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Chalmers Association for Diffusing Information on Important Social Questions.

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THE CHALMERS ASSOCIATION
For Diffusing Information on Important Social Questions.

PAPER No. II.

THE

SCOTTISH POOR LAW,

AND SOME

CONTRASTS BETWEEN ITS PRINCIPLES

AND THE

PRACTICES THAT HAVE GROWN UPON IT.

READ 28TH MAY 1869,

BY
D. CURROR,
LATE CHAIRMAN OF EDINBURGH PAROCHIAL BOARD.

EDINBURGH:
SETON AND MACKENZIE.
1869.

*The Chalmers Association for Diffusing Information
on Important Social Questions.*

HALL, 117 GEORGE STREET, EDINBURGH,
28th May 1869.

DR HANNA, on taking the chair, said he was certain Mr Curror would get a patient hearing, as his long experience as a member of the Parochial Board of this city, combined with his good sense, made anything he said on the subject worthy of attention and thoughtful consideration.

Mr Curror said, the shortness of the time for preparation had put it out of his power to consider the many suggestions sent him by friends; and, in consequence, the views he was now to express were exclusively his own. He asked no one to commit himself to them; but he asked all to give them thoughtful consideration, and while telling him where wrong, to adhere to them where right. For himself, he had no fanciful views to promote; and desired only to join in the promotion of what were right.

THE SCOTTISH POOR LAW.

“A THUNDEROUS sound of complaints innumerable” has for some time past been pealing over our pauper system. The disturbing elements have met and discharged themselves in bolts of abuse against the Scottish Poor Laws. As yet, there has been more thunder than lightning—more gas than fire. But gas and fire are nearly allied, and if they meet, an explosion is certain. Now, is all this rumble reasonable? And if reasonable, what gumption will neutralise the elements ere they meet, and save the explosion? Could I educate myself into the belief that a national Poor Law is a national necessity, I would be prepared to maintain that the principles of the old Poor Law of Scotland are the soundest and most perfect that ever have been enacted, or ever will be enacted, in any Christian country. I am far, however, from being persuaded that every individual has, in virtue simply of his bare existence, a claim in equity against his fellows, for the necessaries of life, should he at any time, from any cause, stand in want of them; and till I can reach that belief, I never can arrive at the conclusion that a national Poor Law is a national obligation based on equity. So far from being able to educate myself up to that mark, my Poor Law experiences have led me to conclusions exactly the reverse. The benevolence of Scotland, not *disturbed or dried up* by the steady hauls of the poor-rate collector, is equal to all legitimate calls upon it, *if properly administered.*

I say, if not disturbed or dried up—for who among us after paying, *as a debt*, £10 or £20 of poor-rates to the collector, for his home before leaving it of a morning, will not find the edge of his charity turned a little during the fore part of the day; and, I say, if properly administered—for who cannot but feel that half-a-crown out of every pound taken out of your pocket and mine in name of poors relief by the parish, for simply taking the money from you and giving it to the pauper, is out of all reasonable proportion. Your money can be far cheaper and better administered, in my opinion, out of, than within, the present machinery of a national Poor Law. An appropriate and economic administrative machine is ready at a moment's notice to be set in motion. I mean, the Congregations of the Land, with their sessions, deacons, visitors, and numerous agents and organisations employed in working out the Christian associations and arrangements of the country. By so employing the already prepared machinery the greatest part of the £100,000 of money now collected, in name of poors relief, but spent on administration, would be saved to the country.

The heart of the country, however, seems to be eaten out of it by its wealth. Every service now is commuted into a direct money payment; and that given, all demands are thought to be met. The alms of the country must apparently be done on the same principle. These are commuted into a direct money payment proportioned to rent; and that discharged, the rate-payers book of mercy is closed for the year. An older, and in my opinion a better, system commended the doing of our alms in secret—so secret that even the right hand should not know what the left hand did. The new system doeth its alms by deputy. That may be thought a necessity of the advanced age in which we live; and, if so, then a National Poor Law would seem to be a national necessity of our times. Assuming, then, but by no means admitting the necessity for, a legal compulsory provision for the poor, we will, I believe, best diffuse information on the subject by informing ourselves distinctly what the provision made for the poor by the law of Scotland

actually is ; as, to diffuse sound information about anything, it seems a necessary preliminary to have a thorough appreciation of the thing anent which information is to be diffused.

The Scottish Poor Law is built upon a foundation 1500 years older than itself. The first Christians "had all things common ; and sold their possessions and goods, and parted them to all men, as every man had need." On the best authority, then, we can say that a public provision for the poor is coeval with the first institution of a Christian Church ; and that a visible (but mind, a voluntary) fund for relief of the destitute is as old as Christianity itself. At same time, however, it was enjoined, "that if any would not work, neither should he eat ;" and that those "working not at all" should "with quietness work and eat their own bread." The announcement was also made, "that if any man provide not for his own, and especially for those of his own house, he has denied the faith, and is worse than an infidel." Voluntary provision, you see, was here made for the relief of the poor unable to work. All able to work were commanded to work in quietness and earn their own bread ; and he who would not work and make provision for himself and his dependants was excommunicated from the Christian brotherhood. Any risk of moral deterioration of the truly poor—those unable to work—and those able and willing,—was thus provided against, while the able-bodied who would not work, were punished with the denial of all Christian privileges and benefits. Now, that is the principle of the Christian public but voluntary provision for the poor, and before leaving it let me ask you just to notice the apostolic distinction between (1.) The poor unable to work ; and (2.) The idle able to work, and the command applicable to each class. The *first* were provided out of the goods—the means and substance—of the Christian brotherhood ; the *second* were told to work and they would win their bread. The Christian brotherhood were commanded to communicate of their substance to the poor of the *first* class. The poor of the *second* class were commanded to earn their own bread under pain of starvation and excommunication.

Turn now with me to the provisions made for the poor by the Scotch Poor Law Acts. I do not go farther back than the Act 1579, which is the foundation of our present Poor Law legislation. It was passed for "staunching maisterful and idle beggars and away putting of sorners; and for provision for the pure and impotent." The first are to be punished, and punished most severely, unless some honest and responsible man will of his charity enact himself to hold him to work for twelve months—getting his work for his meat. That class is described as "Egyptians, or any others that fenzies them to have knowledge of charming, prophecy, or other abused sciences, whereby they persuade people that they can tell their weirds, deaths, and fortunes, and uther sick fantastical imaginations—all persons haill and stark in body and able to work—uthers having neither land nor maisters, nor using any lawful merchandize, craft, or occupation whereby they may win their living, and can give nae reckoning how they lawfully get their living—all minstrels, sangsters, tale-tellers—all common labourers, being persons abill in body, living idle and fleeing labour—and all shipmen and mariners alleging themselves to be ship-broken." Is it possible to describe more graphically the modern casual, and the second apostolic—the worse than infidel—class? You see him *in propria persona* before your eyes. These were to be "staunched," and all the difficulties of the situation to the present day lie in "staunching" them. But the first apostolic class were not forgotten. "Seeing," says the Act, "charitie wald that the pure and aged and impotent persons suld be als necessarilie provided, as the vagaboundes and strang beggars repressed, and that the aged, impotent, and pure people suld have lodgeing and abiding places throught the realme to settle themselves intil,—therefore the Lord and Chancellar sall call for the erections of all hospitaies, and reduce them as far as possible to the ferst institution as may best serve for the helpe and reliefe of the saids aged, impotent, and pure peopel." It was also enacted, "that nane be tholled to beg in ane parish that are bore in another." Inquisition is to be taken of "all aged, pure, im-

potent, and decayed persons born within each parish, and whilk was dwelling and had their most common resort in the said parish the last seven years byepast, whilke of needcessity mon live be alms—to register them, and to tax and stent the haille inhabitants within the parish, according to the estimation of their substance, without exception of persons, to sick owklike charge and contribution as sall be thought expedient and sufficient to sustain the said pure people ;” “and gif the aged and impotent persones not being so diseased, lamed, or impotent bot that they may work in some manner of wark, sall be appoynted to wark, and zet refuses the same, then ferst, the refuser to be scourged and put in the stokkes ; and for the second fault to be punished as vagaboundes, as saidis.” And “gif any beggar’s bairne, being above the age of 5 zeirs and within fourteen, male or female, sall be liked of be any subject of the realme of honest estaet, the said person sall have the bairne—gif he be a man-child, to the age of 26 zeirs ; and gif sche be a woman-child, to the age of 28 zeirs ; and gif they depart or be taken or intised from their master or mistresse service, the master and mistresse to have the like action and remedie as for thair hired servand or prentises, as weill against the bairne as against the taker and intiser thereof.”

Here, then, in this Act—the foundation of the Scottish Poor Laws, and still unrepealed—we have (1.) The idle able to work refusing, branded and punished,—the Apostle commanded them to work under pain of starvation and excommunication from the Christian brotherhood ; (2.) The honest impotent poor provided out of the means and substance of all their fellows,—the Apostle directed the Christian brotherhood to part their means and substance among them according to every man’s need ; and (3.) Those of them able to work a little employed in remunerative labour, so that they may earn their own bread, exactly in accordance with the apostolic injunction. It is unmistakable, then, that the principles of the Christian public and voluntary provision for the poor are identical with the principles of this Act, which is the foundation of our Scottish Poor Laws, and that the latter is a mere echo of the

former in the language of legislation. But, notice farther, that the Act provides (1.) That the birth settlement only—and failing its discovery (as may have happened in the case of gangrel bodies before the statutory registration of births)—but only failing its discovery, the place where the pauper most resorted to for seven years previously, is to be the sole rule of chargeability; (2.) The burden of the poor is laid upon *all* the parish without exception, according to the estimation of their substance; (3.) Hospitals are provided, such as may best serve for the help and relief of the aged, impotent, and poor people; and (4.) Beggars' bairns are to be boarded out with honest subjects, who are to get their work for their board and maintenance.

These are the main principles of the leading Poor Law Act. Is there one abomination among them all that a Christian in a Christian country dare denounce? He may prefer a public voluntary provision for the poor to a statutory one, and denounce a legal Poor Law as a system we can spare; and he may point to abominations that have grown in practice upon it; but the soul of the Scotch Poor Law system—a legal system being accepted—is as pure as apostolic command itself.

The next Act of the series was passed in 1672. It established correction houses for idle beggars and vagabonds; and enacts that the poor of age and capacity to work shall be first offered to the ratepayers, who may receive them upon obligation to entertain, work, and relieve the parish of them; and they are to have their service till they are thirty years of age; and such as cannot so be employed are to be sent to the correction house.

This was followed by a proclamation of William and Mary, in 1692. It orders stranger vagabonds to be expelled the parish. If any poor in the parish are able, they are to be put to work by the parish, according to their capacities, in or out of the parish, as may be found expedient—the parish furnishing their meat and clothes. Children may be taken to board and educate by any person. Every beggar is ordered to his

parish under pain of imprisonment. All found "vagueing" are to be apprehended, brought before nearest heritor, who shall inquire into his birth-parish, and set him on the tramp to it; and if the heritor fail in his duty he is liable in a fine of 20s. Scots, *toties quoties*.

This was followed by another proclamation in 1693, following up the previous one, and ordaining magistrates of burghs and heritors of parishes (the parochial boards of these days) to stent their parishes in such a way as may be most effectual to reach all the inhabitants for the maintenance of their respective poor; and a final proclamation in 1698, appointed certain specified correction houses to be erected, and the poor to be set to work under penalties.

The next Act in the series is the Amendment Act of 1845. Before adverting to it, however, let us glance back at the provisions of the old law, so as to see clearly where it put us, and where the Amendment Act takes us up.

(1.) The impotent—the apostolic 1st class—honest poverty, in fact—was to be lodged, maintained, and tended in hospitals built in the way best calculated to serve their relief; and they were to be relieved out of the means and substance of all the ratepayers. The parish was to take out of the common stock, and give to each according to his need. (2.) The poor able to work a little were to be put by the parish to remunerative labour suitable to the working capacity of each, so that in quietness they might work and earn their own bread. (3.) The idle beggar—the apostolic worse than infidel class—and our casual—was to be offered to the ratepayers on obligation to work him; and if he refused to work he was condemned to the correction house, and the parish was taken bound to work him there; and if he there refused, he was to be put to an assize, and, if convicted, branded and scourged—in short, drummed out of the parish. He had denied the faith, and was worse than an infidel. (4.) Beggars' bairns might be adopted by an honest ratepayer, to the effect of securing their labour for upbringing. They might, and it was hoped would, be boarded and brought up out of the poor-house. (5.) All beggars and

vagues were to be sent to their birth-settlement, there to be maintained. (6.) Parishes failing in execution of the law were subjected to penalties. From 1579 to 1845, then, one uniform law prevailed—its essence being that of the visible but voluntary public provision made for the poor on the first institution of a Christian Church.

The Act of 1845 amended but did not repeal the old Law, unless in so far as inconsistent with the Amendment Act. Additional machinery was imported into the Law, but the naked principles, *quoad* the poor, remained very much the same. The sturdy beggar remains where the old law left him—no provision being made for him under the new, which does not recognise the able-bodied. The “auld folk, cruiked folk, impotent folk, and weak folk” of the old Act, were now described “as the aged and other friendless impotent poor.” Poor-houses were appointed for them and for “those poor persons who, from weakness or facility of mind, or by reason of dissipated or improvident habits, are unable or unfit to take charge of their own affairs.” The law of settlement was changed to a five years’ industrial residence. The assessment is continued on means and substance, if the parish likes; but by a subsequent statute in 1861, the rating on means and substance is abolished and restricted to lands and heritages. So far as the poor—the objects of all the Acts—are concerned, the amended law is identical with the old law. The form of machine and manner in which it was to be worked are changed. The law of settlement is altered. The old law for employing the poor able to work, or to work a little, in productive and remunerative labour, is not infringed upon by the new.

Such, then, is the Scottish Poor Law. Reduced to its essence, it is just the Christian principle of relieving the poor, clothed in parliamentary language, and carried in parliamentary machinery. It is a good tree, planted in a land of civil and religious liberty; and, if a tree of the kind can grow at all, surely this one will bear nothing but good fruit. If the fruit borne be nought but apples of Sodom, that fact establishes to my mind conclusively that a tree of the kind is fit only to be

cut down as a cumberer of the ground. By its fruits be it known.

We have seen the Gospel and the Law on this subject, and contrasted these, and found them in principle, if not identical, at least twin brothers, differing more in the clothes they wear than in the souls within them; and now let us contrast both with some existing practices which have grown out of them, so as to know the kind of fruit our Poor Law system has borne, and thereby test the system itself.

A first principle of the apostolic system was, that the impotent poor were to share the means and substance of the Christian brotherhood. Following that precedent, the old Poor Law Act provided for the same impotent class out of the means and substance of all the parish. The Amendment Act continued the same principle, if the Parochial Boards chose to exercise the right. But Parochial Boards did not exercise the option, and by the last Act, 1861, lands and heritages only are now assessable for the poor-rate. You saw pasted on these walls last week sundry specimens of inequities in the rating of lands and heritages. These are of very minor importance, indeed, to the inequities of the existing principle of rating. The change from means and substance to lands and heritages involves a gross injustice, and is a corrupt departure from principle. Admitting a national Poor Law, all principle and reason lay the burden of the national obligation upon the material wealth of the nation, *i.e.*, its means and substance. But lands and heritages do not represent more than a half of the material wealth of Scotland. That half at present discharges a whole national burden, and the other half goes free. That is not right. Take an example of a class. An ostensible proprietor of £10,000 worth of land, has it burdened with a bond and disposition for £8000. The return from land is not very great. The nominal proprietor, happen what may, must meet the interest, taxes, and rates applicable to the £10,000 value. But all the risks of income attach to the last £2000 of heritable worth. He runs these risks, and lives upon very short commons indeed. But out of that bare living—an appearance

to keep up without the means—probably “remembering days of joy when misery is at hand”—he pays all the poor-rates; and the real owner of the land—the bondholder—pays ne'er a rap to maintain the poor. Incomes from manufactures, from stocks, and shares, are all free. A millionaire of Moray Place pays only on his house, and his thousands invested otherwise than on land and heritages pay nothing. The poorest householder pays on his rent, and his sticks may he roused at the Cross failing payment, and he and his may be driven to the poor-house for shelter, while the thousands of our West End friend pay nothing. The inequity is glaring; contrary to the Christian foundation of our Poor Law system—to the spirit of the older Poor Laws—to the intentions of the Amendment Act, and is only consistent with the Act of 1861, which was in principle a corrupt departure from both Law and Gospel.

I am aware of the objections that at one time existed against the assessment on means and substances, viz., that it necessarily involved an inquiry into, and exposure of, private affairs, and was intolerably inquisitorial. But that objection no longer exists. The Property and Income Tax Schedules are available. Amounts are not exposed in levying the Income-tax, and need not be exposed in levying the Poor-rate. The parish estimates its needs every year before assessing. Let it continue to do so, and then transmit the required amount to the Income-tax assessor. He will assess it justly upon his returns. Separate valuation and assessment rolls will be saved. The Government collector will collect it with the Income and Property Tax, and place the money at the disposal of the parish for administration. A reasonable per-centage on the amount to the Government collector will rid us of all our separate valuers' and collectors' salaries, offices, staffs, runners, and others, which now cost the parish a much larger sum of money. Even the present enormous Poor-rate, representing a grand total of £800,000 per annum, charged in this way, would be covered by a fourpenny-halfpenny assessment on the means and substance of the nation, though all incomes below £50 should go free. These included five bawbees would make it up. This first fruit that

has grown out of our Scotch Poor Law system, in my humble opinion, then, is the fruit of a corrupt and inequitable graft upon, but not natural to, the sounder and better system.

Another first principle of the apostolic system was a division, a parting, of their means and substance by Christians among the Christian brotherhood. A first principle of the old law was a division of its means and substance by parishes among the parish-born poor, according to need. The principle of an industrial settlement came to be engrafted upon a better—the older system—and the graft has borne better fruit. A pauper's industrial settlement bears an absurdity on the face of the expression. Industry and pauperism cannot coexist. Industry and poverty may, because poverty is an involuntary condition; but industry and pauperism never, because pauperism is a self-imposed condition. Where pauperism is, industry is not; and it is only because industry is not that pauperism is. Deal effectually with self-imposed pauperism and you deal effectually with all the difficulties of the situation. The honest poor—involuntary poverty—could never want in a Christian community were pauperism entirely disjoined from it as it ought to be. Revert to the good old principle—lop off the corrupt graft entirely,—hold the parish of birth the parish of liability. The time was when difficulties stood in the way of ascertaining a birth parish. These have all but disappeared since the registration of births, and in a few years they must vanish entirely, as a register is now kept of every soul born into the country, and the statutory register is available to every parish. Return, I say, to the birth settlement, and what then? (1.) All the law-pleas about settlements—industrial, acquired, derived—which have cost the country about two-thirds of the whole sum spent on law expenses since 1845, when the Amendment Act passed, will be saved in future. (2.) At least half, if not two-thirds, of the time of inspectors, sub-inspectors, clerks, and book-keepers now employed in making inquiries over the country, and the expense of their journeys, might be saved in future. (3.) Almost the whole casual pauperism of this city, and half of the

registered class would be lopped off the rates at once, as to that extent it is immigrant. (4.) Depopulation of parishes, to lessen the Poor-rate would be terminated. The poor man could then carry his labour to the best market, and sell it to the best advantage; that "labour is his property—no property is more sacred—and neither time nor authority can sanction the violation of his right freely to dispose of this his only resource;" and many other benefits beside would follow in the trail of the change to the old law now denied under the new; not the least of which would be that it would give Ireland to the Irish—save Erin's guardians returning deported sons from the Green Isle of their birth, so dear in song, if not in supper, to the Irishman. It would give the landward man to the land, the townsman to the town, and to all freely the benefits of the many institutions for the relief of every ill that flesh is heir to, found in such a city as this, without entailing on the citizens the cost (1.) of these institutions, and (2.) the permanent support of the sufferer who sought and got its benefits; but what is more, it would operate an equalisation of poor-rates, abolish the existing inequalities of pauper pressure on particular localities, and make the Poor-rate, as near as may be, a national burden equally imposed in extinction of a national obligation.

I am alive to the objections which have been urged to this change: it would drag the poor from the associates and associations of their riper years, and send them home to their birth-parish—it may be in the far north, where not a blood relation within the twentieth degree of Highland cousinship may be found at all—but certainly not to welcome his return under such circumstances. But not so. That can very easily and simply be avoided. Keep every parish as at present, bound to relieve every pauper on application. Take him into the house or settle him out of it, and give him an option within eight or ten days, to elect whether he will reside in the parish where he fell chargeable, or in the parish of his birth. But the election once made, let him remain in the parish of his choice. Let there be a uniform board, if necessary, fixed by the Board of Supervision for out-door and in-door paupers. Forward

monthly or quarterly accounts to the parish of birth; give ready means of recovering advances by one parish from another by erecting the Board of Supervision into a court, and making their decisions *décrees*, available in the United Kingdom, and no injury that I can see can arise to the pauper, while great and manifest gain would arise to the parish in the saving of law expenses, the inspecting machinery of the parish, and in the other respects already indicated. This corrupt graft upon the Poor Law system probably arose from necessity. There were no certain and ready means at the time of proving a birth-settlement, and the next best thing was to give the pauper relief in the place he most commonly resorted to; but the necessity no longer exists. The Registration Act has removed it. Lop off, then, the corrupt graft, and depart no longer from sound principle—return to your first love and gain all the benefits of the reunion.

The apostolic system, while it communicated freely in brother love and charity the means and substance of the Christian brotherhood among the impotent deserving poor, enjoined the employment of those who could work a little to work in peace and earn their own bread, and excommunicated those as worse than infidel who, able, would not work and provide for home and dependants. Following out the same ideas, the old Poor Law of Scotland provided hospitals and abiding places for the impotent deserving poor, enjoined the parish to find and employ those in work who could work a little, and offered the ratepayers the benefit of the labour of the able-bodied; and such as none would have were condemned to houses of correction, there to be held in work by the parish. The Amendment Act converts the hospital into a poor-house, and ignores the correction or workhouse altogether, which, however, still remains under the old acts, which are amended, but not repealed. The practice that has grown upon this change in the law has been bad—wholly bad—without hope of getting better. What at this day is a modern poor-house? The description of the poet, at the end of the last century, of an English workhouse in his day, is about as exact a description of the Scotch

poor-house in the present day as I am capable of giving. Step into any one of moderate size, and what do we see ?

“ There children dwell who know no parents’ care ;
 Parents, who know no children’s love, dwell there ;
 Heart-broken matrons on their joyless bed,
 Forsaken wives, and mothers never wed,
 Dejected widows with unheeded tears,
 And crippled age with more than childhood fears ;
 The lame, the blind, and, far the happiest they,
 The moping idiot and the madman gay ;
 Here, too, the sick their final doom receive,
 Here brought amidst the scenes of grief to grieve.”

Mark what a motley group !—Deserted children, dissolute parents, heart-broken matrons, forsaken wives, prostitutes, dejected widows, crippled age, the lame, the blind, the idiot, the madman, the sick, the dying—all “ hither, thither, upward-downward driven, like evil spirits in the tempest’s blast,” under one roof, with sympathies and feelings, appetites and stomachs as varied as their features, which are as varied as the sins that sent them into the house ; to be herded together, clothed in one uniform garb, fed on one uniform fare, and getting one uniform treatment in company in one common airing yard.

“ Oh ill-starred folk,
 Beyond all others wretched, who abide
 In such a mansion, as scarce thought finds words
 To speak of ; better had ye here on earth
 Been flocks or mountain goats.”

Is such the hospital for the impotent of the old Poor Law Act, built upon the foundation of Christian doctrine ? Verily no. The hospital of the old acts was a place for the impotent to abide in, where Christian benevolence could tend all the afflicted, each according to his need. Here all are necessarily all but massed together,—for “ nice discrimination cannot enter into the operations and practice of officials under the modern system, or into accounts which must be kept with rigid strictness and wholesale uniformity ; nor that fine elastic touch be applied of sympathy and vital charity which discriminates the pulse of

misery in its infinite variety, discerns the real seat of the wound, and applies the oil and the balm with a truth and a touch as exact, as tender, and as delicate ; but all stomachs must be of the same size, all appetites must relish the same food on the same days of the week, all maladies, and sores, and accidents of life must be healed by the same medicine." "To reduce all stomachs of the same sex and age to the same calibre—to reduce all habits and skill and tastes to a few fixed occupations, is abhorrent enough to the variety of human nature ; but to test all shapes and habits of the body and mind, all tastes and desires and feelings, by the workhouse ; to try all claims to relief by this assay, the measure of actual endurance from poverty by the capacity to bear the other endurance in the alternative—this is certainly one of the boldest and most fallacious attempts to enforce mechanical rule and contrivance upon human minds and motives that has ever been ventured upon." Such a system is, but it is not the system of our old Poor Law. Nor was it the intention of the legislature in instituting workhouses that such should be. Neither is it at all a necessity in the nature of the thing. Workhouses were instituted as the best kind of hospitals (says Sir M. Hale) where charitable-minded persons could tend the poor, and have, as it were, a pillar whereunto to fasten their charity ; where poverty would be prevented, by the poor who were able being learnt to work and win their own bread ; and the wealth of the nation be increased, by the conversion of idleness and beggary, into agents of production. Return to the spirit of the old law, and the intentions of the workhouse institution may yet be realised. And why not? What is to prevent such a re-arrangement of existing machinery as to work it into the old law, and thereby remove the bitterness and grief of the present system?

In this county there are eight or ten poor-houses, some of them in sunny spots, surrounded with less or more parochial ground. The impotent are to be placed in hospitals where they can be cared for and tended with affectionate Christian tenderness. Send them to the sunniest of the sunny poor-houses of the county, under the care of appropriate nurses. The

poor who are able to work a little are to be employed in labour fitting their condition, and in peace to work and win their own bread. Send them into the poor-houses best and most conveniently situated, with the most fitting facilities for enabling them to carry out their mission under appropriate Christian masters. The poor able to work, but unwilling to work, are to be compelled to work by the parish, under pain of starvation. Send them to the house with the greatest facilities for enabling the parish to carry into effective operation its corrective discipline, under appropriate regimen and taskmasters. In this way you would have the old Poor Law built upon apostolic injunction wrought out. That cannot be done now. There can be no proper or perfect classification in any one house, as no house admits of that perfect separation of "languages—horrid tongues—voices deep and hoarse"—of the impotent—of the weak—and of the sturdy—that is necessary for the appropriate management and employment of each. But, by giving each class a separate house, and classifying that class, a perfect classification could be made and maintained under proper heads. As all the parishes alike would participate in these benefits, let a common account be kept of cost, and divided among the parishes, according to the number of paupers of each. I can see no objection to such a re-arrangement of existing parochial machinery as this. Even although the parishes kept an account of each man's earning, and gave him the surplus over the cost of food and clothing, I could see no objection. But, on the contrary, I could see in that great gain to the parish and great benefit to the worker. Let a man work, and give him the return. If industrious and well-behaved, let him work his way out of the worst class into a better. Indeed, let him work himself out of the poor-house altogether, with a trade learned, industrial habits, and a purse in his pocket, to start in the world when he gets out. Infuse into the system sympathy for the impotent, hopes of gain of means and respectability to the worker, with fears of being sent to a worse class and harder fare for the disobedient and idle. Let none be discharged without a certificate of merit for the

outer world ; and you will lop off this corrupt graft, make the poor-house of the present day the hospital and correction-house of the old Act, and bring the treatment of the poor back to Christian injunction.

I am aware of the objection to reverting to the old Law—that it would send workhouse labour to compete in the market to the prejudice of the legitimate small trader. But the argument is overstrained. If, by means of this re-organisation, the poor are made to eat their own bread, surely that is no inconsiderable gain to the small trader. But it is not necessary to bring poor-house labour into competition with the ordinary trader at all. The pauper able to work a little would find himself fully occupied with the work required for the inmates of the poor-house and the officials. The able to work could be employed in remunerative labour not yet in the market. Let Government lay out designs for draining, on proper engineering principles, the bogs and lakes, moors and mosses many of the country ; and for reclaiming land from the sea and in similar works of a public nature, and thus extend the arable area of the nation, bringing food to the people, and employ the poor able to work in carrying out such improvements ; and paupers, while learning industry, would benefit the nation, earn their own bread, and take the bread out of the mouth of no one.

The Apostles themselves were at first the almoners under their system ; but ere long “seven men of honest report, full of the Holy Ghost and wisdom,” volunteered their services, and were elected almoners. Following in the same spirit, the Sessions became the almoners under the old Scotch Law, and latterly the Magistrates of Burghs and heritors of parishes were conjoined with them. Under the new law the old systems are entirely changed. The duties of the apostolic deacons, and old Poor Law Sessions are devolved on Parochial Boards and Bumbles, supervised by a Central Board in Edinburgh. None here will dispute that the spirit of religion was in the apostolic system, nor that it was continued in the old Poor Law system ; but who among you has any doubt as to whether or not it has any place in the new. The law of the first

system was holy and wise ; the law of the second had elements in kind, if not in degree ; but the law of the third ! Poor Bumble, he is to be pitied, for he is pitiable, and can have no pity in himself. The system may find him honourable and capable of "sharing the inward fragrance of another's heart," but it too often leaves him a trunk without a heart, a stone in the midst of the furnace, attracting all heat to himself, but giving forth none. I do not blame him, but I blame the system that made him what he is. How many an honest outdoor pauper can tell this tale : Ordered up at an hour. Bumble engaged.—Wait !—Return in two hours !—Come back to-morrow ! The Author of our faith, when He was told the people starved, issued the command, "Give them to eat." Bumble starves them for a day, and commands them to return on the morrow. An outdoor pauper breathes his last in his wife's arms ! In desperation she rushes to Bumble's house, and tells her loss, and begs a cloth to shroud him in. She is turned to the door, and told to return in office hours ! "He healeth the broken-hearted, and bindeth up his wounds." Bumble tears them wider asunder. Could this have happened with the Apostolic Deacons or the old Poor Law Sessions ? They gave, and the relief given was accepted as charity ; but can the relief given by Bumble be accepted by the poor as having a single element of charity in it ? The fruit, Bumbledom, proves the thorough corruption of the graft that grows it, and proves beyond all doubt that it ought to be eliminated from the Law and Gospel plans, and every other plan that calls itself charity.

I do not complain of the Parochial Boards which superseded the Sessions of the old law. It is in the power of a charitably disposed parish annually to elect honest men, influenced by Christian principle, to be its members under the new system, just as easy as it was for a large congregation to select and elect its session under the old. Parochial boards, however, have a good deal to do in the creation of Bumbledom, and where it "waxes fat and kicks" against authority, that fruit establishes unsoundness in the body to which he belongs. Take it in any light you like, "the Board" is a departure

from first principles ; and inasmuch as it is so, it would be improved by being brought back in heart and spirit to the Christian foundation: and this is how I would propose to do it, and get rid of Bumble at the same time.

Let every session of every religious body in the country be the almoners of the Parochial Board. Every session to keep a congregational register of the poor ; get monthly or weekly the amount required from, and account to, the Parochial Board for it. The session to undertake the consideration of the cases of the poor ; report who are fit for hospital, for working a little, for working a full tale ; for, in short, the special class house each individual should be received into. Give them and the more benevolent members of the congregation the supervision of their own poor in the houses to which they may have been sent, with free access for friendly intercourse, not, however, to disturb or destroy proper Government, and in this way work back into the Christian foundation which the new system has relinquished.

I know the objection : Oh ! that would compel all the poor to be connected with a congregation. For myself I see no great objection to this although it were so, although I repudiate entirely the notion of making beggars religious under pressure of any kind, and least of all of the stomach. Sessions would be bound, like Parochial Boards, to relieve all comers ; but their area of inquiry being much more limited than the parish, they have less chance of being imposed upon ; and if their books were kept up, they could not easily be imposed on twice by the same casual, while the settled poor could not do so were a list of the recipients published annually, as is now done, by the Parochial Boards.

Nor am I disposed to complain of the Board of Supervision. At same time, that it is not the Board the system needs, is obvious. It wants power. A mere supervising of what is wrong, and power to say so, is not enough. To be available, its powers ought to reach what is right, and to ordain its observance. Let the board consist of three eminent lawyers, or two lawyers and an eminent medical man ; erect it into a court ; let one

lawyer decide all questions of legal principle between parishes, arising under the Poor Law Act; let the other decide all questions arising under the Act in reference to the administration of the law by parochial boards, officials, and others; and let the third decide all questions arising under the sanitary acts of the country; give the three, in cases of difficulty or novelty, the benefit of each other's advice and views; make their decisions final decrees over the United Kingdom, not subject to review unless where affecting heritable property, and then only reviewable in the Court of Session. Each judge would, of course, have all the hand assistance he required in his department. Each department would then belong to one officer, who would be responsible for the business of it. Each would then have independent work to do and to be responsible for; and the whole three would be saved the trouble of preparing nineteen cases per annum for the opinions of counsel no more eminent than themselves, and of considering and applying these opinions when got—a task that seems to have left the present Board sadly forfoughten during the past year. The sheriffs should be judges of all cases between paupers and relatives of paupers, and parishes; and the Small Debt and Debts Recovery Courts should be open for the trial of them all in the county where they arise.

I could have wished to contrast the old law with the modern, as regards beggars' bairns. The system of adopting poor children which the old law provided, is still open to the benevolent, and those disposed to try it will find every facility afforded for carrying their benevolent intentions into effect from Parochial Boards and the Board of Supervision, and even from Bumble himself. In this parish the idea is carried out as far as the circumstances admit of by boarding out the parish orphans in respectable families, and thereby fusing them into the working population of the district.

I should also have wished to have adverted to some of the most prominent causes of pauperism, but that most important branch of the inquiry will, I am happy to say, be taken in hand by one abler to deal with it. Let me only say, in the words of

Sir Thomas More, "If you educate your people ill, and corrupt their manners from their infancy, and then punish them for crimes to which they are disposed by education, what is that but to make thieves, and then punish them for being such?" My friend who is to follow will probably show you the education that corrupts manners, and makes inmates for our jails and poor-houses.

From the best consideration I have been able to give this subject, I am driven to the conclusion that successfully to cope with poverty and pauperism, we must have a system with its roots in heaven and shedding its fruits abundantly upon earth. Such a system was the apostolic idea. Such a system was the main idea of the old Poor Law. Such is my idea of what any system for providing for the poor should be. If, from the great wealth of the nation, and eagerness to promote the business of life, it has become a necessity of society to do our alms by deputy, and a public provision for the poor is necessary, then let us have the best alms-collector and distributor that the circumstances of the country admit of. If we cannot revert to the old law in its integrity, do not let us desert its spirit. Superinduce its spirit and principles upon the practice of the new, especially as regards care of honest poverty, employment of paupers able to earn a little, and stanching discipline for the sturdy, and I venture to assert that the old tree planted in a Christian country, on the solid ground of New Testament doctrine, nourished and pruned by brother love, will yet produce goodly fruit, fit for "the banqueting-house." That this, however difficult, is not impracticable in the main, I hope to have sufficiently established, in the suggested modifications of the existing practice I have taken the liberty of throwing out for the consideration of this meeting.

APPENDIX.

Total Income of Scotland, as Estimated by Mr DUDLEY BAXTER.

Income-tax on lands and heritages, 1865,	£18,816,393
„ „ on public funds, professions, and offices,	12,000,165
Increase, 1866 and 1867,	1,500,000
Unreturned profits,	1,100,000
£60 a-year excused to incomes of less than £100,	1,300,000
Incomes under £100 not paying income-tax,	7,800,000
	£42,516,558
Income upper and middle classes,	£42,516,558
„ Manual labour classes,	31,747,000
	£74,263,558
4½ per £ on £42,516,558 would produce	£797,185
2½ per £ on £74,263,558 would give	£773,578

PAUPERISM AND CRIME IN ENGLAND.

Cost of pauperism, 1868, near,	£10,000,000
Mr Webster, Q.C., in his paper, computed the cost of crime for 1866 at between 7 and 8 millions, exclusive of its share of ex- pense of home-office and judicial estab- lishments, say,	8,000,000
Cost to England of twin sisters, pauperism and crime,	£18,000,000

CITY PARISH OF EDINBURGH.

Return by Inspector of Paupers.

Relieved, 1866-7,	5079
Of whom Irish and foreigners,	2424
Scotch, born out of City Parish,	1480
	—
	3904
Born in City Parish,	1175
	—
	5079
Relieved 1867-8,	5119
Of whom Irish and foreign,	2423
Scotch, born out of City Parish,	1626
	—
	4049
Born in City Parish,	1070
	—
	5119
Relieved, 1868-9,	5146
Of whom Irish and foreign,	1958
Scotch, born out of City Parish,	1996
	—
	3954
Born in City Parish,	1192
	—
	5146

EXTRACTS from Report of City Parochial Board as to Boarding
Pauper Children.

“This Board has ever felt that they occupy the place of parents to all orphans alike, whatever may have been the faith of their parents. The responsibility is laid on parents not only to provide for the material wants of their children, but to train and educate them in faith and morals. But the parental authority of the parish is controlled by the rules of the Board of Supervision, who step in and say—The responsibility of bring-

ing up these orphan children lies upon you ; but you shall only educate them in a particular faith—and they issue regulations upon the subject, which confessedly the Board has adhered to the letter. The Providential plan of rearing children, whatever the faith of their parents, is the family plan. These poor orphans, suffering for the sins and misfortunes of their parents, have been deprived of all the blessings of the Divine plan. The nearer approach this Board can make for them to that plan the better for them, and for the parish. The boarding-out plan is the nearest to that plan that parochial boards have yet been able to devise. That plan appears to this Board to be yet suitable to all the advances yet made of the age we live in ; and hence, that it is the best plan yet known of. By it, these orphans are reared in families of the class into which they were born. They have all material comforts and education provided for them by the parish, and occupy a place, in these respects, equal, if not superior to the best of their class. They rise in it, and become fused into the working population ; they meet with no reverses on entering into life that their rearing does not enable them to overcome. The out-come of the family system, as a system, has been excellent for pauper and parish, and no other system has hitherto borne such good fruits. The hospital system, as a system, is altogether a thing of man. It is not the natural system of bringing up children. In the boarding-out system these poor orphans get the nearest approach to a home, and the blessings of the family circle, that their circumstances in the world admit of. An hospital never does become a home in the natural and Divine sense of the word. All the comforts found centred in a home, all that makes ‘hame a hame, be’t ever sae hamely,’ are entirely from home in an hospital. In hospital the child is driven, by the necessity of his position, to become a little man ; aggrandising himself at the expense of his fellows, or defending himself against their aggressions, and learning all those little unamiabilities which mar the young man on his start into and in his progress through the world. The outcome of the hospital system, conducted on the very best principles, has never been

equal to the efforts put forth in its behalf, in this country, and that chiefly, it may be assumed, because it is cold and artificial, and enjoys no home influences whatever.

“Admitting the antiquity of the home system, but believing that it is fitted alike for all ages, whatever the material or religious progress thereof may be, this Board has preferred it to all hospital systems whatever; and, whatever the faith of the parents of the parish orphans may have been, all have alike been boarded out, when of an age, and in sufficient health. While the law lays the administration of the funds of the parish on this Board, and excludes the power of devolving its administration and management on Directors of Hospitals, and keeps the Parochial Board responsible for the rearing of these children, and the setting of them out in life, this Board, in its present light, must remonstrate against the hospital system as a system fraught with evil to these poor orphans, and to the parish, and must respectfully, but firmly decline to entrust the upbringing of their parochial orphans to any hospital whatever, be it Protestant or Roman Catholic.”

EXTRACTS from Letter, D. CURROR to the Right Hon. the
LORD PROVOST, as to Employing the Poor in remunerative
labour.

“During the year to May 1867, there were in the City Poor-house altogether 4135 souls—the daily average being 604. During the course of that year, the gross returns from the productive labour of these inmates amounted to £498, 5s. 2¼d., being a gross produce of 2s. 2½d. for the labour of each soul in the house during the year, or 15s. 2d. of a gross produce from the year’s work of each of the 604 who, on an average, were daily maintained in it. 15s. 2d. is about 10 days’ wages of an ordinary out-door female worker, so at present an ordinary out-door female worker makes as much in 10 days as a Poor-house inmate makes in 365 days. The most of the pauper

children are boarded out, but there are always a few in the house, and there are also a number who, from old age and infirmity, are as unable to work as the children. Estimating the numbers who are truly unable to work, at one-third of the whole inmates, we have 400 left, able to do something, and who would be much better employed than idle. Given work, materials, tools, and space, probably one-fourth of them would work with ease to the value of their own food; another fourth could work for the food of himself and another; and the remaining 200 could work 200 days each per annum, and make the wages of an out-door female worker, or say, 1s. 6d. a-day. Throwing out of view meantime the returns from all but the 200 last mentioned,—had work, tools, and space been given them during the last year, they would have made towards their own support and that of the house the no inconsiderable sum of £3000, and would have saved just £2500, or 10 per cent. of the rates, to the parish. So employed, self-imposed pauperism would aid in its own support, save rates, secure personal happiness and contentment to the worker and to the government of the house, and increase the national wealth. But more, self-imposed pauperism would meet with a salutary check. The idle and dissolute, made sensible that he must work to live *in* the house, would rather work for payment *out* of it; and though he squandered what he made, which is very likely, he would only squander his own, and not the produce of others' industry, as at present. Moreover, he would learn to work in the house, and he would take his education with him out of it, and if he did work when out he would not need to return; and in this way the work *in* the house would work him *out* of the House, and *off* the rates. It is thus seen that true charity is directed to starve the idle, who are able and who will not work, to find work for the eident who want it, and that—work, tools, and space being found—the result is self-support and national wealth. . . .

“Assuming that the attempt to convert idle consumers into agents of production is worth trying, is there a field on which to try it? There is. Not only is there abundant space, but

there is abundant work for skilled and unskilled paupers also, and the parish can surely find materials and tools. Moved by considerations something like those I have already attempted to state, and urged on by the Board of Supervision, who, if they did not absolutely condemn the present Poor-house, made it perfectly plain to the Parochial Board, that they would not long sanction so very insufficient a house as a Poor-house under the Act, the Parochial Board of the City Parish resolved to seek a site for a new house out of the city, where, for a reasonable sum, they could get large space. Accordingly, two years ago, the Board acquired the estate of Craiglockhart, within a mile of Edinburgh, and have now all but finished the erection of a new and spacious house in the centre of a forty-acre field, for the reception and entertainment of the legal poor. It seems very absurd, but nevertheless it is the fact, that in this mansion every modern sanitary arrangement that can add to the health and bodily comforts of the inmates is to be found. The house itself is situated in one of the finest localities for any house, away from public works and other sources of impurity to the air, and is to be surrounded with gardens bearing fruits and flowers in their season. And this house, so constructed and situated, has been erected for the reception of whom? To no inconsiderable extent of the idle and dissolute destroyer of other people's industry. And by whom? To some extent, at least, by the horn-fisted hand labourer of the parish, who is himself doomed to occupy a miserable ill-aired and confined house in the Old Town. In connection with this house are to be erected washing-houses, with bleaching and drying-greens, and workshops for skilled labour. There will be 30 acres around the house in garden ground under cultivation. Besides that there are 150 to 200 acres which can either be farmed, let to the public for grazings, or disposed of, as thought best and most advantageous to the parish. The property is now parish property. There is abundant space, then, now at the public disposal for satisfying our Bible poor, and for also employing 200 and more sturdy beggars in fitting productive industry. And they can never run out of work suitable to the

strength and working power of each, be it but a remnant of what it once had been. Take a turn through the present house, and what do you see? Strings of thowless mortals without thought or object. No employment—‘unavoidable idleness—a waste of human life and energy. Walk up and down the dreary wards—observe the listless faces of the inmates. Count their numbers—ask their histories, and then come to the conclusion, if you can, that the country is doing the best it can for the poor.’ Take a turn through the new house and grounds, when opened and in operation, and what may you expect to see?

“The pauper baker baking the bread of the house.

“The pauper cook cooking the victuals.

“The pauper weaver weaving the cloth.

“The pauper tailor making the garments.

“The pauper shoemaker making the shoes.

“The pauper mason pointing the walls.

“The pauper painter ornamenting them.

“The pauper slater on the roofs.

“The pauper plumber upholding the rhones.

“The pauper wright making the various utensils required in the house connected with his craft.

“The pauper smith sweating at the anvil.

“The pauper gardener working and weeding.

“The pauper farmer sowing and reaping.

“The pauper old wives keeping the infants.

“The pauper young wives washing, or working in the garden or fields.

“And the unskilled labourers, male and female, weeding, reaping, and at many other turns which an intelligent management will readily find and point out; and, in the midst of all the joyous song of industry, displacing the sulks of the city poor-house. But there may not be work for so many. Why not? The mechanical arts need not be limited to the house’s necessities. In the wrights’ shops may be produced in a substantial form tables, chairs, barrows, troughs, gates, implement handles, and numerous other useful articles, at all times com-

manding a price in a country place. In the smith's shop, the number of useful articles that might be made, in white and black iron, suitable to country work, are many. The shoemaker, tailor, and weaver might produce for the public, while the females might wash and dress, sew and knit for them also; and the gardeners and farmers might produce fruits and vegetables sufficient to supply the city new markets and all who frequent them; and, finally, if other unskilled labour did run out, there is everlasting granite in Graiglockhart hills to convert into road metal. There is work, then, for all; and, although there was not on Craiglockhart, there will at all times be in the neighbourhood, and there is no reason why the farmers should not, when such labour is required, employ what can be had in the poor-house, seeing that their doing so would be a saving in rates, inasmuch as the proceeds of their labour would go to reduce rates. An example of this kind would be worthy of the metropolitan parish. Other parishes would follow it. The mass of poverty in the country would soon fall into its proper class, and be appropriately treated and cared for; and one result would be that, while begging would become unknown in Scotland, as it is in some parts of the Continent, sturdy begging would be repressed, the Bible poor cared for in a manner worthy of our Christian profession, and the poor, who are poor by accident, would be sustained in their citizenship, and kept from lapsing into pauperism."

P A P E R S

Read before the Chalmers Association for Diffusing
Information on Important Social Questions.

I.

THE SCOTTISH POOR LAW EXAMINED
IN ITS PRINCIPLES AND TRIED BY ITS RESULTS.
WITH SUGGESTION OF REMEDIES.

II.

THE SCOTTISH POOR LAW
AND SOME CONTRASTS BETWEEN ITS PRINCIPLES
AND THE
PRACTICES THAT HAVE GROWN UPON IT.

By DAVID CURROR, Esq.,
Late Chairman of the Edinburgh Parochial Board.

III.

SOME ASPECTS OF PAUPERISM
IN ITS RELATION TO LAND.

By R. SCOT SKIRVING, Esq.

These to be followed by Papers from DR BEGG, J. H. STALLARD, M.B.,
of London, and Others.

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