Of the four reforms they have achieved for the benefit of the working classes, and improved administration of justice in local courts—(1) The Employer and Workmen's Act, 1875: (2) Conspiracy and Protection to Property Act, 1875: (3) The Justices' Clerks Act, 1877: and (4) The Summary Jurisdiction Act, 1879—the first two only have been extended to Ireland.

The extension of the principle of Justices' Clerks Act to Ireland has been recommended by a committee of the Dublin Statistical Society.

The extension of some of the principles of the Summary Jurisdiction Act of 1879 was asked for on behalf of workmen in the linen trade in Ireland so far back as 1877.

To the Trades Union Congress of Liverpool and Newcastle, and the subsequent co-operation with the Congress of Sir James Stephen (now Mr. Justice Stephen), and Lord Coleridge, we are mainly indebted for the Criminal Code Bill in which Ireland is included. The suggestion of the Congress that codification should be extended to summary jurisdiction is a most valuable one.

The spirit in which the Parliamentary Committee of the Congress has asked to have the reforms they have achieved for themselves in England promptly extended to Ireland, entitles their suggestions for amendment of the laws affecting the working classes to the respectful consideration of Irish law reformers.

Their desire to have Scotland also included, so as to have, as far as practicable, a uniform law for the whole United Kingdom in all that affects working men, is in strict accordance with what has been for some years advocated in papers and reports in this Society.

To attempt to describe at greater length all that the Trades Union Congress has achieved, or the measures they propose, or are now advocating, would be to anticipate the work of the approaching meeting in September. I have only selected a few of the chief subjects which are connected with law reforms that have been considered by, or that directly fall within the province of, this Society, and which are fair samples of the proceedings of the Congress. They appear to entitle their proceedings to the attentive and respectful consideration of this Society and the Irish public.

XI.—*On the Scotch Branch of the Poor Removal Question.* By W. Neilson Hancock, LL.D. Q.C.

[Read, 6th July, 1880.]

In the report of the Select Committee on Poor Removal of 1879 there is a very marked difference in the way in which the Scotch and English branch of the question was dealt with. As to England, the report is:—

> "Your Committee having given due weight to the various arguments and opinions that have been placed before them, recommend that in England the law of removal should be abolished, and that for the purpose of poor relief settlement should be disregarded, with the exceptions

> that with respect to seaport towns, persons landing in a destitute condition and immediately applying there for relief be chargeable to the place of their settlement for non-resident indoor relief."

Here is a very complete solution of the question, resting on fixed principles. When we come to the case of Scotland we find a very different conclusion :—

> "Your Committee also recommend as to Scotland the law relating to removal should be *gradually* assimilated to that of England, and that the five years residential settlement should be reduced to one year."

The marked difference in the two sets of recommendations rests not on logic or social science—for the two cases are exactly parallel —but upon the feelings of the English and Scotch witnesses.

> "In England there appears to be almost a consensus of opinion in favour of a relaxation of the present law ; whilst many of the most experienced witnesses bear strong testimony to the desirability of the total abolition of the law of removal."

The Scotch witnesses took a much more narrow view of the matter.

> "They express a decided preference for the law to which they had been accustomed. They feared the abolition of removals would cause an irruption of Irish poor into their country: . . . moreover, that the dislike to removal is used by many parishes as a test of pauperism, when the strict workhouse test is not applied, and is in the best administered workhouses of the metropolis, Manchester, and some other places."

The Committee seem not to have investigated why there should be such a marked difference in the views they received from England and Scotland. They conclude their observations on the Scotch part of the question with the following observations :—

> "Some of the Scotch witnesses are, however, favourable to a considerable modification of the law ; and it is possible that further investigation would exhibit a marked difference of opinion between the rural or sparsely populated parishes and the crowded districts of the large towns.

The Committee then proceed to lay down the principles which should decide the question.

> "Your Committee hold that the question of removal should be regarded not merely in the supposed interest of the ratepayer, but with sympathy and care for the convenience and material advantage of the poor."

What would be for the convenience or material advantage of the poor would apparently be the same in Scotland as in England, and nevertheless the Committee yielded to the Scotch witnesses, and made a different recommendation, though the proportion of persons of Irish birth in Scotch towns (1 in 7 of people above 21) is double the proportion in England, which is 1 in 13

Now the generosity of the English witnesses arose from the adoption of union rating in 1865, and of the adoption of a common poor fund for London in 1870. The larger area of rating introduced more generous and larger views—more sympathy and care for the poor, and a less narrow view of the immediate effect on rates. Then, again, the right of the poor to relief in England leads to the careful consideration of what is for the convenience and material advantage of the poor.

In contrast with all this, we have parochial rating still retained in Scotland, and no common poor fund, like the London one, for the many parishes into which Glasgow and Edinburgh are divided. The effect of this is shown by the statement of the late Mr. MacNeil Caird, which I quoted on a former occasion in connexion with the migratory labour question :—

> "Another evil was the area for rating and settlement. That in Scotland was limited to parishes: in England there were only 647 of such areas,* while in Scotland there were 804. In England the population to each area was 35,972, while in Scotland it was only 4,280; and London, with a population equal to Scotland, had only thirty.† Nearly one in three of these areas in Scotland had fewer than 1,000 inhabitants, and every tenth parish fewer than 500. That caused a great inequality of rating between neighbouring parishes, and a multitude of petty administrations with limited views and increased expenses, and continual interparochial conflicts. As an instance of that, he mentioned that in the barony parish of Glasgow alone there were commonly between 2,000 and 3,000 undetermined cases of settlement. Again, the law of settlement was adverse to freedom of labour, and the effect of it was that a man whose settlement was in a small parish was practically limited to the inhabitants of that parish to find customers for his labour. It operated by creating a fictitious interest, in every land or house-owner, farmer and ratepayer feeling it their duty to prevent a man being in their parish long enough to obtain a settlement there. The field for a labouring man was therefore physically limited to narrow bounds round the place where he lived, and any arrangement which artificially increased his difficulty in obtaining a house in another district, where he could have steadier work and better wages, was a source of oppression to him. The law of settlement in narrow areas *had led to the pulling down of houses and restriction of the accommodation of labourers in country parishes in Scotland,* and *one result of that was that nearly one-third of the whole people of Scotland lived in houses of one room.* That was a fact which required to be enforced on the legislature, in order that wider bounds of settlement might be adopted, *as had been done eleven years ago in England.*"

This shows that the poor removal is only a fringe of the Scotch Poor-law question. If we want the persons of Irish birth to be contented, then union-rating, which was carried for England in 1865, should be promptly extended to Scotland.

So again, as to a common poor fund, like the London one, for Edinburgh and Glasgow. Through the courtesy of the Scotch Poor-law officials I have got a map of Edinburgh and a map of Glasgow coloured to show the distinct parishes. How puzzling they must be to a stranger, and how easily a person moving from one part of Edinburgh or Glasgow to another might lose his settlement.

With regard to what was said about Scotch parochial authorities using the power of removal as a test—in other words, as a means of refusing relief—a Scotch philanthropist, when the Poor-law removal was first introduced into Scotland, pointed out its character as tending to produce crime. He said:—

> "Indeed it may be very generally observed that the natural result of a law inflicting unnecessary and undeserved suffering on any portion of

* Unions.

† And these thirty, with a population about equal to all Scotland, have a common poor fund for workhouse relief and some other charges.

> the community, is that these people, and especially the younger people, learn systematically and amongst themselves boastfully to evade the law. Those against whom the law is will usually be against the law. . . . We cannot be surprised therefore to find that various frauds and petty thefts are common, and that many children are early initiated into such practices, although belonging to a class the working members of which cannot in general be justly said to be either deficient in honesty or prone to crime."

At the end of thirty years the prediction of the Scotch philanthropist has come true, and the serious crimes of Scotland represent for a population equal to that of Ireland, 5,925 of the more serious offences, as compared with 4,189 in an equal population in England, and 2,886 in Ireland.

These facts show that the researches of the Poor Removal Committee did not go deep enough; that we want the union-rating, common poor fund, and the duties of the Scotch guardians towards the poor made the same as in England; when that is done, but not till then, can we expect the same large views, same generosity, and same consideration for the poor as the English witnesses displayed.

We must guard against attaching too much importance to the Report of the Poor Removal Committee. Shortly after the famine of 1846, a Select Committee of the House of Commons passed a resolution "that the power of removing poor from one parish to another in England and Wales should be abolished." Thirty-two years have elapsed and the same question turns up again. It will therefore require great activity and perseverance on the part of the members who have taken in charge the poor removal question, to urge the question forward, or another thirty-two years may be allowed to elapse till the question is again investigated.

It is, however, well worthy of consideration whether the larger and more logical question of a uniform poor-law for the whole United Kingdom would not enlist a large amount of sympathy and support, and be really more easily carried; and one thing is certain, that with the extent of intercourse which railways and steamboats, and new harbours like that of Holyhead, are yearly developing, nothing short of such equal poor laws will lead to the lasting contentment of the labouring classes of these kingdoms.

Summary of conclusions.

That the recommendations of the Poor Removal Committee as to Scotland fall far short of their recommendations as to England and Wales.

That the narrow and more selfish views of the Scotch witnesses to which the Committee yielded, arose from union-rating and large city common poor funds on the London plan not having been extended to Scotland, and their duties towards the poor being more restricted than in England and Wales.

That these more restricted duties, and the greater harshness of the Scotch Poor-law has led to the much greater amount of serious crime in Scotland than in either England or Ireland.