhouse master to give provisions to paupers waiting at the workhouse for the decision of the board upon their cases. If paupers so waiting are actually in need of immediate temporary relief, the guardians can direct the workhouse master to supply the relief from the workhouse stores, but the provisions so given must be entered in the relieving officer's books, as given by order of the board of guardians to each pauper individually, and accounted for by the master in the same way as other provisions furnished from the workhouse stores for out-door relief. Persons so waiting are not inmates of the workhouse, or in any way under the charge of the master, and he cannot therefore take credit in his accounts for provisions supplied to them otherwise than upon the order of the relieving officer.

Fifthly.—They shall read the report of the state of the workhouse or workhouses, examine all books and accounts relative to the relief of the paupers of the union, and give all needful directions concerning the management and discipline of the said workhouse or workhouses, and the providing of furniture and stores and other articles.

Sixthly.—They shall examine the treasurer's account, and shall, when necessary, make orders on the overseers or other proper authorities of the several parishes in the union, for providing such sums as may be lawfully required by the guardians on account of the respective parishes.

Seventhly.—They shall transact any such business as may not fall within any of the above clauses.

Art. 42. When the guardians have allowed relief in the workhouse to any applicant, a written or printed order for his admission therein, signed by the clerk, shall be forthwith delivered to the applicant, or to any person on his behalf.

Art. 43. When the guardians have allowed out-door relief, in money or kind, to any applicant, the particulars of such relief shall be entered, by the proper relieving officer, in a ticket, according to Form (K.), and such ticket shall be delivered by him to the applicant, or to some person on his behalf.

Contracts by them.]—By the consolidated orders it is ordered as follows:—

Art. 44. All contracts to be entered into on behalf of the union, relating to the maintenance, clothing, lodging, employment, or relief of the poor, or for any other purpose relating to or connected with the general management of the poor, shall be made and entered into by the guardians.

[The guardians should bear in mind that the 55 G. 3, c. 137, and 4 & 5 W. 4. c. 76, s. 51, imposes heavy penalties on persons having the management of the poor if concerned in contracts for the supply of goods for the use of such poor. These enactments extend to any person who, either in his own name or in the name of any other person or persons, provides for his own profit any goods, materials or provisions for the use of any workhouse, or who may be concerned, directly or indirectly, in furnishing the same. Consequently, if the guardians were to enter into a contract for the supply of goods with the partner of one of their number, the case would come within the statute, and the guardian whose partner supplied the goods would be liable to the penalties enforced by the statute. But if the goods are supplied by the guardian without profit to himself, *Skinner* v. *Buckee*, 3 B. & C. 6, would seem to decide that he would not incur any penalties.

There appears to be nothing illegal in an individual guardian purchasing goods or old stores belonging to the union, though his doing so might on principle be considered objectionable. Neither is a guardian incapacitated from acting as the attorney of the board of guardians, or from transacting any professional business for any of the parishes in the union. Nor is he liable to penalties for being concerned in a contract to supply *work* and *labour* in repairs to the workhouse. With reference to members of boards of guardians being concerned in contracts for the supply of goods to the union, the commissioners, in their official circular, No. 10, have stated that they are of opinion that a guardian in supplying a contractor with milk consumed in the workhouse, would be liable to the penalties imposed by the 55 Geo. 3, c. 137, for being concerned *directly* in furnishing a supply of provisions for the use of the workhouse. But if it shall happen that a person competent and willing to undertake the supply of the particular goods wanted cannot be found within a convenient distance, other than a guardian of the union, or other person having the ordering, managing, control, or direction of the poor; then on obtaining a certificate from a justice of the peace, a contract may be entered into by such guardian or other person, 55 Geo. 3, c. 137, s. 6. Contracts made by or on behalf of any parish or union, not in conformity with the regulations of the commissioners, in that behalf in force at the

time of making and entering into the same, or otherwise sanctioned by them, are voidable, and if the Poor Law Board shall so direct, shall be null and void; and all payments made thereafter under such contract shall be disallowed in the passing of the accounts of the overseers, guardians, or officer, by whom the payment shall have been made. 4 & 5 W. 4, c. 75, s. 49.]

Art. 45. The guardians shall require tenders to be made in some sealed paper for the supply of all provisions, fuel, clothing, furniture, or other goods or materials, the consumption of which may be estimated, one month with another, to exceed ten pounds per month, and of all provisions, fuel, clothing, furniture, or other goods or materials, the cost of which may be reasonably estimated to exceed fifty pounds in a single sum, and shall purchase the same upon contracts to be entered into after the receipt of such tenders.

[Arts. 45–49 require the guardians to purchase goods, &c. upon tender. The system of purchase by tender is sometimes productive of inconvenience, and goods may occasionally be obtained on more advantageous terms without a recourse to this method. On the whole, however, it affords the best security to the public; and the practice of the administrative bodies which make the largest purchases of goods (viz. the military and naval departments) strongly confirms this conclusion. Art. 49 allows of an exception being made in extraordinary cases, with the consent of the commissioners. The guardians by these articles are not bound to accept the lowest tenders given in, nor in the event of there being only one person tendering for the supply of a particular kind of goods, are they bound to accept his tender.]

Art. 46. Any work or repairs to be executed in the workhouse, or the premises connected with the workhouse, or any fixtures to be put up therein, which may respectively be reasonably estimated to exceed the cost of fifty pounds in one sum, shall be contracted for by the guardians, on sealed tenders, in the manner prescribed in Articles 45 and 47.

Art. 47. Notice of the nature and conditions of the contract to be entered into, of the estimated amount of the articles required, of the last day on which tenders will be received, and the day on which the tenders will be opened, shall be given in some newspaper circulating in the union, not less than ten days previous to the last day on which such tenders are to be received; and no tender shall be opened by the clerk, or any guardian, or other person, prior to the day specified in such notice, or otherwise than at a meeting of the said guardians.

Art. 48. When any tender is accepted, the party making the tender shall, in pursuance of these regulations, enter into a contract, in writing, with the guardians, containing the terms, conditions, and stipulations mutually agreed upon, and whenever the guardians deem it advisable, the party contracting shall find one or more surety or sureties, who shall enter into a bond conditioned for the due performance of the contract, or shall otherwise secure the same.

Art. 49. Provided always, that if, from the peculiar nature of any provisions, fuel, clothing, furniture, goods, materials, or fixtures to be supplied, or of any work or repairs to be executed, it shall appear to the guardians desirable that a specific person or persons be employed to supply or execute the same, without requiring sealed tenders as hereinbefore directed, it shall be lawful for such guardians, with the consent of the commissioners first obtained, to enter into a contract with the said person or persons, and to require such sureties and securities as are specified in Art. 48.

Art. 50. Every contract to be hereafter made by any guardians shall contain a stipulation requiring the contractor to send in his bill or account of the sum due to him for goods or work, on or before some day to be named in the contract.

Art. 51. The guardians shall fix some day or days, not being more than twenty-one days after the end of each quarter, for the attendance of contractors and tradesmen, or their authorized agents, and the clerk shall notify such day to every contractor or tradesman to whom money may be due, or to his agent, or he shall, under the direction of the guardians, cause the same to be advertised in some newspaper.

[Contracts, to bind the guardians, ought to be under their corporate seal, and should relate to some matter incident to the purposes for which they were incorporated. Where, upon the representation of the board of guardians of the Strand Union, made at the request of the parish officers of C., one of the parishes of the union, the Poor Law Commissioners ordered the guardians to have a survey and plan made of the parish of C., for the purposes of stat. 6 & 7 W. 4, c. 96; the board of guardians accordingly contracted with J. S. to execute the survey and plan for 500*l.*; and after its completion, they verbally agreed with him for a reduced plan, as a key to the larger one, and for a re-survey of part of the parish, which were accordingly executed by J. S., and delivered to the board of guardians: in an action by J. S. against the board of guardians, for the value of the work thus verbally agreed for, the court held that they were not liable, the contract not being made under seal, and being for a matter which was not

incident to the purposes for which the defendants were incorporated. *Paine* v. *Guardians of the Strand Union*, 15 Law J. 89, *m*. But where the guardians of a union verbally directed their officer to have gates made for their union workhouse, and they were made by the plaintiff accordingly, and set up, and retained; and the guardians paid their own officer for them, who, however, did not pay the plaintiff; the plaintiff afterwards brought an action for the amount against the guardians, and recovered, the jury finding that the gates were necessaries; but a new trial was moved for, on the ground that the defendants, being a corporation, were not liable, as the contract was not under seal; the court, however, refused it, saying that as the jury had found the gates to be necessary for the purposes for which the defendants were incorporated, and as the defendants had received and retained them, they had thereby adopted the contract made by their officer. *Sanders* v. *Guardians of the St. Neot's Union*, 15 Law J. 104, *m*.]

Orders for contributions and payments.] By the consolidated orders it is provided as follows:—

Art. 81. The clerk shall, four weeks at least before the twenty-fifth day of March and the twenty-ninth day of September respectively in each year, refer to and ascertain the cost to each parish in the union for the maintenance of the poor, and other separate charges, as well as for the common charges incurred in the half of the last year, corresponding to the half year next coming, and shall estimate and, as near as may be, divide amongst the parishes any extraordinary charges to which the union may be liable in the coming half year, and he shall also estimate the probable balance due to or from the parish at the end of the current half year, and shall then prepare the orders on the several parishes for the sums which, upon such computation, it shall appear necessary for them to contribute to the expenses of the union for the coming half year; and the orders so prepared shall be laid before the guardians for their consideration, three weeks at least before the expiration of the current half year.

[It is important that the guardians should keep constantly a sufficient balance in the treasurer's hands to defray the current expenses of the union; and for this purpose that they should make, from time to time, sufficient orders for contributions upon the overseers of the several parishes, and enforce the orders in case the payment should be delayed. The guardians must call for contributions from each parish fully sufficient to meet the expenditure incurred in respect of it;

and no such arrears shall be allowed to accrue, in any case, as would cast the burdens of one parish on the other parishes of the union.

If the parish officers should fail to pay the money required, the guardians may proceed against them before the justices, for a disobedience to the orders of the commissioners, under section 98 of the 4 & 5 W. 4, c. 76; or they may have recourse to the remedy provided by the 2 & 3 Vict. c. 84, s. 1. In case of its being necessary for the guardians to proceed adversely against the parish officers, the commissioners recommend a recourse to the remedial proceeding afforded by the latter statute, rather than to the penal proceeding authorized by the former. If by reason of the neglect of the overseers to pay the moneys called for by the guardians, any relief directed by the guardians to be given be delayed or withheld during a period of seven days, proceedings can be taken against the overseers under the statute 7 & 8 Vict. c. 101, s. 63, which enacts, that if the overseers of any parish wilfully neglect to make or collect sufficient rates for the relief of the poor, or to pay such money to the guardians of any parish or union as such guardian may require, and if by reason of such neglect any relief directed by the board of guardians to be given to any poor person be delayed or withheld during a period of seven days, every such overseer shall, upon conviction thereof, forfeit and pay for every such offence any sum not exceeding 20*l.*

The powers conferred on the guardians by the 2 & 3 Vict. c. 84, render them responsible for securing a sufficient supply of funds from the parish officers; and if the guardians should fail to obtain from the parish officers funds sufficient to defray the current expenditure of the parish, they have no other legal power to procure funds to supply the deficiency. The guardians are not in general empowered to borrow money on the security of the rates (except in the cases and for the purposes specially provided for by the statutes, such as the building of or procuring workhouses under 4 & 5 Will. 4, c. 76—and enabling poor persons to emigrate, under the same Act,—and the making a survey or valuation of a parish, under 6 & 7 Will. 4, c. 96), or to pay interest for the money borrowed.

By Art. 203, No. 4, the treasurer is required, whenever there shall not be funds belonging to the guardians in his hands, to report in writing the fact of such deficiency to the Poor Law Board.]

Art. 82. The guardians shall make orders on the overseers or other proper authorities of every parish of the union, from time to time, for the payment to the guardians of all such sums as may be required by them for the relief of the poor of

the parish, and for the contribution of the parish to the common fund of the union, and for any other expenses chargeable by the guardians on the parish; and in such orders the contributions shall be directed to be paid in one sum or by instalments, on days specified, as to the guardians may seem fit.

Art. 83. Every such order shall be made according to the following Form. It shall be signed by the presiding chairman of the meeting, and two other guardians present thereat, and shall be countersigned by the clerk.

The following is the form of the order:—

To A. B. and C. D. overseers [or ——] *of the parish of* ——.

You are hereby ordered and directed to pay to F.G. ——, *of* ——, *on behalf of the guardians of the poor of the* —— *union, on the* —— *day of* ——, *at* ——, *the sum of* —— *pounds,* —— *shillings, and* —— *pence, from the poor rates of the parish of* ——, *towards the relief of the poor thereof, and to the contribution of the parish to the common fund of the union, and such other expenses as are chargeable by the said guardians on the said parish, and to take the receipt of the said F. G. for the said sum of £* ——.

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endorsed upon this Paper.

Given under our hands, at a meeting of the guardians of the poor of the said —— *union, held on the* —— *day of* ——, 18—.

(*Signed.*) *X. Y.* { *Presiding Chairman.*
W. X. } *Guardians.*
U. V. }

(*Counter-signature of the clerk to the Guardians.*)

By stat. 2 & 3 Vict. c. 84, s. 1, "in every case in which any contribution, by overseers or other officers of any parish, of moneys required by the board of guardians or persons acting as guardians for such parish, or for any union which shall include such parish, for the performance of their duties, shall be in arrear, it shall be lawful for any two justices acting within the district wherein such parish shall be situate, on application under the hand of the chairman or acting chairman of such board, to summon the said overseers or other officers to show cause, at a special sessions to be summoned for the purpose, why such contribution has not been paid, and, after hearing the complaint preferred under the authority of such chairman or acting chairman, and on behalf of such board, if the justices at such sessions shall think fit, by warrant under their hands and seals, to cause the amount of the contribution so in arrear, together with the costs occasioned by such arrear, to be levied and recovered from the said over-

seers or other officers, or any of them, in like manner as moneys assessed for the relief of the poor may be levied and recovered, and the amount of such arrear, together with the costs as aforesaid, when levied and recovered, to be paid to the said board: provided always, that no distress made under any such warrant of justices shall be replevisible."

And by stat. 12 & 13 Vict. c. 103, s. 7, where the guardians of any union or parish shall make any order for the payment of money upon overseers or other officers of any parish upon whom they are empowered by law to make it, and a copy of such order shall be served upon any one of such overseers or other officers, it shall be lawful for the said guardians to enforce such order against the person so served as fully and as effectually as if a copy thereof had been also served upon every one of such overseers or other officers.

Payments by the Guardians.] By the consolidated order, *Art.* 84, the guardians shall pay every sum greater than five pounds by an order, which shall be drawn upon the treasurer of the union, and shall be signed by the presiding chairman and two other guardians at a meeting, and shall be countersigned by the clerk.

[Guardians should bear in mind that when they sign cheques drawn upon the treasurer of the union for the payment of money, they do so subject to the responsibility of having their act revised by the auditor, who, if he finds that the cheque was drawn for a purpose for which the poor-rates cannot legally be applied, will be bound to disallow the payment, and at the same time surcharge the guardians who signed the cheque with the amount.]

Art. 85. The guardians shall examine at their board, or shall cause to be examined by some committee, or guardian authorized by them for the purpose, every bill exceeding in amount one pound (except the salaries of officers) brought against the union; and when any such bill has been allowed by the board, or by such committee or guardian, a note of the allowance thereof shall be made on the face of the bill before the amount is paid.

Custody of bonds.] *Art.* 86. The guardians shall provide for the safe custody of all bonds given in pursuance of the regulations of the commissioners, so always that no bond given by any person shall remain in the custody of such person himself.

Art. 87. The guardians shall, at the audit next after the twenty-fifth day of March in every year, cause every person having the custody of bonds given by any officer of the union, to produce such bonds to the auditor for his inspection.

[By Art. 202, No. 2, it is made the duty of the clerk to

produce the bonds to the auditor for his inspection. If the clerk shall have given a bond, it should be deposited with the treasurer, who is required, under Art. 203, No. 5, to produce it for the auditor's inspection.]

What costs in civil and criminal proceedings they may pay.] It shall be lawful for any board of guardians or district board to pay out of the funds in their hands the reasonable costs of the apprehension and of the prosecution of any person who, according to the laws in force at the time being, is charged with refusing or neglecting to maintain himself or his family, or with running away and leaving his family chargeable, or whereby such family has become chargeable,—or with wilfully neglecting or disobeying the rules, orders, and regulations of the Poor Law Commissioners, or with any offence or misbehaviour in any workhouse,—or with deserting or running away from any workhouse, and carrying away clothes, linen or other goods or things belonging to any workhouse, or given or procured or provided as or for relief,—or with neglect or disobedience of the reasonable and lawful orders of justices or guardians, or of any district board, in the administration of the laws relating to the relief of the poor, or with obstructing or assaulting any officer engaged in the administration of the laws for relief of the poor,—or with fraudulently obtaining, stealing, purloining, embezzling, wasting, or injuring, or wilfully misapplying, any property applicable to or connected with the relief of the poor, or with any offence directly affecting the administration of the laws for the relief of the poor,—and the reasonable costs of apprehending and prosecuting any officer who may have been employed in the administration of the laws for the relief of the poor, for any neglect or breach of any duty of his office, or for any maltreatment or abuse of any poor person;—and, subject to the approval of the said commissioners, every board of guardians or district board shall pay the costs of all legal proceedings taken by the auditor, or under his direction, for the protection of the poor-rates or property of any parish, union, or district, or taken by any other person whom the board of guardians or district board have authorized or directed to institute such prosecution or legal proceedings; and to the extent to which any such costs may not be repaid by the offending or other party, or from the county, liberty, or borough rates, the guardians of any union then may, in any of the cases aforesaid, having due regard to the circumstances of the case, and subject to the approval of the Poor Law Commissioners, charge such expenses, either to the common funds of the union, or to any parish or parishes comprised therein; and the district board of any district may, having like regard to the circumstances of the case, and subject to the like approval of the Poor Law Commissioners,

charge such expenses, either to the funds of the whole of such district, or on any one or more of the unions and parishes comprised therein. 7 & 8 Vict. c. 101, s. 59. Costs of prosecutions under the Vagrant Act for deserting families whereby they become chargeable to the poor-rates, as well as other legal expenses incurred for the benefit of the union generally, the Poor Law Board direct to be charged to the common fund, and not to the parish on account of which the proceedings were taken. Likewise expenses incurred by the district auditor in recovering money certified to be due, from any officer or other person (except so far as such expenses may be paid by the person against whom the proceedings have been taken), are to be repaid to the auditor by the guardians of the parish or union, to which the proceedings may respectively relate, and shall be charged in their accounts in such manner and in such proportions as the Poor Law Board may direct. *Ib.* s. 32.

Also by stat. 14 & 15 Vict. c. 11 (which renders the master or mistress of an apprentice or servant, who is legally liable to provide necessary food, clothing or lodging for him, liable to an indictment as for a misdemeanor, if they refuse or neglect to provide the same, or if they unlawfully and maliciously assault him, whereby his life shall be endangered, or whereby his health shall be, or is likely to be, permanently injured),—it is enacted by sect. 6, that where any complaint shall be made of an offence against this Act,—or of any bodily injury inflicted upon any poor person under the age of sixteen years, for which the person committing it is liable to be indicted, and the circumstances of which offence amount in point of law to a felony, or an attempt to commit a felony, or an assault with intent to commit a felony,—and two justices of the peace, before whom the examination is taken, shall certify under their hands that they deem it necessary for the purposes of public justice that the prosecution should be conducted by the guardians of the union or of the parish, or where there are no guardians by the overseers of the parish in which the offence shall have been committed,—such guardians or overseers, as the case may be, shall, upon personal service of such certificate or a duplicate thereof upon the clerk of such guardians, or upon any one of such overseers, conduct the prosecution, and shall pay the costs reasonably and properly incurred by them therein, (so far as the same shall not be allowed to them under any order of the court trying the indictment, or the court of Queen's Bench), out of the common fund of the union, or out of the funds in the hands of the guardians or overseers (as the case may be) of such parish.

And by sect. 7, in the case of a union or parish under a board of guardians, the clerk or some other officer of such union or parish, and in the case of a parish not under a board

of guardians, one of the overseers thereof may, if such two justices before whom the examination is taken shall deem it necessary for the purposes of public justice, and shall certify as hereinbefore mentioned, be bound over to prosecute.

Maintenance of the poor.] By stat. 4 & 5 W. 4, c. 76, s. 38, in all unions under that Act, where a board of guardians shall be constituted and chosen, "the workhouse or workhouses of such union shall be governed, and the relief of the poor in such union shall be administered, by such board of guardians."

And by sect. 54, the ordering, giving and directing of all relief to the poor of any parish, which, according to the provisions of stat. 22 G. 3, c. 83, usually called "*Gilbert's Act*," or 59 G. 3, c. 12, usually called "*Sturges Bourne's Act*," or of stat. 1 & 2 W. 4, c. 80, the *Select Vestry Act*, or of this Act, or of any local Acts, shall be under the government and control of any guardians of the poor, or of any select vestry, and whether forming any part of any union or incorporation or not (but subject in all cases to, and saving and excepting the powers of, the said commissioners appointed under this Act), shall appertain and belong exclusively to the guardians of the poor or select vestry, according to the respective provisions of the Acts under which such guardians or select vestry may have been or shall be appointed, and it shall not be lawful for any overseer of the poor to give any further or other relief or allowance from the poor-rate, than such as shall be ordered by such guardians or select vestry;—except in cases of sudden and urgent necessity, in which cases he is required to give such temporary relief as each case shall require, in articles of absolute necessity, but not in money, and whether the applicant for relief be settled in the parish where he shall apply for relief or not.

The guardians of the poor of unions or parishes shall relieve the poor in the respective unions or parishes, either in workhouses or out of them, in the manner ordained by the order of the Poor Law Commissioners above mentioned. And for this purpose, and to defray the common charges of the union and other costs and charges which the guardians may incur on behalf of the parish, the churchwardens and overseers of the respective parishes must pay to the guardians, from time to time, out of the poor-rates made and collected by them, such sums as the guardians may require, and in such proportions as the guardians shall direct.

Inasmuch as guardians are restrained by the 4 & 5 W. 4, c. 76, s. 38, from acting in virtue of their office, except as a member and at a meeting of the board of guardians, they cannot individually order relief to be given to a destitute person.

When applied to on the subject away from a meeting of the board their proper course is to refer the applicant to the relieving officer, or in his absence to the overseer of the parish, if the case be one of sudden and urgent necessity.

By the stat. 43 Eliz., c. 2, s. 1, the class of destitute poor who are to be relieved out of the poor-rates are—

1st. The children of all such whose parents shall not, by the churchwardens and overseers, or the greater part of them, be thought able to keep and maintain their children.

2nd. All persons married or unmarried having no means to maintain them, and use no ordinary and daily trade of life to get their living by.

3rd. The lame, impotent, old, blind and such other persons, being poor and not able to work.

4th. The apprenticing of the children of all such.

It will be seen therefore that to be entitled to relief from the poor-rates, the applicant must be actually destitute of the means, from his own resources, of obtaining food, raiment and shelter, necessary for his immediate necessities, and that unless he be so destitute the authorities cannot interfere.

Persons who are in possession of property may, however, be in such circumstances of destitution as to require relief, for they may be unable, from some cause or other, to convert their property into money, or they may be taking steps to do so and the sale or otherwise may not be completed. Such cases ought to be dealt with by the guardians according to the actual circumstances of the applicant at the time, and the relief given or withheld accordingly. The guardians may in such cases require the applicant to sell his property and apply the proceeds, as far as they will go, in support of himself and family before the poor rates are permanently drawn upon for his maintenance; or they may give the relief on loan, to be afterwards recovered from the applicant.

It may be added, that the guardians would not be justified in paying out of the poor rates the subscriptions of poor persons to friendly societies when such persons become unable to provide for the payment thereof out of their own resources.

Relief of able-bodied poor.] By stat. 4 & 5 W. 4, c. 76, s. 52, after reciting that "a practice has obtained of giving relief to persons or their families, who, at the time of applying for or receiving such relief, were wholly or partially in the employment of individuals, and the relief of the able-bodied and their families is in many places administered in modes productive of evil in other respects: and whereas difficulty may arise in case any immediate and universal remedy is attempted to be applied in the matters aforesaid:"

it is enacted, "that from and after the passing of this Act it shall be lawful for the said commissioners, by such rules, orders, or regulations as they may think fit, to declare to what extent and for what period the relief to be given to able-bodied persons or to their families in any particular parish or union may be administered out of the workhouse of such parish or union, by payments in money, or with food or clothing in kind, or partly in kind and partly in money, and in what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner such out-door relief may be afforded; and all relief which shall be given by any overseer, guardian, or other person having the control or distribution of the funds of such parish or union, contrary to such rules or regulations, shall be, and the same is hereby declared to be unlawful, and shall be disallowed in the accounts of the person giving the same, subject to the exceptions hereinafter mentioned." The section then provides for delaying the introduction of such regulations, in particular parishes, where from circumstances they may be deemed inexpedient, until communication can be had with the Poor Law Commissioners. It also provides, "that in case the overseers or guardians of any parish or union, in which such orders or regulations shall be in force, shall depart from them or any of them in any particular instance or instances of emergency, and shall within fifteen days after every such departure report the same and the grounds thereof to the said commissioners, and the said commissioners shall approve of such departure,—or if the relief so given shall have been given in food, temporary lodging, or medicine, and shall have been so reported as aforesaid,—then and in either of such cases the relief granted by such overseers or guardians, if otherwise lawful, shall not be unlawful or subject to be disallowed." *Id. s.* 52.

Before this statute, justices were authorized to order relief to poor persons in their dwellings, during any time not exceeding a month. 36 G. 3, c. 23. This time was afterwards extended to six months; and the justices were permitted to renew the order, from time to time, as they might think fit. 55 G. 3, c. 137, s. 3. In parishes, also, under select vestries or guardians, justices were authorized to make a similar order, to continue in force for a month. 58 G. 3, c. 12, ss. 1, 5. These statutes are repealed by 4 & 5 W. 4, c. 76, s. 53. But now justices can order relief in the following cases only:—Any two, usually acting for the district wherein the union may be situated, at their just and proper discretion, may direct, by order under their hands and seals, that relief shall be given to any adult person who shall from old age or infirmity of body be wholly unable to work, without requiring that such person shall reside in any workhouse. One of the justices must, however, certify in the order, of his own know-

ledge, that such person is wholly unable to work. The person must also be lawfully entitled to relief and desire to receive it out of the workhouse. 4 & 5 W. 4, c. 76, s. 27.

The other case is when overseers refuse or neglect to give relief in a case of sudden and urgent necessity. In such a case any justice of the peace may order the overseer by writing, under his hand and seal, to give such temporary relief in articles of absolute necessity as the case shall require, but not in money. Any justice is also empowered to give a similar order for medical relief only to any parishioner as well as out-parishioner where any case of sudden and dangerous illness may require it. But it is not lawful for any justice or justices to order relief to any person or persons from the poor rates, except as before stated. *Ib.* s. 54.

It is sometimes found that aged poor persons will not accept relief in a workhouse, even though they are in such a state of mind or body as to be incapable of taking care of themselves out of it. Such cases are extremely difficult to deal with, as the guardians cannot compel destitute persons to enter the workhouse against their will. The only available course of proceeding appears to be to stop the allowance of out-door relief, and if the pauper refuses to enter the workhouse to direct the relieving officer to watch the case, and afford such temporary relief as the urgency of it may render necessary, during the intervals of the guardians' meetings.

The general prohibitory order of 1844.] The following are the rules laid down by the Poor Law Commissioners, by their order of the 21st December, 1844, with respect to unions which had at that time provided adequate workhouse accommodation for the relief of the poor.

Art. 1. Every able-bodied person, male or female, requiring relief from any parish within any of the said unions, shall be relieved wholly in the workhouse of the union, together with such of the family of every such able-bodied person as may be resident with him or her, and may not be in employment, and together with the wife of every such able-bodied male person, if he be a married man, and if she be resident with him; save and except in the following cases:—

1st. Where such person shall require relief on account of sudden and urgent necessity.

[By "sudden and urgent necessity," (which words are used in section 54 of the 4 & 5 W. 4, c. 76) the commissioners understand any case of destitution requiring instant relief.

This exception does not authorize *permanent* out-door relief in any case. A case originally of sudden and urgent necessity, which subsequently requires continued relief, loses

its character of suddenness and urgency. The relief subsequently required will be either ordinary relief, and therefore to be given in the workhouse, or it may be extraordinary, and given, for example, under the second exception to Art. 1. The overseers, by the enactment above referred to, are empowered to give temporary out-door relief in a case of sudden and urgent necessity. When they do so, they are required to report the case to the guardians in order that their officers may attend to it. The guardians are, however, not bound to repay to the overseers the relief they may have given; but the overseers may charge it in their accounts, and it will be for the auditor to decide upon its lawfulness.]

2nd. Where such person shall require relief on account of any sickness, accident, or bodily or mental infirmity affecting such person, or any of his or her family.

[The second exception provides for the case of any able-bodied man who is himself insane or temporarily sick, or who has met with an accident, or any of whose family require to be relieved on the ground of insanity, infirmity, accident, or sickness.]

3rd. Where such persons shall require relief for the purpose of defraying the expenses, either wholly or in part, of the burial of any of his or her family.

[Under this exception relief may be given to able-bodied persons for funerals of any members of their families, without requiring them to come into the workhouse. As to the burial of paupers, see *post*.]

4th. Where such person, being a widow, shall be in the first six months of her widowhood.

[The exception of widows during the first six months of their widowhood, is adopted with a view of enabling persons thus situated to have an adequate interval for the purpose of making such arrangements for their support as their altered condition may require. The exception refers to all widows, whether they come within the next exception or not. If an able-bodied widow have no child or children dependent upon her for support, out-door relief cannot be granted to her beyond the six months named in this article without the previous consent of the Poor Law Board, obtained under Art. 6, see page 36.]

5th. Where such person shall be a widow, and have a legitimate child or legitimate children dependent upon her, and incapable of earning his, her, or their livelihood, and have no illegitimate child born after the commencement of her widowhood.

[The exception of widows with children, so far as it relates to able-bodied widows in employment, is one respecting which the guardians ought to exercise great circumspection in applying it in practice. The guardians, when administering relief under it, ought to take into account, that when small weekly allowances in aid of wages are made, they too commonly serve to excuse relations from the payment of contributions to a larger amount; and that the out-door allowances when given indiscriminately in widowhood, tend to put an end to provident habits, in respect of insurances in sick clubs or otherwise. It should, moreover, be borne in mind, that allowances made by the parish to able-bodied widows in employment do not always confer the advantages intended, inasmuch as their wages, as in the case of able-bodied men, are often reduced in consideration of the allowance from the parish; and that such reduction of the wages, combined with the excuse furnished to relations or friends for withholding their contributions, together with the pauper habits thus engendered, often renders such allowances to widows in aid of wages an injury rather than a benefit to them; whilst in some districts this class of able-bodied widows may be so numerous that their labour, thus depreciated at the expense of the ratepayers, may be substituted for the more highly paid labour of independent labourers.

It only seems necessary to observe further, in reference to this exception, that if a woman after her widowhood has an illegitimate child, her case will no longer be within the exception; but if the illegitimate child should afterwards die, her case will again fall within the exception, and the guardians will be at liberty to give her out-door relief if they think fit so to do. But note the omission of the words, "dependent upon her," in the last part of the exception. If a widow have an illegitimate child, not dependent upon her, and legitimate children who are dependent upon her, her case will not come within the exception so long as the illegitimate child lives.]

6th. Where such person shall be confined in any gaol or place of safe custody, subject always to the regulation contained in Art. 4.

[It sometimes becomes necessary that the guardians should be empowered to give relief to the wife and children, in cases where the husband cannot be required to enter the workhouse on account of his being in a place of legal confinement.]

7th. Where such person shall be the wife or child of any able-bodied man who shall be in the service of Her Majesty as a soldier, sailor, or marine.

[The state of the law, in reference to married women, explained in the note to the eighth exception, and the peculiar rights and obligations of soldiers, sailors, and marines, render it desirable to give great latitude to the proceedings of the Board of Guardians in respect of the families of persons in these departments of the Queen's service. The seventh exception, therefore, allows of relief of any kind being given to the wife or children of a soldier, sailor, or marine, whether in or out of the workhouse, without requiring the husband to come into the workhouse.]

8th. Where any able-bodied person, not being a soldier, sailor, or marine, shall not reside within the union, but the wife, child, or children of such person shall reside within the same, the board of guardians of the union, according to their discretion, may, subject to the regulation contained in Art. 4, afford relief in the workhouse to such wife, child, or children, or may allow out-door relief for any such child or children, being within the age of nurture, and resident with the mother within the union.

[The eighth exception provides for the case of a wife whose husband is absent from her, either by desertion or otherwise, and it is necessary, in consequence of the state of the law applicable to women thus situated. It has been held that in such cases, relief to the children was not relief to the wife; consequently, the wife could not be compelled to come with her children into the workhouse, although a new provision has been made by the statute, 7 Vict. c. 101, s. 25, in respect of certain women separate from their husbands. If, however, under any circumstances she require relief for herself, the guardians may require her to receive it in the workhouse; and if she require relief for her children, the guardians may require such of them as are above the age of nurture to receive it in the workhouse, whether she do or do not come into the workhouse. As regards, however, children under the age of nurture who may be living with the mother, the guardians cannot remove them from her; so that if she require relief for them and them only, the guardians must, except in the cases hereafter provided for, give out-relief, if relief be necessary.]

Art. 2. In every case in which out-door relief shall be given on account of sickness, accident, or infirmity, to any able-bodied male person resident within any of the said unions, or to any member of the family of any able-bodied male person, an extract from the medical officer's weekly report (if any such officer shall have attended the case), stating the nature of such sickness, accident, or infirmity, shall be spe-

cially entered in the minutes of the proceedings of the board of guardians of the day on which the relief is ordered or subsequently allowed.

But if the board of guardians shall think fit, a certificate under the hand of a medical officer of the union, or of the medical practitioner in attendance on the party, shall be laid before the board, stating the nature of such sickness, accident, or infirmity, and a copy of the same shall be in like manner entered in the minutes.

Art. 3. No relief shall be given from the poor-rates of any parish comprised in any of the said unions, to any person who does not reside in some place within the union, save and except in the following cases:—

[Under the provisions of this Article, the guardians may relieve a pauper residing within the union, though not residing in the parish to which he belongs. And the prohibition extends as well to able-bodied, as to those who are not able-bodied.]

1st. Where such person, being casually within such parish, shall become destitute.

[This exception was introduced in order to meet the cases of vagrants, who may become casually destitute within the union. It is the duty of the guardians to relieve persons so situated, without reference to the place of their settlement or residence.

The commissioners have not introduced into this article an exception on account of sudden and urgent necessity. [See note to Art. 1, exception 1.] Cases of sudden and urgent necessity manifestly require the prompt attention and vigilant inspection which can only be exercised by the guardians and their officers in the district where the necessity arises.]

2nd. Where such person shall require relief on account of any sickness, accident, or bodily or mental infirmity, affecting such person, or any of his or her family.

[This exception corresponds to the second exception to Art. 1. The commissioners introduced this exception on account of the difficulty which a want of the power of giving temporary relief to non-residents in case of sickness was found to create in some parts of the country. The commissioners, however, caution the guardians against giving temporary relief in cases of sickness to persons not resident within the union, unless they are able to obtain accurate information concerning the case, and can ensure adequate and prompt relief, both medical and otherwise. It may be observed that this exception permits poor persons to be sent

to establishments out of the union, intended for the treatment of their respective infirmities, as hospitals for the sick, asylums for the insane, and schools for the blind or deaf and dumb.]

3rd. Where such persons shall be entitled to receive relief from any parish in which he or she may not be resident, under any order which justices may by law be authorised to make.

[The third exception is intended expressly to except from the operation of the order the cases of relief given to non-resident lunatics in asylums, under orders of justices, and to persons under orders of removal.

4th. Where such person, being a widow, shall be in the first six months of her widowhood.

[This exception is similar to the fourth exception to Art. 1, the reasons for which are stated in the note to that exception.]

5th. Where such person is a widow, who has a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some place other than the parish of her legal settlement, and not situated in the union in which such parish may be comprised.

[This exception is that which the legislature has introduced in the 7 & 8 Vict. c. 101, s. 26, "that in the case of any person being a widow having a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some place other than the parish of her legal settlement, and not situated in any union in which such parish is comprised, it shall be lawful for the guardians of such parish or union, if they see fit, to grant relief to such widow, although not residing in such union or parish." Upon this the commissioners, in a circular dated the 17th October, 1844, observe, "That the widow must have been resident with her husband at the time of his death, not only out of the parish of her settlement, but also out of the union in which that parish may be comprised. The object of the clause appears to be to avoid the disturbance of those connexions and mode of life at a distance from the union to which the family may have become accustomed, and which existed at the time of the husband's death.

"Where all the conditions exist which would enable the guardians to grant non-resident relief, they are still to use

their discretion as to whether non-resident relief to the widow is in each particular case desirable. The general objection to such relief, such as the difficulty of ascertaining the circumstances of paupers beyond the power of inspection of the guardians or their officers, and the further difficulties attendant on the transmission of relief to places where the guardians have no authority and no official agency, will be weighed by the guardians.

"This power is one entrusted to boards of guardians only; overseers acquire no authority under this provision to administer non-resident relief to the class of the widows described.

"It must be borne in mind by guardians and their officers that they are in no wise exempted from their previous obligation to relieve any widow who may be in their parish or union requiring relief, by the power thus given to the guardians of the place of her settlement to afford her non-resident relief. And even when that power is exerted, if, notwithstanding the relief sent to her by her parish, she or her children require additional or further relief, the officers of the place where she is are still bound, as heretofore, to afford her the relief which the circumstances require."]

6th. Where such person shall be a child under the age of sixteen, maintained in a workhouse or establishment for the education of pauper children not situate within the union.

[This exception removes the restriction upon guardians from sending children to a workhouse or establishment for the training of pauper children, which may be situated out of their union, where, but for the prohibition of relief to non-residents contained in the order, they might lawfully do so.

The 7 & 8 Vict. c. 101, s. 51, empowers the guardians of any parish or union to send infant poor, not above the age of sixteen years, being chargeable to such parish or union, who are orphans, or are deserted by their parents, or whose parent, or surviving parent, or guardians are consenting thereto, to any district school formed under that Act which is within twenty miles.]

7th. Where such person shall be the wife or child, residing within the union, of some person, not able-bodied, and not residing within the union.

[This exception enables the guardians to relieve the resident family of a non-resident man, provided he be not able-bodied, without requiring them to come into the workhouse.]

8th. Where such person shall have been in the receipt of relief from some parish in the union from which such

person seeks relief, at some time within the twelve calendar months next preceding the date of that one of the several orders hereinbefore recited which was applicable to that union, being settled in such parish, and not being resident within the union at the time of the allowance of the relief.

[This exception permits the continuance of non-resident relief to all paupers (not being able-bodied persons within Art. 1) who were in the receipt of relief from some parish in the union, within the twelve calendar months next preceding the date of the several orders issued to the different unions set forth in the schedule. Consequently, it permits the continuance of non-resident relief to the infirm through age or any other cause, and to able-bodied widows with a child or children, who were in the receipt of parochial relief from the union within that period.]

Art. 4. Where the husband of any woman is beyond the seas, or in custody of the law, or in confinement in a licensed house or asylum as a lunatic or idiot, all relief which the guardians shall give to his wife, or her child or children, shall be given to such woman, in the same manner, and subject to the same conditions, as if she were a widow.

[This Article was introduced in conformity with the provision contained in the 7 & 8 Vict. c. 101, s. 25, in regard to the relief of women separated from their husbands, in certain cases particularly specified, who are by that provision to be treated as widows in respect to relief to be afforded to them by guardians. In the circular letter of the 17th October, 1844, on this subject, the commissioners remark, "Married women, whose children required and received relief were not, before the passing of this Act, liable to any conditions in respect of such relief, and could cast off their children upon the parish, however well such women might be able to maintain their children, or to contribute to their maintenance. Widows, on the other hand, were liable to the like conditions and consequences of relief afforded to themselves and their children as the fathers of legitimate children are." The present Act declares that while the husband of any woman is beyond the seas (that is, *out of Great Britain*), or in custody of the law, or in confinement in any licensed house or asylum as a lunatic or idiot, all relief given to the wife, or to her child or children, shall, notwithstanding her coverture, be given to her, in the same manner and subject to the same conditions as if she were a widow. (Sect. 25.) And again, "where widows are obliged to receive relief for their children within the union, or within the workhouse, these married women will be subject to the like condition."]

Art. 5. It shall not be lawful for the guardians, or any of their officers, or for the overseer or overseers of any parish in the union, to pay, wholly or in part, the rent of the house or lodging of any pauper, or to apply any portion of the relief ordered to be given to any pauper in payment of any such rent, or to retain any portion of such relief for the purpose of directly or indirectly discharging such rent, in full or in part, for any such pauper.

Provided always, that nothing in this article contained shall apply to any shelter or temporary lodging, procured in any case of sudden and urgent necessity, or mental imbecility, or shall be taken to prevent the said guardians, in regulating the amount of relief to be afforded to any particular person, from considering the expense to be incurred by such person in providing lodging.

[This article is intended to prevent a practice which has prevailed in some parts of the country, whereby the poor-rates have been made a fund for the payment of rents directly to the landlords. In all cases where the pauper is so far destitute as to require a lodging, or the means of paying for one, if the guardians do not deem it expedient in the particular case to require the party to come into the workhouse, they should supply to the pauper the means of paying for such lodging.]

Art. 6. Provided always, that in case the guardians of any of the said unions depart in any particular instance from any of the regulations hereinbefore contained, and within fifteen days after such departure report the same, and the grounds thereof to the Poor Law Commissioners, and the Poor Law Commissioners approve of such departure, then the relief granted in such particular instance shall, if otherwise lawful, not be deemed to be unlawful, or be subject to be disallowed.

[The commissioners state that it is possible, although not probable, that cases may occasionally arise which present very peculiar circumstances, and which do not fall within any of the exceptions contained in the order. They think it desirable in cases of that kind in which the immediate withdrawal or denial of out-door relief might appear likely to produce serious evil to the applicant, that the guardians should give out-door relief, or take a portion of the applicant's family into the workhouse, and report the case within fifteen days to the commissioners, as a case of peculiar urgency, in order that they may give their opinion thereupon. The commissioners have accordingly introduced this proviso, enabling the guardians to pursue this course with respect to exceptional cases of this description.]

Art. 7. No relief which may be contrary to any regulation in this order shall be given by way of loan; and any relief which may be given to, or on account of, any person above the age of twenty-one, or to his wife, or any part of his or her family under the age of sixteen, under Art. 1, or any of the exceptions thereto, or under any of the exemptions to Art. 3, or under Art. 4, or under the proviso to Art. 5, may, if the guardians think fit, be given by way of loan.

[The first part of Art. 7 is introduced in order to put an end to a misapprehension of the law which existed in some boards of guardians, viz. that although the prohibitory order prevented them from *giving* out-door relief, they might nevertheless *lend* it. The second part of the article enables the guardians to make all the relief which may be given to persons above twenty-one years of age, or their families, a loan under the 58th section of the 4 & 5 W. 4, c. 76.

It must be borne in mind that unless the relief at the time that it is given be expressly declared to be given by way of loan, it cannot be recovered from the applicant afterwards. As to the application of property coming into the possession of persons in the receipt of relief, see 11 & 12 Vict. c. 110, s. 10, and 12 & 13 Vict. c. 103, s. 16.

Relief granted by way of loan may be recovered by proceedings before justices (4 & 5 W. 4, c. 76, s. 59), or it may be recovered by the guardians by proceedings in the County Court (11 & 12 Vict. c. 110, s. 8). The cost of burials at the expense of the poor rates may also be recovered in the same manner.]

The general prohibitory order of 1852.] In the unions which did not then possess adequate workhouse accommodation, and which were consequently not subjected to the provisions of the general prohibitory order of the 21st December, 1844, relief to able-bodied poor is administered by the guardians subject to the following regulations, contained in the general order of the Poor Law Board, dated the 14th December, 1852.

Art. 1. Whenever the guardians allow relief to any able-bodied male person, out of the workhouse, one-half at least of the relief so allowed shall be given in articles of food or fuel, or in other articles of absolute necessity.

Art. 2. In any case in which the guardians allow relief for a longer period than one week to an indigent poor person resident within their union or parish respectively, without requiring that such person shall be received into the workhouse, such relief shall be given or administered weekly, or at such more frequent periods as they may deem expedient.

Art. 3. It shall not be lawful for the guardians or their officers—

To establish any applicant for relief in trade or business;

Nor to redeem from pawn for any such applicant any tools, implements, or other articles;

Nor to purchase and give to such applicant any tools, implements, or other articles, except articles of clothing or bedding where urgently needed, and such articles as are hereinbefore referred to in Art. 1;

Nor to pay, directly or indirectly, the expense of the conveyance of any poor person, unless conveyed under the provisions of some statute, or under an order of justices or other lawful authority, or in conformity with some order or regulation of the poor law commissioners or the poor law board, except in the following cases, viz.

1st. The case of a person conveyed to or from a district school, or an hospital or infirmary, or a lunatic asylum, or a house licensed, or hospital registered for the reception of lunatics.

2nd. The case of a person conveyed to the workhouse of the union or parish in which such person is at the time chargeable.

3rd. The case of a person conveyed to or from any other workhouse or other house or establishment for the reception of poor persons, in which for the time being it shall be lawful for the guardians to place such person.

Nor to give money to or on account of any such applicant for the purpose of effecting any of the objects in this Article mentioned.

Nor to pay, wholly or in part, the rent of the house or lodging of any pauper, nor to apply any portion of the relief ordered to be given to any pauper in payment of any such rent, nor to retain any portion of such relief for the purpose of directly or indirectly discharging such rent, in full or in part, for any such pauper;

Provided always, that nothing in this article contained shall apply to any shelter or temporary lodging procured for a poor person, in any case of sudden or urgent necessity or mental imbecility.

Art. 4. No relief shall be given from the poor rates of any of the said parishes, or of any parish comprised in any of the said unions, to any person who does not reside in some place within such parish or union respectively, save and except in the following cases:—

1st. The case of a person casually within such parish, and destitute.

2nd. The case of a person requiring relief on account of any sickness, accident, or bodily or mental infirmity, affecting him or her or any of his or her family.

3rd. The case of a widow having a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some place other than the parish of her legal settlement, and not situated in the union in which such parish is comprised.

4th. The case of a child under the age of sixteen, maintained in a workhouse or establishment for the education of poor children not situate within the union or parish.

5th. The case of the wife or child, residing within such parish or union, of some person not residing therein.

6th. The case of a person who has been in the receipt of relief from such parish, or from some parish in the union from which he or she seeks relief, at some time within the twelve calendar months next preceding the date of this order.

Art. 5. No relief shall be given to any able-bodied male person while he is employed for wages or other hire or remuneration by any person.

Art. 6. Every able-bodied male person, if relieved out of the workhouse, shall be set to work by the guardians and be kept employed under their direction and superintendence so long as he continues to receive relief.

Art. 7. Provided that the regulations in Articles 5 and 6 shall not be imperative in the following cases:—

1st. The case of a person receiving relief on account of sudden and urgent necessity.

2nd. The case of a person receiving relief on account of any sickness, accident, or bodily or mental infirmity affecting such person or any of his family.

3rd. The case of a person receiving relief for the purpose of defraying the expenses of the burial of any of his family.

4th. The case of the wife, child, or children of a person confined in any gaol or place of safe custody.

5th. The case of the wife, child, or children, resident within the parish or union, of a person not residing therein.

Art. 8. The guardians shall, within thirty days after they shall have proceeded to act in execution of Art. 6, report to the poor law board the place or places at which able-bodied male paupers shall be set to work, the sort or sorts of work in which they or any of them shall be employed, the times and mode of work, and the provision made for superintending them while working, and shall forthwith discontinue or alter the same, if the poor law board shall so require.

Art. 9. No relief which shall be contrary to any regulation

in this order shall be given by way of loan; but any relief which may be given in conformity with the provisions of this order to or on account of any person to whom relief may be lawfully given, above the age of twenty-one, or to his wife, or any part of his or her family under the age of sixteen, may, if the guardians shall think fit, be given by way of loan.

Art. 10. If the guardians shall, upon consideration of the special circumstances of any particular case, deem it expedient to depart from any of the regulations hereinbefore contained (except those contained in Art. 3), and within twenty-one days after such departure shall report the same, and the grounds thereof, to the poor law board, the relief which may have been so given in such case by such guardians before an answer to such report shall have been returned by the said board shall not be deemed to be contrary to the provisions of this order; and if the poor law board shall approve of such departure, and shall notify such approval to the guardians, all relief given in such case after such notification, so far as the same shall be in accordance with the terms and conditions of such approval, shall be lawful, anything in this order to the contrary notwithstanding,

The Labour Test Order.] The poor law board, in addition to the foregoing out-door relief prohibitory orders, have also issued to certain unions orders providing for a task of work for able-bodied paupers who may be relieved out of the workhouse.

The following are the provisions of the Labour Test Order:—

Art. 1. Every able-bodied male pauper receiving relief from any parish within the union, and not relieved in the workhouse, shall be relieved in the following manner; that is to say:—

Half at least of the relief given to such pauper shall be given in food, clothing, and other articles of necessity.

No such pauper shall receive relief from the guardians of the union, or any of their officers, or any overseer of any parish in the union, while he is employed for wages or other hire or other remuneration by any person; but every such pauper so relieved shall be set to work by the guardians.

[The commissioners state that the advantages of this mode of relief, and its tendency to prevent misapplication by the man of what is furnished for the use of his wife and family, have already been often pointed out by them, and will be evident to all who have witnessed its employment on a large scale. The articles given should be those of first necessity, such as bread or potatoes.

It is to be observed that this Article applies only to able-bodied men who are not relieved in the workhouse, and therefore that, so far as the workhouse may serve, the guardians may, if they think fit, admit into it any able-bodied applicant for relief.]

Art. 2. The place or places at which able-bodied male paupers shall be so set to work in the union, the sort or sorts of work in which they or any of them shall be employed, the times and mode of work, and all other matters relating to the employment of such able-bodied paupers, shall be fixed and regulated in such manner as the poor law commissioners shall direct, upon a report being made to them by the guardians respecting the employment of such able-bodied paupers; which report the guardians shall transmit to the said commissioners within fourteen days after the day when this order shall come into force, and from time to time afterwards as the poor law commissioners may require.

[This article makes it necessary for the guardians to report the mode of employment (such, for instance, as stone-breaking, removing earth, picking oakum, or labour at a hand-mill), together with the place and time of work, and any other regulations, to the poor law board. This report must be made within fourteen days after the order comes into force; and the arrangements, if varied afterwards, must be reported in the same manner.

With reference to the mode of payment, the commissioners think that it is always expedient to treat whatever is given as *relief* and not as *wages*.

The guardians should consider what is sufficient for the wants of the man and his family, or the man alone, if he be single. This sum they should order (half at least of which is to be in kind), as *relief*, to be given on condition that the man performs a certain task of work to the satisfaction of the superintendent.

It is presumed that the task required will be carefully fixed at what is reasonable for an able-bodied man of average strength to perform. If the pauper should refuse to perform this task, he should be told that, inasmuch as he is able *partly* to maintain his family by giving the guardians the benefit of that quantity of work in return for the relief, if he refuses or neglects so to do, he will subject himself to punishment, under section 3 of the Vagrant Act, 5 Geo. 4, c. 83.

Thus the misconduct of the man will not interrupt the relief to his wife and children, whilst he himself will be punished for his misconduct.]

Art. 3. The guardians shall, upon the direction of the poor law commissioners, appoint, either for a definite or indefinite

term, an officer for the superintendence of the paupers employed under Arts. 1 and 2, to be styled "*Superintendent of Pauper Labour,*" and an assistant or assistants to such officer; and every superintendent and assistant who may be so appointed shall comply with the regulations of this order, and any directions which the poor law commissioners may give in pursuance of Art. 2.

[This article requires the appointment of one or more officers to superintend the labour. Unless this be done the whole system will fail to answer its end; and though the first abuse of payment of wages out of rates may not occur, the second, viz. of wilful and fraudulent chargeability on the part of the pauper, will defeat all the endeavours of the guardians to protect the ratepayers.

The poor-rate will be relied on as a means of enabling workmen to continue and hold out against offers of reasonable wages, or will deter them from seeking for employment elsewhere.

On the due selection of the superintendent, and the vigilant performance of his duties, much will depend.]

Art. 4. Every superintendent and assistant to be appointed under this order, shall be appointed by a majority of the guardians present at a meeting of the board, and every such appointment shall, as soon as the same shall have been made, be reported to the poor law commissioners by the clerk to the guardians.

Art. 5. No appointment to the office of superintendent shall be made under this order, unless notice that such appointment will be made shall have been given at one of the two ordinary meetings of the board of guardians next preceding the meeting at which the appointment shall be made, or unless an advertisement, giving notice of such appointment, shall have appeared in some public paper, by the direction of the guardians, at least seven days before the day on which such appointment shall be made.

Art. 6. The guardians shall pay to the superintendent and his assistant or assistants, such salaries or remuneration as the poor law commissioners shall from time to time direct or approve; and the salary of every superintendent or assistant, appointed under this order, shall be payable up to the day on which he ceases to hold his office, and no longer.

Art. 7. Every person appointed to the office of superintendent of pauper labour under this order, shall continue to hold the same during the term for which he shall be appointed, until he shall die, or resign, or be removed by the poor law commissioners; but the guardians may, at their discretion, suspend from the discharge of his duties any such superinten-

dent, and shall, in case of every such suspension, forthwith report the same, together with the cause thereof, to the poor law commissioners for their decision thereon.

Art. 8. Every assistant appointed under this order may be dismissed by the guardians, without the consent of the poor law commissioners; but every such dismissal, and the grounds thereof, shall be reported to the poor law commissioners.

Art. 9. If any superintendent appointed under this order be at any time prevented by sickness or accident, or other sufficient reason, from the performance of his duties, the guardians may appoint a fit person to act as his temporary substitute, and may pay him a reasonable compensation for his services; and every such appointment shall be reported to the poor law commissioners by the clerk to the guardians, as soon as the same shall have been made.

Art. 10. When any superintendent under this order shall die or resign, the guardians shall, as soon as conveniently may be after such death or resignation, give notice thereof to the poor law commissioners, and shall proceed to make a new appointment in the manner prescribed by the above regulations.

Art. 11. Provided always, that the regulations in Art. 1 shall not apply in the case of any able-bodied male pauper who shall come within any of the following descriptions; that is to say:—

1st. Where such pauper shall receive relief on account of sudden or urgent necessity.

2nd. Where such pauper shall receive relief on account of any sickness, accident, or bodily or mental infirmity affecting such pauper or any of his family.

3rd. Where such pauper shall receive relief for the purpose of defraying the expenses, either wholly or in part, of the burial of any of his family.

4th. Where such pauper shall be confined in any gaol or place of safe custody.

5th. Where any able-bodied male person shall not reside within the union, but the wife, child, or children of such person shall reside within the same, the guardians may afford relief to such wife, child, or children, according to their discretion.

[This Article contains the exception to Art. 1; that is to say, the able-bodied cases in which the guardians may afford relief without requiring labour, and without affording one-half in kind. These exceptions are, in great measure, identical with those in Art. 1. of the order of the 21st of December, 1844, prohibiting the out-door relief of the able-bodied. The order of the 21st of December, however, included able-bodied females as well as males; and as the present order includes only males, the exceptions relating to widows in that order

are here omitted. The guardians will remark that this order is confined to able-bodied persons, and that it does not comprehend the aged and infirm; the latter class, consequently, are not excepted in this article, or adverted to in any of the observations on the order.]

Art. 12. In every case in which the guardians or any of their officers may allow relief on account of sickness, accident, or infirmity, to any able-bodied male person, or to any member of the family of any able-bodied male person, without setting such person to work, according to the directions in Art. 1, an extract from the Medical Officer's Weekly Report (if any such officer shall have attended the case), stating the nature of such sickness, accident, or infirmity, shall be specially entered in the minutes of the proceedings of the guardians of the day on which the relief is ordered or subsequently allowed.

But, if the guardians shall think fit, a certificate under the hand of a medical officer of the union, or of the medical practitioner in attendance on the party on account of whose sickness, accident, or infirmity, relief shall be allowed, shall be laid before the board, stating the nature of such sickness, accident, or infirmity, and a copy of the same shall be in like manner entered in the minutes.

Art. 13. It shall not be lawful for the guardians of the union, or any of their officers, or for any overseer of any parish in the union, to pay the rent wholly or in part of any pauper: provided always that nothing in this article contained shall apply to any shelter or temporary lodging procured in any case of sudden and urgent necessity or mental imbecility.

[This article prohibits the payment of rent; but it will be seen that if a case of sudden urgency occurs, or if an idiot is found in a destitute state, the board of guardians, or even the relieving officer or overseers, will in no way be prevented from procuring temporary lodgings to meet the urgency of the case. This proviso, however, will not authorize the continuance of such charge for lodging longer than is sufficient to meet the case, or, if the lodging be procured by the officers, to bring it before the next meeting of the board of guardians. It is scarcely necessary to add, that if a destitute person is too ill to be removed, a medical certificate to that effect would justify the relieving officer in retaining the lodging in which such person had been placed, until his state should allow of his removal to the workhouse, or he should cease to be chargeable; but the authority of the guardians should always be obtained on the first practicable occasion, and should be renewed from time to time as opportunity may offer.]

Art. 14. If the guardians of the union shall depart in any

particular instance from any of the regulations hereinbefore contained, and shall, within fifteen days after such departure, report the same and the grounds thereof to the poor law commissioners, and if the poor law commissioners shall approve of such departure, then the relief granted in such particular instance shall, if otherwise lawful, not be deemed to be unlawful, or be subject to be disallowed.

Art. 15. No relief which shall be contrary to any regulation in this order shall be given by way of loan; and every relief which may be given to or on account of any person above the age of twenty-one, or to his wife, or any part of his family under the age of sixteen, under Arts. 1, 11, or 12, may, if the guardians shall think fit, be given by way of loan.

The Supplemental Labour Test Order.] In unions in which the general prohibitory relief orders of 21st December, 1844, and subsequent dates, are in force, the poor law commissioners, and the poor law board, when the workhouses of those unions have been full, or when there has been an unusual pressure of able-bodied poor for relief, have issued a supplemental out-door labour test order. This order is similar to the "Labour Test Order," but Arts. 11, 12, 13, and 15, are omitted, and the following words substituted for the first part of Article 1 of that order:—"Every able-bodied male "pauper who may receive relief from any parish within the "union, and may be relieved out of the workhouse with the "approbation of the poor law commissioners, according to "the 6th article of their order, dated the 21st of December, "1844, shall be relieved in the following manner:—that is "to say."

The administration of out door relief.] As connected with the relief of the out door poor, the most important functionary is the relieving officer. His duties, as prescribed by the consolidated order of the Poor Law Commissioners, are as follows:—

Duties of Relieving Officer.

Art. 215. The following shall be the duties of a relieving officer:—

No. 1. To attend all ordinary meetings of the guardians, and to attend all other meetings when summoned by the clerk.

No. 2. To receive all applications for relief made to him within his district, or relating to any parish situated within his district, and forthwith to examine into the circumstances of every case by visiting the house of the

applicant (if situate within his district), and by making all necessary inquiries into the state of health, the ability to work, the condition and family, and the means of such applicant, and to report the result of such inquiries in the prescribed form to the guardians at their next ordinary meeting, and also to visit from time to time as requisite, all paupers receiving relief, and to report concerning the same as the guardians may direct.

[It is important for the relieving officer to observe that it is his duty to visit at their dwellings all persons who have applied for relief, as soon as possible after he has received the application. The relieving officer should moreover observe that he is responsible for all persons who apply for, or receive, relief in his district; and that he cannot discharge himself of this responsibility by any agreement or understanding between himself or the guardians, and the guardians or relieving officer of another union. See the Minute of the Commissioners on the relief of non-resident paupers, in their Seventh Annual Report, and also the provisions of this order relating to the relief of non-settled and non-resident poor, Articles 77–80.

If the applicant for relief resides in an extra parochial place locally situated within the district, the relieving officer is not bound to attend the case unless the person be *actually destitute* in some *parish* in his district. He is not required to relieve a pauper settled in a parish in his district, when such pauper resides in a parish in another relieving officer's district, even though such parish be in the same union.

If an application be made to the relieving officer on behalf of a poor person at the time the board is sitting, he should forthwith report the case to the guardians, and take their directions upon it, and this notwithstanding that he may not have had time to inquire into the case; and he must report to the guardians every fresh application he receives, though in any particular case they may have already refused to allow relief to the applicant.

The relieving officer is not required to make any written suggestion as to the amount of relief which, in his opinion, each case requires; but he should be prepared to state his opinion orally upon the subject to the board of guardians when called upon to do so. He is bound to give the guardians all necessary information in his possession which may contribute to the efficient discharge of their duties, as regards the relief of the poor; and it will be proper that he should make them acquainted with all cases of destitution which come under his observation, even though the parties may not have applied to him for relief.]

No. 3. In any case of sickness or accident requiring

relief by medical attendance, to procure such attendance by giving an order on the district medical officer, or by such other means as the urgency of the case may require.

[If the ailment be such as to afford reasonable ground for the attendance of a medical man, and the applicant be unable to procure medical aid for himself and family, the relieving officer should give the order, but not otherwise.

In cases requiring *immediate* medical or surgical attendance, when the services of the medical officer of the district or his appointed substitute cannot be promptly obtained, the relieving officer may upon the emergency employ any other medical man to attend the case; but the medical officer of the district should be directed to take charge of it as soon as practicable.]

No. 4. To ascertain from time to time from the district medical officer the names of any poor person whom such medical officer may have attended or supplied with medicines, without having received an order from himself to that effect.

[In case the medical officer should have attended any paupers without an order from the relieving officer (as for example, under an order from the board of guardians, or from an overseer, or without an order under Articles 75 and 76), it will be the duty of the relieving officer to ascertain the names of such paupers and to visit them.]

No. 5. In every case of a poor person receiving medical relief, as soon as may be, and from time to time afterwards, to visit the house of such person, and, until the next ordinary meeting of the guardians, to supply such relief (not being in money) as the case on his own views or on the certificate of the district medical officer, may seem to require.

[The relieving officer will not be excused from a personal visit to the house of the sick person, even though the disease under which such person labours is of an infectious or contagious nature, as fever, small pox, &c. He is as much bound as the medical officer to visit fever and other infectious or contagious cases.

With respect to the duty of the relieving officer in the administration of relief to sick paupers upon the certificate of the medical officer, it is to be observed that the visit which the relieving officer is required to make under this regulation, should, as a general rule, take place before he orders the relief stated in the certificate to be required by the pauper; when his other duties do not allow of his at once visiting the

case, he is authorized to afford the relief on the certificate of the medical officer as relief urgently needed, and he should then visit the case as soon afterwards as may be possible. A relieving officer must in all such cases be responsible for the exercise of the discretion granted to him by the provisions of the Consolidated Order.]

No. 6. In every case of sudden or urgent necessity, to afford such relief to the destitute person as may be requisite, either by giving such person an order of admission into the workhouse, and conveying him thereto if necessary, or by affording him relief out of the workhouse, provided that the same be not given in money, whether such destitute person be settled in any parish comprised in the union or not.

[In cases of sudden or urgent necessity, the commissioners remark that it is the duty of the relieving officer to administer the appropriate relief needed (such as food, lodging, or medical assistance), and not to save his own trouble by giving money to a pauper at a moment when he may be unable to use it. If the relieving officer gives an order for the workhouse, and affords the means of conveyance to it, he is considered to have furnished adequate relief, provided the person be in a fit state for removal, and be not in actual want of food. In the latter case, immediate out-relief in kind should be given according to the necessities of the pauper. If the sickness be of a serious nature, the removal of the pauper should not be effected without a medical certificate, if it can be obtained without delay, and without apprehension of danger to the pauper by having to wait for it.—*Instr. Letter.*

If in any case owing to the sickness, tender age of the children, the distance of the residence of the family from the workhouse or any other cause, any members of the family are unable to walk to the workhouse, and have not the means of conveyance to it, it will be the relieving officer's duty to provide for their conveyance, and the expense he incurs in so doing he will charge as out-relief given under circumstances of "sudden and urgent necessity," under the circumstances above assumed. It will be the duty of the relieving officer to take this course, though the order of admission to the workhouse may have been given by the guardians, and though they may not have given any directions in regard to the conveyance of the family to the workhouse.

If a pauper refuses an offer of relief in the workhouse, and if in consequence of such refusal the case should become one of "sudden and urgent necessity," so as to render relief of some kind absolutely necessary, the relieving officer in that

case would be bound to afford relief out of the house in articles of absolute necessity until the next meeting of the guardians. It will, however, be necessary that the relieving officer should act with great care and discretion in all such cases, when it will be his duty to report the circumstances to them, and to take their further directions for his future guidance.

No. 7. To report to the guardians at their next ordinary meeting all cases reported to him by an overseer in conformity with Art. 218, and to obey the directions of the guardians with reference to the relief administered in such cases.

[The intention of this rule is, that the relieving officer shall report to the guardians all cases reported to him by an overseer, in conformity with Art. 1 of the General Order, on duties of overseers, dated 22nd April, 1842. See p. 254. In the regulations subsequently issued this rule stands thus:—"To report to the guardians, at their next ordinary meeting, all cases of relief given by an overseer which may be reported to him by an overseer, and to obey the directions of the guardians with reference to the relief administered in such cases."]

No. 8. To perform the duties with respect to pauper apprentices prescribed by Arts. 60, 61, and 62.

No. 9. To give all reasonable aid and assistance at the request of any other relieving officer of the union, by examining into the case of any applicant for relief, or administering relief to any pauper whose name has been entered on the books of such other relieving officer, and who may be within his own district.

[The relieving officer is not bound to give such aid and assistance to the relieving officers of *other* unions. It may be here observed that a relieving officer is not required to write to the officers of other unions advising relief to be given to paupers belonging to such other unions, and removable thereto, but who are resident within his district. Any urgent case of want should be relieved at once, without any reference to the question of the pauper's settlement.

No. 10. Duly and punctually to supply the weekly allowances of all paupers belonging to his district, or being within the same, and to pay or administer the relief of all paupers within his district to the amount and in the manner in which he may have been lawfully ordered by the guardians to pay or administer the same.

[The relieving officer must in all cases pay the paupers at

the times and places he is directed to do so by the board of guardians; and he has no authority, between the intervals of the guardians' meetings, to vary the amount of relief which has been ordered by the guardians; but if he should do so, he must be prepared to show either obvious or manifest fraud on the part of the pauper, or a cessation of the circumstances under which the relief was given, as, in the case of illness, that the pauper has recovered, or obtained employment at adequate wages. When the ground of withholding the relief is the cessation of the illness of the pauper, a medical certificate will be indispensable. On the other hand, the relieving officer has the power to allow additional relief in kind in cases of sudden and urgent necessity. The relieving officer cannot order the discharge of a pauper from the workhouse who has been once received therein.

As the guardians cannot lawfully give out-door relief to able-bodied paupers without the sanction of the Poor Law Board, the relieving officer will be liable to be called upon by the auditor to repay out of his own pocket any relief which he may have given under the orders of the guardians, contrary to the provisions of the general prohibitory order. When he is ordered by the guardians to give out-door relief to able-bodied paupers whose cases do not come within any of the exceptions to Art. 1 of the prohibitory order, he ought to satisfy himself that the clerk reports the cases to the board for their sanction before the expiration of fifteen days from the day on which the relief is ordered to be given.

Relieving officers cannot lawfully give money to casual poor persons and wayfarers, to enable them to remove to another union or parish. If any union or parish officer endeavours illegally to remove the burden of maintenance to another parish or union, or without any such intention defrays or gives money to defray the travelling expenses of the wayfarer, he will not only meet with the severest displeasure of the commissioners, but also be liable to be indicted and proceeded against, under the 9 & 10 Vict. c. 66, s. 6, which imposes a penalty, not exceeding five pounds and not less than forty shillings, upon any officer of any parish or union who shall, contrary to law, with intent to cause any poor person to become chargeable to any parish to which such person was not then chargeable, convey any poor person out of the parish for which such officer acts, or cause or procure any poor person to be so conveyed, provided in consequence thereof such poor person becomes chargeable to some other parish.

Reference may here be made to the minutes of the poor law commissioners on the subject of relief in clothing, and relief to members of friendly societies (Sixth Annual Report, 1840, pp. 93, 97).]

No. 11. To visit, relieve, and otherwise attend to non-settled poor, being within his district, according to the directions of the guardians, whose officer he is, and in no other way, subject always to the obligation imposed on him in cases of sudden or urgent necessity.

No. 12. To set apart one or more pages in his out-door relief list, in which he shall duly and punctually enter up the payments made by authority of his own board of guardians to non-settled poor, and to take credit for such payments in his receipt and expenditure book.

[That is, poor persons chargeable to, or in the receipt of relief from the guardians of other unions.]

No. 13. To present his weekly accounts to the clerk for his inspection and authentication before every ordinary meeting of the guardians, and to the guardians, at such meeting, for their approval.

No. 14. To submit to the auditor of the union all his books, accounts, and vouchers, at the place of audit, and at such time, and in such manner, as may be required by the regulations of the commissioners.

[This duty is not contingent upon the relieving officer receiving notice of the day appointed for the audit. He is bound to inform himself of the time of the audit, of which notice will be given by the clerk.]

No. 15.—To assist the clerk in conducting and completing the annual or other election of guardians, according to the regulations of the commissioners.

[The relieving officer is not entitled to any extra remuneration for this service unless it be specially awarded to him by the guardians, with the sanction of the poor law board.]

No. 16. To observe and execute all lawful orders and directions of the guardians applicable to his office.

Art. 216.—The relieving officer shall in no case take credit in his accounts, or enter as paid or given by way of relief, any money or other articles which have not been paid or given previously to the taking of such credit, or the making of such entry; and he shall not take credit in such accounts for any money paid to any tradesman or other person without producing, at the next ordinary meeting of the guardians, a bill from such tradesman or person, with voucher of payment.

[Any departure from the strict injunction contained in this

rule, on being discovered, will meet with the severest displeasure of the poor law board, and in all probability will lead to the loss of the officer's situation.

Relief to Married Women.] By stat. 7 & 8 Vict. c. 101, s. 25, so long as it may appear that the husband of any woman is beyond the seas, or in custody of the law, or in confinement in a licensed house or asylum as a lunatic or idiot, all relief given to such woman, or to her child or children, shall, notwithstanding her coverture, be given to such woman in the same manner, and subject to the same conditions, as if she were a widow; but nothing herein contained shall diminish or affect the obligations or liabilities of such husband in respect of such relief.

And by 4 & 5 W. 4, c. 76, s. 56, all relief given to or on account of the wife, or to or on account of any child or children under the age of sixteen, not being blind, or deaf and dumb, shall be considered as given to the husband of such wife, or to the father of such children, as the case may be. By the 57th section of the same Act, every man who shall marry a woman having a child or children at the time of such marriage, whether such child or children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family, and shall be chargeable with all relief or the cost price thereof, granted to or on account of such child or children, until such child or children shall respectively attain the age of sixteen, or until the death of the mother; and such child or children shall be deemed a part of the husband's family.

Relief to Widows.] By stat. 7 & 8 Vict. c. 101, s. 26, it is enacted, that in the case of any person, being a widow, having a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some other place than the parish of her legal settlement, and not situated in any union in which such parish is comprised, it shall be lawful for the guardians of such parish or union, if they see fit, to grant relief to such widow, although not residing in such parish or union; provided always, that, notwithstanding anything herein contained, the guardians of any union or parish, and the overseers of any parish, in which such widow may be resident or may require relief, shall be and remain liable to relieve such widow, in the same manner as any other person requiring relief in such union or parish.

And by 4 & 5 W. 4, c. 76, s. 56, any relief given to or on account of any child or children under the age of sixteen of any widow, shall be considered as given to such widow. See

also the provisions of the general prohibitory orders as to the relief of widows, *ante.*

The recovery of relief from relations.] The father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame, and impotent person, or other poor person not able to work, being of sufficient ability, shall at their own charges relieve and maintain every such poor person in that manner, and according to that rate, as by the justices of the peace of that county where such sufficient persons dwell, or the greater number of them shall be assessed, upon pain that every one of them shall forfeit 20*s.* for every month which they shall fail herein. 43 Eliz. c. 2, s. 7. Under this Act, however, the justices are not empowered to issue an order, unless the poor person to be maintained is chargeable to the parish at the time when the order is made. See *R.* v. *Tripping*, 1 Bott, 430. But the case would be different if the proceedings were under the Vagrant Act, 5 Geo. 4, c. 83, s. 3, for the offence of leaving chargeable to the rates a person whom the head of the family is bound to maintain, is not removed by the subsequent cessation of chargeability. Persons running away and leaving their wives and families, whereby they become chargeable to the poor rates, may be prosecuted by the guardians as idle and disorderly persons, and the expenses of the prosecution will be payable out of the common fund, with the consent of the Poor Law Board, previously obtained under the 7 & 8 Vict. c. 101, s. 59.

Recovery of Relief given to Families of Seamen out of Poor Rates.

Whenever during the absence of any seaman on a voyage his wife, children, and step-children, or any of them, become or becomes chargeable to any union or parish in the United Kingdom, such union or parish shall be entitled to be reimbursed out of the wages of such seaman earned during such voyage any sums properly expended during his absence in the maintenance of his said relations, or any of them, so that such sums do not exceed the following proportions of his said wages: (that is to say,)

(1.) If only one of such relations is chargeable, one half of such wages:

(2.) If two or more of such relations are chargeable, two-thirds of such wages:

But if during the absence of the seaman any sums have been paid by the owner to or on behalf of any such relation as aforesaid, under an allotment note given by the seaman in his, her, or their favour, any such claim for reimbursement as aforesaid shall be limited to the excess (if any) of the pro-

portion of the wages hereinbefore mentioned over the sums so paid.—17 & 18 Vict. c. 104, s. 192.

For the purpose of obtaining such reimbursement as aforesaid, the guardians of the union or parish, where the relief of the poor is administered by guardians, and the overseers of the poor of any other parish in England, and the guardians or other persons having the authority of guardians in any union in Ireland, and the inspector of the poor in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make the claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring such owner immediately on such return to give to such guardians, overseers, persons, or inspector, notice in writing of such return; and such owner, after receiving such notice as aforesaid, shall be bound to retain the said proportion of wages, and to give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim; and the said guardians, overseers, persons, or inspector, may, upon the seaman's return, apply in a summary way in England or Ireland, to any two justices having jurisdiction in such union or parish as aforesaid, and in Scotland to the sheriff of the county, for an order for such reimbursements as aforesaid; and such justices or sheriff may hear the case, and may make an order for such reimbursement to the whole extent aforesaid, to such lesser amount as they or he may under the circumstances think fit; and the owner shall pay to such guardians, overseers, persons, or inspector, out of the seaman's wages, the amount so ordered to be paid by way of reimbursement, and shall pay the remainder of the said wages to the seaman; and if no such order as aforesaid is obtained within the period mentioned in the notice so to be given to the owner as aforesaid, the proportion of wages so to be retained by him as aforesaid shall immediately on the expiration of such period, and without deduction, be payable to the seaman.—*Id.* s. 193.

Relief to casual poor in cases of sickness or accident.] By stat. 11 and 12 Vict. c. 110, s. 2, where any poor person having a fixed place of abode in a parish in any union formed under the provisions of stat. 4 & 5 W. 4, c. 76, shall hereafter, by reason of accident, bodily casualty, or sudden illness occurring to him while in some other parish, in which he has no legal settlement, require relief,—the cost of all the relief given by lawful authority in that behalf, as well medical as otherwise, shall, if the poor person be at the time in receipt of

relief, be paid or reimbursed in like manner, and by the same union or parish as any other relief shall be then payable,—but if he be not then in receipt of relief, it shall be paid or reimbursed, as the case may require, by the parish in which such poor person shall then have his place of abode,—unless by reason of any provision of the law he would, if otherwise chargeable, have been chargeable to the common fund of such union, in which case the payment of reimbursement shall be made by the guardians of the union comprising such parish, and shall be charged to the common fund of the union; and it shall be lawful for the guardians of any union, if they think proper, to pay for any medical or other assistance which shall be rendered to any poor person on the happening of any accident, bodily casualty, or sudden illness, although no order shall have been given for the same by them or any of their officers, or by the overseers, and to charge the same to some one parish in the union, or to the common fund of the union, according as such parish or union would have been liable for the ordinary relief of such poor persons;—provided that nothing herein contained shall exempt the guardians of the union or parish, or their officers, or the overseers of the parish in which such poor person shall require relief by reason of such accident, bodily casualty, or sudden illness, from their liability to supply the requisite relief to such poor person whilst in such union or parish.

Medical relief to permanent paupers.] By Art. 75 of the consolidated order, it is provided that the guardians shall, once at least in every year,, cause to be prepared by the clerk or relieving officers a list of all such aged and infirm persons, and persons permanently sick or disabled, as may be actually receiving relief from such guardians, and residing within the district of each medical officer of the union, and shall from time to time furnish to each district medical officer a copy of the list aforesaid.

Art. 76. Every person whose name is inserted in such list shall receive a ticket, and shall be entitled on the exhibition of such ticket to the medical officer of his district to obtain such advice, attendance, and medicines, as his case may require, in the same manner as if he had received an order from the guardians, and such ticket shall remain in force for the time specified therein, unless such person shall cease to be in the receipt of relief before the expiration of such time.

[These Articles are intended to facilitate the obtaining of attendance and medicines by the permanent paupers; a class whose destitution is acknowledged, and which necessarily includes the most helpless portion of the community.]

The following is the form of the ticket for permanent medical relief:—

_____ UNION.
Date _____
Good until the _____ day of _____ 18—
Name of Pauper _____
Residence of Pauper _____
Name of Medical Officer _____
Residence _____
Usual hour at which he is at home _____

Relief of non-settled and non-resident poor.] By the consolidated order of the 24th July, 1847, Art. 77, if any board of guardians undertake to administer relief allowed to a non-settled pauper living within the union for which they act, on behalf of the officers, or of the board of guardians, of the parish or union in which such pauper is deemed to be settled, every such undertaking shall be made in conformity with the rules and regulations of the commissioners in force at the time.

Art. 78. No money shall be transmitted to any guardians or to any officer of a parish or union, to be applied to the relief of any non-resident pauper, except in conformity with the provisions of this order.

Art. 79. No money shall be paid on account of any non-resident pauper to the guardians or to the officer of any union or parish in which the relief is administered by a board of guardians, except in one of the three following ways:—

No. 1. By post-office order payable to the treasurer of the union or parish to the account of which the money is to be paid, or to the banker of such treasurer.

No. 2. By cheque or order payable to the treasurer of such parish or union, or to his order.

No. 3. By cheque payable to bearer (where the same may lawfully be drawn), and crossed as payable through the treasurer of such parish or union, or his banker, or through the agent of such treasurer or banker; and every such cheque shall be so crossed by the clerk before it is signed by the presiding chairman.

Art. 80. Every account for relief duly administered to non-resident poor, shall be discharged by the guardians within two calendar months from the receipt of such account, by the transmission of the amount due, in one of the modes prescribed in Art. 79.

Arts. 77—80 neither permit nor forbid the allowance of non-resident relief in any case in which such relief is not now permitted, or is not now forbidden; nor do they prevent the guardians from transmitting relief to a poor person who is non-resident, in cases where the same may lawfully be given, through any private channel or means other than the officers of another union or parish.

[All that these articles do is to require that when the agency of another board of guardians is employed, certain rules shall be adhered to. Whether the board of guardians allowing the non-resident relief choose to employ that agency is a matter for their own consideration, and whether the board of guardians of the union where the pauper resides choose to act in the capacity of agents, and direct their officers to administer the relief, is again a matter of choice.

If two boards do so agree to act together, these regulations must be observed, since no contract in opposition to them could be enforced by one party against the other, and the officers of the respective unions are, of course, bound to act in conformity with law.

The provisions of the order in regard to the administration of non-resident relief are compulsory so far as they go, and it does not depend on the choice of a board of guardians to adopt them or not; but they do not profess to direct that one board shall undertake to be the agents of another board whether they like to do so or not.

It is also quite within the legal discretion of the guardians to decide whether or not they will continue to allow non-resident relief to paupers belonging to the union, or whether or not they will continue the agents of other boards of guardians, for the purpose of administering non-resident relief allowed to the paupers of such other unions.

It is always to be remembered, that no undertaking to give relief to a pauper residing at a distance has any legal effect in lessening the obligation cast by the law on the guardians and officers of the spot where the pauper dwells or becomes destitute. The board of guardians at a distance may incur a moral responsibility, by promising to provide for the case, and may transmit from time to time the means of subsistence; but if, by neglect or error, or peculation, those means fail, or owing to any change of circumstances become insufficient, it is on the authorities at the place where the pauper is that the weight of legal responsibility will fall.]

Illegal removal of the poor.] By stat. 9 & 10 Vict. c. 66, s. 6, it is provided that if any officer of any parish (which term includes an "overseer"—14 & 15 Vict. c. 105, s. 11,) or union do contrary to law, with intent to cause any poor person to become chargeable to any parish to which such poor person was not then chargeable, convey any poor person out of the parish for which such officer acts, or cause or procure any poor person so to be conveyed, or give, directly or indirectly, any money, relief or assistance, or afford or procure to be afforded any facility for such conveyance, or make any offer or promise, or use any threat to induce any poor person to depart from such parish; and if in consequence thereof any poor person become chargeable to any parish to which he was not then chargeable, such officer, on conviction, shall forfeit for every offence, any sum not exceeding five pounds nor less than forty shillings. The prohibition in this statute does not extend to guardians, or to other persons who are not officers of the parish or union; but it is scarcely necessary to say that guardians as well as all other persons should carefully abstain from such irregular proceedings as those to which the statute points. If a pauper be illegally thrown upon a parish, he cannot be sent back to the parish from which he came without an infringement of the Act, unless there be an order of removal.

Union chargeability.] By stat. 9 & 10 Vict. c. 66, s. 1, no person shall be removed nor shall any warrant be granted for the removal of any person from any parish in which such person shall have resided for five years next before the application for the warrant. Provided always, that the time during which such person shall be a prisoner in a prison or shall be serving Her Majesty as a soldier, marine, or sailor, or reside as an inpensioner in Greenwich or Chelsea hospitals, or shall be confined in a lunatic asylum, or house duly licensed or hospital registered for the reception of lunatics, or as a patient in a hospital, or during which any such person shall receive relief from any parish, or shall be wholly or in part maintained by any rate or subscription raised in a parish in which such person does not reside, not being a *bond fide* charitable gift, shall for all purposes be excluded in the computation of time hereinbefore mentioned, and that the removal of a pauper lunatic to a lunatic asylum, under the provisions of any Act relating to the maintenance and care of pauper lunatics, shall not be deemed a removal within the meaning of this Act. By the 11 & 12 Vict. c. 111, it is further provided, that whenever any person shall have a wife or children having no other settlement than his or her own, such wife and children should be removable from any parish or place from which he or she would be removable, notwithstanding any provisions in the 9 & 10 Vict.

c. 66, and should not be removable from any parish or place from which he or she would not be removable by reason of any provision in such Act. No woman residing in any parish with her husband at the time of his death shall be removed, nor shall any warrant be granted for her removal from such parish, for twelve calendar months next after his death, if she so long continue a widow (sect. 2); and no child under the age of sixteen years, whether legitimate or illegitimate, residing in any parish with his or her father or mother, stepfather or stepmother, or reputed father, shall be removed, nor shall any warrant be granted for the removal of such child from such parish, in any case where such father, mother, stepfather, stepmother, or reputed father may not lawfully be removed from such parish (sect. 3); and further, no warrant shall be granted for the removal of any person becoming chargeable in respect of relief made necessary by sickness or accident, unless the justices granting the warrant shall state in such warrant that they are satisfied that the sickness or accident will produce permanent disability (sect. 4).

By stat. 11 & 12 Vict. c. 110, s. 1, the cost of the relief to be given to any poor person chargeable or becoming chargeable in any union formed or to be formed under the provisions of the stat. 4 & 5 W. 4, c. 76, being a destitute wayfarer or wanderer or foundling, as well as the cost of the burial of the body of any such person dying within such union, shall be chargeable to the common fund of such union.

And by stat. 11 & 12 Vict. c. 110, s. 3, it is enacted that for a time limited (which time has been from time to time extended by subsequent Acts of parliament), all the costs incurred in the relief, as well medical as otherwise, of any poor person, who, not being settled in the parish where he resides, shall, by reason of some provision of the Act passed in the tenth year of the reign of Her Majesty, intituled *An Act to amend the Laws relating to the Removal of the Poor*, be or become exempted from the liability to be removed from the parish where he resides, shall, where the said parish shall be comprised in any such union as aforesaid, be charged to the common fund of such union, so long as such person shall continue to be so exempted: and the expenses of the burial of any such person so exempted at the time of his death shall, if legally payable to the guardians of the union, likewise be charged to the said common fund.

And where in any such union a question shall arise between any parishes therein, or between the guardians and any parish or parishes therein, with reference to the charging of the cost of his relief, as to whether any pauper be so exempted as aforesaid, the parties may jointly submit such question to the poor law board, who may thereupon, if they think proper, entertain such question, and by an order under their seal de-

termine the same; but no such order shall be liable to be removed, by writ of *certiorari* or otherwise, into the court of Queen's Bench, after the expiration of the term next ensuing the time when the copy thereof shall have been sent to the guardians, nor shall the same be quashed for any defect of form therein; and every such order not rescinded or quashed shall be in all courts and for all purposes final and conclusive between the guardians and every parish in the union interested in the matter. *Id.* s. 4. And again the guardians of any two unions or parishes, or the guardians of a union and the guardians of a parish, or the guardians of a union or parish and the overseers of any parish, or the overseers of any two parishes between whom any question affecting the settlement, removal, or chargeability of any poor person shall arise, may, if they think fit so to do, by agreement in writing, executed in respect of any guardians by sealing with their common seal, and in respect of overseers by the signatures of a majority of them, submit such question to the poor law board for their decision. 14 & 15 Vict. c. 105, s. 12.

Also, all the costs and expenses incurred, or hereafter to be incurred, in and about the obtaining any order of justices for the removal and maintenance of a lunatic pauper who shall have been or shall be removed under any such order to any asylum, licensed house, or registered hospital, and who, if not a lunatic, would have been exempt from removal by reason of some provision in stat. 9 & 10 Vict. c. 66, shall be borne by the common fund of the union comprising the parish wherein such pauper lunatic was resident at the time when such lunatic pauper was so removed to such asylum, licensed house, or registered hospital, notwithstanding the order for the payment thereof shall have been made upon the overseers of such parish, or the parish of the settlement, or upon the treasurer or guardians of the union in which either parish shall be comprised. 12 & 13 Vict. c. 103, s. 5.

And the cost of all the relief, which, under the provisions of this Act, shall be chargeable to the common fund of any union, shall be charged to the common fund of such union, in the same manner as union expenses are directed to be charged by stat. 4 & 5 W. 4, c. 76. 11 & 12 Vict. c. 110, s. 6.

Burial of paupers.] It shall be lawful for guardians, or where there are no guardians, for the overseers, to bury the body of any poor person which may be within their parish or union respectively, and to charge the expenses thereof to any parish under their control to which such person may have been chargeable, or in which he may have died, or otherwise in which such body may be; and unless the guardians, in compliance with the desire expressed by such person in his

lifetime, or by any of his relations, or for any other cause, direct the body of such poor person to be buried in the churchyard or burial ground of the parish to which such person has been chargeable (which they are hereby authorized to do), every dead body which the guardians or any of their officers duly authorized shall direct to be buried at the expense of the poor rates, shall (unless the deceased person, or the husband or wife or next of kin of such deceased person, have otherwise desired), be buried in the churchyard or other consecrated burial ground in or belonging to the parish, division of parish, chapelry, or place in which the death may have occurred; and in all cases of burial under the direction of the guardians or overseers as aforesaid, the fee or fees payable by the custom of the place in which the burial may take place, or under the provisions of any Act of parliament, shall be paid out of the poor rates, for the burial of each such body, to the person or persons who by such custom or under such Act may be entitled to receive any fee: provided always, that it shall not be lawful for any officer connected with the relief of the poor, to receive any money for the burial of the body of any poor person which may be within the parish, division of parish, chapelry, or place in which the death may have occurred, or to act as undertaker for personal gain or reward in the burial of any such body, or to receive any money from any dissecting school or school of anatomy, or hospital, or from any person or persons to whom any such body may be delivered, or to derive any personal emolument whatever for or in respect of the burial or disposal of any such body; and any such officer offending as aforesaid shall, on conviction thereof before any two justices, forfeit and pay a sum not exceeding five pounds. 7 & 8 Vict. c. 101, s. 31. It should be remembered also with reference to the terms of the above section, that the 56th section of the same Act provides that for the purposes of the burial of the poor, the workhouse of any union or parish shall be considered as situated in the parish to which each poor person to be buried is or has been chargeable.

In the case of a destitute wayfarer or wanderer, or foundling, dying in a union, the costs of burial are to be charged to the common fund of the union. 11 & 12 Vict. c. 110, s. 1. And the expenses of the burial of persons exempt from removal by reason of some provision of the 9 & 10 Vict. c. 66, are also to be charged to the common fund (*id.* s. 3).

With regard to the burial of poor persons who die whilst in the receipt of relief from the guardians of a union in which they do not reside, it is provided by the 12 & 13 Vict. c. 103, s. 17, that it shall be lawful for the guardians of any union or parish to pay the costs of the burial of any poor person dying

out of the limits of the union or parish, who was at the time of the death in the receipt of relief from such guardians. It is further provided by the same section, that the cost of burying any poor person by or under the direction of any guardians or overseers, shall be recoverable in like manner and from the same persons as the cost of any relief (if given to such person when living) would have been recoverable.

Education of Children of Out-door Paupers.] The guardians may, if they deem proper, grant relief for the purpose of enabling any poor person lawfully relieved out of the workhouse to provide education for any child of such person, between the ages of four and sixteen, in any school to be approved of by the guardians, for such time and under such conditions as the guardians shall think fit (18 & 19 Vict. c. 34, s. 1). But it shall not be lawful for the guardians to impose as a condition of relief that such education shall be given to any child of the person requiring relief (sect. 3). The costs of the relief are to be charged in the same manner as any other relief given to the same persons (sect. 4). The guardians may also grant relief to provide for the education of orphan or deserted children (sect. 5).

With reference to this provision it may be as well to bear in mind, that if the relief to the parent of the child ceases, relief for the purposes of the education of the child must cease also. Further, on this subject, see the Circular of the Poor Law Board on the provisions of this statute.

Government of the Workhouse.

By the consolidated order of the 24th July, 1847, Art. 152, the commissioners declare, that, subject to the rules and regulations contained in that order, the guidance, government, and control of every workhouse, and of the officers, servants, assistants, and paupers within such workhouse, shall be exercised by the guardians of the union, *i. e.*, by the guardians acting as a board. By s. 38 of 4 & 5 W. 4, c. 76, no guardian, except as therein excepted, shall have power to act in virtue of his office, except as a member and at a meeting of the board.

The rules and regulations for the government of the workhouse are contained in the following articles of the consolidated order:—

Admission of Paupers.

Art. 88. Every pauper who shall be admitted into the workhouse, either upon his first or any subsequent admission,

shall be admitted in some one of the following modes only, that is to say:—

By a written or printed order of the board of guardians, signed by their clerk according to Art. 42.

By a provisional written or printed order, signed by a relieving officer or an overseer.

By the master of the workhouse (or during his absence, or inability to act, by the matron), without any order, in any case of sudden or urgent necessity.

Provided that the master may admit any pauper delivered at the workhouse under an order of removal to a parish in the union.

[Under this Article an order for the admission of a pauper into the workhouse can be given by the board of guardians, absolutely; and provisionally, by a relieving officer, or an overseer, including a churchwarden, who is an overseer by virtue of his office. Moreover, the master, or, in case of his absence or inability to act, the matron, is empowered to admit any pauper without an order, in any case of sudden or urgent necessity; and by Art. 208, No. 1, and Art. 210, No. 1, it is made the duty of the master or matron to admit into the workhouse, every person who applies at the workhouse for relief under such circumstances. If the master and matron should be both absent from the workhouse, or incapable of performing their duties at the same time, it is, by Art. 214, No. 3, the duty of the porter to admit and place in the receiving ward, any person who may apply to the workhouse for relief under similar circumstances. The commissioners do not contemplate that the master, matron, and porter should simultaneously be absent from the workhouse, or incapable of performing their duties, and therefore they have made no provision for this contingency.

It is to be observed, generally, with respect to all persons who may apply for admission into the workhouse under circumstances of urgent necessity, that their destitution, coupled with the fact of their being within the union or parish, entitles them to relief; and that their title to relief is altogether independent of their settlement (if they have one), which is a matter for subsequent inquiry, and only renders them liable to removal in consequence of their becoming chargeable.

Generally, with respect to the admission and discharge of paupers, it is to be observed that they should be admitted and discharged on Sundays and holidays the same as on other days, but not during the performance of divine service; the master must also admit those who present a proper order, or who apply without one under urgent circumstances, at any time of night, but he is not in general bound to discharge a pauper in the night time.

The master has no authority to discharge a pauper from the workhouse against the pauper's wish, without directions from

the board of guardians, nor has the relieving officer or clerk to the guardians such a power.

If, on searching the pauper, money is found on him sufficient for his present maintenance, the master should take possession of such money, and deliver it to the guardians of the union at their next meeting thereafter.

The 12 & 13 Vict. c. 103, s. 16, provides that where any pauper shall have in his possession or belonging to him any money or valuable security for money (*i. e.* bank note, bill of exchange, or promissory note), the guardians of the union or parish within which such pauper is chargeable, may take and appropriate so much of such money, or the produce of such security, or recover the same as a debt before any local court, as will reimburse the guardians for the amount expended by them, whether on behalf of the common fund of the union, or of any parish in the relief of such pauper, during the period of twelve months prior to such taking and appropriation, or prior to such proceeding for the recovery thereof. In the event of the death of any pauper having in his possession or belonging to him any money or property, the guardians of the union or parish wherein such pauper shall die, may reimburse themselves the expenses incurred by them in and about the burial of such pauper, and in and about the maintenance of such pauper at any time during the twelve months previous to the decease.

Overseers are only authorized to give relief in cases of "sudden and urgent necessity;" the giving of an order for the workhouse amounts to relief, but the master is not required to judge whether the case is one in which the overseers may lawfully give relief, and he must therefore admit the pauper.

The guardians cannot withdraw the power of the overseers to give provisional orders for the admission of paupers into the workhouse, nor will the refusal of the relieving officer to give an order prevent the overseers from doing so, but the latter will be bound to establish that the case was one of sudden and urgent necessity.

The order is termed "provisional," because it is valid only for the interval from the time it is given to the next ordinary meeting of the guardians, when the admission of the pauper by such an order (see Art. 90) is brought before them for their decision on the propriety of the pauper remaining in the workhouse or not.

An assistant overseer, to whom the giving of relief is assigned as one of his duties, or whose appointment authorizes him to perform such of the duties as pertain to an overseer of the poor, has power to give orders for the admission of paupers in like manner as overseers.

If a pauper labouring under an infectious disease presents a provisional order for admission, he should be placed in the

ward appropriated for the reception of such cases; and if there be no means of separating the pauper so affected from the other inmates, the master should immediately send for the relieving officer, who will in such a case be responsible for providing some temporary accommodation for the pauper.

The proviso to this Article is intended to meet the provision contained in the Poor Removal Act, 9 & 10 Vict. c. 66, which enacts, "that delivery of any pauper under any warrant of removal directed to the overseers of any parish, at the workhouse of such parish, or of any union to which such parish belongs, to any officer of such workhouse, shall be deemed the delivery of such pauper to the overseers of such parish."]

Art. 89. No pauper shall be admitted under any written or printed order, as mentioned in Art. 88, if the same bear date more than six days before the pauper presents it at the workhouse.

Art. 90. If a pauper be admitted otherwise than by an order of the board of guardians, the admission of such pauper shall be brought before the board of guardians at their next ordinary meeting, who shall decide on the propriety of the pauper's continuing in the workhouse or otherwise, and make an order accordingly.

[The board of guardians possess the power of discharging from the workhouse, and refusing all other relief to any pauper whom they may consider capable of supporting himself. If, however, the workhouse be properly regulated, persons who are not really destitute will, in general, be unwilling to remain in it. The power of discharging from the workhouse should, therefore, be exercised with the utmost caution; and in general only in cases where a pauper can be proceeded against criminally, under the Vagrant Act, for neglecting to maintain himself or his family.]

Art. 91. As soon as the pauper is admitted, he shall be placed in some room to be appropriated to the reception of paupers on admission, and shall then be examined by the medical officer.

Art. 92. If the medical officer, upon such examination, pronounce the pauper to be labouring under any disease of body or mind, the pauper shall be placed in the sick ward, or in such other ward as the medical officer shall direct.

[It will be the duty of the guardians and the master to see that the receiving wards are kept in proper order, and that no unnecessary delay in the examination of the paupers in the receiving wards occurs on the part of the medical officer. A preliminary examination of the paupers by the medical officer

is necessary, in order to prevent the introduction of contagious or infectious diseases into the workhouse. If the pauper, on inspection, should be found to labour under a contagious or infectious disease, he must not, on that account, be refused admission into the workhouse, but he should, after being inspected, be placed in the ward appropriated for the reception of persons afflicted with contagious or infectious disorders, and proper precaution should be taken to prevent the spread of the disease amongst the other inmates.

It may here be remarked, that the law does not admit of the medical officer or of the guardians resorting to compulsion to examine into the state of a sick pauper, when such pauper (being of sound mind) refuses to permit an examination of his person to be made.]

Art. 93. If the medical officer pronounce the pauper to be free from any such disease, the pauper shall be placed in the part of the workhouse assigned to the class to which he may belong.

[With respect to the classification of the paupers, after being examined by the medical officer, see Art. 98.]

Art. 94. No pauper shall be detained in a receiving ward for a longer time than is necessary for carrying into effect the regulations in Arts. 91, 92, and 93, if there be room in the proper ward for his reception.

Art. 95. Before being removed from the receiving ward, the pauper shall be thoroughly cleansed, and shall be clothed in a workhouse dress, and the clothes which he wore at the time of his admission shall be purified, and deposited in a place appropriated for that purpose, with the pauper's name affixed thereto. Such clothes shall be restored to the pauper when he leaves the workhouse.

Art. 96. Every pauper shall, upon his admission into the workhouse, be searched by or under the inspection of the proper officer, and all articles prohibited by any Act of Parliament, or by this order, which may be found upon his person, shall be taken from him, and, so far as may be proper, restored to him at his departure from the workhouse.

[The search will naturally be made at the time when the pauper's clothes are changed under Art. 95.

The adult male paupers ought to be searched by the porter; the female paupers and the children by the matron, or by some female servants under her direction.

The following are examples of prohibited articles :—

1. Spirituous or fermented liquors (Poor Law Amendment Act, ss. 91–94).

2. Articles of food not allowed by the dietary. (Art. 107.)
3. Letters or printed papers, having an improper tendency. (Art. 119.)
4. Cards or dice. (Art. 120.)
5. Matches or highly combustible articles. (Art. 121.)

The officers of the workhouse are not empowered to take from paupers any money or trinkets which may be in their possession. If the guardians or their officers should become aware that any pauper is possessed of money, or other available property sufficient for his maintenance, they would be justified in withholding relief from such pauper during the time that he is able to maintain himself; or they might proceed against him before a justice for being wilfully chargeable; but see note to Art. 88, as to the appropriation of money found on paupers, *ante*.

The guardians are not empowered to direct the hair of any adult pauper to be cut off under ordinary circumstances; but only in some extraordinary case, where such a proceeding may be necessary for the protection of the health of the inmates of the house; in no case will they be justified in forcibly cutting off the hair of adult female paupers of sane mind.]

Art. 97. Provided always, that the regulations respecting the admission, clothing, and searching of paupers shall not apply to any casual wayfarer, unless the guardians shall so direct, or unless he is compelled to remain in the workhouse from illness or other sufficient cause, in which case he shall be admitted regularly as an inmate.

Classification of the Paupers.

Art. 98. The paupers, so far as the workhouse admits thereof, shall be classed as follows:—

Class 1. Men infirm through age or any other cause.
Class 2. Able-bodied men, and youths above the age of fifteen years.
Class 3. Boys above the age of seven years, and under that of fifteen.
Class 4. Women infirm through age, or any other cause.
Class 5. Able-bodied women, and girls above the age of fifteen years.
Class 6. Girls above the age of seven years, and under that of fifteen.
Class 7. Children under seven years of age.

To each class shall be assigned that ward or separate building and yard which may be best fitted for the reception of such class, and each class of paupers shall remain therein, without communication with those of any other class.

[Section 26 of the Poor Law Amendment Act, after enabling the commissioners to unite parishes for the administration of the laws for the relief of the poor, and declaring that upon such union the workhouse or workhouses of such parishes shall be for their common use, proceeds to enact, that the said commissioners may issue such rules, orders, and regulations as they shall deem expedient for the classification of such of the poor of such united parishes in such workhouse or workhouses, as may be relieved in any such workhouse.

In order to enforce the observance of decency and good order, it is necessary that the inmates of a workhouse should be separated into certain classes. In no well-managed institution of this sort, in this or any other country, are males and females, the old and the young, the healthy and the sick, indiscriminately mixed together. The classes of paupers prescribed by the commissioners are indicated in Art. 98. The commissioners believe that every well-regulated workhouse should contain the means of dividing the inmates into at least as many classes as are indicated in this Article.

It is to be observed, that, although the guardians are required to divide the paupers into the seven classes specified in this Article, they are permitted to subdivide any one or more of these classes in any manner which may be advisable, and which the internal arrangements of the workhouse may permit. For example, it is very desirable that females of dissolute and disorderly habits should be separated from those of a better character; inasmuch as it is the duty of the guardians to take all reasonable care that the morals of persons admitted into the house be not corrupted by intercourse with inmates of this description. On this point, see Art. 99, proviso 2.

It may be further remarked upon this Article, that it is the duty of the master, under the direction of the medical officer, to separate from the other inmates any pauper patient labouring under an infectious or contagious disease, for the purpose of preventing such disease from spreading; and in case of necessity he would be authorized in confining such patient in a separate apartment or sick ward, and preventing all intercourse between him and the other inmates.

The exceptions to the regulation, that paupers of different classes shall not communicate with one another, are stated in the several provisos of Art. 99.

As to classes 1 and 4, see Art. 99, proviso 3, and the provision contained in the 10 & 11 Vict. c. 109, s. 23, which enacts that, when any two persons, being husband and wife, both of whom being above the age of sixty years, shall be received into any workhouse, such two persons shall not be compelled to live separate and apart from each other in such workhouse.]

Art. 99. Provided,

Firstly.—That the guardians shall from time to time, after consulting the medical officer, make such arrangements as they may deem necessary with regard to persons labouring under any disease of body or mind.

[As to the detention of dangerous lunatics in the workhouse, see Art. 101.]

Secondly.—The guardians shall, so far as circumstances will permit, further subdivide any of the classes enumerated in Art. 98, with reference to the moral character, or behaviour, or the previous habits of the inmates, or to such other grounds as may seem expedient.

[This is an important provision, enabling the guardians to place persons of bad character in classes by themselves, so that they may not contaminate the virtuous and well-conducted inmates of the house. See note to Art. 98 on this point, *ante.*]

Thirdly.—That nothing in this order shall compel the guardians to separate any married couple, being both paupers of the first and fourth classes respectively, provided the guardians shall set apart for the exclusive use of every such couple a sleeping apartment separate from that of the other paupers.

[The regulation of the commissioners in consequence of which a husband and his wife are separated during their residence in the workhouse, has been by many persons considered objectionable. A regulation of this sort is required by the internal arrangements of a workhouse; for in order that all married couples should live together in a workhouse, in a manner consistent with decency and propriety, it would be necessary not only that the internal arrangements and discipline of workhouses should be altogether altered, but that their size and cost should be greatly increased.

Aged married couples (whose residence in the workhouse is likely to be of longer duration than that of able-bodied persons) the guardians may, under this proviso, place in a separate sleeping apartment. See 10 & 11 Vict. c. 109, s. 23, as to the separation of married couples above sixty years of age, in the note to Art. 98. Moreover, the guardians can allow out-door relief to any aged couple whom it may be inexpedient from any cause to retain in the workhouse.]

Fourthly.—That any paupers of the fifth and sixth classes may be employed constantly or occasionally in any of the female sick wards, or in the care of infants, or as assistants in the household work; and the master and

matron shall make such arrangements as may enable the paupers of the fifth and sixth classes to be employed in the household work, without communication with the paupers of the second and third classes.

Fifthly.—That any pauper of the fourth class, whom the master may deem fit to perform any of the duties of a nurse or assistant to the matron, may be so employed in the sick wards, or those of the fourth, fifth, sixth, or seventh classes, and any pauper of the first class, who may by the master be deemed fit, may be placed in the ward of the third class, to aid in the management, and superintend the behaviour, of the paupers of such class, or may be employed in the male sick ward.

[Proviso 4 permits able-bodied women and girls above the age of seven years to be employed as nurses, or to give assistance in the household work out of their own ward. Proviso 5 permits infirm women to be employed similarly as nurses or assistants to the matron, and infirm men to be employed as superintendents of the boys. With respect to the use of pauper servants, the commissioners remark that they require the strictest superintendence on the part of the master and the other officers. The employment of paupers in offices of trust in the workhouse is inexpedient, inasmuch as it tends to impair the discipline of the house. In offices of mere labour, which can be performed under trustworthy superintendence, paupers may be useful. In such case they should in general receive only the common fare and clothing. Where responsibility is involved, paid servants should be engaged.

If a pauper be competent to superintend or teach any kind of work, the commissioners have no doubt of the right of the guardians to require him to do so. The expediency of compelling any pauper inmate of a workhouse to teach a trade which he is unwilling to teach is, however, very doubtful. Tuition under the influence of compulsion would probably be of little value to the children receiving it.]

Sixthly.—That the guardians, for a special reason to be entered on their minutes, may place any boy or girl between the ages of ten and sixteen years, in a male or female ward respectively different from that to which he or she properly belongs, unless the commissioners shall otherwise direct.

[Workhouses in or near populous towns commonly contain boys and girls between the ages of ten and sixteen, whom it is more expedient to class with the adult men and women, than with the other boys and girls. This proviso enables the

guardians to depart, in cases of this description, from the classification prescribed by Art. 98.]

Seventhly.—That the paupers of the seventh class may be placed in such of the wards appropriated to the female paupers as shall be deemed expedient, and the mothers of such paupers shall be permitted to have access to them at all reasonable times.

[This proviso permits children under the age of seven years to be placed in the wards of the female paupers, and also permits the mothers to have access to their children at all reasonable times. The commissioners remark upon this proviso, that so long as any mother is suckling her child, she ought to have access to it at all times except when she is at work, and that the child ought not even then to be completely beyond the mother's reach.]

Eighthly.—That the master (subject to any directions given or regulations made by the guardians) shall allow the father or mother of any child in the same workhouse, who may be desirous of seeing such child, to have an interview with such child at some one time in each day, in a room in the said workhouse to be appointed for that purpose. And the guardians shall make arrangements for permitting the members of the same family who may be in different workhouses of the union to have occasional interviews with each other, at such times and in such manner, as may best suit the discipline of the several workhouses.

[This proviso contains regulations for the daily interviews of parents and children who may be in the same workhouse: and for the occasional interviews of members of the same family who may be in different workhouses.

Respecting visits to paupers in the workhouse by persons not being inmates of the workhouse, see Art. 118, and note.

By Art. 208, No. 14, it is the master's duty to apprize the nearest relation in the workhouse of the sickness of any pauper, and by Article 208, No. 16, it is his duty to give immediate information of the death of any pauper in the workhouse to the nearest relations of the deceased, who may be known to him, and who may reside within a reasonable distance.]

Ninthly.—That casual poor wayfarers admitted by the master or matron, shall be kept in a separate ward of the workhouse, and shall be dieted and set to work in such manner and under such regulations as the guardians by any resolution now in force, or to be made hereafter, may direct.

[Whenever any vagrants or mendicants are received into the workhouse, they ought, unless their stay exceeds a single night, to be kept entirely separate from the other inmates. This is a precaution necessary for preventing the introduction of infectious or contagious diseases into the workhouse. An allowance of bread or potatoes should be given to each person so received at night.

The bedding provided for vagrants should be sufficient for warmth, but may be inferior in quality and character to that used for the other inmates of the house. Except in severe weather, it is not desirable to allow a fire in the vagrant ward. Wet clothes may be dried and returned to the wearer on the next day, he being accommodated in the mean time with old clothes from the workhouse store reserved for this purpose. No smoking or card playing should be permitted in the vagrant ward.

The medical officer should be called in to visit any vagrant alleging that he is sick; and immediate attention should be paid to his wants; if the sickness assume a serious character the vagrant should be removed to the workhouse infirmary. See Art. 97.

The 5 & 6 Vict. c. 57, s. 5, empowers the guardians to prescribe a task of work to be done by any person relieved in any workhouse, in return for the relief and lodging afforded to such person. This should be done by a resolution in the following form, a copy of which must be transmitted to the poor law board for their approval:—

Ordered:—By the guardians of the —— union, at a meeting of the board, held this —— day of ——, one thousand eight hundred and ——.

That the master of the workhouse of the —— union do set every adult person, not suffering under any temporary or permanent infirmity of body, being an occasional poor person who shall be relieved in the said workhouse, in return for the food and lodging afforded to such person, to perform the following task of work, that is to say: [here set out the task of work.] *Provided that no such person shall be detained against his or her will for the performance of such task of work for any time exceeding four hours from the hour of breakfast, on the morning next after admission. And provided also that such amount of work shall not be required from any person to whose age, strength, and capacity it shall appear not to be suited.*

Signed, ——, Clerk to the Guardians.

The guardians are not empowered to detain any person against his will, for the performance of the task of work, for any time exceeding four hours from the hour of breakfast in the morning succeeding the admission of such person into the

workhouse; and if any person while in the workhouse refuse or neglect to perform such task of work suited to his age, strength and capacity, or wilfully destroy or injure his own clothes or damage any of the property of the board of guardians, he may be taken before justices and punished under the provisions of the 5 Geo. 4, c. 83, s. 3.

The refusal of the pauper to take the breakfast offered him in the morning, does not exonerate him from the liability to perform the task of work in return for the food and lodging afforded him on the previous night. The task should not, however, be exacted in any case in which it is not suited to the age, strength, and capacity of the individual.]

Art. 100.—The guardians shall not admit into the workhouse, or any ward of the same, or retain therein, a larger number or a different class of paupers than that heretofore or hereafter from time to time to be fixed by the commissioners; and in case such number shall at any time be exceeded, the fact of such excess shall be forthwith reported to the commissioners by the clerk.

[This article is intended to prevent the reception into any workhouse of a larger number of inmates than it is capable of containing, consistently with their health and comfort. When the number of the inmates shall have reached the maximum approved by the poor law board, the guardians will inform the board of the fact, and will cease to make any fresh admissions, until the number shall have been diminished; if the order prohibiting out-door relief to the able-bodied is in force in the union, the guardians will be enabled to make exceptions to its provisions under Art. 6, and to report such exceptions to the board.

Should the guardians at any time make alterations or additions to their workhouse, so as to render it capable of containing a larger number than the fixed number, they should report to the board the number which they consider the house, with the increased accommodation afforded, can accommodate, with a view to obtaining their consent to the extension of the number.]

Art. 101.—No pauper of unsound mind, who may be dangerous, or who may have been reported as such by the medical officer, or who may require habitual or frequent restraint, shall be detained in the workhouse for any period exceeding fourteen days, and the guardians shall cause the proper steps to be taken for the removal of every such pauper to some asylum or licensed house as soon as may be practicable.

[Section 45 of the 4 & 5 W. 4, c. 76, enacts that "nothing

in this Act contained shall authorize the detention in any workhouse of any dangerous lunatic, insane person, or idiot, for any longer period than fourteen days; and every person wilfully detaining in any workhouse any such lunatic, insane person, or idiot, for more than fourteen days, shall be deemed guilty of a misdemeanor." The words "dangerous lunatic, insane person or idiot," in this clause, according to the opinion of the law officers of the crown given to the poor law commissioners, are to be read "dangerous lunatic, dangerous insane person, or dangerous idiot."

Inasmuch as there are not in a workhouse the proper conveniences for the detention of dangerous lunatics, it is desirable that any dangerous lunatic who may be temporarily deposited in one, should not be detained there during a longer time than is necessary for taking the steps preparatory to his removal to a county lunatic asylum or licensed house.

From the express prohibition of the detention of dangerous persons of unsound mind in a workhouse, contained in the 4 & 5 W. 4, c. 76, s. 45, coupled with the prevalent practice of keeping insane persons in workhouses before the passing of that Act, it may be inferred that persons of unsound mind, not being dangerous, may be legally kept in a workhouse. It must however, be remembered, that with lunatics, the first object ought to be their cure, by means of proper medical treatment.

This can only be obtained in a well regulated-asylum; and therefore the detention of any curable lunatic in a workhouse is highly objectionable on the score both of humanity and economy.]

Discipline and Diet of the Paupers.

Art. 102. All the paupers in the workhouse, except the sick and insane, and the paupers of the first, fourth, and seventh classes shall rise, be set to work, leave off work, and go to bed at the times mentioned in the Form (N.) hereunto annexed, and shall be allowed such intervals for their meals as are therein stated, and these several times shall be notified by the ringing of a bell; provided always that the guardians may, with the consent of the commissioners, make such alterations in any of the said times or intervals, as the guardians may think fit.

[The several times specified can be altered by the guardians, with the consent of the poor law board; but if no such alteration should be made, the times specified in the form must be observed in the workhouse.]

The following is the Form (N.) referred to in Article 102.

	Time of Rising.	Interval for Breakfast.	Time for Work.	Interval for Dinner.	Time for Work.	Interval for Supper.	Time for going to Bed.
From 25th March to 29th Sept....	½ before 6	From ½ past 6 to 7	From 7 to 12	From 12 to 1	From 1 to 6	From 6 to 7	8 o'clock
From 29th Sept. to 25th March..	½ before 7	From ½ past 7 to 8	From 8 to 12	From 12 to 1	From 1 to 6	From 6 to 7	8 o'clock

Art. 103. Half an hour after the bell shall have been rung for rising, the names of the paupers shall be called over by the master and matron respectively, in the several wards provided for the second, third, fifth, and sixth classes, when every pauper, belonging to the respective wards, shall be present, and shall answer to his name, and be inspected by the master and matron respectively, provided that the paupers of the third and sixth class may be called over and inspected by the schoolmaster and schoolmistress.

[It is desirable that the master and matron should every day call over the name of every pauper belonging to the classes enumerated, in order that they may not only be certified of the pauper's presence in the workhouse, but also that every pauper of these classes may every day be necessarily brought under their attention.]

Art. 104. The meals shall be taken by all the paupers except the sick, the children, persons of unsound mind, casual poor wayfarers, women suckling their children, and the paupers of the first and fourth classes in the dining-hall or day-room, and in no other place whatever, and during the time of meals order and decorum shall be maintained.

[With the exceptions specified in this article, all the pauper. ought to consume their meals in the dining-hall or day-room With respect to the sick, the children, and persons of unsound mind, it is often necessary that they should eat their meals in their bed-rooms. It may be here observed that the officers of the workhouse, in order to save themselves trouble, sometimes give out at once all the bread which each pauper is to consume during the day. This practice leads to waste and irregularity, and ought not, in general, to be permitted by the guardians. All articles of food which the paupers may not consume in the dining hall during the meal should be removed by the officers;

and no pauper should be allowed to carry away any food from the dining-hall. It may be added that no pauper ought to be allowed to secrete articles of food in boxes or bags in the bedroom, as such a practice is uncleanly, and likely to prove injurious to the health of the inmates.]

Art. 105. No pauper of the second, third, fifth, or sixth classes shall go to, or remain in, his sleeping-room, either in the time hereby appointed for work, or in the intervals allowed for meals, except by permission of the master or matron.

Art. 106. The master and matron shall (subject to the directions of the guardians) fix the hours of rising and going to bed for the paupers of the first, fourth, and seventh classes, and determine the occupation and employment of which they may be capable; and the meals for such paupers shall be provided at such times and in such manner as the guardians may from time to time direct.

[In fixing the hours of rising and going to bed, and the employment of the infirm men and women, and the children, the guardians, and the master and matron, ought to consult the medical officer of the workhouse. This article likewise permits the guardians to fix the times at which the infirm men and women, and the children, shall have their meals, and also the manner in which their meals shall be furnished to them; for example, in their own rooms, if it be necessary.]

Art. 107. The paupers shall be dieted with the food and in the manner set forth in the dietary table which may be prescribed for the use of the workhouse, and no pauper shall have or consume any liquor, or any food or provision other than is allowed in the said dietary table, except on Christmas Day or by the direction in writing of the medical officer, as provided in Article 108.

Art. 108. Provided,

First. That the medical officer may direct in writing such diet for any individual pauper as he may deem necessary, and the master shall obey such directions until the next ordinary meeting of the guardians, when he shall report the same in writing to the guardians.

Secondly. That if the medical officer at any time certify that he deems a temporary change in the diet essential to the health of the paupers in the workhouse, or of any class or classes thereof, the guardians shall cause a copy of such certificate to be entered on the minutes of their

proceedings, and may forthwith order, by a resolution, the said diet to be temporarily changed, according to the recommendation of the medical officer, and shall forthwith transmit a copy of such certificate and resolution to the commissioners.

Thirdly. That the medical officer shall be consulted by the matron as to the nature of the food of the infants, and of their mothers when suckling, and the time at which such infants should be weaned.

Fourthly. That the guardians may, without any direction of the medical officer, make such allowance of food as may be necessary to paupers employed as nurses or in the household work; but they shall not allow to such paupers any fermented or spirituous liquors on account of the performance of such work, unless in pursuance of a written recommendation of the medical officer.

[The orders of the commissioners prescribe no dietary for the sick, but the quantity and nature of their food are left exclusively to the discretion of the medical officer; and, in consequence of there being no fixed dietary for the sick, there is not only much confusion and error in the master's accounts, but the auditor has considerable difficulty in ascertaining the quantities of food actually consumed in the workhouse. The commissioners, by Art. 207, No. 9, have therefore required the medical officer for the workhouse to frame a sick dietary, similar to that used in hospitals, and containing four kinds of diet; viz. full, low, and fever; and that the quantity of articles to be allowed for each should be minutely specified. A copy of this dietary should be hung up in the infirmaries or sick wards of the workhouse.

The second proviso to Art. 108 will enable the guardians to adopt, without delay, such suggestions of the medical officer, with respect to diet, as the prevalence of any epidemic or other disease may render advisable.]

Art. 109. If any pauper require the master or matron to weigh the allowance of provisions served out at any meal, the master or matron shall forthwith weigh such allowance in the presence of the pauper complaining, and of two other persons.

Art. 110. The clothing to be worn by the paupers in the workhouse shall be made of such materials as the board of guardians may determine.

[The clothing worn by the paupers need not necessarily be uniform, either in colour or materials. It should be stamped with the name of the union, but so as not to be seen when worn.—See 55 Geo. 3, c. 137, s. 2, which provides that the stamp or mark shall not be placed on any articles of wearing apparel so as to be publicly visible on the exterior of the same.

With respect to the use of a penal dress in the workhouse, see the minute of the commissioners, printed in their Sixth Annual Report, p. 98, which contains their reasons for disapproving of the practice of causing paupers to wear a distinguishing dress as a mark of disgrace.]

Art. 111. More than two paupers, any one of whom is above the age of seven years, shall not be allowed to occupy the same bed, unless in the case of a mother and infant children.

Art. 112. The paupers of the several classes shall be kept employed according to their capacity and ability; and no pauper shall receive any compensation for his labour.

[This article prohibits any pecuniary compensation for the labour of the inmates. Art. 108, No. 4, however, makes an exception as to extra allowances of food for paupers employed in the service of the house, as nurses, washerwomen, &c. The bodily exertions required of persons so employed, or the disagreeableness of the duty, may sometimes be such as to justify an extra allowance of this sort. In large workhouses it is always advisable to employ a paid nurse; and in some workhouses paid household servants have been appointed.

Before a pauper can be paid for discharging the duty of any office which may be assigned to him, he must be appointed an officer of the establishment, and cease to be classed as a pauper.]

Art. 113. No pauper in the workhouse shall be employed or set to work in pounding, grinding, or otherwise breaking bones, or in preparing bone dust.

Art. 114. The boys and girls who are inmates of the workhouse shall, for three of the working hours at least every day, be instructed in reading, writing, arithmetic, and the principles of the Christian religion, and such other instruction shall be imparted to them as may fit them for service, and train them to habits of usefulness, industry, and virtue.

Art. 115. Any pauper may quit the workhouse upon giving to the master, or (during his absence or inability to act) to the matron, a reasonable notice of his wish to do so; and in the event of any able-bodied pauper, having a family, so quitting the house, the whole of such family shall be sent with him, unless the guardians shall, for any special reason, otherwise direct; and such directions shall be in conformity with the regulations of the commissioners with respect to relief in force at the time.

[By this article, no pauper is allowed to quit the workhouse without giving a *reasonable notice* of his or her wish to do so.

The reasonableness of the notice must depend upon the circumstances under which it is given. In many of their former orders the commissioners fixed the length of the notice at *three hours*, but they now prefer the indeterminate expression used in this article, inasmuch as the period of three hours might sometimes be too long, and at other times too short. *Some* time after the giving of the notice is requisite, in order to enable the master to restore to the pauper his own clothes [see Art. 95], and to receive back those belonging to the guardians. Some time likewise is required in order to enable the master to make the proper entries in the books. Moreover, a pauper cannot, in general, be discharged during the night, or at the time of meals, or during the performance of divine service. It may be added that a longer time must be allowed to the master, if several paupers give the notice simultaneously; but the master will not be justified in throwing any unnecessary impediments in the way of a pauper's leaving the house in the shortest practicable time.

Although paupers ought not to be discharged during the performance of divine service, there is no power of detaining them during the whole of Sunday, if they should desire to leave the workhouse on that day.

The commissioners believe that the guardians, and the master of the workhouse, as their officer, have over orphan children, or children deserted by their parents, the same control which a guardian possesses over his ward; and that they may therefore detain in the workhouse any such infant under the age of sixteen, provided that they have reasonable grounds for believing that leaving the workhouse would be attended with injurious consequence to the child. The guardians, however, are not authorized to detain in the workhouse young persons above sixteen years of age, who have no friends, and are not going into service. Nor is there any power of detaining in the workhouse mothers of bastard children who may be in the habit of quitting the workhouse and returning to it after a few days' absence; but such cases should not be admitted without a fresh order from the guardians, unless the destitution of the applicant be "sudden or urgent."

The guardians and their officers are not empowered to detain adult persons having any infectious disease and desiring to quit the workhouse, though by quitting it such paupers may be likely to damage their own health, or to endanger the health of others. With respect to the power of the master over persons with infectious diseases who may be in the workhouse, see note on Art. 98. It may be observed, that persons with infectious diseases going abroad, and exposing others to the infection, are punishable for a misdemeanor.—(*Rex* v. *Ventandillo*, 4 M. & S. 73.)

Whenever any pauper is likely to endanger his health by

leaving the workhouse, he ought to be warned in the presence of a witness, by the medical officer, or the master, of the probable consequences of his act. It is moreover desirable (although this precaution is not legally necessary), that persons of weak intellect should not be permitted to leave the workhouse, except on the application, and, if possible, in the company of some relation or other person likely to take care of them.

If any difficulty should arise with respect to any insane person in the workhouse, or about to leave it, the master ought to call the attention of the medical officer to the case, whose duty it will be to give the necessary notice in writing to the relieving officer, in order that steps may be taken to remove the lunatic to an asylum.

When a pauper has committed an offence, or been guilty of a misbehaviour in the workhouse, punishable by confinement under Art. 130 or 131, his giving the proper notice to quit the workhouse will not prevent the completion of such punishment, provided the confinement does not extend beyond the period mentioned in the seventh section of 54 Geo. 3, c. 170; viz. twenty-four hours, or such further space of time as may be necessary, in order to bring such pauper before a justice of the peace.

This article further provides that when any able-bodied pauper, having a family, quits the house, the whole of such family shall be sent with him or her, unless the board of guardians shall, for any special reason, otherwise direct.

Upon this provision it may be remarked that the mother of a legitimate child, or of an illegitimate child born since the passing of the 4 & 5 W. 4, c. 76, should, on leaving the workhouse, take her child with her; but the mother of an illegitimate child born before the passing of that Act would not be punishable under the Vagrant Act if she left the workhouse without her child.

It seems doubtful if the guardians have the power to prevent the wife from leaving the workhouse without her husband; but the husband can, if he thinks fit, detain her in the workhouse by his marital authority; and the guardians would be justified in refusing her permission to quit the workhouse under such circumstances.]

Art. 116. Provided nevertheless, that the guardians may, by any general or special directions, authorize the master to allow a pauper, without giving any such notice as is required in Art. 115, to quit the workhouse, and to return after a temporary absence only; and every such allowance shall be reported by the master to the guardians at their next ordinary meeting.

[In general, any pauper who quits the workhouse, having given the notice under Art. 115, is understood to have ceased to be an inmate of it; and if he should be subsequently re-admitted [see Art. 88], he will go through the process required by Art. 91–97. But the proviso in Art. 116 prescribes a mode by which a pauper may be allowed to quit the workhouse temporarily without ceasing to be an inmate of it, and without being subject upon his return to the regulations in Art. 91–97. The following may serve as examples of the "urgent or special reasons" for which a pauper may be permitted to quit the workhouse; viz. 1—In order to search for work in the neighbourhood. 2.—To visit a relation. 3.—To attend a baptism at the parish church (see note on Art. 124). This permission ought to be given only from time to time, as the occasion may arise, and not at stated intervals—for example, once a week or a fortnight. A permission to leave the house at stated intervals is found in practice to be abused.

With respect to the penalty for abuses of the permission to quit the workhouse temporarily, see note on Art. 126.

If an adult person should abscond from the workhouse without giving any notice—for example, by climbing over a wall, or dropping from a window—he is not punishable unless he should carry away clothes or other effects of the guardians, in which case he may be convicted under the 55 Geo. 3, c. 137, or if he do any wilful damage to the property of the guardians, he may be punished under 7 & 8 Geo. 4, c. 30.]

Art. 117. Provided also, that nothing herein contained shall prevent the master from allowing the paupers of each sex under the age of fifteen, subject to such restrictions as the guardians may impose, to quit the workhouse, under the care and guidance of himself, or the matron, schoolmaster, schoolmistress, porter, or some one of the assistants and servants of the workhouse, for the purpose of exercise.

[The proviso in this article allows the children to leave the workhouse for the purpose of exercise under proper care. By Art. 212, No. 3, it is made the duty of the schoolmaster and schoolmistress to accompany the children on these occasions, unless the guardians should otherwise direct.]

Art. 118. Any person may visit any pauper in the workhouse by permission of the master, or (in his absence) of the matron, subject to such conditions and restrictions as the guardians may prescribe; such interview shall take place in a room separate from the other inmates of the workhouse, and in the presence of the master, matron, or porter, except where a sick pauper is visited.

[This article allows any pauper in the workhouse to receive the visit of a stranger; but requires that, except in the case of a sick pauper, the interview shall take place in a separate room, and in the presence of the master or matron. The necessity for this restriction arises from several causes, among which the following may be specified as the most prominent: namely, a fear of the introduction of spirits by visitors; the abuses which would ensue if the female inmates of a workhouse were generally permitted to have private interviews with men; the probability that the minds of young persons in the workhouse would be perverted by persons who might visit them. Accordingly, this restriction is not intended to offer any obstacle to the innocent and proper visits of relations and friends; and the master or other officer present ought not to listen to the conversation between the visitor and the pauper, unless there should be a reasonable ground for suspecting the conversation to be of an improper character.

It is desirable that there should be fixed days in the week on which paupers should be allowed to receive visits; and that they should not, in general, be visited on other days, except in cases of sickness or necessity.]

Art. 119. No written or printed paper of an improper tendency, or which may be likely to produce insubordination, shall be allowed to circulate, or be read aloud among the inmates of the workhouse.

[The words "printed paper" comprehend any newspaper, hand-bill, book, pamphlet, &c.—It will be observed, that the prohibition only extends to papers of an *improper tendency*, or which may be likely to produce insubordination.

By Art. 214, No. 4, it is the duty of the porter to prevent the admission into the workhouse of any letter or printed paper falling within the prohibition in Art. 119.

The master is not empowered to examine letters written by paupers in a workhouse, and such letters should be sent to the post, nor is he empowered to detain or open letters addressed to a pauper, unless he have reason to suspect that the communication is of an "*improper tendency.*" Paupers may be permitted to receive writing materials sent by their friends.]

Art. 120. No pauper shall play at cards, or at any game of chance, in the workhouse; and the master may take from any pauper, and keep until his departure from the workhouse, any cards, dice, or other articles applicable to games of chance, which may be in his possession.

Art. 121. No pauper shall smoke in any room of the workhouse, except by the special direction of the medical officer,

or shall have any matches or other articles of a highly combustible nature in his possession, and the master may take from any person any articles of such a nature.

Art. 122. Any licensed minister of the religious persuasion of an inmate of the workhouse, who may at any time of the day, on the request of any inmate, enter the workhouse for the purpose of affording religious assistance to him, or for the purpose of instructing his child or children in the principles of his religion, shall give such assistance or instruction, so as not to interfere with the good order and discipline of the other inmates of the workhouse; and such religious assistance or instruction shall be strictly confined to inmates who are of the religious persuasion of such minister, and to the children of such inmates, except in the cases in which the guardians may lawfully permit religious assistance and instruction to be given to any paupers who are protestant dissenters, by licensed ministers who are protestant dissenters.

[By a "licensed minister" of a protestant dissenting sect, the commissioners understand a minister who is recognized in his ministerial character by the members of such sect, and who has complied with all the requisitions of the law, and is, therefore, subject to no penalty in respect of the public exercise of his ministerial functions; and it is considered that the words "licensed minister" must be deemed to extend to and include Roman Catholic clergymen, and clergymen of the established church.

The 4 & 5 W. 4, c. 76, s. 19, enacts that no rules, orders, or regulations of the Poor Law Board, nor any bye-laws of the guardians, shall oblige any inmate of any workhouse to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in such workhouse in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or parent shall object, or, in the case of an orphan, to which the godfather or godmother of such orphan shall object; provided also, that it shall and may be lawful for any licensed minister of the religious persuasion of any inmate of such workhouse, at all times of the day, on the request of such inmate, to visit such workhouse for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing his child or children in the principles of their religion.

The poor law commissioners considered that the above section does not contemplate the attendance of members of the established church at the divine service performed by a dissenting minister in a workhouse. If any adult members of the established church should desire to attend the service of a dissent-

ing minister, it appears that there would be no objection to their attendance, provided that no improper influence was used to induce them to attend; but children, being members of the established church, should never be permitted to attend on such occasions.

It is not intended that the visits of ministers of religion should be subject to the restrictions imposed by Art. 118 on the visits of other parties.]

Art. 123. No work, except the necessary household work and cooking, shall be performed by the paupers on Sunday, Good Friday, and Christmas Day.

[No work, except as is excepted in this Article, should be performed by the paupers on any general fast day appointed by authority.]

Art. 124. Prayers shall be read before breakfast and after supper every day, and divine service shall be performed every Sunday, Good Friday, and Christmas Day in the workhouse (unless the guardians, with the consent of the commissioners, otherwise direct), and at such prayers and divine service all the paupers shall attend, except the sick, persons of unsound mind, the young children, and such as are too infirm to do so; provided that those paupers who may object so to attend, on account of their professing religious principles differing from those of the established church, shall also be exempt from attendance.

[The master and the other officers of the workhouse ought, as far as possible, to attend morning and evening prayers in the workhouse. By Art. 208, No. 4, it is the duty of the master to read the prayers both morning and evening; and he ought only to cause them to be read by others in case he should be prevented by conscientious scruples, or should be incapacitated through some defect of speech. By Art. 211, No. 1, it is the duty of the chaplain to perform divine service in the workhouse every Sunday, Good Friday, and Christmas Day, unless the guardians, with the consent of the commissioners, otherwise direct.

Where the guardians have appointed a chaplain, it is in general desirable that divine service should be performed in the workhouse on Sunday by the chaplain, and that the inmates who are members of the established church, should not go out to attend divine service.

Children ought, in general, to be baptized at church; and they ought to be baptized in the workhouse only under circumstances which would justify the administration of baptism in a private house. Of this necessity the chaplain must judge.

The churching of women should take place in the parish church.

The pauper inmates should be allowed to receive the holy communion at the parish church, if not always, at least on the great festivals of Easter and Christmas. Where there is no workhouse chapel used exclusively for the purpose of divine worship, this rite should not be administered in the workhouse, except to the sick and disabled paupers.

Where, however, there is a workhouse chapel, the communion might be celebrated in it without impropriety, with the consent of the bishop of the diocese; but even in that case those inmates who desire it should be allowed to attend the parish church to receive the sacrament at Easter and Christmas. At the same time, if the bishop of the diocese sanction the administration of the sacrament exclusively in the workhouse, the commissioners consider this approbation a sufficient authority for the chaplain.]

Art. 125. The guardians may authorize any inmates of the workhouse, being members of the established church, to attend public worship at a parish church or chapel, on every Sunday, Good Friday, and Christmas Day, under the control and inspection of the master or porter or other officer.

Art. 126. The guardians may also authorize any inmates of the workhouse, being dissenters from the established church, to attend public worship at any dissenting chapel in the neighbourhood of the workhouse, on every Sunday, Good Friday, and Christmas Day.

[A remark similar to that contained in the note to Art. 124, as to leaving the workhouse on Sundays, applies also to protestant dissenters, where they are visited in the workhouse by the ministers of their own persuasion. There is, however, greater difficulty in the case of Roman catholics; inasmuch as mass cannot be solemnized in a workhouse, unless it should contain an altar consecrated for the purpose.

By Art. 125, it is required, that when members of the established church attend divine service out of the workhouse, they should be under the control and inspection of the master or porter, or other officer. This condition is necessarily omitted in Art. 126; because the master or porter could not accompany both the members of the established church and the dissenters. The attendance of the master or porter is rendered imperative in the former case; inasmuch as in the workhouses to which this order applies, the inmates who are members of the established church greatly outnumber the members of other religious denominations. In the latter case, it will be the duty of the guardians to make such regulations as will prevent any abuse of the permission by dissenters who

are inmates of the workhouse: such as inducing the ministers of the different congregations to certify the attendance of the inmates professing to frequent their chapels, and to state the times of the commencement and end of service.

Any pauper permitted to quit the workhouse under Art. 116, or Arts. 125 and 126, and returning after the appointed time of absence, or misbehaving in going to, at, or returning from, public worship, may be punished as disorderly by virtue of Art. 127. Moreover, in cases where permission to leave the workhouse has been abused, the guardians may properly exercise their discretion of refusing the pauper temporary leave of absence from the workhouse for some time afterwards, as a month or six weeks, if he should continue an inmate of it.]

Punishments for Misbehaviour of the Paupers.

Art. 127. Any pauper, being an inmate of the workhouse, who shall neglect to observe such of the regulations in this order as are applicable to him as such inmate;

Or who shall make any noise when silence is ordered to be kept;

Or shall use obscene or profane language;

Or shall by word or deed insult or revile any person;

Or shall threaten to strike or to assault any person;

Or shall not duly cleanse his person;

Or shall refuse or neglect to work, after having been required to do so;

Or shall pretend sickness;

Or shall play at cards or other game of chance;

Or shall refuse to go into his proper ward or yard, or shall enter or attempt to enter, without permission, the ward or yard appropriated to any class of paupers other than that to which he belongs;

Or shall climb over any fence or boundary wall surrounding any portion of the workhouse premises, or shall attempt to leave the workhouse, otherwise than through the ordinary entrance;

Or shall misbehave in going to, at, or returning from public worship out of the workhouse, or at divine service or prayers in the workhouse;

Or, having received temporary leave of absence, and wearing the workhouse clothes, shall return to the workhouse after the appointed time of absence, without reasonable cause for the delay;

Or shall wilfully disobey any lawful order of any officer of the workhouse;

Shall be deemed DISORDERLY.

Art. 128. Any pauper, being an inmate of the workhouse,

who shall, within seven days, repeat any one, or commit more than one of the offences specified in Art. 127;

Or who shall by word or deed insult or revile the master or matron, or any other officer of the workhouse, or any of the guardians;

Or shall wilfully disobey any lawful order of the master or matron, after such order shall have been repeated;

Or shall unlawfully strike or otherwise unlawfully assault any person;

Or shall wilfully or mischievously damage or soil any property whatsoever belonging to the guardians;

Or shall wilfully waste or spoil any provisions, stock, tools, or materials for work, belonging to the guardians;

Or shall be drunk;

Or shall act or write indecently or obscenely;

Or shall wilfully disturb other persons at public worship out of the workhouse, or at divine service or prayers in the workhouse;

Shall be deemed REFRACTORY.

Art. 129. The master may, with or without the direction of the guardians, punish any disorderly pauper by substituting, during a time not greater than forty-eight hours, for his dinner, as prescribed by the dietary, a meal consisting of eight ounces of bread, or one pound of cooked potatoes or boiled rice, and also by withholding from him, during the same period, all butter, cheese, tea, sugar, or broth, which such pauper would otherwise receive, at any meal during the time aforesaid.

[By this Article, the master is authorized to make certain changes in the diet of disorderly paupers without any order of the board of guardians, either general or specific. With respect to the punishment of paupers who have been sick or are pregnant, or above sixty years of age, see Art. 134.]

Art. 130. The guardians may, by a special direction, to be entered on their minutes, order any refractory pauper to be punished by confinement in a separate room, with or without an alteration of diet, similar in kind and duration to that prescribed in Article 129 for disorderly paupers; but no pauper shall be so confined for a longer period than twenty-four hours; or if it be deemed right that such pauper should be carried before a justice of the peace, and if such period of twenty-four hours should be insufficient for that purpose, then for such further time as may be necessary for such purpose.

[In certain very rare cases, it is possible that the master may be unable to exercise his lawful power, or to carry into

effect the regulations without using force towards some refractory pauper. In all such cases he should, if possible, avoid laying hands on the pauper, but he should call in the aid of the porter, or other officer. In such cases, too, it may often be desirable that the master should cause such refractory paupers to be taken before a magistrate. See also Art. 134, excepting certain cases from this rule, and Art. 129.]

Art. 131. If any offence, whereby a pauper becomes refractory under Art. 128, be accompanied by any of the following circumstances of aggravation, (that is to say,) if such pauper

Persist in using violence against any person;

Or persist in creating a noise or disturbance, so as to annoy other inmates;

Or endeavour to excite other paupers to acts of insubordination;

Or persist in acting indecently or obscenely in the presence of any other inmate;

Or persist in mischievously breaking or damaging any goods or property of the guardians;

the master may, without any direction of the guardians, immediately place such refractory pauper in confinement for any time not exceeding twelve hours; which confinement shall, however, be reckoned as part of any punishment afterwards imposed by the guardians for the same offence.

[The master is restrained by the order from confining any pauper on his own authority, unless such pauper shall be refractory, with any of the circumstances of aggravation specified in this Article. The commissioners have thought it expedient to make these exceptions, since, without a precaution of this kind, a pauper might annoy the inmates by continued turbulence, or scandalize them by gross indecency. Subsequent punishment, though it might hinder the recurrence of such misconduct, could do nothing to protect those who would suffer from it at the moment. Cases sometimes occur, too, in which wanton mischief to property, or growing insubordination, must at once be stopped. It is therefore as a preventive of such evils that the commissioners have permitted the master to retain a limited power of confinement on his own authority and responsibility.]

Art. 132. Every refractory pauper shall be deemed to be also disorderly, and may be punished as such; but no pauper who may have been punished for any offence as disorderly, shall afterwards be punished for the same offence as refractory, and no pauper who may have been punished for any offence as refractory, shall afterwards be punished for the same offence as disorderly.

[A refractory pauper may be punished merely as disorderly if the master thinks it expedient to take this course, instead of first reporting the case for the decision of the board of guardians. This option will induce the master to employ the minor punishment, whenever it is likely to prove sufficient to prevent the repetition of the offence. The offence and punishment will nevertheless be duly brought under the notice of the guardians by means of the book ordered to be kept by Art. 143.]

Art. 133. No pauper shall be punished by confinement or alteration in diet for any offence not committed in the workhouse since his last admission, except in such cases as are expressly specified in Arts. 127 and 128.

[Namely—shall climb over any fence or boundary wall surrounding any portion of the workhouse premises.

Or, shall misbehave in going to, at, or returning from, public worship out of the workhouse.

Or, having received temporary leave of absence and wearing the workhouse clothes, shall return to the workhouse after the appointed time of absence without reasonable cause for the delay.

Or, shall wilfully disturb other persons at public worship out of the workhouse.]

Art. 134. No pauper who may have been under medical care, or who may have been entered in the medical weekly return as sick or infirm, at any time in the course of the seven days next preceding the punishment, or who may be reasonably supposed to be under twelve or above sixty years of age, or who may be pronounced by the medical officer to be pregnant, or who may be suckling a child, shall be punished by alteration of diet, or by confinement, unless the medical officer shall have previously certified in writing that no injury to the health of such pauper is reasonably to be apprehended from the proposed punishment; and any modification diminishing such punishment which the medical officer may suggest, shall be adopted by the master.

[It will be necessary for the masters of workhouses to use the greatest caution in inflicting any punishment by confinement or change of diet, on paupers whose health might be in any manner affected thereby, and the regulations embodied in this Article ought to be strictly observed.]

Art. 135. No pauper shall be confined between eight o'clock in the evening and six o'clock in the morning, without being furnished with a bed and bedding suitable to the season, and with the other proper conveniences.

Art. 136. No child under twelve years of age shall be punished by confinement in a dark room, or during the night.

[*Arts.* 136–142 contain regulations respecting the corporal correction of children. The master must be deemed to be responsible for all punishments inflicted on the adult inmates. With regard to the male children, the master and schoolmaster have a concurrent power of control. The female children are to be considered as in the more immediate care of the matron and schoolmistress.]

[The prohibition of the corporal punishment of adults, in the statutes before referred to, implies the legality of such punishment in the case of children.

Good temper, joined to firmness and self-command, will enable a skilful teacher to manage children with little or no corporal punishment. The frequent use of corporal correction is the common resource of teachers, who, from their idleness or other defect, are incompetent to acquire a command over children, by a knowledge of their characters, and by gentle means.

The corporal punishment of female children is prohibited by Art. 138.]

Art. 137. No corporal punishment shall be inflicted on any male child, except by the schoolmaster or master.

Art. 138. No corporal punishment shall be inflicted on any female child.

Art. 139. No corporal punishment shall be inflicted on any male child, except with a rod or other instrument, such as may have been approved of by the guardians or the visiting committee.

Art. 140. No corporal punishment shall be inflicted on any male child until two hours shall have elapsed from the commission of the offence for which such punishment is inflicted.

Art. 141. Whenever any male child is punished by corporal correction, the master and schoolmaster shall (if possible) be both present.

Art. 142. No male child shall be punished by flogging whose age may be reasonably supposed to exceed fourteen years.

Art. 143. The master shall keep a book, to be furnished him by the guardians, in which he shall duly enter,

Firstly.—All cases of refractory or disorderly paupers, whether children or adults, reported to the guardians, for their decision thereon;

Secondly.—All cases of paupers, whether children or adults, who may have been punished without the direction of the

guardians, with the particulars of their respective offences and punishments.

[The record which is directed by this Article to be kept, is of the utmost importance for the prevention of abuse. The details of offences and punishments must be accurately and punctually entered in the book; and if any case should not be properly reported, it will be presumed that the omission originated in a sense of the expediency of concealment.]

Art. 144. The person who punishes any child with corporal correction shall forthwith report to the master the particulars of the offence and punishment; and the master shall enter the same in the book specified in Art. 143.

Art. 145. Such book shall be laid on the table at every ordinary meeting of the guardians, and every entry made in such book since the last ordinary meeting shall be read to the board by the clerk.

[The guardians shall thereupon, in the first place, give direction as to the confinement or other punishment of any refractory or disorderly pauper reported for their decision, and such direction shall be entered on the minutes of the proceedings of the day, and a copy thereof shall be inserted by the clerk in the book specified in Art. 143.

The guardians, in the second place, shall take into their consideration the cases in which punishments are reported to have been already inflicted by the master or other officer, and shall require the master to bring before them any pauper so punished who may have signified a wish to see the guardians. If the guardians in any case are of opinion that the officer has acted illegally or improperly, such opinion shall be entered on the minutes, and shall be communicated to the master, and a copy of the minute of such opinion shall be forwarded to the commissioners by the clerk.]

Art. 146. If any pauper above the age of fourteen years unlawfully introduce or attempt to introduce any spirituous or fermented liquor into the workhouse, or abscond from the workhouse with clothes belonging to the guardians, the master may cause such pauper to be forthwith taken before a justice of the peace, to be dealt with according to law. And whether he do so or not, he shall report every such case to the guardians at their next ordinary meeting.]

[With respect to the introduction of spirits, the 4 & 5 W. 4, c. 76, ss. 91, 92, enacts,

Sect. 91. That so much of an Act made and passed in the sixth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal the Duties payable in

respect of the Spirits distilled in England, and of Licenses for distilling, rectifying, or compounding such Spirits, and for the sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits, without Payment of Duty for Exportation," as provides that if any master of a workhouse shall sell, use, lend, or give away, or knowingly permit or suffer any spirits to be sold, used, lent, or given away, in any such workhouse, or brought into the same, other than and except such spirits as shall be prescribed or given by the prescription and direction of a physician, surgeon, or apothecary, and to be supplied in pursuance of such prescriptions from the shop of some apothecary, every such master or such other officer shall for every such offence forfeit one hundred pounds, and for the second like offence lose his office; and so much of the said last-mentioned Act as provides that no person shall carry or bring, or attempt or endeavour to carry or bring, any spirits, except to be used in the way of medicine, into any workhouse, under the pain of being imprisoned for every such offence for any time not exceeding three months; and also so much of the said last-mentioned Act as provides that every master and chief officer of every workhouse, shall procure one or more copy or copies of the clauses in the said Act mentioned, to be printed or fairly written and hung up in one of the most public places in the workhouse, and renew the same from time to time, so that it may be always kept fair and legible, on pain of forfeiting the sum of ten pounds for every wilful default; or as enables any justice of the peace to demand a sight of such copy so hung up in some public place, to convict such master or officer of such default; shall be and the same is hereby repealed.

Sect. 92. That if any person shall carry, bring, or introduce, or attempt or endeavour to carry, bring, or introduce, into any workhouse now or hereafter to be established, any spirituous or fermented liquor without the order in writing of the master of such workhouse, it shall be lawful for the master of such workhouse, or any officer of the same acting under his direction, to apprehend or cause to be apprehended such offender, and to carry him or her before a justice of the peace, who is hereby empowered to hear and determine such offence in a summary way; and upon conviction thereof the party so offending shall forfeit and pay any sum of money not exceeding ten pounds for every such offence, as such justice may direct; and in default of payment of the penalty hereby imposed, such justice may and is hereby required to commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate for any

space of time not exceeding two calendar months, unless such penalty shall be sooner paid.

[With regard to absconding with workhouse clothing, the 55 Geo. 3, c. 137, s. 2, provides that, if any person or persons shall desert or run away from any workhouse or workhouses, and carry away with him, or her, or them, any clothes, linen, or other goods, or things as aforesaid (the property of the guardians), such person or persons being thereof lawfully convicted, either by the confession of such party or parties, or by the oath or oaths of one or more credible witness or witnesses, before any justice or justices of the peace, shall by such justice or justices be forthwith committed to the common gaol or house of correction, there to remain without bail or mainprise for the space of three calendar months.]

Art. 147. The master shall cause a legible copy of Arts. 127, 128, 129, 130, and 131, to be kept suspended in the dining-hall of the workhouse, or in the room in which the inmates usually eat their meals, and also in the board-room of the guardians.

Visiting Committee.

Art. 148. The guardians shall appoint one or more *Visiting Committees* from their own body; and each of such committees shall carefully examine the workhouse or workhouses of the union once in every week at the least, inspect the last reports of the chaplain and medical officer, examine the stores, afford, so far as is practicable, to the inmates an opportunity of making any complaints, and investigate any complaints that may be made to them.

[This Article directs the guardians to appoint *one or more* visiting committees for the workhouse, and defies the functions of the committee.

Any member or members of the visiting committee may visit the workhouse at any time at which the committee could visit it collectively; unless, indeed, the guardians should have given the committee only a limited authority to visit it, so as to confine that authority to a majority, or to any fixed number or portion of that committee.

The guardians may order that each member of the visiting committee shall be admitted at all times to inspect the workhouse.

It will be observed that the powers of the visiting committee are confined to the purposes specified in this Article, and that they do not extend to other purposes, such as the ordering of stores, repairs of the house, &c.]

Art. 149. The visiting committee shall from time to time write such answers as the facts may warrant to the following queries, which are to be printed in a book, entitled the "Visitors' Book," to be provided by the guardians and kept in every workhouse for that purpose, and to be submitted regularly to the guardians at their ordinary meetings:—

Q. 1. Is the workhouse, with its wards, offices, yards, and appurtenances, clean and well ventilated in every part?—and is the bedding in proper order?—if not, state the defect or omission.

Q. 2. Do the inmates of the workhouse, of all classes, appear clean in their persons, and decent and orderly in their behaviour; and is their clothing regularly changed?

Q. 3. Are the inmates of each sex employed and kept at work as directed by the guardians, and is such work unobjectionable in its nature?—if any improvement can be suggested in their employment, state the same.

Q. 4. Are the infirm of each sex properly attended to, according to their several conditions?

Q. 5. Are the boys and girls in the school properly instructed as required by the regulations of the commissioners, and is their industrial training properly attended to?

Q. 6. Are the young children properly nursed and taken care of, and do they appear in a clean and healthy state?—Is there any child not vaccinated?

Q. 7. Is regular attendance given by the medical officer?—Are the inmates of the sick wards properly tended?—Are the nurses efficient?—Is there any infectious disease in the workhouse.

Q. 8. Is there any dangerous lunatic or idiot in the workhouse?

Q. 9. Is divine service regularly performed?—Are prayers regularly read?

Q. 10. Is the established dietary duly observed?—and are the prescribed hours of meals regularly adhered to?

Q. 11. Are the provisions and other supplies of the qualities contracted for?

Q. 12. Is the classification properly observed, according to Arts. 98 and 99?

Q. 13. Is any complaint made by any pauper against any officer, or in respect of the provisions or accommodations—if so, state the name of the complainant, and the subject of the complaint.

Q. 14. Does the present number of inmates in the workhouse exceed that fixed by the poor law commissioners?

Repairs and Alterations of the Workhouse.

Art. 150. The guardians shall once at least in every year, and as often as may be necessary for cleanliness, cause all the rooms, wards, offices, and privies belonging to the workhouse to be limewashed.

[By Art. 208, No. 24, it is the duty of the master to take care that the wards, rooms, larder, kitchen, and all the offices of the workhouse, and all the utensils, and furniture thereof, are kept clean and in good order; and when any defect in the same occurs, to report it to the guardians; and by Art. 210, No. 13, it is the especial duty of the matron to assist the master in cleansing and ventilating the sleeping wards and dining-hall, and all parts of the premises.]

Art. 151. The guardians shall cause the workhouse and all its furniture and appurtenances to be kept in good and substantial repair: and shall, from time to time, remedy without delay any such defect in the repair of the house, its drainage, warmth, or ventilation, or in the furniture or fixtures thereof, as may tend to injure the health of the inmates.

[By Art. 207, No. 6, it is the duty of the medical officer to report in writing to the guardians any defect in the drainage, ventilation, warmth, or other arrangement of the workhouse which he may deem to be detrimental to the health of the inmates; and it is desirable that the guardians should take the proper steps for remedying any defect to which their attention may be thus called.

Section 23 of the 4 & 5 W. 4, c. 76, subjects the guardians to the control, orders and regulations of the poor law board, in their expenditure of the money of the ratepayers for the enlargement or alteration of the workhouse; but ordinary repairs which do not involve any alteration in the structure of the building may be paid for at once by the guardians, without applying for the sanction of the poor law board.]

Care and Treatment of Pauper Lunatics.

Annual returns of pauper lunatics.] The clerk of every board of guardians,—and the overseers of every parish not in a union nor under a board of guardians,—shall, on the first day of January in every year, or as soon after as may be, make out and sign a true and faithful list of all lunatics chargeable to the union or parish,—and shall, on or before

the first day of February next succeeding, lay one copy of such list before the visitors of the asylum, or before the visitors of each asylum (if more than one) of the county or borough in which such union or parish is situate,—and transmit one copy of such list to the clerk of the peace of the county, or the clerk to the justices of the borough within which the union or parish to which each such lunatic is chargeable is situate, to be by him laid before the justices acting for such county at their next general or quarter sessions, or before the justices of such borough,—and another copy of such list to the commissioners in lunacy,—and another copy thereof to the poor law board; and any such clerk or overseer neglecting to make out and sign such list, or to transmit copies thereof, as herein directed, shall, for every such offence, forfeit any sum not exceeding twenty pounds. 16 & 17 Vict. c. 97, s. 64.

Pauper patients confined in asylums to be visited by guardians.] Any physician, surgeon, or apothecary to be appointed by the guardians of any union or parish or the overseers of any parish,—and also the guardians of any union or parish,—and the overseers of any parish,—shall be permitted, whenever they see fit, between the hours of eight in the morning and six in the evening, to visit and examine any or every pauper lunatic chargeable to such union or parish confined in any asylum, registered hospital, or licensed house: provided always, that if the medical officer of any asylum be of opinion that it will be injurious to any lunatic to permit such visit and examination, and such medical officer state in writing the reasons why such lunatic should not be visited and examined, and sign such statement, and deliver the same to the person or persons so requiring to visit and examine such lunatic, then and in such case it shall be lawful for such medical officer to refuse such visit and examination; and in every such case such medical officer shall forthwith enter in the medical journal the reasons set forth in such statement for such refusal, and shall sign such entry. *Id.* s. 65.

Visitation of pauper lunatics not in asylums. [Every pauper lunatic not in an asylum, or a hospital registered or house licensed for the reception of lunatics, shall be visited once in every quarter of a year (reckoning the several quarters of the year as ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December), by the medical officer of or for the parish or union, or district of a parish or union, in which such lunatic is resident; who is to be paid the sum of two shillings and sixpence for each such quarterly visit to any pauper not being in a workhouse, which sum is to be paid

by the same persons, and be charged to the same account as the relief of such pauper;—and within seven days after the end of every such quarter, such medical officer shall prepare and sign a list of all such lunatics, and shall state therein whether in the opinion of such medical officer all or any of such lunatics are or are not properly taken care of, and may or may not properly remain out of an asylum; and such medical officer shall, within the time aforesaid, deliver or send such list to the clerk to the guardians of such parish or union, or, if such parish be not under a board of guardians, to one of the overseers thereof; and the forms for such lists shall be from time to time furnished to the medical officer of every parish under a board of guardians, and to the medical officers of every union by the guardians of such parish or union; but nothing in this enactment shall be taken or construed to relieve any medical officer from any obligation by this Act imposed upon him to give notice to a relieving officer or overseer, where it appears to such medical officer that any pauper lunatic ought to be sent to an asylum:—and such clerk or overseer receiving any such list as aforesaid shall, within three days after the receipt thereof, transmit the same to the commissioners in lunacy, and a copy thereof to the clerk to the visitors of the asylum for the county or borough in which the parish or union for which he is clerk or overseer is situate;—and every such medical officer, clerk, or overseer failing to comply with this enactment shall, for every such offence, forfeit any sum not exceeding twenty pounds nor under two pounds. *Id.* s. 66.

Provision for sending pauper lunatics to asylums.] Every medical officer of a parish or union who shall have knowledge that any pauper resident in such parish, or in any parish within the district of such medical officer, is or is deemed to be a lunatic, and a proper person to be sent to an asylum, shall, within three days after obtaining such knowledge, give notice thereof in writing to a relieving officer of such parish, or if there is no relieving officer, then to one of the overseers of such parish; and every relieving officer of any parish within a union or under a board of guardians, and every overseer of a parish of which there is no relieving officer, who shall have knowledge, either by such notice or otherwise, that any pauper resident in such parish is or is deemed to be a lunatic, and a proper person to be sent to an asylum, shall, within three days after obtaining such knowledge, give notice thereof to some justice of the county or borough within which such parish is situate.

And thereupon the said justice shall, by an order under his hand and seal, require such relieving officer or overseer to bring such pauper before him, or some other justice of the

said county or borough, at such time and place within three days from the time of such notice being given to such justice, as shall be appointed by the said order.

And the said justice before whom such pauper shall be brought shall call to his assistance a physician, surgeon, or apothecary, and examine such person; and if such physician, surgeon, or apothecary shall sign a certificate with respect to such pauper, and such justice be satisfied, upon view, or personal examination of such pauper, or other proof, that such pauper is a lunatic, and a proper person to be taken charge of and detained under care and treatment, he shall, by an order under his hand, direct such pauper to be received into such asylum as hereinafter mentioned, or where hereinafter authorized in his behalf, into some hospital registered or some house duly licensed for the reception of lunatics.

And such relieving officer or overseer shall immediately convey, or cause the said lunatic to be conveyed to such asylum, hospital, or house, and such lunatic shall be received and detained therein.

Provided always, that it shall be lawful for any justice, upon notice being given to him as aforesaid, or upon his own knowledge, without any such notice as aforesaid, to examine any pauper deemed to be a lunatic at his own abode or elsewhere and to proceed in all respects as if such pauper were brought before him in pursuance of an order for that purpose.

Provided also, that in case any pauper deemed to be lunatic cannot, on account of his health or other cause, be conveniently taken before any justice, such pauper may be examined at his own abode or elsewhere by an officiating clergyman of the parish in which he is resident, together with a relieving officer, or, if there be no relieving officer, an overseer of such parish, and such officiating clergyman, together with such relieving officer or overseer, shall call to their assistance a physician, surgeon, or apothecary; and if such physician, surgeon, or apothecary shall sign a certificate with respect to such pauper, and if upon view or examination of such pauper such officiating clergyman, and such relieving officer or overseer be satisfied that such pauper is a lunatic, and a proper person to be taken charge of and detained under care and treatment, such officiating clergyman, together with such overseer or relieving officer, shall, by an order under their hands, direct such pauper to be received into such asylum as hereinafter mentioned, or, where hereinafter authorized in this behalf, into some such registered hospital or licensed house as aforesaid, and such relieving officer or overseer shall immediately convey or cause such pauper to be conveyed to such asylum, hospital, or house, and such pauper shall be received and detained therein.

Provided also, that if the physician, surgeon, or apothecary

by whom any such pauper shall be examined, shall certify in writing that he is not in a fit state to be removed, his removal shall be suspended until the same or some other physician, surgeon, or apothecary shall certify in writing that he is fit to be removed; and every such physician, surgeon, and apothecary is required to give such last-mentioned certificate as soon as in his judgment it ought to be given.

Provided also, that where a certificate is signed by the medical officer of the parish or union in which the pauper named therein is resident, as well as by some other person being a physician, surgeon, or apothecary called to the assistance of the justice or clergyman, and overseer or relieving officer, as hereinbefore mentioned, such joint certificate, or such two certificates (as the case may be), shall be received by the justice or clergyman, and overseer or relieving officer, by whom such person is examined as hereinbefore mentioned, as conclusive evidence that the person named therein is a lunatic, and a proper person to be taken charge of and detained under care and treatment, and he or they shall make an order accordingly. *Id.* s. 67.

Provision as to lunatics wandering at large, &c.] Every constable,—and every relieving officer and overseer of any parish,—who shall have knowledge that any person wandering at large within such parish or place (whether or not such person be a pauper) is deemed to be a lunatic,—shall immediately apprehend and take or cause such person to be apprehended and taken before a justice.

And it shall also be lawful for any justice, upon its being made to appear to him by the information upon oath of any person whomsoever that any person wandering at large within the limits of his jurisdiction is deemed to be a lunatic, by an order under the hand and seal of such justice, to require any constable of the parish or place, or relieving officer or overseer of the parish where such person may be found, to apprehend him, and bring him before such justice, or some other justice having jurisdiction where such person may be found.

And every constable and every relieving officer and overseer who shall have knowledge that any person not a pauper, and not wandering at large as aforesaid, is deemed to be a lunatic and is not under proper care and control,—or is cruelly treated or neglected by any relative or other person having the care or charge of him,—shall, within three days after obtaining such knowledge, give information thereof upon oath to a justice, and in case it be made to appear to any justice, upon such information or upon the information upon oath of any person whomsoever, that any person within the limits of his jurisdiction not a pauper, and not wandering at

large, is deemed to be a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, such justice shall either himself visit and examine such person, and make inquiry into the matter so appearing upon such information, —or by an order under his hand and seal direct and authorize some physician, surgeon, or apothecary to visit and examine such person and make such inquiry, and to report in writing to such justice his opinion thereupon.

And in case upon such personal visit, examination and inquiry by such justice, or upon the report of such physician, surgeon, or apothecary, it appear to such justice that such person is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, it shall be lawful for such justice, by an order under his hand and seal, to require any constable of the parish or place, or any relieving officer or overseer of the parish where such person is alleged to be, to bring him before any two justices of the same county or borough;—and the justice or justices (as the case may be) before whom any such person as aforesaid in the respective cases aforesaid is brought, under this enactment, shall call to his or their assistance a physician, surgeon, or apothecary, and shall examine such person and make such inquiry relative to such person as he or they shall deem necessary.

And if upon examination of such person or other proof such justice be satisfied that such person so brought before him is a lunatic, and was wandering at large, and is a proper person to be taken charge of and detained under care and treatment, —or such two justices be satisfied that such person so brought before them is a lunatic, and is not under proper care and ontrol, or is cruelly treated or neglected by any person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment,—and if such physician, surgeon, or apothecary sign a certificate with respect to every such person so brought either before one justice or two justices,—it shall be lawful for the said justice or justices, by an order under his or their hand and seal or hands and seals, to direct such person to be received into such asylum as hereinafter mentioned, or, where hereinafter authorized in this behalf, into some hospital registered or house licensed for the reception of lunatics,—and the said constable, relieving officer, or overseer who may have brought such person before the said justice or justices, or any constable whom such justice or justices may require so to do, shall forthwith convey such person to such asylum, hospital, or house accordingly.

Provided always, that it shall be lawful for any justice, upon such information on oath as aforesaid, or upon his own knowledge, and alone, in the case of any such person as

aforesaid wandering at large and deemed to be a lunatic, or with some other justice in any other of the cases aforesaid, to examine the person deemed to be a lunatic at his own abode or elsewhere, and to proceed in all respects as if such person were brought before him or them as hereinbefore mentioned.

Provided also, that it shall be lawful for the said justice or justices to suspend the execution of any such order for removing any such person as aforesaid to any asylum, hospital, or house, for such period not exceeding fourteen days as he or they may deem meet, and in the meantime to give such directions or make such arrangements for the proper care and control of such person as he or they shall consider necessary.

Provided also, that if the physician, surgeon, or apothecary by whom such person is examined certify in writing that he is not in a fit state to be removed, the removal of such person shall be suspended until the same or some other physician, surgeon, or apothecary certify in writing that such person is fit to be removed; and every such physician, surgeon, and apothecary is hereby required to give such last-mentioned certificate as soon as in his judgment it ought to be given.

Provided also, that nothing herein contained shall be construed to extend to restrain or prevent any relation or friend from retaining or taking such lunatic under his own care, if such relation or friend shall satisfy the justice or justices before whom such lunatic shall be brought, or the visitors of the asylum in which such lunatic is or is intended to be placed, that such lunatic will be properly taken care of. *Id.* s. 68.

Payment of fees to physicians, &c.] The justices causing any person to be examined by any physician, surgeon, or apothecary, if they think fit so to do, may make an order upon the guardians of the union or parish or the overseers of the parish to which such person is chargeable, for the payment of such reasonable remuneration to any such physician, &c., for the examination of such person, and of all other reasonable expenses in or about the examination of such person, and the bringing him before such justice or justices, and in case he be ordered to be conveyed to any asylum, registered hospital, or licensed house, of conveying him thereto, as to such justice or justices may seem proper.—*Id.* s. 69.

Penalties.] If any medical officer omit for more than three days after obtaining knowledge of any pauper, resident in such parish or in any parish within his district, being or being deemed to be lunatic, and a proper person to be sent to

an asylum, to give such notice thereof as is hereinbefore required;

Or if any relieving officer of any parish, or any overseer of any parish of which there is no relieving officer, omit for more than three days after obtaining knowledge of any pauper resident in such parish being deemed to be a lunatic, and a proper person to be sent to an asylum, to give notice thereof to a justice, as hereinbefore required;

Or if any constable, relieving officer, or overseer omit to apprehend and take before a justice, as hereinbefore required, any person wandering at large and deemed to be a lunatic,—or omit for three days after obtaining knowledge that any person deemed to be a lunatic (not a pauper, and not wandering at large) is not under proper care and control, or is cruelly treated or neglected by any person having the care or charge of him, to give information thereof to a justice as hereinbefore required;

Such medical officer, relieving officer, overseer, or constable, as the case may be, shall for every such offence forfeit any sum not exceeding ten pounds. *Id.* s. 70.

And if any relieving officer, overseer, or constable, required to convey any person to any asylum, registered hospital, or licensed house, refuse or wilfully neglect to execute the order with all reasonable expedition, he shall for every such offence forfeit any sum not exceeding ten pounds. *Id.* s. 71.

Orders of justices, &c., extend to authorize reception into hospitals, &c.] Every order by a justice or justices, or by a clergyman and overseer or relieving officer as aforesaid, for the reception of a lunatic into an asylum, may authorize his admission, not only into any lunatic asylum of the county or borough in which the parish or place from which the lunatic is sent is situate,—but also into any other asylum for the reception of pauper lunatics of such county or borough,—and also into any asylum for any other county or borough, or any hospital registered or house licensed for the reception of lunatics;—but lunatics to be always sent to asylums, if circumstances permit;—but every lunatic shall, under every such order, be sent to an asylum of the county or borough in which the parish or place from which he is sent is situate, unless there be no such asylum, or there be a deficiency of room, or unless there be some special circumstances by reason whereof such lunatic cannot conveniently be taken to such asylum, which deficiency of room or special circumstances shall be stated in the order for the reception of such lunatic into any asylum other than such asylum as aforesaid, or into any registered hospital or licensed house;—and no lunatic shall be sent to any registered hospital or house licensed for the reception of lunatics, by virtue of such order, except there be no

such asylum, or no such asylum in which he can be received, or there be some special circumstances by reason whereof he cannot be taken thereto, which shall be stated in like manner as aforesaid. *Id.* s. 72.

No pauper to be received into any asylum without a certain order and certificate.] No pauper shall be received into any asylum, registered hospital, or licensed house (save under the provisions herein contained with respect to removal of lunatics), without an order under the hands of one justice,—or under the hands of an officiating clergyman, and of one of the overseers or the relieving officer of the parish or union from which such pauper is sent as aforesaid,—together with a statement of particulars,—nor without a medical certificate, signed by one physician, surgeon, or apothecary, who shall have personally examined him not more than seven clear days previously to his reception; and every person who receives any pauper into any asylum without such order and medical certificate (save under any of the said provisions) shall be guilty of a misdemeanor. *Id.* s. 73.

Medical certificate to specify facts upon which opinion of insanity has been formed.] Every physician, surgeon, and apothecary signing any certificate under or for the purposes of this Act, shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is a lunatic, an idiot, or a person of unsound mind, distinguishing in such certificate facts observed by himself from facts communicated to him by others; and no person shall be received into any asylum under any certificate which purports to be founded only upon facts communicated by others. *Id.* s. 75.

Provision as to ordering removal of pauper lunatics to or from asylum.] Any two of the visitors of any asylum, being justices, by an order in writing, under their hands and seals, may order any pauper lunatic,—chargeable to any parish or union within the county or borough, or any county or borough to which such asylum wholly or in part belongs,—or to such county,—and who may be confined in any other asylum, or in any registered hospital or licensed house,—to be removed to such first-mentioned asylum;—and it shall be lawful for any two of the visitors of any asylum, being justices, in manner aforesaid to order any pauper lunatic to be removed from such asylum to some other asylum, or to some registered hospital or licensed house.

But no such lunatic shall be removed as last aforesaid, without the consent in writing of two of the commissioners in

lunacy, except to an asylum within or belonging wholly or in part to the county within which the asylum from which the lunatic is removed is situate, or the county in some parish of which the lunatic may have been adjudged to be settled, or a registered hospital or licensed house within any such county as aforesaid, or an asylum, registered hospital, or licensed house into which the lunatic can be received under a subsisting contract for the reception of lunatics therein.

And it shall be lawful for the justices making any such order, in and by the same, to direct or require any overseer or relieving or other officer of the parish, union, or county to which such lunatic is chargeable, or to authorize any other person to execute the same.

And every such order and consent shall be made and given respectively in duplicate, and one duplicate shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or licensed house from which the patient is removed, and the other shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or licensed house to which the patient is removed, and such order, with such consent in writing (where such consent is required), shall be a sufficient authority for the removal of such patient, and also for his reception into the asylum, hospital, or licensed house to which he is ordered to be removed.

Provided always, that no person shall be removed under any such order without a medical certificate, signed by the medical officer of the asylum, or the medical practitioner, or one of the medical practitioners, keeping, residing in, or visiting the hospital or licensed house, from which such person is ordered to be removed, certifying that he is in a fit condition of bodily health to be removed in pursuance of such order; and the superintendent or proprietor of such asylum, hospital, or licensed house shall, at the time of delivering the person ordered to be removed to the overseer, officer, or person having the execution of the order for removal, deliver to such overseer or officer, free of any charge for the same, the certificate of such medical officer, and also a copy (certified under the hand of such superintendent or proprietor to be a true copy) of the order and certificate under which such person was received into and detained in such asylum, hospital, or licensed house, and the said certificate and certified copies, with one duplicate of the order for removal, shall be delivered by such overseer, officer, or person to the superintendent or proprietor of the asylum, hospital, or licensed house to which such person is ordered to be removed, or any other officer of such asylum, hospital or licensed house into whose care such person is delivered. *Id.* s. 77.

Provided always, that no lunatic being a pauper shall be received under any order into any asylum, other than an

asylum belonging wholly or in part to the county or borough in which the parish or place from which such lunatic is sent, or the parish in which he is adjudged to be settled is situate, except there be a subsisting contract for the reception of lunatics of such county or borough therein, or such borough otherwise contributes to such asylum; and it shall not be compulsory on the superintendent of any registered hospital or the proprietor of any licensed house to receive any lunatic under any such order, except in pursuance of any subsisting contract. *Id.* s. 68.

Discharge of lunatics from asylum.] It shall be lawful for any three of the visitors of any asylum, by writing under their hands and seals, to order the discharge of any person detained in such asylum, whether such person be recovered or not,—and also for any two of such visitors, with the advice in writing of the medical officers of such asylum, to discharge any person detained therein,—or to permit any such person to be absent from the asylum upon trial, for such period as such visitors think fit; and it shall be lawful for such visitors to make such allowance to such last-mentioned person, not exceeding what would be the charge for such person, if in the asylum, which allowance, and no greater sum, shall be charged for him, and be payable as if he were actually in the asylum; and in case any person so allowed to be absent on trial for any period do not return at the expiration of such period, and a medical certificate as to his state of mind, certifying that his detention in an asylum is no longer necessary, be not sent to the visitors, he may, at any time within fourteen days after the expiration of such period, be retaken, as herein provided in the case of an escape. *Id.* s. 69.

Overseers and relieving officers to remove lunatics.] When the visitors of any asylum shall order a pauper lunatic confined therein to be discharged therefrom, it shall be lawful for them, when they shall see occasion, to send notice in writing, signed by their clerk, through the post or otherwise, of their intention to discharge such lunatic, to the overseers of the parish wherein it shall have been adjudged that such lunatic is settled,—or, if no such adjudication shall have been made, to the overseers of the parish from which such lunatic shall have been sent to such asylum,—unless such lunatic shall be chargeable to the common fund of any union, and in any such last-mentioned case to some one relieving officer of such union;—and upon receipt of such notice, the overseers or relieving officers respectively shall cause such lunatic, upon his discharge, to be forthwith removed to their parish, or to the workhouse of the union, at the cost and charge of their parish or of the common fund of the union, as the case shall require-

and any overseer or relieving officer who shall refuse or wilfully neglect to remove such lunatic from the said asylum within the space of seven days after such notice shall have been sent to him, shall be guilty of an offence against this Act, and shall forfeit for such offence any sum not exceeding ten pounds, to be recovered as other penalties imposed by this Act are recoverable. *Id.* s. 70.

Discharge of lunatic, on undertaking of a relative, &c. that he shall no longer be chargeable, and shall be taken care of.] Where application is made to the committee of visitors of any asylum by any relative or friend of a pauper lunatic confined therein, requiring that he may be delivered over to the custody and care of such relative or friend, it shall be lawful for any two of the visitors aforesaid, if they think fit, and upon the undertaking in writing of such relative or friend to the satisfaction of such visitors that such lunatic shall be no longer chargeable to any union, parish, or county, and shall be properly taken care of, and shall be prevented from doing injury to himself or others, to discharge such lunatic. *Id.* s. 71.

Commissioners in lunacy may order removal of lunatics.] It shall be lawful for the commissioners in lunacy, or any two of them, by writing under their hands and seals, to order and direct the removal of any lunatic from any asylum, registered hospital, or licensed house to any other asylum, registered hospital, or licensed house;—and every such order shall be made in duplicate, and one duplicate shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or licensed house from which the patient is removed, and the other shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or licensed house to which the patient is removed; and such order shall be a sufficient authority for the removal of such patient, and also for his reception into the asylum, hospital, or licensed house to which he is ordered to be removed. *Id.* s. 72.

Notice of the death of a lunatic.] In case of the death of any pauper patient in any asylum, a notice and statement of the death and cause of the death of such patient, and the name of any person or persons who was or were present at the death, shall be drawn up and signed by the clerk and medical officer of such asylum,—and a copy thereof shall be by the clerk transmitted to the registrar of deaths for the district—and to the commissioners in lunacy, within forty-eight hours of the death of such patient,—and also to the relieving officer or the overseers of the union or parish to which such lunatic was chargeable. *Id.* s. 92.

As to Expense of Maintenance and Removal, &c. of Pauper and other Lunatics.

How, where it appears that the lunatic has property applicable to his maintenance.] Where any lunatic shall be sent to an asylum, registered hospital, or licensed house, under any order made by virtue of the authority hereinbefore given to two justices, if it appear to such justices that such lunatic hath an estate applicable to his maintenance, and more than sufficient to maintain his family (if any), it shall be lawful for such justices to make an application in writing under their hands and seals to the nearest known relative or friend of such lunatic, for the payment of the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of such lunatic;—and in case such charges be not paid within one month after such application, it shall be lawful for the same or any other justices, by an order under their hands and seals, to direct a relieving officer or overseer of the parish from which such lunatic shall be sent, or where any property of such lunatic shall be, to seize so much of the money, and to seize and sell so much of the goods and chattels, and take and receive so much of the rents and profits of the lands and tenements of such lunatic, and of any other income of such lunatic, as may be necessary to pay the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of such lunatic, accounting for the same to the same or any other justices, such charges having been first proved to the satisfaction of the said justices, and the amount set forth in such order.

And if any trustee or other person having the possession, custody, or charge of any property of such lunatic, or if the governor and company of the Bank of England, or any other body or person having in their or his hands any stock, interest, dividend, or annuity belonging or due to such lunatic, pay the whole or any part thereof to any overseer or relieving officer, to defray the charges set forth in such order, the receipt of such overseer or relieving officer shall be a good discharge to such trustee, governor, and company, or other body or person as aforesaid.

Provided always, that, notwithstanding it may appear to the said justices that such lunatic hath such estate as aforesaid, it shall be lawful for such justices, in the meantime and until such charges as aforesaid shall be paid, in pursuance of such application or order as aforesaid, to make an order on the guardians of the union or parish, or the overseers of the parish, from which such lunatic shall be sent for confinement, for payment of the charges of the removal, lodging, maintenance, clothing, medicine, and care of such lunatic; and such

guardians or overseers shall be reimbursed such charges under any order to be made as aforesaid for payment of such charges, out of the property of the lunatic, unless the same be sooner repaid by some relative or friend of such lunatic, in pursuance of such application as aforesaid. *Id.* s. 94.

And further, if it appear to any justice or justices, by this Act authorized to make any order for the payment of money for the maintenance of any lunatic, that such lunatic has an estate, real or personal, applicable to his maintenance, and more than sufficient to maintain his family (if any), he or they shall, by an order under his or their hand and seal or hands and seals, direct—the overseers of the parish, or a relieving officer of the parish or union, or the treasurer or some other officer of the county, to which such lunatic is chargeable,—or in which any property of the lunatic may be,—or an officer of the asylum in which the lunatic may be,—to seize so much of any money,—and to seize and sell so much of the goods and chattels,—and to take and receive so much of the rents and profits of the lands and tenements of such lunatic and other income of such lunatic,—as may be necessary to pay the charges of the examination, bringing before a justice or justices, removal, lodging, maintenance, clothing, medicine, and care of such lunatic, accounting for the same to such justice or justices, such charges having been first proved to the satisfaction of such justice or justices, and the amount set forth in such order;—and if any trustee or other person having the possession, custody, or charge of any property of such lunatic, or if the governor and company of the Bank of England, or any other body or person, having in their or his hands any stock, interest, dividend, or annuity belonging or due to such lunatic, pay any money according to any such order, or pay any money without any such order, to the guardians of any union or parish, or to any overseer of any parish not in a union or under a board of guardians, or to the treasurer of any county, or any other officer of any county authorized to receive the same, to defray the charges paid or incurred by or on behalf of such parish, union, or county for the examination, bringing before a justice or justices, removal, lodging, maintenance, clothing, medicine, and care of such lunatic, the receipt of the person authorized to receive such money under such order or of such guardians, overseer, or treasurer or other officer, shall be a good discharge to such trustee, governor, and company, or other body or person as aforesaid. *Id.* s. 104.

To what parish chargeable.] When any pauper lunatic is confined under the provisions of this Act, he shall for the purposes of this Act be chargeable to the parish from which, or at the instance of some officer or officiating clergyman of

which, he has been sent,—unless and until such parish shall have established, under the provisions herein contained, that such lunatic is settled in some other parish,—or that it cannot be ascertained in what parish such lunatic is settled; and every pauper lunatic who is chargeable to any parish shall, whilst he resides in an asylum, registered hospital, or licensed house, be deemed for the purposes of his settlement to be residing in the parish to which he is chargeable. *Id.* s. 95.

Order for maintenance of lunatics.] It shall be lawful for the justice, by whom any pauper lunatic is sent to an asylum, registered hospital, or licensed house under the powers of this Act,—or for any two justices of the county or borough in which the asylum, registered hospital, or licensed house in which any pauper lunatic is confined is situate,—or from any part of which any pauper lunatic has been sent,—or for any two justices being visitors of such asylum or licensed house,—to make an order upon the guardians of the union or parish, or the overseers of the parish (if not in a union or under a board of guardians), from which, or at the instance of any officer or officiating clergyman of which, such lunatic is or has been sent for confinement, for payment to the treasurer, officer, or proprietor of the asylum, registered hospital, or licensed house of the reasonable charges of the lodging, maintenance, medicine, clothing, and care of such lunatic in such asylum, hospital, or house,—and any such order may be retrospective or prospective, or partly retrospective and partly prospective; —and the guardians or overseers on whom such order shall be made, shall from time to time pay to the said treasurer, officer, or proprietor the charges aforesaid. *Id.* s. 96.

Inquiry into and adjudication of the settlement of a lunatic, &c.] It shall be lawful for any two justices for the county or borough in which any asylum, registered hospital or licensed house, in which any pauper lunatic is or has been confined is situate,—or to which such asylum wholly or in part belongs, —or from any part of which any pauper lunatic is or has been sent for confinement,—at any time to inquire into the last legal settlement of such pauper lunatic, and if satisfactory evidence can be obtained as to such settlement in any parish, such justices shall, by order under their hands and seals, adjudge such settlement accordingly,—and order the guardians of the union to which the parish in which such lunatic is adjudged to be settled belongs,—or of such parish, in case such parish be in a union or be under a board of guardians,—and if not, then the overseers of such parish,—to pay to the guardians of any union or parish, or the overseers of any parish, all expenses incurred by or on behalf of such union or parish in or about the examination of such lunatic, and the bringing

him before a justice or justices, and his conveyance to the asylum, hospital, or house,—and of all monies paid by such last-mentioned guardians or overseers to the treasurer, officer, or proprietor of the asylum, hospital, or house, for the lodging, maintenance, medicine, clothing, and care of such lunatic, and incurred within twelve calendar months previous to the date of such order,—and, if such lunatic is still in confinement, also to pay to the treasurer, officer, or proprietor of the asylum, hospital, or house, the reasonable charges of the future lodging, maintenance, medicine, clothing, and care of such lunatic.

And the guardians or overseers on whom any such order is made shall immediately pay to the guardians or overseers to whom the same are ordered to be paid, the amount of the expenses and moneys by such order directed to be paid to them, and from time to time pay to the said treasurer, officer, or proprietor of the asylum, hospital, or house the future charges aforesaid. *Id.* s. 97.

How if settlement cannot be ascertained.] If any pauper lunatic be not settled in the parish by which, or at the instance of some officer or officiating clergyman of which he is sent to any asylum, registered hospital, or licensed house,—and it cannot be ascertained in what parish such pauper lunatic is settled,—and if a relieving officer of such first-mentioned parish, or of the union in which the same is situate, or the overseers of such first-mentioned parish, shall give ten days' notice to the clerk of the peace of the county in which such lunatic was found to appear for such county before two justices thereof, at a time and place to be appointed in such notice,—it shall be lawful for such two justices, or any two or more justices of such county, upon the appearance of such clerk of the peace, or any one on his behalf,—or, in case of his non-appearance, upon proof of his having been served with such notice,—to inquire into the circumstances of the case, and to adjudge such pauper lunatic to be chargeable to such county,—and to order the treasurer of such county to pay to the guardians of any union or parish or the overseers of any parish all expenses incurred by or on behalf of such union or parish in or about the examination of such lunatic, and the bringing him before a justice or justices, and his conveyance to the asylum, hospital, or house, and all moneys paid by such guardians or overseers to the treasurer, officer, or proprietor of the asylum, hospital, or house, for the lodging, maintenance, medicine, clothing, and care of such lunatic, and incurred within twelve calendar months previous to the date of such order,—and (if such lunatic is still in confinement) also to pay to the treasurer, officer, or proprietor of the asylum,

hospital or house, the reasonable charges of the future lodging, maintenance, medicine, clothing, and care of such lunatic.

And every such treasurer of a county on whom any such order is made shall, out of any moneys which may come into his hands by virtue of his office, immediately pay to such guardians or overseers the amount of the expenses and moneys by such order directed to be paid to them, and from time to time pay to the said treasurer, officer, or proprietor of the asylum, hospital, or house, the future charges aforesaid.

Provided always, that such justices may direct such inquiry to be made to ascertain the parish in which any pauper lunatic is settled as they think fit, and delay adjudging such pauper lunatic to be chargeable to any county until such further inquiry has been made.

Provided also, that every county to which any pauper lunatic is adjudged to be chargeable as aforesaid, may at any time thereafter inquire as to the parish in which such lunatic is settled, and may procure such lunatic to be adjudged to be settled in any parish. *Id.* s. 98.

Reimbursement of county.] If, after any pauper lunatic has been sent to an asylum, registered hospital, or licensed house, as aforesaid, and has been adjudged to be chargeable to a county, such county procure such lunatic to be adjudged to be settled in any parish,—it shall be lawful for any two justices of the county or borough in which the asylum, registered hospital, or licensed house in which such lunatic is confined is situate,—or from any part of which such lunatic was sent for confinement,—or for any two justices being visitors of such asylum or licensed house,—to make an order upon the guardians of the union to which such parish belongs or of any such parish, if such parish be in a union or be under a board of guardians,—or if not, then upon the overseers of such parish,—for payment to the treasurer of the said county of all expenses and moneys paid by such treasurer as hereinbefore is provided,—and of all moneys paid by such treasurer to the treasurer, officer, or proprietor of the asylum, hospital, or house, for the lodging, maintenance, medicine, clothing, and care of such lunatic, and incurred within twelve calendar months previous to such order,—and (if such lunatic is still in confinement) also for payment to the treasurer or officer or proprietor of the asylum, hospital, or house, of the reasonable charges of the future lodging, maintenance, medicine, clothing, and care of such lunatic; and such guardians or overseers shall immediately pay to the treasurer of such county the amount of the expenses and moneys by such order directed to be paid to him, and from time to time pay to the said trea-

surer, officer, or proprietor of the asylum, hospital, or house, the future charges aforesaid. *Id.* s. 99.

Costs of pauper lunatics who are irremovable, how to be borne.] Provided always that all the expenses incurred, in and about the examination, bringing before a justice or justices, removal, lodging, maintenance, medicine, clothing and care of a pauper lunatic heretofore or hereafter removed to an asylum, registered hospital, or licensed house, under the authority of this or any other Act,—who would at the time of his being conveyed to such asylum, hospital, or house, have been exempt from removal to the parish of his settlement or the country of his birth, by reason of some provision in the Act of the session holden in the ninth and tenth years of Her Majesty, chapter sixty-six,—shall be paid by the guardians of the parish wherein such lunatic shall have acquired such exemption, if such parish be subject to a separate board of guardians,—or by the overseers of such parish where the same is not subject to such separate board,—and where such parish shall be comprised in any union, the same shall be paid by the guardians, and be charged to the common fund of such union so long as the cost of the relief of paupers, rendered irremovable by the last-mentioned Act, shall continue to be chargeable upon the common funds of unions; and no order shall be made under any provision contained in this or any other Act upon the parish of the settlement in respect of any such lunatic pauper during the time that the above mentioned charges are to be paid and charged as herein provided. *Id.* s. 102.

Guardians and overseers may pay charges without orders of justices.] Provided also, that any guardians or overseers who would be liable to have an order made upon them for the payment of any money, may pay the same without any such order being made, and may charge the same to such account as they could have done if such order had been made. *Id.* s. 103.

Liability of relations of lunatic.] The liability of any relation or person to maintain any lunatic shall not be taken away or affected where such lunatic is sent to or confined in any asylum, registered hospital, or licensed house, by any provision herein contained concerning the maintenance of such lunatic. *Id.* s. 105.

Sending copy of order of adjudication.] The overseers of any parish,—and the guardians of any union or parish,—and the clerk of the peace of any county,—obtaining any order

under this Act adjudging the settlement of any lunatic to be in any parish, shall, within a reasonable time after such order has been made, send or deliver, by post or otherwise, to the overseers or guardians of the parish in which such lunatic is adjudged to be settled, a copy or duplicate of such order,—and also a statement in writing under their or his hands or hand, or where they are the guardians of a union or parish, under the hands of any three or more of such guardians, stating the description and address of the overseers, guardians, or clerk of the peace obtaining such order,—and the place of confinement of the lunatic,—and setting forth the grounds of such adjudication, including the particulars of any settlement or settlements relied upon in support thereof;—and on the hearing of any appeal against any such order, it shall not be lawful for the respondents to go into or give evidence of any other grounds in support of such order than those set forth in such statement. *Id.* s. 107.

Appeal against order of adjudication.] If the guardians of any union or parish,—or the overseers of any parish,—feel aggrieved by any such order as aforesaid adjudging the settlement of any lunatic,—they or he may appeal against the same to the next general quarter sessions of the peace for the county in behalf of which such order has been obtained,—or in which the union or parish obtaining such order is situate;—or in case such parish or union extend into several jurisdictions, then to the next general quarter sessions of the peace for the county or borough in which the asylum, registered hospital, or licensed house in which such lunatic is or has been confined is situate;—and such sessions upon hearing the said appeal shall have full power finally to determine the matter. *Id.* s. 108.

Copy of depositions to be furnished.] The clerk to the justices making any order adjudging the settlement of any lunatic,—or the clerk of the peace in the case hereinafter provided for,—shall keep the depositions upon which such order was made, and shall within seven days furnish a copy of such depositions to any party authorized to appeal against such order, if such party apply for such copy, and pay for the same at the rate of twopence for every folio of seventy-two words;—provided that no omission or delay in furnishing such copy of the depositions shall be deemed or construed to be any ground of appeal against the order: provided also, that on the trial of any appeal against any such order, no such order shall be quashed or set aside, either wholly or in part, on the ground that such depositions do not furnish sufficient evidence to support, or that any matter therein contained or omitted raises an objection to the order, or grounds on which the same was

made :—provided also, that if the justices who make any such order have not any clerk, they shall send or deliver the depositions to the clerk of the peace of the county or borough to the general quarter sessions whereof the appeal against such order is given by this Act, and the party obtaining such order shall, in such statement of grounds of adjudication as aforesaid, state that such justices have not any clerk. *Id.* s. 109.

Notice of appeal to be given.] No appeal shall be allowed against any such order, if notice in writing of such appeal be not sent or delivered by post or otherwise to the party on whose application the order was obtained, within the space of twenty-one days after the sending or delivery, as hereinbefore directed, of a copy or duplicate of such order and such statement as hereinbefore mentioned,—unless within such period of twenty-one days a copy of the depositions shall have been applied for as aforesaid by the party attending to appeal, in which case a further period of fourteen days after the sending of such copy shall be allowed for the giving of such notice of appeal. *Id.* s. 110.

Grounds of appeal.] In every case where notice of appeal against such order is given, the appellant shall,—with such notice, of fourteen days at least before the first day of the sessions at which such appeal is intended to be tried,—send or deliver by post or otherwise to the respondent a statement in writing under their or his hands or hand,—or where the appellants are the guardians of any union or parish, under the hands of any three or more of such guardians,—of the grounds of such appeal; and it shall not be lawful for the appellant on the hearing of any appeal to go into or give evidence of any other grounds of appeal than those set forth in such statement. *Id.* s. 111.

Upon the hearing of any appeal against any such order, no objection whatever on account of any defect in the form of setting forth any ground of adjudication or appeal in any such statement shall be allowed,—and no objection to the reception of legal evidence offered in support of any such ground alleged to be set forth in any such statement shall prevail,—unless the court be of opinion that such alleged ground is so imperfectly or incorrectly set forth, as to be insufficient to enable the party receiving the same to inquire into the subject of such statement, and to prepare for trial.

Power to amend statement.] Provided always, that in all cases where the court is of opinion that any such objection to such statement or to the reception of evidence ought to prevail, it shall be lawful for such court, if it so think fit, to cause

any such statement to be forthwith amended by some officer of the court, or otherwise, on such terms as to payment of costs to the other party, or postponing the trial to another day in the same sessions, or to the next subsequent sessions, or both payment of costs and postponement, as to such court appears just and reasonable. *Id.* s. 112.

Power to amend order.] If upon the trial of any appeal against any such order,—or upon the return to a writ of *certiorari*,—any objection be made on account of any omission or mistake in the drawing up of such order, and it be shown to the satisfaction of the court that sufficient grounds were in proof before the justices making such order to have authorized the drawing up thereof free from the said omission or mistake, —it shall be lawful for the court, upon such terms as to payment of costs as it thinks fit, to amend such order and to give judgment as if no such omission or mistake had existed:—provided always, that no objection on account of any omission or mistake in any such order brought up upon a return to a writ of *certiorari* shall be allowed, unless such omission or mistake have been specified in the rule for issuing such writ of *certiorari*. *Id.* s. 113.

Frivolous or vexatious statements.] If either of the parties to the said appeal shall have included in the statement of grounds of adjudication or of appeal sent to the opposite party any ground or grounds in support of the order or of appeal, which, in the opinion of the court determining the appeal, is or are frivolous and vexatious,—such party shall be liable, at the discretion of the said court, to pay the whole or any part of the costs incurred by the other party in disputing any such ground or grounds. *Id.* s. 114.

Costs.] Upon every such appeal, the court before whom the same is brought shall and may, if they think fit, order and direct the party against which the same is decided to pay to the other such costs and charges as may to such court appear just and reasonable, and shall certify the amount thereof. *Id.* s. 115.

Decisions to be final.] The decision of the court upon the hearing of any appeal against any such order, as well upon the sufficiency and effect of the statement of the grounds in support of the order and appeal, and of the copy or duplicate of the order sent to the appellant parish or county, as upon the amending or refusing to amend the order as aforesaid, or the statement of grounds, shall be final, and shall not be liable to be reviewed in any court by means of a writ of *certiorari*, or *mandamus*, or otherwise. *Id.* s. 116.

Abandonment of orders.] In any case in which an order has been made as aforesaid, and a copy or duplicate thereof sent as herein required, it shall and may be lawful for the party who has obtained such order,—whether any notice of appeal against such order has or has not been given,—and whether any appeal has or has not been entered,—to abandon such order, by notice in writing under the hand or hands of such party,—or, where such order has been obtained by the guardians of any union, under the hands of any three or more of such guardians,—to be sent by post or delivered to the appellant or the party entitled to appeal,—and thereupon the said order and all proceedings consequent thereon, shall become and be null and void to all intents and purposes as if the same had not been made, and shall not be in any way given in evidence, in case any other order for the same purposes shall be obtained:—provided always, that in all cases of such abandonment, the party so abandoning shall pay to the appellant or the party entitled to appeal, the costs which he has incurred by reason of such order, and of all subsequent proceedings thereon; which costs the proper officer of the court before whom any such appeal (if it had not been abandoned) might have been brought, shall, upon application, tax and ascertain at any time, whether the court be sitting or not, upon production to him of such notice of abandonment, and upon proof to him that such reasonable notice of taxation, together with a copy of the bill of costs, has been given to the overseers, guardians, or clerk of the peace abandoning such order, as the distance between the parties shall in his judgment require; —and thereupon the sum allowed for costs, including the usual costs of taxation, which such officer is hereby empowered to charge and receive, shall be endorsed upon the said notice of abandonment, and the said notice so endorsed shall be filed among the records of the said court.

Access to lunatic in cases of appeal.] In every case of an inquiry, investigation, dispute, or appeal, as to the parish in which a pauper lunatic is settled, the guardians, clerks of the guardians, relieving officers, and overseers of every union including any parish, or of any parish (which parish respectively is interested in such inquiry, investigation, dispute, or appeal), and every person duly authorized by them respectively,—and the clerk of the peace of any county interested in such inquiry, investigation, dispute, or appeal, and every person duly authorized by such clerk of the peace,—shall at all reasonable times be allowed free access, in the presence of the medical attendant, to the lunatic, to examine him as to the premises. *Id.* s. 119.

Expenses of burial.] On the death, discharge, or removal

of any pauper from any asylum, registered hospital, or licensed house, the necessary expenses attending the burial, discharge, or removal of such pauper shall be borne by the union or parish (if any) to which such pauper is chargeable, as hereinbefore provided,—or if such pauper be chargeable to a county as hereinbefore provided, then by such county,—and shall be paid by the guardians of such union or parish,—or by the overseers of such parish if not in a union or under a board of guardians, or by the treasurer of such county. *Id.* s. 120.

Further provision on the subject of the burial of pauper lunatics dying in a lunatic asylum, is made by the 18 & 19 Vict. c. 105, s. 11, which, however, does not affect the guardians.

Recovery of money ordered to be paid.] If any overseer, or any treasurer of any county, upon whom any order of justices for the payment of money under the provisions of this Act or of any Act hereby repealed is made, shall refuse or neglect for the space of twenty days next after due notice of such order to pay the money so ordered to be paid, the said money, together with the expenses of recovering the same, shall be recovered by distress and sale of the goods of the overseer or treasurer so refusing or neglecting, by warrant under the hands and seals of any two justices hereby authorized to make the order for payment of the money aforesaid,—or by an action at law,—or by any other proceeding in any court of competent jurisdiction, against such overseer or treasurer;—and if the guardians upon whom any such order is made refuse or neglect for such time as aforesaid to pay the money so ordered to be paid, the same, together with the expenses of recovering the same, may be recovered by an action at law, or by any other proceeding in any such court; and in case of any such action or proceeding no objection shall be taken to any default or want of form in any order of admission or maintenance, or in any certificate or adjudication under this Act, if such order or adjudication shall not have been appealed against, or if appealed against, shall have been affirmed. *Id.* s. 121.

Emigration of poor Persons.

By stat. 4 & 5 W. 4, c. 76, s. 62, it shall and may be lawful for the ratepayers in any parish, and such of the owners of property therein as shall, in manner herein mentioned, have required their names to be entered in the rate-books of such parishes respectively, as entitled to vote as owners, assembled at a meeting to be duly convened and held for that purpose, after public notice of the time and place of holding such meeting,

and the purpose for which the same is intended to be held, shall have been given, in like manner as notices of vestry meetings are published and given, to direct that such sum or sums of money, not exceeding half the average yearly rate for the three preceding years, as the said owners and ratepayers so assembled at such meeting may think proper, shall be raised or borrowed as a fund, or in aid of any fund or contribution for defraying the expense of the emigration of poor persons having settlements in such parish, and willing to emigrate, to be paid out of or charged upon the rates raised or to be raised for the relief of the poor in such parish, and to be applied under and according to such rules, orders, and regulations as the poor law commissioners shall in that behalf direct: provided always, that no such direction for raising money for such purpose as aforesaid shall have any force or effect, unless and until confirmed by the said commissioners; and that the time to be limited for the repayment of any sum so charged on such rates as aforesaid shall in no case exceed the period of five years from the time of borrowing the same: provided also, that all sums of money so raised as last hereinbefore mentioned, and advanced by way of loan, for the purposes of emigration, or such proportion thereof as the said commissioners shall by any rule, order, or regulation from time to time direct, shall be recoverable against any such person being above the age of twenty-one years, who or whose family, or any part thereof, having consented to emigrate, shall refuse to emigrate after such expenses shall have been so incurred, or having emigrated shall return, in such and the like manner as is hereinbefore provided with respect to relief, or the cost price of relief, given or considered to be given by way of loan to any person, his wife or family. See stat. 7 & 8 Vict. c. 101, s. 29.

Also, by stat. 11 & 12 Vict. c. 110, s. 5, the guardians of any union or parish may, with the order of the said commissioners and in conformity with such regulations as they shall make, procure or assist in procuring the emigration of any poor person, rendered irremovable by stat. 9 & 10 Vict. c. 66, and chargeable, or who would, if relieved, be chargeable upon the common fund of such union, or in the case of any parish not comprised in a union who may, though not settled therein, be irremovable as aforesaid therefrom; and such guardians shall, in the case of a union, charge the costs and expenses incurred in such emigration upon the common fund, and in the case of a parish not in a union, upon the moneys in their hands for the relief of the poor.

And by stat. 12 & 13 Vict. c. 103, s. 20, the guardians of any union, or of any separate parish for which a board of guardians is or shall be established, may expend, with the order and subject to the rules and regulations of the poor law

board, but not otherwise, any sum of money not exceeding ten pounds for each person, in and about the emigration of poor persons having settlements in such parish, or in any parish in such union respectively, without the necessity of the rate-payers and owners of property therein meeting and giving their consent (as required by the said Act of the fifth year of King William the Fourth) to such expenditure, and such guardians shall charge the same to the parish of the settlement, in every case where such poor person resided therein, or was removable thereto at the time of the emigration :—provided always, that the guardians or (if more than one) a majority of the guardians of such last-mentioned parish shall express his or their concurrence in writing in the resolution of the board of guardians for such expenditure, and that such written concurrence shall be transmitted by the clerk of the union in communicating that resolution to the poor law board :—provided also, that the aggregate amount of the moneys expended in the course of any one year in and about the emigration of such poor persons, shall not exceed one-half of the average yearly poor rate raised in the said parish for the three preceding years. The guardians may in like manner, and subject to the same restrictions, but with the consent in writing of the guardians or of the majority of the guardians of the parish of the chargeability, expend money in and upon the emigration of any poor orphan or deserted child under the age of sixteen years, having no settlement or whose settlement is unknown; and so also in the case of orphan or deserted children chargeable to the common fund. 13 & 14 Vict. c. 101, s. 4.

Conditions on which emigration sanctioned.] The following conditions are inserted by the poor law board in all orders sanctioning the emigration of poor persons :—

1. The party emigrating shall go to some British colony not lying within the Tropics.

2. The guardians may expend a sum not exceeding 3*d.* a mile in conveying each emigrant above seven years of age to the port of embarkation; and a sum not exceeding 1½*d.* a mile in conveying each child under seven years of age.

3. The guardians may provide for each emigrant, the place of whose destination shall be not eastward of the Cape of Good Hope, clothing to a value not exceeding 1*l.*; and may also expend a sum not exceeding 10*s.* for each emigrant in the purchase of bedding and utensils for the voyage.

4. The guardians may provide for each emigrant proceeding to the Cape of Good Hope, clothing to a value not exceeding 2*l.*; and for each emigrant to places eastward of the Cape of Good Hope, clothing to a value not exceeding 2*l.* 10*s.*; and in either case may expend a sum not exceeding 1*l.* for each

person above fourteen, and a sum not exceeding 10*s.* for every child above one and under fourteen years of age; and in the case of every single man above eighteen years of age conveyed by or under the authority of Her Majesty's government, a sum not exceeding 2*l.*, in the purchase of bedding and utensils for the voyage.

5. If the emigrant be not conveyed by or under the authority of her Majesty's government to the place of destination, or provision be not otherwise made in a manner satisfactory to the poor law board for the maintenance of such emigrant on arrival at such place, a contract, to be approved of by the said poor law board, shall be entered into for securing a sum of money to be supplied to the emigrant on such arrival, according to the following scale:—

To each person exceeding fourteen years of age ..	£1	0	0
To each person not exceeding fourteen years of age	0	10	0

6. If the emigrant be not conveyed by or under the authority of Her Majesty's government to the place of destination, and the cost, or any part thereof, of conveying the emigrant from the port of embarkation to such place, shall be defrayed from the fund above directed to be provided, a contract shall be entered into for conveying the emigrant to such place, to be approved of by the said poor law board, before the sailing of the vessel in which such emigrant is to be conveyed.

Apprenticeship of poor Children to Trades, &c.

By stat. 7 & 8 Vict. c. 101, s. 12, no poor child shall be bound apprentice by the overseers of any parish included in any union or subject to a board of guardians under the provisions of stat. 4 & 5 W. 4, c. 76, but it shall be lawful for the guardians of such union or parish respectively to bind any such poor child to be an apprentice, and in such case the indentures of apprenticeship shall be executed by the said guardians, and shall not need to be allowed, assented to, or executed by any justice or justices of the peace, and the guardians shall have all the powers for binding or assigning any such apprentice which are now possessed by overseers, and shall cause all apprentices so bound or assigned by them to be registered by their clerk according to the form prescribed by the statute of the forty-second year of the reign of King George the Third, relating to the registration of parish apprentices, so far as the same may be applicable to such binding or assignment: nothing contained in this Act directly or indirectly interferes with the provisions of any Act of parlia-

ment relating to apprentices to be bound to the sea service, as to which see *post*, page 124.

By the same section, the poor law board are empowered, by order under their hands and seal, to prescribe the duties of the masters to whom poor children may be apprenticed, and the terms and conditions to be inserted in the indentures by which such children may be so bound as apprentices. Every master of such apprentice, who wilfully refuses or neglects to perform any of such terms or conditions inserted in any indenture of apprenticeship is liable, upon conviction before any two justices, to forfeit any sum not exceeding twenty pounds. *Id.* s. 12.

The poor law commissioners, by their consolidated order of the 24th July, 1847 (directed to unions, and 8th December, 1847, directed to parishes under separate boards of guardians), have in this behalf ordered and directed as follows:—

Art. 52. No child under the age of nine years, and no child (other than a deaf and dumb child) who cannot read and write his own name, shall be bound apprentice by the guardians.

Art. 53. No child shall be so bound to a person who is not a housekeeper, or assessed to the poor rate in his own name;

Or who is a journeyman, or person not carrying on trade or business on his own account;
Or who is under the age of twenty-one;
Or who is a married woman.

Art. 54. No premium, other than clothing for the apprentice, shall be given upon the binding of any person above the age of sixteen years, unless such person be maimed, deformed, or suffering from some permanent bodily infirmity, such as may render him unfit for certain trades or sorts of work.

Art. 55. Where any premium is given it shall in part consist of clothes supplied to the apprentice at the commencement of the binding, and in part in money, one moiety whereof shall be paid to the master at the binding, and the residue at the termination of the first year of the binding.

Art. 56. No apprentice shall be bound by the guardians for more than eight years.

Art. 57. No person above fourteen years of age shall be so bound without his consent.

And no child under the age of sixteen years shall be so bound without the consent of the father of such child, or if the father be dead, or be disqualified to give such consent, as hereinafter provided, or if such child be a bastard, without the consent of the mother, if living, of such child.

Provided, that where such parent is transported beyond the

seas, or is in the custody of the law, having been convicted of some felony, or for the space of six calendar months before the time of executing the indenture has deserted such child, or for such space of time has been in the service of Her Majesty, or of the East India Company, in any place out of the United Kingdom, such parent, if the father shall be deemed to be disqualified as hereinbefore stated, and if it be the mother, no such consent shall be required.

Art. 58. No child shall be bound to a master whose place of business, whereat the child is to work and live, is distant more than thirty miles from the place in which the child is residing at the time of the proposed binding, or at the time of his being sent on trial to such master;

Unless in any particular case the commissioners shall, on application to them, otherwise permit.

Art. 59. If the child whom it is proposed to bind apprentice, be in the workhouse and under the age of fourteen years, the guardians shall require a certificate in writing from the medical officer of the workhouse as to the fitness in regard to bodily health and strength of such child to be bound apprentice to the proposed trade, and shall also ascertain from the master of the workhouse the capacity of the child for such binding in other respects.

Art. 60. If the child be not in the workhouse, but in the union, by the guardians of which it is proposed that he shall be bound, the relieving officer of the district in which the child is residing shall examine into the circumstances of the case, the condition of the child, and of his parents, if any, and the residence of the proposed master, the nature of his trade, the number of other apprentices, if any, then bound to him, and generally as to the fitness of the particular binding, and shall report the result of his inquiry to the guardians.

Art. 61. If in any case within Article 60 the guardians think proper to proceed with the binding, they shall, when the child is under the age of fourteen years, direct the relieving officer to take the child to the medical officer of the district, to be examined as to his fitness in respect of bodily health and strength for the proposed trade or business; and such medical officer shall certify in writing according to his judgment in the matter, which certificate shall be produced by the said relieving officer to the next meeting of the guardians.

Art. 62. If the child be not residing within the union, the guardians who propose to bind him shall not proceed to do so, unless they receive such a report as is required in Article 60 from the relieving officer of the district in which such child is residing, and a certificate from some medical man practising in the neighbourhood of the child's residence to the effect required in Article 61.

Art. 63. When it is proposed to give a premium other than clothing upon the binding of any person above the age of sixteen years, the guardians shall require a certificate in writing from some medical practitioner, certifying that the person is maimed, deformed, or disabled to the extent specified in such Article, and shall cause a copy of such certificate to be entered on their minutes before they proceed to execute the indenture.

Art. 64. When such certificate as is required by Articles 59, 61, 62, and 63 is received, or in case from the age of the child no such certificate is required, the guardians shall direct that the child and the proposed master, or some person on his behalf, and in case the child be under the age of sixteen, that the parent or person in whose custody such child shall be then living, attend some meeting of the board to be then appointed.

Art. 65. At such meeting, if such parties appear, the guardians shall examine into the circumstances of the case; and if after making all due inquiries, and hearing the objections (if any be made) on the part of the relatives or friends of such child, they deem it proper that the binding be effected, they may forthwith cause the indenture to be prepared, and, if the master be present, to be executed, but if he be not present, they shall cause the same to be transmitted to him for execution; and when executed by him, and returned to the guardians, the same shall be executed by the latter, and shall be signed by the child as provided by Article 67.

Art. 66. If the proposed master reside out of the union, but in some other union or parish under a board of guardians, whether formed under the provisions of the first-recited Act, or of the Act of the twenty-second year of the reign of King George the Third, intituled "An Act for the better Relief and Employment of the Poor," or of any local Act, the guardians shall, before proceeding to effect the bindings, communicate in writing the proposal to the guardians of such other union or parish, and request to be informed whether such binding is open to any objection, and if no objection be reported by such guardians within the space of one calendar month, or if the objection does not appear to the guardians proposing to bind the child to be sufficient to prevent the binding, the same may be proceeded with; and when the indenture shall have been executed, the clerk to the guardians who executed the same shall send notice thereof in writing to the guardians of the union or parish wherein the said apprentice is to reside.

Art. 67. The indenture shall be executed in duplicate, by the master and the guardians, and shall not be valid unless signed by the proposed apprentice with his name, or, if deaf

and dumb, with his mark, in the presence of the said guardians; and the consent of the parent, where requisite, shall be testified by such parent signing with his name or mark, to be properly attested, at the foot of the said indenture; and where such consent is dispensed with under Article 57, the cause of such dispensation shall be stated at the foot of the indenture by the clerk.

Art. 68. The name of the place or places at which the apprentice is to work and live shall be inserted in the indenture.

Art. 69. One part of such indenture, when executed, shall be kept by the guardians; the other shall be delivered to the master.

Apprenticeship to the sea service.

All shipping masters shall, if applied to for the purpose, give to any board of guardians, overseers, or other persons desirous of apprenticing boys to the sea service, and to masters and owners of ships requiring apprentices, such assistance as is in their power for facilitating the making of such apprenticeships, and are entitled to receive for rendering such assistance such fees as may be determined on that behalf by the board of trade, with the concurrence of the poor law board. 17 & 18 Vict. c. 104, s. 141.

In the case of every boy bound apprentice to the sea service by any guardians or overseers of the poor, or other persons having the authority of guardians, the indentures (which are exempt from stamp duty) shall be executed by the boy and the person to whom he is bound, in the presence of and shall be attested by two justices of the peace, who shall ascertain that the boy has consented to be bound, and has attained the age of 12 years, and is of sufficient health and strength, and that the master to whom the boy is to be bound is a proper person for the purpose. *Id.* s. 142.

All apprenticeships made to the sea service by any guardians or overseers of the poor, or persons having the authority of guardians, shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons. *Id.* s. 144. As to which, see *ante.*

Parochial Assessment Valuations.

No rate for the relief of the poor shall be allowed by any justices, or be of any force unless it be made upon an estimate

of the net annual value of the several hereditaments rated thereunto; that is to say, "if the rent at which the same might reasonably be expected to let from year to year, free of all usual tenant's rates and taxes, and tithe commutation rent-charge, if any, and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent." 6 & 7 W. 4, c. 96, s. 1. If a fair and correct estimate for the aforesaid purpose cannot be made without a new valuation, the poor law board, on receiving a representation, in writing, from the board of guardians of any union or parish under their common seal, or from the majority of the churchwardens and overseers, or other officers competent to the making and levying the rate, are empowered, where they see fit, to order a survey with or without a map or plan, on such scale as they shall think fit, to be made and taken of the messuages, lands, and other hereditaments liable to the poor rates in such parish, or in all or any one or more parishes of such a union, and a valuation to be made of such messuages, lands, and other hereditaments, according to their annual value, and to direct the guardians to appoint a fit person or persons to make and take every such survey, map, or plan, and valuation, and to make provision for paying the costs of every such survey, map or plan, and valuation, either by a separate rate, or by a charge on the poor rates, as they may see fit; but in case such charge be made, provision must be made for paying off not less than one-fifth of the sum charged on the rates, and such interest as may from time to time be payable in respect of such charge or any part thereof, in each succeeding year until the whole is repaid. *Id.* s. 3.

But if after the valuation is obtained the parish officers should be dissatisfied with it, and consider that it is incorrect and not a fair valuation of the several hereditaments, they may depart from it in any particular in making their rate. *R.* v. *The Earl of Yarborough*, 12 A. & E. 416. In general the guardians will do well to appoint the valuer who may be recommended by the parish, if they are satisfied that he is qualified for the office. The contract should be in the form which was settled by the poor law commissioners; and the payment of the valuer should be made subject to the approval of the poor law board being obtained to the valuation. This latter, however, is not essentially necessary. A member of the board of guardians of the union should not be appointed as the valuer, unless he tender his resignation as guardian for the acceptance of the poor law board.

When a new valuation of the entire parish is not required, the guardians may, on the application of the major part of the overseers of any parish comprised in the union, or of any per-

son assessed to the poor rate in any such parish, cause a valuation to be made, at any time, of any property alleged to be rateable to the relief of the poor, being a part only of the rateable property in such parish, and may charge the expenses of such valuation to the overseers of such parish, or to such person so applying as aforesaid. 11 & 12 Vict. c. 110, s. 7.

Payment of County Rate by the Guardians.

When and as often as the justices of the peace within the respective limits of their commission in England have made a county rate, a printed list of the parishes and places assessed to such rate, and the amount of the rateable value upon which each such parish and place shall have been respectively assessed, shall be sent to the overseers of the poor, constables, or other persons charged with the collection or levy of the county rate in every parish and place within the county, and such justices, assembled at their general or quarter sessions, or at any adjournment thereof, shall order precepts in the form shown in the schedule annexed to this Act, or as near thereto as may be, to be issued to the guardians of every union of parishes, of which union any parish is situate within such limits, stating the sum or sums assessed and charged for each such rate on each parish in the union, the whole of which parish is situate within such limits, and to the guardians of every single parish situate within such limits, stating the sum or sums assessed and charged on such parish for each such rate, and requiring the guardians of such union or parish respectively, within such time as may be limited in such precepts, to cause the aggregate of the said several sums so stated to be paid by them, out of the money held by them on behalf of each such parish, to the treasurer of the county or place for which such justices act, and may cause such precepts to be sent, by post or otherwise, to such guardians; and such precepts shall have force in every such union, so far as concerns such parishes as are within the limits of the commission of the said justices, notwithstanding that the place of meeting of such guardians may not be situated within such limits, and without being endorsed with the signature of any justice of the peace having ordinary jurisdiction in the place of meeting of the guardians; and such guardians shall raise the moneys required by such precepts to be paid in like manner as the money required by such guardians for the relief of the poor, and shall pay such moneys at the time limited and in the manner prescribed by such precepts; and if the treasurer of such guardians, or any person on his or their behalf, tender to the treasurer of the county or place for which such justices act the aggregate of the said several sums, or if he so

tender the whole sum assessed on any such parish or parishes in respect of any such rate or rates, together with a copy of such precept, in which are specified the parish or parishes and the rate or rates in respect of which the same is so tendered, the treasurer of the county shall receive the sum so tendered, notwithstanding that the sums required to be paid on behalf of other of such parishes or of other such rates be not then tendered, and shall give a receipt for the sum or sums received by him accordingly, but he shall not receive any sum on behalf of any such parish less than the whole of the sum assessed and charged thereon in respect of one such rate; and the receipt of the treasurer of such county or place shall be a good discharge for the payment of the sums specified in any such precept or of any of them. 15 & 16 Vict. c. 81, s. 26.

Duty of the Guardians as to providing for the Vaccination of the Residents of the Union.

The guardians of every union must contract with the medical officers of their several unions or parishes respectively, or with any legally qualified medical practitioner or practitioners, for the vaccination of all persons resident in such unions or parishes respectively; and the conditions of every such contract shall be that the amount or the remuneration to be received under the same, shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by the medical officers or practitioners respectively so contracting. 3 & 4 Vict. c. 29, s. 1. The rates of payment under all contracts hereinafter entered into are as follows: for every person successfully vaccinated at the residence of the medical officer or practitioner, or within two miles therefrom by the nearest public road, a sum not less than 1*s.* 6*d.*, and for every person successfully vaccinated at any place more than two miles distant from such residence, any sum not less than 2*s.* 6*d.* 16 & 17 Vict. c. 100, s. 6.

The guardians, subject to the approval of the poor law board, must divide the parish or union, if needs be, into convenient districts for the purpose of affording increased facilities for the vaccination of the poor, and appoint a convenient place in each district for the performance of such vaccination, and take the most effectual means for giving, from time to time, to all persons resident within the district, due notice of the days and hours at which the medical officer or practitioner, contracted with for such purpose, will attend at such place to vaccinate all persons not already successfully vaccinated who may then appear there, and also of the days and hours at which such medical officer, &c., will attend at such place to inspect the progress of such vaccination in the person so

vaccinated. *Id.* s. 1. In addition to the fee to the public vaccinator, the guardians must pay a fee of 3*d.* to the registrar of births and deaths for each case of vaccination which he may register, in compliance with the provisions of the Act, s. 10. Vaccination at the cost of the poor rates is, by 4 & 5 Vict. c. 32, s. 2, declared not to be relief, and persons inoculating or otherwise producing small pox, are liable to one month's imprisonment. 3 & 4 Vict. c. 29, s. 8.

Removal of Irish, Scotch, and Channel Island Paupers.

By stat. 8 & 9 Vict. c. 117, s. 2, "if any person born in Scotland or Ireland, or in the Isle of Man, or Scilly, or Jersey, or Guernsey, not settled in England, become chargeable to any parish in England by reason of relief given to himself or herself, or to his wife, or to any legitimate or bastard child,—such person, his wife, and any child so chargeable, shall be liable to be removed respectively to Scotland, Ireland, the Isle of Man, Scilly, Jersey, or Guernsey; and if the guardians of such parish, or of any union in which the same may be comprised, or, where there are no such guardians, if the overseers of such parish complain thereof to any one justice of the peace, such justice may, if such person do not attend voluntarily, summon him to come before any two justices of the peace, at any time and place to be named in the summons; and at such time and place, or on the attendance of such person, any two justices may hear and examine into the matter of such complaint; [or, any guardian, relieving officer, or overseer of any justice or union in England, may take and convey before two justices of the peace, without summons or warrant, every poor person who shall become chargeable to any parish in England, and who he may have reason to believe is liable to be removed from England under the above Act; 10 & 11 Vict. c. 33, s. 1;] and if it be made to appear to their satisfaction, that such person is liable to be so removed as aforesaid, and if they see fit, they may make and issue a warrant under their hands and seals to remove such person forthwith at the expense of such union or parish."

The wife must be removed with the husband, even although she have a maiden settlement in England. *R.* v. *Leeds*, 4 B. & A. 498. And the children, unemancipated, must be removed with the parent, although they have been born in England. *R.* v. *Mile End Old Town*, 4 Ad. & El. 196.

Regulations for carrying the Act into effect are made by the justices of each county, &c., and approved of by the secretary of state, stating whether the paupers are to be sent by sea or land, or partly by sea and partly by land, and at what port or place they are to be left. These regulations are indorsed on

the warrant, before it is delivered to the overseer for execution; and the removal must be strictly in accordance with them.

Persons so taking paupers before justices, shall have all the rights, privileges, powers, and immunities of constables. 10 & 11 Vict. c. 33, s. 3.

"And every person to whom any warrant made in pursuance of this Act shall be delivered for the purpose of being carried into execution, shall detain and hold in safe custody every poor person mentioned therein, until such poor person have arrived at the place to which he is ordered to be removed, and shall for that purpose, in every county and place through which he may pass in the due execution of such warrant, have and exercise the powers with which a constable is by law invested, notwithstanding such person may not otherwise be empowered to act as constable for such county or place." 8 & 9 Vict. c. 117, s. 3.

"And in the case of any parish not in union, and not containing a population exceeding thirty thousand persons according to the last census published by the authority of parliament,—if the guardians or overseers, on whose complaint such warrant of removal was made, bring or send to the clerk of the peace of the county or to the town clerk of the borough in which such parish is situate such warrant of removal, accompanied with an affidavit, sworn before some justice of the peace of such county or borough, (who shall be authorized to administer the same,) of the amount of the expenses *bonâ fide* incurred and paid by such guardians or overseers on account of such removal under such warrant as aforesaid, and also a statement of the several items comprised in such amount, such clerk of the peace shall lay the same before the justices of the peace assembled at the quarter session or adjournment thereof holden for such county next after he has received the same; and such town clerk shall lay the same before the council of such borough at their quarterly meeting held next after he has received the same; and the said justices and council of such borough respectively, shall, if the regulations in force in regard to such removal have been duly complied with, order the amount of such expenses to be paid out of the county rate raised in such county, or out of the borough fund of such borough, as the case may be." *Id.* s. 5.

Liability of Guardians for illegal expenditure of the Poor-rates.

If the guardians or any of them authorize the illegal expenditure of the poor rates, or if they sign cheques upon their treasurer for the payment of any demand or charge which it is

not lawful to pay out of the poor-rates, they will be personally liable. In such case the district auditor is empowered to charge or surcharge the guardians with the amount of the illegal payment; and the guardians who are so surcharged will be bound to pay the amount thereof within seven days thereafter to the treasurer of the union (7 & 8 Vict. c. 101, s. 32). With reference to surcharges upon guardians who are not present at the audit, it is enacted by the 11 & 12 Vict. c. 91, s. 8, that if any auditor shall see cause to surcharge any person now liable by law to be surcharged by him, and to whom no notice is now required by law to be given with any sum of money in reference to any payment considered by him to have been illegally or improperly made, he shall, if the person be not present at such audit, cause notice in writing of his intention to make such surcharge to be given, by post or otherwise, to the person against whom he shall propose to make this surcharge, addressed to him at his last known place of abode, and shall adjourn the audit, so far as it shall relate to such particular matter, for a sufficient time to allow of such person appearing before him, and showing cause against such surcharge, and at such time the said auditor shall hear the party, if present, and determine according to the law and justice of the case.

Appeals against Surcharges made upon Guardians by District Auditors.

If the guardians who are surcharged deem themselves aggrieved thereby, they may require the auditor to state his reasons for the surcharge in writing in the book of account in which it may be made. It shall then be lawful for every person aggrieved by such surcharge to apply to the court of Queen's Bench for a writ of *certiorari* to remove into the said court the said surcharge, in the like manner and subject to the like conditions as are provided in respect of persons suing for writs of *certiorari* for the removal of orders of justices of the peace, except that the condition of such recognizance shall be, to prosecute such *certiorari*, at the costs and charges of such person, without any wilful or affected delay, and if such surcharge be confirmed, to pay to such auditor or his successor, within one month after the same may be confirmed, his full costs and charges to be taxed according to the course of the said court, and except that the notice of the intended application, which shall contain a statement of the matter complained of, shall be given to such auditor or his successor, who shall in return to such writ return a copy under his hand of the entry or entries in such book of account to which such notice shall refer, and shall appear before the said court, and defend the surcharge so impeached in the said court, and shall be reim-

bursed all such costs and charges as he may incur in such defence out of the poor rates of the union or parish respectively interested in the decision of the question, unless the said court make any order to the contrary; and on the removal of such surcharge the said court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such court that the decision of the said auditor was erroneous, they shall, by rule of the court, order such sum of money as may have been improperly surcharged to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by rule of the court, order the costs of the person prosecuting such *certiorari* to be paid by the parish or union to which such accounts relate, as to such court may seem fit; which rules of court respectively shall be enforced in like manner as other rules of the said court are enforceable. 7 & 8 Vict. c. 101, s. 35.

Provided always that it shall be lawful for any person aggrieved as aforesaid by any allowance, disallowance, or surcharge, in lieu of making application to the court of Queen's Bench for a writ of *certiorari*, to apply to the Poor Law Board to inquire into and to decide upon the lawfulness of the reasons stated by the auditor for such allowance, disallowance, or surcharge, and it shall thereupon be lawful for the said Board to issue such order therein, under their hands and seal, as they may deem requisite for determining the question. *Id.* s. 36.

An appeal may also be made to the equitable jurisdiction of the poor-law board under the 11 & 12 Vict. c. 91, s. 4. It is thereby enacted, that where any appeal shall be made to the said commissioners against any surcharge made by any auditor in the accounts of any guardians, it shall be lawful for the said commissioners to decide the same according to the merits of the case; and if they shall find that any surcharge shall have been or shall be lawfully made, but that the subject matter thereof was incurred under such circumstances as make it fair and equitable that the surcharge should be remitted, they may, by an order under their seal, direct that the same shall be remitted, upon payment of the costs, if any, which may have been incurred by the auditor or other competent authority in the enforcing of such surcharge.

Every appeal to the Poor Law Board should be accompanied by a full statement of the facts which the appellants may desire to lay before the Board, together with the reasons which they may have to bring forward in support of their appeal, and it should be signed by every person who is affected by the auditor's certificate. The appeal is generally brought in the form of a letter, and no technical language is necessary to be used in stating the case. A plain statement of

the facts will suffice. It is, however, indispensably necessary that before bringing the appeal the auditor should be required to state his reasons for the surcharge in the book of account in which he may have made it, and that a copy of his reasons and certificate should accompany the appeal; either embodied in it, or attached to it. If an appeal be intended to be brought it will be convenient, and will save both time and trouble, if the auditor is required at the time that he makes the surcharge to state his reasons for it in the proper book of account.

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