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THE CHALMERS ASSOCIATION
For Diffusing Information on Important Social Questions.

PAPER No. I.

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

BY
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OF EDINBURGH, ETC., ETC.

READ 21ST MAY 1869.

THE RIGHT HONOURABLE THE LORD PROVOST IN THE CHAIR.

EDINBURGH:
SETON AND MACKENZIE.
1869.

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THE SCOTTISH POOR LAW.

INTRODUCTION.

THE importance of the subject has induced me not to refuse the duty assigned to me of delivering this the first Lecture of the series, although, perhaps, the introductory lecture will be the most difficult of the course. I cannot limit myself to any special department of the wide field which is to be opened up; it is my duty to take a general survey of the whole. Not one of the many can I be permitted to discuss exhaustively. I therefore feel that I shall best fulfil what is expected of me by introducing, and merely introducing, to your notice the more prominent topics which will fall to be discussed in detail by those able lecturers who have been engaged to deliver the other discourses.

For the clearer comprehension of the whole subject, I shall divide what I have to say into three parts :

1. Examination of the Principles on which the Poor Law is founded.
2. Examination of the Consequences arising from the operation of a Poor Law.
3. Suggestion of certain Modifications of the existing Law which would tend to remove some of the evils which are created by it.

PART I.

EXAMINATION OF THE PRINCIPLES ON WHICH THE
POOR LAW IS FOUNDED.

THE establishment of a Poor Law on logical principles demands as a postulate the truth of the following proposition : "That the State is bound to maintain in bare subsistence every one who has been born within its limits, and who, no matter from what cause, has failed to be able to earn a maintenance for himself."

Let us examine the truth of this postulate.

The State may be, as Bentham contends, a mere voluntary association of certain persons who, for the sake of their mutual protection, agree to frame a certain government, and to enforce certain laws. Or it may be, as others regard it, a paternal government, the upward extension of the family, charging itself with the care of all its members, just as the father is charged with that of all his household. We know of no theory of government which may not be referred to one or other of these classes, and, as far as I can see, under neither of them can Poor Laws be justly maintained.

The first theory holds that the object of the State is to provide the greatest happiness for the greatest number ; the other, that its object should be to enforce those natural rights which every man possesses, and which it is the duty of the State as a paternal government to maintain. I ask this question : Is it consistent with the duty of a Government which should provide the greatest happiness for the greatest number, to maintain, slightly above the point of starvation, a multitude who are continually propagating their kind with unusual fecundity, and who are perpetually dragging down into their vortex the class immediately above them, and who are the prolific source whence the ranks of the dangerous classes are chiefly recruited, whose existence necessitates not only poor laws and workhouses, but police offices, jails, hospitals, houses of refuge, Magdalen asy-

lums, officers and Courts of Justice, executioners of the law, and the whole multitude of costly, but inefficient, remedies which we seek to apply to evils which we ourselves have in a great measure created?

Or taking the other view, and regarding the State as standing to each of its members *in loco parentis*, we may well ask how it fulfils its paternal relation? "If a son shall ask bread of any of you that is a father, will he give him a stone? or if he ask a fish, will he for a fish give him a serpent? or if he shall ask an egg, will he offer him a scorpion?" Is the Poor Law which separates husband and wife, treats the helpless, the old, the sick, and the infirm, in kind, if not in degree, as other laws do the criminal, brings up the child in comparative ignorance and positive vice, the gift of a Christian and paternal Government to a grateful people?

The fact is, that even the department of legislation under which the Poor Law must be ranked, is peculiar. Other laws forbid offences, this one prescribes duties; other taxes are supposed to be paid for the advantage of the rate-payer; this one is ostensibly imposed entirely for the benefit of one with whom the rate-payer is in antagonism; other taxes may be regarded as debts due to the State for the protection and other benefits which it affords; the poor-rate, on the other hand, converts what ought to be the spontaneous outcome of a moral duty, into the compulsion of a legal enactment, to be enforced by legal penalties.

Miss Cobbe, in her very valuable essay on the "Philosophy of the Poor Laws" (*Fraser's Magazine*, Sept. 1864) attempts ingeniously to extricate the Poor Law from this dilemma. She cuts, not unties, the Gordian knot. She says, "The grounds on which the rights of life are founded are one thing; the grounds on which the rights of property another. When the right to life comes into collision with the right to property, there is found no basis of morals to support property against life. A civil law which should attempt to do so would offend against the ultimate principles of justice. To hinder the starvation of one member of the State, the property of another may lawfully be mulcted, inasmuch as his whole claim to possess any pro-

erty at all is subsidiary to the starving man's right to life. If no State existed, the starving man would have the natural right of self-preservation to seize his neighbour's food—a right only limited by his neighbour's right to keep himself also from starvation. Where the State exists, it is its duty to intervene to secure that the starving man be fed by such taxation of his neighbour as shall invade as little as possible the right of the latter to his property."

The fallacy which pervades this is apparent. It confuses a civil right with a moral obligation. I cheerfully allow that it is a moral obligation to save my neighbour from starvation, but I deny that he, or the State acting on his behalf, can claim this from me as a *right*. If there be no State to interpose, and requiring food, he helps himself from my store, I meet this by resistance; the rule of law is at an end; and the savage condition in which the weakest goes to the wall, is restored. We adopt again the

" Good old rule, the simple plan—
That they should take who have the power
And they should keep who can "—

a condition utterly irreconcilable with what should prevail in a law-governed country. According to the theory maintained by Miss Cobbe, the Priest and the Levite, who passed on the other side while the wounded Israelite lay half dead, should have been arraigned at an earthly tribunal, and have been made amenable to the legal penalties of their country, for suffering him to die; while the Samaritan had no title to the appellation of "good" usually given to him, inasmuch as he did no more than fulfil a *legal* obligation, the neglect of which ought to have been followed by legal penalties. The fact is that the Poor Laws are the first attempt to confuse what the older moralists separated as "*Duties of debt*" and "*Duties of merit*." The first are the proper subjects of legislation, restricted, as it should be, to protecting person and property and legal contracts. When the law interferes with the other, which has regard only to beneficent action, it steps entirely out of its legitimate sphere, and endeavours to compel men to be vir-

tuous—an attempt which always has ended, and always will end, in disappointment.*

How much better adapted to our nature is the Scriptural rule, that charity should be voluntary? “Every man according as he purposeth in his breast, so let him give not grudgingly, or of necessity: for God loveth a cheerful giver” (2 Cor. ix. 7). For though the Christian dispensation leaves to every man a perfect liberty to give or not to give—to give liberally, or to give sparingly, exercising no legal compulsion on him whatever—it applies a moral suasion of the most powerful kind. Besides the one already quoted, the positive injunctions to “considering the case of the poor,” are numerous and varied, culminating at last in the description of the last judgment, when he who has fed the hungry, given drink to the thirsty, lodged the stranger, clothed and visited the sick, and relieved the miseries of the captive, is told by the great Judge: “Inasmuch as ye did it unto one of the least of these My brethren, ye did it unto Me.”

If the imposition of such a tax is found to be opposed to the first principles of our nature, it is not surprising that its results are unsatisfactory, and that, reversing as it does the natural laws of charity, it should alike injure giver and receiver. Foremost among the evils which it has been more or less the cause of producing, we may reckon the separation between

* Mr Scot Skirving, in the admirable lecture which he delivered as the third of this series, combated this position. After attempting to show that all the written law of Europe was based on conscience and the Ten Commandments, he went on to say: “When the life of a human being is absolutely in question, there must be an imperative claim by the individual on the community for food, and that whether the necessity arose from misfortune, or from carelessness, or even from vice.” I deny this *in toto*, great as my respect is for the talented lecturer, and prefer St Paul as an expounder of the morality of the New Testament. He says: “For even when we were with you, this we commanded you, that if any man would not work, neither should he eat” (2 Thes. iii. 10). “In other words,” as one well remarks, “the Apostle asserts that if a man is a lazy, idle vagabond, you may, *with a clear conscience*, let him starve; nay more, THE ALMIGHTY COMMANDS YOU TO DO SO.”—“Letter on Pauperism and Crime,” addressed to the members of the House of Commons, by a Guardian, 1869.

rich and poor which now exists ; and not less, the drying up of those streams of spontaneous benevolence which, under a better system, might have been encouraged to flow. "There is a mighty difference of effect between an imperative and an imploring application," says Dr Chalmers. "The one calls out the jealousy of our nature, and puts us on the attitude of surly and determined resistance : the other calls out the compassion of our nature, and inclines us to the free and willing movements of generosity."

The feeling of pity which was obviously intended to play so important a part in our moral training, and to evoke many other moral qualities in its train, becomes deadened, if not destroyed, when you wrest from a man, by the force of law, what he might willingly have given on the spontaneous impulse of his better nature. And it seems to me of some moment that the interposition of the Poor Law inspector has separated the rich, in a great measure, from actual contact with the poor. He who leaves his share of the fund for relieving distress to be distributed by the cold hand of the paid official, loses not only the advantage he would derive from the spontaneity of the gift, but he also loses the effect on his own mind which the distress of another ought to produce, and the pleasurable sensation which the fact of his having been the instrument of relieving that distress would have engendered, with all the tenderer influences of his nature, which would have been thereby evoked.

And if the Poor Law has interfered to check the natural impulses of benevolence among those who can afford to give, it has been still more disastrous in its operations on those who are not ashamed to take. By an irreversible law it is determined that labour is the only means by which wealth, smaller or greater, can be obtained ; and wealth is the only means by which food, and clothing, and shelter for the body, and education for the mind can be procured.* "He that will not work, neither shall he eat," is a plain and legibly-written

* See this explained at length in No. III. of the valuable articles on Political Economy, now appearing in the *Weekly Scotsman*.

law. The effects of idleness are want and poverty ; from these there is no escape, unless the toil of one man is made either voluntarily or compulsorily to support the idleness of another. Such a contrivance is the Poor Law, and from its violation of this first principle we reap the most bitter fruits. Such a contrivance also is injudicious private charity. Both teach men the false doctrine that bread may be eaten without the sweat of the brow ; both therefore run counter to the plain laws by which the world is regulated.

But there are other principles of great importance to the labouring classes of the population which it is the natural tendency of these laws to check. The Emperor Tiberius is represented by Tacitus as describing the degenerate Roman Empire in his day in memorable words, calculated to convey a lesson and a warning to succeeding ages—“*Languescet industria, intendetur socordia, si nullus ex se metus aut spes, et securi omnes aliena subsidia expectabunt, sibi ignavi, nobis gravis*” (Tacitus, lib. ii). Hope and fear are the most powerful stimuli of industry. Why, then, should we pass laws which weaken the one and destroy the other ? Why should we let loose the army of sloth, improvidence, and vice to destroy the stores of the frugal ? Why should we interpose to disarm of its natural consequences that love of indolence or that tendency to dissipation which is the most productive source of poverty or wretchedness ? Why, “by virtue of her very vice, enable the mother of a child of shame to compel the courts of the country to do homage to her claim, making crime a passport to legal privileges, and glossing over the native unloveliness of vice by unwisely extending to it a public recognition ?” *

It is a sad reflection that the Poor Laws, which were intended to emancipate from distress, have only succeeded in emancipating from duty ; that they have taught the poor improvidence for themselves, and heartlessness to one another ; that they have led parents to desert their children, and children in return to neglect their parents : that, by exempting men from the operation of the first law of nature—self-preservation,—they have

* “Chalmers’ Christian Policy of a Nation ” vol. ii., p. 124.

sapped the foundation of the prudential virtues, and opened the door to an unchecked indulgence in dissipation, debauchery, and crime.

Another strong objection to the compulsory support of the poor is, that it admits no distinction between virtue and vice in the recipient. If, therefore, the vicious find that their criminal indulgence does not entail upon them those sufferings which the law of nature provided as a check ; if they find that there is no distinction between those who have been rendered poor by their own fault, and those who have fallen into the same condition by the visitation of God, they naturally conclude that it is safe for them to indulge their pauper-producing propensities now, and trust to the public provision for the poor for the maintenance of themselves and their family hereafter.

The objectionable character of the Poor Law seems to pervade every department, and the method of imposing the tax is not unjustly complained of. Since the passing of the Valuation Act in 1854 (17 and 18 Vic., cap. 91), local taxation has been regulated by the supposed rental of the property, as fixed by a valuator. In counties this valuator is annually chosen by the Commissioners of Supply, who, in most counties of Scotland, must be much more largely composed of the holders of land than of those engaged in trade. The salary of the valuator is also fixed and paid by the Commissioners. Under these circumstances, with every desire to be impartial, is it wonderful if the leanings, even of the fairest valuator, should be towards those on whom he is dependent for his daily bread ? If his decisions create dissatisfaction, the only appeal is to the Commissioners of Supply, who, in the peculiar circumstances complained of, are not likely to give redress. Nor are the Commissioners bound to hear evidence on the subject, unless they themselves desire it. From their decision there is no appeal, unless the person who thinks himself aggrieved has property in more than one parish. It is thus evident that the county assessor has actually more power of taxation than the Chancellor of the Exchequer, who is narrowly watched and controlled by the House of Commons.

The evils of this assessment on supposed rental are particularly felt during times of depression of trade. A benevolent manufacturer may be keeping on his hands even at a loss, and thereby saving the poor-rates hundreds of pounds; and yet, although he is deriving no profit, but actually loss, from his trade, the tax-gatherer steps in and takes his rates as usual. I do not however go more minutely into this, nor do I show that the old system of assessment on "means and substance" is a fairer plan, because the subject will be more fully discussed by those who are to follow me. It is enough for me merely to point out that by the present arrangement we have a memorable example of taxation without representation.* In such a county as Edinburgh the system has led to results which are almost ludicrous, as is shown in the following table, which exhibits the rating of some of the noblemen and gentlemen's mansions as contrasted with manufactories in their immediate neighbourhood:—

SPECIMENS OF INCIDENCE OF LOCAL TAXATION
IN MID-LOTHIAN.

From Valuation Roll, from Whitsunday 1868 to Whitsunday 1869.
Published by direction of the Commissioners of Supply of the County.

LANDED INTEREST.		COMMERCIAL INTEREST.	
Dalkeith Palace, . . .	£230	Dalkeith Gas Works, . .	£675
Newbattle Abbey, lodges, and gardener's house, . .	200	Craig's Paper Mill, New- battle Bridge,	465
Pennicuick House, . . .	150	Valleyfield Paper Mill, . .	1,327
Oxenford Castle, . . .	150	Cousland Lime Works, . .	245
Melville Castle,	150	Elginhaugh Mill and Lands, .	110
Polton House and Grounds, .	110	Polton Paper Mill, . . .	550
Colinton House, garden, offices, .	200	West Colinton Paper Mill, .	312
Belmont, Murrayfield, . .	125	Jeffrey's Maltings, Coltbridge, .	1,047
Beechwood, Do.,	135	Coxe's Tannery, Gorgie, . .	220
Morton Hall,	150	Straiton Paraffine Works, . .	150

I have been informed that one magnificent mansion in Midlothian was lately enlarged at an expense of from £10,000 to

* Since this lecture was delivered, I have been looking at the life of the late Sir James Graham, by Dr Lonsdale, and I find that he earnestly contended against the injustice of a similar system in Cumberland, and never rested until he got it altered.

£15,000 ; that the proprietor obstinately resisted any increase of rental being made in the valuation roll ; and that after great efforts the assessor only succeeded in getting an addition of £20 per annum made to the rental, as representing this enormous increase of value.

The hardship of this on the manufacturing interest appears all the greater when it is borne in mind that the average cost of repairs on manufacturing property is so much greater than on dwelling-houses. It was proved before a Committee of the House of Commons in 1865, that the average cost of repairs, insurance, burdens, etc., on woollen mills, exclusive of tear and wear and property tax, amounted to £47, 1s. 8d. per cent. of the assessor's valuation.

Another objection to the present mode of levying the assessment is founded on the fact that from the first imposition of the Poor Law, each parish has been made liable for the support of its own poor. Various evils arise from this. Some proprietors refuse to erect labourers' cottages on their property, others pull them down ; some who have property in two parishes, transfer their labourers to that part of their property which lies in the parish where they have the smallest holding, so that others may have to bear the burden of their workmen when they become chargeable.

Again, towns are generally subdivided into parishes ; and as the poor cluster near together, it often happens that the burden of pauperism falls with the greatest severity on those who are but slightly raised above it. To remedy this, a national poor-rate has been suggested. The great objection to this is, that if the cost of pauperism were defrayed by imperial taxation, local authorities would be found to vie with each other in expending rather than in saving the funds. All that can probably be attempted at present is a change of Scotland similar to that of the Union Chargeability Bill of England, which became law in 1865, notwithstanding the strenuous opposition of the landed interest, and by which each parish is no longer exclusively responsible for the care of its own poor, but the charge is borne by a union formed by joining several parishes together.

It thus appears that, whether judged by their own nature or by their consequences, whether by theory or by fact, the establishment of Poor Laws in any country, although intended to be beneficial, has had quite the opposite effect. From this we conclude that these bad consequences are not accidental, but inherent in the very essence of the laws, and that, therefore, they cannot be entirely removed except by a change in the nature and administration of the law.

PART II.

EXAMINATION OF THE CONSEQUENCES ARISING FROM THE OPERATION OF A POOR LAW.

No Poor Law has ever been enacted in any country without being immediately followed by the establishment of certain checks on its operation. From the nature and character of these checks something may be learned of the evils of the laws by which they have been rendered necessary. One of the consequences of the Poor Law which has been loudly complained of is its tendency to increase the gravitation of the paupers from the country into the towns. The evidence of this is ample and undeniable, and was brought out forcibly by Mr Villiers in the House of Commons in 1865, when introducing his Union Chargeability Bill. Its effect is equally disastrous on town and country. The inhabitants of the former complain of the disturbance continually produced in the labour-market by importing men who, dissevered from their natural connection, come to earn their bread among strangers, by whom they are avoided as aliens, yet into whose vicious ways they speedily fall; the farmers, manufacturers, and other employers of labour in the country, on the other hand, complain of the inconvenience and loss to which they are exposed, by there being no cottages in which their labourers can be lodged at an easy distance from their work. When the possibility of Scotch

lairds resorting to such a natural means of protecting themselves from oppressive Poor Laws was hinted at a year or two ago, great was the indignation, real or affected, with which it was denied. It may soothe their ruffled feelings to be assured that what was held by them, in county meeting assembled, as a practice too atrocious for any of them to be guilty of, was actually calmly spoken of as a natural and necessary result of the Poor Laws in England, by Lord Kames in his "*Sketches of the History of Man*," published in 1774, and that the converse of it was enacted as a necessary protection against the agrarian character of her famous Poor Law in the 31st year of Queen Elizabeth. This Act, evidently intended to protect the landlord against the exactions of the poor, provides that a penalty of ten pounds on its first erection, and forty shillings for every month of occupation, shall be inflicted on every one who erects a cottage without assigning to it four acres of land—a sure means of repressing marriage and checking the increase of population, but which, had it not become obsolete, might have greatly checked the growth of our manufactures. Lord Kames tells us—"As the number of poor in England as well as the expense of maintenance are increasing daily, proprietors of land, in order to be relieved of a burden so grievous, drive the poor out of the parish, and prevent all persons from settling in it who are likely to become a burden; cottages are demolished, and marriages obstructed. Influenced by the present evil, they look not forward to depopulation, nor to the downfall of husbandry and manufactures by scarcity of hands. Every parish is in a state of war with every other parish concerning pauper settlements and removals."* Here, then, we begin to trace the series of contradictions in which a nation becomes involved by passing a Poor Law based on an erroneous principle. It announces to the pauper his right to be maintained; it compels the ratepayer to perform his Christian duty of giving, and yet, as Dr Stallard has well remarked—"The whole principle of the English Poor Law is based on repression. The guardians are to maximise prevention by minimising

* "*Sketches of the History of Man*," vol. ii. p. 40.

relief.”* We think the quotation would be improved by altering the word “principle” into practice, for in the original Poor Laws no such principle was recognised, and it was only when it began to bear bitter practical fruits that measures of repression came to be ingrafted on it. Thus, within twenty years after the English Poor Law passed, the nation became alarmed at the number who were ready to take advantage of it, and the overseers were not allowed to relieve any pauper without the consent of two Justices of the Peace. This not proving sufficient, it was next ordained that relief should be given only to those who were elected at a meeting of parishioners, or by authority of a Justice. Then the power of the Justice was curtailed, and he was not allowed to give an order until he had examined the applicant on oath. Still the tide of pauperism kept ever flowing, or, if an ebb did partially follow each repressive measure, it soon regained or surpassed its former level. A new class of dissuasives were then applied directly to the would-be pauper, calculated to deter him from availing himself of what the law had already conceded to him as a right. All recipients of relief must carry with them prominently the mark of their degradation; and we leave it to our hearers to judge how lightly the “P,” worn in scarlet cloth upon their shoulders, would be likely to affect the “masterful beggar,” or how it would burn into the flesh of that shrinking sensitive poverty which, induced by neither indolence nor vice, it is alike the duty and the privilege of Christian charity to relieve. The grand panacea, however, has been the erection of parochial and union workhouses, which was the only expedient which could suggest itself to the House of Commons when, in 1775, it was so alarmed at the enormous and increasing expenditure on the relief of the poor as to pass the two following resolutions:—“1st, That the laws relating to the poor are defective, and the good purposes intended by them in many respects prevented; 2d, That the money raised for the relief of the poor is a grievous, and if no new regulations are made, will be an increasing burden upon the public.” Well may

* “London Pauperism amongst Jews and Christians,” p. 174.

Dr Chalmers remark in bitter irony—"If a pauper really have the same claim in right and equity to relief that a servant has to wages, why treat the two claims so differently? It seems a strange way of meeting a demand for justice, that when a man prefers his claim, he must be separated from his home, put into confinement, and subjected to the irksome and galling restraints of a prison discipline. Such are the correctives by which, under a reformed Poor Law, it is attempted to redress the evils of its former administration. The assertion of what their own statute-book declares to be right is followed up by the same treatment—in kind, at least, if not in degree—with the commission of what the same statute-book declares to be a wrong. In other words, their paupers meet with the same treatment as their felons. The same terrors and penalties have been devised to prevent the undue multiplication of the one class as to prevent the undue multiplication of the other. Lest men should perpetrate crimes with an inconvenient frequency, jails and gibbets have been erected in all parts of the country; and lest men should put forth claims (and of that class, too, which they acknowledge to be rightful) with inconvenient frequency—not gibbets, but at least houses nearly as repulsive as jails have been erected in all parts of the country. The truth is, they have been made as repulsive as possible, for the very purpose of scaring applicants away. It was found of the law in its old state that it tended to agrarianism, and would at length have obliterated all the fences by which property is guarded; and hence a new law which retained the old principle, but changed the old practice—the principle being that every human creature in want has a right to relief; and the practice being as if, though this be a right, it were a very wrong thing in either man or woman to assert it. And so they attempt to steer evenly in this matter by what mathematicians would term a compensation of errors."*

In Scotland, too, we seem to be ringing the same changes. At the meeting of the Social Science Association held in Edinburgh in 1863, Mr Walker of Bowland, the present chairman

* "*Collected Works*," vol. xxi., p. 151.

of the Board of Supervision, read a paper on "The Effect of Poorhouses in Checking Pauperism." In this paper (subsequently published in the transactions of the Association), he proclaimed that "the only known beneficial check" (to the evils induced by the Poor Law) "is the system of workhouses, as they are termed in England and Ireland; of poorhouses, as they are called in Scotland; . . . the only method yet devised capable in any degree of stemming the current of deterioration which flows from the operation of an unrestricted Poor Law," etc.

In this valuable paper, Mr Walker undertakes to prove, from the statistics of nine poor-houses in Scotland,—1st, The effect of poorhouses in checking pauperism; 2d, Their effect in diminishing the expense of providing for the poor; 3d, Their effect in promoting the moral and social welfare of the population. The division is a convenient one, and we propose to adhere to it in the remarks we shall make on poor-houses. I have no doubt whatever of the correctness of his view. I have no doubt that the workhouse test, wherever rigidly enforced, will diminish pauperism and some of its expenses; but it will diminish it in a country where the law does not recognise the able-bodied as entitled to relief, especially at the expense of the really suffering poor, whose sensitive feelings have not been blunted, and who, as experience has often shown, will die of starvation rather than be separated from home and friends, and compelled to associate with the lowest and vilest of the population. To be of any service to such people, you must first demoralise them; and it struck me as rather a strange boast, when a member of the Board of Supervision told Mr Craufurd's Committee of the House of Commons the other day, that at first the poor disliked the workhouses very much, but were now freely resorting to them. Have we any right, to save our pockets and the trouble which proper discrimination would entail, to inflict upon the sick, the helpless aged, and the innocent children, a regimen which is in some cases more severe and more repulsive than any to which convicted criminals are subjected? And, after all, is

keeping down the assessment the great object at which a proper care for the poor should strive, and the one aim to which all its efforts should be directed? We should prefer, if the poor have really a legal claim on our support, that the boast should be, what comforts have been extended to suffering poverty, what alleviations have been given to the woes of age, and, chiefly, how many, by timely aid, have been rescued from the condition of poverty, and removed from the class of drones to that of workers in the busy hive of human industry? But little of this can the poor-house accomplish. Over its portal might be inscribed the line which Dante has selected for a place, it is to be hoped, some degrees worse in character: *Lasciate ogni speranza voi ch'entrate*—"Abandon hope all ye who enter here;"—for it is notorious that few who have accepted its hospitalities ever regain their independence. And what sort of a family are gathered within its walls? Miss Cobbe has well exposed this glaring absurdity. "Every large workhouse," she says, "combines the following institutions:—A workhouse proper, or place of labour for able-bodied males. 2. Do. for females. 3. A temporary asylum or casual ward for pauper travellers, males. 4. Do. for females. 5. An hospital for the sick curable and incurable males. 6. Do. for females. 7. An asylum for aged and incurable males. 8. Do. for females. 9. A blind asylum for males. 10. Do. for females. 11. A deaf and dumb asylum for males. 12. Do. for females. 13. A lunatic asylum for males. 14. Do. for females. 15. An asylum for epileptics and idiots, males. 16. Do. for females. 17. A boy's school. 18. A girl's school. 19. An infant school. 20. An nursery for infants. 21. A lying-in hospital. 22. A penitentiary."

Of course, this enumeration applies rather to English than to Scotch workhouses, but still, with some trifling modifications, it is descriptive of both. Can twenty-two such different institutions ever be properly superintended by one master and matron, often deficient in the qualifications, both intellectual and social, for so responsible a post, and rarely receiving a salary with which services such as they ought to render should

be remunerated. We cannot easily forget Dickens's pictures of workhouse management in "Oliver Twist," nor the scandals of Farnham, Eton, Andover, Bridgewater, and Bath, which earned for the English workhouses the appropriate name of Bastiles. A judicious poor law should regard prevention rather than cure as its primary object; but, as Dr Stallard remarks, "prevention is impossible when the door of the workhouse is once passed."* I do not say that workhouses are not a necessary part of Poor Law machinery; on the contrary, I believe that they are essential checks on imposition, idleness, and incorrigible vice; but I do say that if the object of the State should be to elevate the moral character of the poor and teach him self-reliance, then, if the statement of Mr Walker be true, and I believe it is—"that the only known beneficial check to the evils of the Poor Law is the erection of workhouses"—it only demonstrates how inherently vicious the law must be when its only check is of so objectionable character. Poverty is a disease which has many causes. In the workhouse all must be treated alike, and classification, except of the rudest kind, is impossible. "The inmates, as far as the poor-house admits thereof, are usually classed as follows:—

1. Males above the age of fifteen years;
2. Boys above the age of two years and under fifteen;
3. Females above the age of fifteen years;
4. Females above the age of two years, and under that of fifteen;
5. Children under two years of age."

† Instances are of not unfrequent occurrence where persons have had so much pride and independence that they have actually died of starvation rather than enter the workhouse; while, on the other hand, whole districts might be pointed out where, under the demoralising effect of the Poor Law, the workhouse is regarded as the last stage in the passage to the tomb—the natural home for age and infirmity. Comfortless, indeed, it may be, but still it is certain, and, best of all, the sufferer has a right to it conferred on him by the laws of his country. As long as "an order for the house" is considered equivalent to,

* Op. cit. page 189.

† Guthrie Smith on the Poor Laws, page .

or a fitting substitute for, relief, it will be used by ignorant and unfeeling Bumbledom as a means of grinding oppression. Fitting prison it may be for the incorrigibly idle, the impostors, and the vicious; but why send the unfortunate who, it may be, have been reduced to poverty by no fault of their own, to associate with the scum and offscourings of society? Why, especially, send the artisan whom temporary sickness has disabled from earning his bread to a place where the chances are all against his retaining his self-respect, or again attempting to maintain himself by honest industry? Above all, why add to the darkness of an old age, already clouded by misfortune, privation, and sorrow, by the additional pangs of separation from all the objects, animate and inanimate, that one holds dear, and the association, until welcome death brings relief, with all from which virtuous poverty would most revolt?

Be it agreed. The poor who hither come
Partake of plenty, seldom found at home:
That airy rooms and decent beds are meant
To give the poor by day, by night content;
That none are frightened, once admitted here,
By the stern looks of lordly overseer.
Grant, that the guardians of the place attend,
And ready ear to each petition lend:
That they desire the grieving poor to show
What ills they feel, what partial acts they know,
Not without promise—nay, desire to heal
Each wrong they suffer, and each woe they feel.

Alas! their sorrows in their bosom dwell—
They've much to suffer, but have nought to tell!
They have no evil of the place to state,
And dare not say it is the house they hate:
They own, there's granted all such place can give,
But live repining, for 'tis *there* they live.

Grandsires are there who now no more must see,
No more must nurse upon the trembling knee
The lost lov'd daughter's infant progeny.
Like death's dread mansion, this allows no place
For joyful meetings of a kindred race.

Then, too, I own it grieves me to behold
 Those, ever virtuous, helpless now and old,
 By all for care and industry approved,
 For truth respected, and for temper loved,
 And who, by sickness and misfortune tried,
 Gave want its worth, and poverty its pride.
 I own it grieves me to behold them sent
 From their old home : 'tis pain, 'tis punishment
 To leave each scene familiar, every face,
 For a new people, and a stranger race—
 For those who, sunk in sloth and dead to shame,
 From scenes of guilt with daring spirits came.
 Men, just and guiltless, at such measures start,
 And bless'd their God that time has fenced their heart,
 Confirm'd their virtue, and expell'd the fear
 Of vice, in minds so simple and sincere.

What has been said conveys, after all, but a meagre idea of the evils of workhouses as exhibited in England, where they have long existed, and been permitted to bear their natural fruit. If the old men, in the words of the poet we have quoted, have had their minds sufficiently fenced to confirm them in virtue in spite of the evil influences by which they are surrounded, it is not so with the young, and especially with children. Thanks to a system introduced, I believe, into Scotland by the able Inspector of our City Parish, Mr Greig, the evil influences, physical and moral, to which children in workhouses are exposed, have been largely counteracted by boarding them with respectable cotters in the villages; but their withdrawal still leaves within our workhouses a large number neither confirmed in virtue nor hardened in vice, to whom the associations of such a place cannot but be injurious. "Among all the endless paradoxes of female treatment," says Miss Cobbe, "one of the worst and most absurd is that which, while eternally proclaiming 'home' to be the only sphere of a woman, systematically educates all the female children of the State without attempting to give them an idea of what a home might be. . . . Out of a single workhouse in London, inquiry was instituted two years

ago concerning eighty girls who had left it and gone to service. It was found that every one of them was on the streets !” *

Another great objection to the Poor Laws is the enormous and increasing expenditure which they entail. In Scotland, we have only suffered from them for twenty-three years ; we are thus the better able to estimate what they are costing us, and to contrast them with another—shall I say, a better—system which we were compelled to abandon for them. In an admirable report prepared by a committee of the General Assembly in 1839, at the request of the Home Secretary, chiefly drawn up by Mr David Monypenny (Lord Pitmilley) and Mr Alexander Dunlop, the former gentleman gives a digest of the law of Scotland regarding the poor, which differs very materially from that of England, and which no doubt would have been found as satisfactory in the present day as in its earlier years, had the State taken care to extend it to meet the needs of an increasing population, and, above all, to counteract the evil effects of the rapid growth of our larger towns, as trade and commerce revived among us. Lord Pitmilley explains the peculiarities of the Scotch system under four general heads : I. *The Raising of Funds*.—In this, the main reliance was placed on the voluntary contributions of the public, although a law dating as far back as 1579 (cap. 74), and thus nearly contemporaneous with Elizabeth’s English Poor Law, gave power to impose an assessment. This was not resorted to at all for a century, and then only locally and partially, and chiefly in parishes near the English border, where the demoralising influence of the English Poor Law had reached. Some, after paying an assessment, and experiencing its baneful effects, reverted again to the voluntary system. Until nearly the middle of the last century, when the rise and progress of the Secession from the Established Church diminished her re-

* Those who are interested in the question of workhouses will find the subject ably and comprehensively treated in three letters, entitled “Poor-Houses in Scotland, in reference to a proposal to establish one in Berwickshire, by David Chiene Home, Esq. of Wedderburn.” William Blackwood & Sons, 1868.

sources, the Church collections and other voluntary contributions were found to be sufficient for the maintenance of the poor over the whole of Scotland. The *moral* effects of this system of collection are much insisted on—"It has been remarked as one of the peculiar beauties of the Scottish system that the prevalence of the custom among the least wealthy of the people of putting every Sunday their mite into the poor-box increases their repugnance in later life to become pensioners on this fund." II. *The Class of Poor entitled to Relief*.—The Scotch Act of 1579, though founded on that of Elizabeth, limited the right of relief to the impotent poor, and handed over the able-bodied, idle, and dissolute, except in such cases as the kirk-session might in their discretion think it advisable to give relief, to be dealt with by the very stringent laws which then existed for their repression. Scotland thus required no work-houses, and contemplated nothing but "out-door" relief. The relief was either "ordinary" (permanent) or "occasional" (temporary), and could be claimed by any one who had had his residence or common "resort" in the parish for three years before he became unable to support himself. There was no power of removing persons likely to become chargeable on the parish as was given to England by the 13 and 14 Carl. II., cap. 12. III. *The Amount of the Allowances*.—Except in cases of total and absolute destitution, the parish only supplied what was necessary for their support, believing "that in the general cases poor persons are not so entirely destitute as not to be capable of procuring a part of their sustenance by their own labour, or by the assistance of relatives, or the benevolence of neighbours and others." "From such an arrangement as this," continues Lord Pitmilley, "many and great benefits result. The poor are led to be industrious and provident; their relatives and neighbours are encouraged to assist them; a spirit of independence is cherished; an unwillingness arises to come on the parish for the pittance which it yields; the burden to the industrious part of the community of the ordinary poor is lessened; a compulsory assessment is avoided; and the Church collections prove in general sufficient to provide the necessary

funds." IV. *The Administrators of the Fund.*—The kirk-session, an ecclesiastical court, having privative jurisdiction within the parish to which it belongs, usually comprising, along with the minister, some of the most respectable residents within the parish, with whom the heritors (proprietors) were joined by statute in all matters relating to the poor, a body so selected must in most cases be intimately acquainted with every particular regarding the claimant and his relations and friends, or if not, is in the best position for obtaining information. No relief was therefore given under the old system without full knowledge of the whole condition and circumstances of the applicant; it was given in a way as little likely to destroy self-respect as possible; above all, it was given by the hand of kindness and charity, and not by that of an officer paid to suspect and to detect imposture. Moreover, the management by the kirk-sessions discouraged litigation; and as the members did their duties gratuitously, the management of the poor in parishes not assessed was conducted without any expense beyond the very trifling charge of a small annual payment to the session-clerk or treasurer. On examining the details of this report, we find a result which contrasts painfully with that to which we have attained under the new law. To make it more clear, I place it before you in a tabular form:

COMPARISON BETWEEN OLD AND NEW SYSTEM.

1835-6-7 (Average on).		1868.
Total Paupers, exclusive of Lunatics,	57,969	117,914
Population (1831),	2,315,926	(1861) 3,062,294
Rate of Paupers to population,	2.30 per 100	4 per 100
Total Funds raised,	£155,121, 12 2.	£795,483
Voluntary Funds,	57,277 0 4	
Sessional Funds,	20,604 12 10	
Assessment,	77,239 19 0	
Expense of Administration,	7,088 5 3	£94,452.
		(Exclusive of Outlay on Buildings, Law Expenses, and Expenses of Medical Relief.)
Gratuitous Agents, 7542 (now nearly abolished).		Law Expenses, £5,986.
Paid do. 1507.		Expended on Buildings, £67,719.

It has been denied that pauperism is increasing in Scotland numerically, and alleged that it is only an increase in expense. I think I proved the contrary by certain statistics taken from the returns of the Board of Supervision, and published in my "Report on the State of the Poorer Classes in Edinburgh, 1868," page . . . To prevent all cavil, however, I place before you, in a tabular form, the result of certain calculations carefully made by Councillor Lewis from official returns, revised by a most careful actuary, and published a few weeks ago in the *Scottish Reformer* newspaper.

PROGRESS OF NEW POOR LAW.

	1845.	1868.	Rate of Increase.
Number of Poor on Roll,	63,070	80,032	27 per cent.
Population, . . .	2,620,184	3,062,294	17 „
Casual Poor, . . .	26,894	37,882	41 „
Total Expenditure, (Exclusive of Buildings), }	295,232	795,483	{ 170 „ Half a Million!
Expense of Management,	17,454	94,452	400 per cent !!!

This table is a very terrible one, and it is very difficult to realise its real import by figures alone. Suffice it to say that the number of paupers in Scotland is considerably larger than the population of Edinburgh and Leith, and is in the proportion of 1 to every $13\frac{1}{2}$ of the population; that between 1845 and 1868 it has increased at the rate of 27 per cent., while the increase of the population has only been 17 per cent. (1851-1861.) During the same period the casual poor have increased 41 per cent., and the cost of maintenance and management, exclusive of outlay for buildings, upwards of half-a-million, or 170 per cent. in twenty-three years. So that, notwithstanding all the expensive machinery of workhouses to keep it in check, notwithstanding all their obnoxious rules and regulations, so repulsive to the really deserving; not only is pauperism not checked, but it is

advancing with giant strides. The observations of those familiar with the state of the poor under the old system and under the new do not lead us to believe that that their state has been materially improved, or that it has been for their advantage to exchange the visit of the kindly elder for that of the stern official, or the money which charity subscribed and charity distributed, for that which is wrung from the pockets of the rate-payers by the Poor Law collector, and dispensed in deference to a legal claim but half-acknowledged and grudgingly responded to. Most certainly if the pecuniary position is no better, the moral is infinitely worse. In a leading article of the *Scotsman* newspaper for 17th December 1867, the writer asks—"Is the result which has been achieved at all commensurate with the addition that has thus been made to our burdens? What do we get for the annual expenditure of a sum which now (1867) exceeds £800,000? Increased happiness and comfort for the poor? What answer do we get from the back slums of our cities, and the squalid cottages of our manufacturing villages? In what degree has this magnificent expenditure accomplished any good beyond the temporary relief of a class whose pauperism is the result of vice, ignorance, and improvidence? And where is this expenditure to end? The very endeavour to keep it within bounds is one of the most fruitful sources of its increase. Already the cost of management exceeds £90,000, or more than 11 per cent. of the total expenditure; and this rate goes on increasing with the erection of every new poor-house, and the addition to the staff of officials which then becomes necessary." The plain fact appears to be that we are paying the enormous sum which we have shown that the Poor Laws cost us to maintain a system which has been invariably condemned by the best politicians and writers on political economy in Europe, as well as by those who have been most conversant with its working. Montesquieu, in his "*Esprit de Lois*;" Lord Kames, in his "*Sketches of the History of Man*;" Smith, in his "*Wealth of Nations*;" Malthus, in his work on "*Population*;" Chalmers, in his "*Parochial Economy*"—have all written against its principles. William Pitt, in 1796, said "the

Poor Law has at once increased the burden of the poor and taken from the resources of the State to supply wants which its operation has occasioned, and to alleviate a poverty which it tended to perpetuate." The Rev. Mr Jerram only states the opinion of all clergymen familiar with the state of the lower classes when he says—"The Poor Law creates the very evil of which it proposes to be the remedy, and holds out a premium to idleness, improvidence, and profligacy, by securing all the advantages which would be supplied by sobriety, prudence, and industry. It stands directly opposed to the order of nature, and to the government of God himself, by destroying the connection between vice and its appropriate punishment. It proceeds on the principle of injustice, and in its operations is the most cruel and oppressive ; and, to crown the whole, it tends to universal pauperism and national ruin." In a paper read before the Social Science Congress, in 1863, the present chairman of the Board of Supervision said—"It is now a matter of trite observation that all Poor Laws have an inherent tendency to foster pauperism, to increase the expenditure for the relief of the poor, and to deteriorate the character of the population among whom the law is administered." Dr Guthrie says, he believes the present Poor Law to be one of the greatest curses that ever fell on this country. It is not only pauperising the people, it is demoralising them. While, lastly, a gentleman who for twelve years sat at or presided with marked ability over our City Parochial Board, has put on record his deliberate opinion—"The system is radically wrong in its core, and calls loudly for a radical change in its nature and treatment."

I could not conclude this part of my subject in stronger language than that used by a Royal Commission which reported on the Poor Laws in 1830—"There is scarcely one Statute connected with the administration of public relief, which has produced the effect designed by the legislature ; the majority of them have created new evils and aggravated those they were intended to prevent."

So much for attempts to run counter to the natural laws which an all-wise Creator has imposed for our government.

PART III.

SUGGESTION OF CERTAIN ALTERATIONS IN THE
EXISTING LAW.

THAT things cannot be allowed to go on is evident. What, then, do we propose? Is it any use bringing Bill after Bill into Parliament to put new pieces into this old and ragged garment? Rather far would we sweep it away altogether, and giving the present poor a life interest in what the law has given them, trust for the future to a modification of the system which worked well at one time in Scotland, and which would have continued to act efficiently had care been taken to extend it in correspondence with the increase of the population. But this, for many reasons, and chiefly on account of our great and increasing ecclesiastical differences, I must not venture now to propose.

Solon is reported to have said on one occasion to an objector: "It is not the best law I could have made, but it is the best which I could get the Athenians to receive." And in this spirit I would, in the first instance, suggest only such alterations as seem indispensable to the improvement and correct working of the present law.

That a change must be made is evident, and now, when attention is awakened, is the time to impress a wise discretion upon it. To use the language of my own profession, pauperism is not so much a disease *per se*, as it is a symptom of many morbid conditions of the body politic. We look upon that man as an empiric who prescribes for symptoms without carefully considering the causes from which they have originated. All our treatment of pauperism has hitherto been of this empirical kind, and hence has failed to give relief. Let us now try if we cannot discover its sources, and by operating on them, remove this foul ulcer which is ruining our constitution, and insiduously sapping the foundations of our national prosperity.

All paupers may be divided into two classes,—1st, Those who

have been driven into destitution by causes beyond their control, to whom dependence on others is a galling necessity, who receive assistance reluctantly, and are anxious to resume their habits of self-support as soon as they possibly can. *2d*, Those who from custom, defective moral or physical training, vicious indulgence, indolence of disposition, feebleness of mind, or weakness of body, have lost the spirit of self-reliance and willingly, or perhaps I should say greedily, accept the aid of others, until at length, like one whose limbs have become paralysed for want of use, they have lost all power of self-exertion, and consider it their right to live on the labour of others for the remainder of their days. This classification, rough as it is, clearly shows why an uniform method of treatment must fail, why the attempt to relieve pauperism without any reference to the causes which have produced it, must uniformly end in disappointment. Classification, or the dividing the moral disease of pauperism according to its sources, must be the basis of all curative treatment, therefore, leaving out of consideration for the present the first class, who are comparatively easily dealt with, I proceed still farther to subdivide the second. It is a fundamental law that every man is responsible for his own maintenance and that of his dependants in all the possible circumstances and conditions in which he may be placed. It is an undeniable fact, that a large portion of our people do not recognise their responsibility under this social law, and that another, and a larger class, are unable to fulfil its obligations. This implies, on the part of the first of these classes, a low moral sense, and throws on the community the reproach of having neglected their moral training. If, again, those classed in our second subdivision are found unable to maintain themselves from physical inability or mental incapacity, this also argues that neglect must exist somewhere, and that sustenance for mind or body, or both, has not been sufficiently supplied, especially during the period of growth.

There is a *third* subdivision of this class who may originally have been fit for better things, but who, yielding to the temptations by which they are surrounded, or to the seductions with

which they are incessantly plied, have given themselves up to sensual indulgence, and become sunk in a degradation so deep as to be almost lost to a sense of it.

Our *fourth* class would comprehend those who have become weary and faint in the battle of life, who have lost the little energy they once possessed, who are unable to contend against adverse circumstances, and who, like the Micawber family described by the novelist, lie on their backs waiting always for something to turn up.

Our *fifth* class would embrace those who hover on the boundary line that separates pauperism and mendicancy from downright criminality; the vagabonds, vagrants, sorners, katherans, and incorrigible rogues of the old Scotch law; the "masterful, sturdy beggars" of Lord Baubton; the hawkers of small wares from door to door, who use their pretended trade as a cover for either stealing themselves, or inducing our servants to steal for them; the performers on various musical instruments, whether wind, string, or barrel instruments, all generally used as a mere cover for mendicancy, and who, in ninety-nine cases out of one hundred, are idle and profligate, and but "indifferently honest."

Is the workhouse the *one* cure for all these? Can they be huddled together in that happy household with comfort and encouragement to those who need it, and with a severity of discipline essential for those who require it? Will such huddling together, and such promiscuous treatment prove curative? Will it restore to the thinking and sensitive victim of temporary misfortune, who has lost neither his independence or his self-respect, the ability to earn his bread? Will it impart the moral qualities in which another is deficient, or the industrial training, the want of which has been the ruin of a third? Is it likely to rouse the nerveless from his condition of passive and hopeless endurance, and give him the energy he wants? Will it punish the drunkard, the rogue, the impostor, and the vagabond, whose fitting place is the jail, and his true medicament the cat? Say, will it not rather, by concentrating together so many and such various forms of moral and corporeal imbecility and of positive

vice, tend to the still further corruption and degradation of the whole mass? No, even if the erection and maintenance of workhouses in sufficient number would not entail on us an utterly ruinous expense, they can never do the whole work. Out door relief must be given, and some better mode of repression must be devised. I do not say this regretfully. I believe a well contrived and well administered Poor Law would aim at prevention rather than alleviation; and sad experience demonstrates that prevention is impossible when the door of the poor-house is once passed. The old Scotch system was almost entirely one of out-door relief; the new system has compelled, as a protection to the ratepayer, the erection of 330 poor-houses, with all their expensive staff of officials. I have little doubt under which system the really deserving poor had most comfort, and I have no doubt under which the moral qualities of their nature were least tampered with.

The essence of an effective Poor Law is out-door relief, given not grudgingly, but fully, and given so as to prevent, not accelerate, the descent of the receiver in the social scale. But to do this it requires the minute and careful investigation of every case that applies; nay more, a thorough acquaintance with every case that is likely to apply. It has been found that systematic investigation renders the application of the labour test unnecessary even among the able-bodied. How much less then is it required for the sick, the widows, the fatherless, the bereaved, and the afflicted. Under the old Scotch law the kirk-session did not investigate the cases as our modern guardians do at so many per minute, nor compel them to dance attendance on an inspector for hours together waiting their turn, old and young, drunken and sober, virtuous and vicious, timid or impudent, all to be grouped together, all to be treated alike, and all to be subjected to the same interrogatories, framed, be it remembered, on the theory that every applicant is to be regarded as an impostor until he is proved to be the contrary. In fact, familiar as the members of the kirk-session were with the neighbourhood, they knew each case before application was made, and often by timely aid were enabled to arrest the first

step in the downward career. We cannot trust a paid agency to do this. Even could we afford a sufficient number, we could neither expect them to go heartily into such inquiries, nor would the poor regard them as disinterested friends. To this extent at least we should revive our old system, and employ a volunteer agency to discharge the duties now so imperfectly attempted by the paid relieving officers.

Our present system invariably breaks down whenever an unusual strain is put on it, and then the aid of private philanthropy is sought. Who investigated the cases and applied the relief during the cotton famine in Lancashire? Who were found to overtake the distress in East London in 1866? Private philanthropists, who organised a plan of systematic, economical, and efficient relief, which the Poor Law, with all its cumbrous and expensive machinery, could never have attempted. "But it will never do," I hear an objector exclaim, "to unite legal functionaries with volunteer agents; Parliament would never listen to such a proposal." Possibly not; and yet for many years Government entrusted to a mixed agency, chiefly volunteer, the management of the whole poor in Scotland. True, the kirk-session is an ecclesiastical court, recognised by law; but what is to prevent the law from erecting such courts *quoad temporalia* in every parish in Scotland? What is to prevent their having a defined district, and fixed rules for their guidance, and to work the machinery of relief in their own neighbourhood, subject only to the guidance of a controlling power? It has been done for years in Paris, where the French, these great masters of administration, have combined voluntary effort with legal arrangements, and in no city in Europe are the poor better managed. It was done in Elberfeld, in Saxony, a manufacturing town containing 65,000 inhabitants. Previous to 1853, it had been sinking lower and lower into the slough of pauperism, under an unfair, wasteful, demoralising, and thoroughly ineffectual system of out-door relief. In that year, M. Daniel von der Hezt, brother to the Prussian minister of finance, introduced, amidst great opposition, chiefly from the religious corporations and the

indolent poor, a system which, while giving more efficient relief, at once reduced the expense by one-half. There is a superintending board, consisting of four town councillors and four citizens, elected by the Town Council for three years. The town is divided into eighteen *districts*, and each of these into fourteen *quarters*. At the head of each district is the district President; at the head of each quarter, the Father, or Cherisher of the Poor. These officials are all chosen by the superintending board. Each president supervises fourteen quarters, and each father one quarter, in which he has on the average four cases to attend to. A meeting of the district is held once a fortnight, attended by all the fathers, each of whom gives an account of his quarter, and receives the necessary reimbursement for his outlay. Every case is thoroughly investigated. The father may give relief in urgent cases. All others are discussed at the district meetings, and decided by a majority of votes. Exact minutes are kept, and sent up to the Central Board, who see that the proceedings are in strict accordance with instructions. The Central Board meets once a fortnight, and the eighteen presidents are invited to attend, to give and receive information.

The following are among the general principles which are observed in giving relief: 1st, That the family tie be preserved, and therefore the system of out-door relief be adopted as a rule. 2^d, That no person is entitled to relief who can either earn, or who receives from other charity, what is sufficient to procure the bare necessities of life, or who has any relative who is bound by law to maintain him. 3^d, That where relief is afforded it should be sufficient, and only sufficient, to procure food, clothing, dwelling, furniture, and schooling. Where any members can earn a part of the sum, the deficit only is supplied by the Board. The father is bound to visit the poor of his district at least once a fortnight. The presidents are ready to give advice. The general result is, that in 1852 one in every nine of the inhabitants was a pauper; in 1865, the proportion of the population receiving relief in any shape was $2\frac{1}{2}$ per cent., and the entire cost was reduced to £13,500—a

result clearly traceable to the minute "investigation of every case of distress by a person at once charitable and intelligent—by one who can feel the deep injury he does, not only to society at large, but to the recipient himself, when he relieves an unworthy person" (*Spectator*, March 28, 1868).

But the moral disease of pauperism, as it has many causes, has also varied symptoms, and sometimes is incurable. For all incurable cases, let an institution (none better than the poor-house) be established, where it may hide its shame, and be prevented from spreading contagion through a neighbourhood. The incorrigibly idle, the incurably drunken, the systematically vicious, should be provided for there, and there alone; and power should be given to detain them until their disease is so far checked that, at least, it will not infect those with whom it may be brought in contact. Why should the sober and industrious rate-payer take of that which he has earned by the sweat of his brow to support a fellow who has brought starvation on himself and family by his drunkenness and vice, who remains in the workhouse a day, or it may be a week or two, in enforced sobriety, and who then, wearying of the wholesome restraint, gets a Sheriff's order for his release, and "returns, like a dog that was washed, to his vomit, and like a sow to his wallowing in the mire."

But when we have thus disposed of all our chronic poverty, committing the lazy, the imposters, the masterful beggars, the habitual drunkards, the confirmed paupers, to the poor-house or the jail, as may best suit their individual cases; when we have removed the sick from the noise of the workhouse, and placed them in hospitals existing, or to be erected, where they will have good nursing and medical care; when we have arranged to relieve at home, or in comfortable alms-houses, suitably and efficiently that honest distress which would be contaminated by work-house association, and injured rather than improved by workhouse discipline—not "half of our heavy task is done."

Believing that the true end and aim of an efficient Poor Law executive is to prevent pauperism rather than to deal

with it after it has become a real power, we must ascertain its sources, and endeavour to cut off its supplies. This is to be done—1st, By the visitors forming a careful acquaintance with the class immediately above that of paupers, and by exhortation, advice, and, if need be, timely aid, preventing them from reaching that abyss into which so many fall, and from which so few are ever recovered. 2^d, By the visitors making it their especial duty, particularly in times of sickness and distress, to see that all, especially the breadwinners, were sufficiently nourished, so that they should not, from weakness of body, lapse into that state when continuous labour becomes almost impossible, and temporary and repeated recourse to stimulants almost a necessity. 3^d, As man does not live by bread alone, but as fresh air and pure water are essential, if he is to be maintained in a healthy condition, real guardians of the poor would see to it that all unwholesome dwellings should be improved, or, if that be impossible, shut up altogether. Above all, care should be taken that air and water, the great agents in purification, should be freely and plentifully supplied to all. 4th, As vice and bastardy form a large source of expenditure, and largely recruit the pauper and criminal classes, all houses where decency is outraged, and all overcrowding, which produces the same effect, should be swept away by the strong arm of the law. I have spoken of incurable pauperism among our adult population. You cannot expect to take men who have been brought up under evil influences, such as we have described, and implant habits of order, punctuality and self-respect in characters which are fixed and settled. So that, 5th, The work must be begun with the young; they must be dealt with while the mind is still facile, impressible, and the disposition pliable. No law of nature is more unfailing than this, that paupers beget paupers, and, the evil extending indefinitely, each generation becomes lower in the scale than that which preceded it. If children are allowed to grow up in misery, subject from the cradle to want, wickedness, and ill-usage; if they are cut off from all opportunities of learning the truths of religion; if they hear no word of kind-

ness, experience no sympathy; if home and its endearments are unknown to them;—nay more, if they are accustomed to witness daily exhibitions of cruelty, indecency and brutality—what can be expected but a race of paupers and criminals. “Do men gather grapes of thorns, or figs of thistles.”* 6th, This should no longer be allowed. The State should take these uncared-for little ones, and adopt them as her own. She should remove them from the education of the kennels and gutters to that of the school and workshop; she should give them food to nourish their bodies, and instruction to form their minds: thus will she arrest at its source the principal feeder of pauperism and crime, deprive the ranks of the dangerous classes their chief source of supply, and cause to grow up and bring forth precious fruit—those who, under our present system, are prematurely ripening for the scythe of death, or being trained for the workhouse and the prison. And if it be objected that you thereby relieve idle and vicious parents of the obligation of maintaining and educating their children, I say, let your dealing with the parents be altered also. 8th, Let the expense of educating and maintaining the children be charged against the parents as a debt; and if their slavery to intemperance is such that they cannot shake off its galling chain, you must shut them up for protection from it, and make them work both for their own and their children’s bread. But your workhouses should be so in reality as well as in name; the work should be real, and it should be productive. Oakum-picking, stone-breaking, gravel-lifting, the crank, or shot-drill will never win men to see the advantages of labour. The work should be cheerful, and adapted to the strength, which has probably been reduced by debauchery. Such wholesome retirement will also prevent many a crime, and cheat the gallows of many a victim. We have too long been working at the wrong end of legislation; we have been altering our prison discipline, passing stringent laws, and creating new penalties, as if men could be awed into virtuous conduct by the mere fear of punishment; but we have scarcely yet grappled with

* Begg on “Juvenile Depravity.”

the causes of crime, nor recognised that every vicious parent ushers into the world, on an average, four or five vicious children, and that unless we take charge both of them and of him, society will be the sufferer. 9th, When we consider that neglected sickness among the working classes is one main cause of the increase of pauperism in this country, and that a large majority of the inmates of our poor-houses are there from bad health, we recognise the necessity of having the medical element largely infused into any system of efficient inspection. The labours of the *Lancet* Sanitary Commissioners, which showed the superior power possessed by men familiar with hospital arrangements in detecting gross irregularities which had escaped the notice of or been endorsed by the ordinary inspectors, are a proof of the advantage of this. In addition to medical inspectors there should be a medical commissioner in the controlling board to secure that the recommendations of the medical inspectors are enforced, and to protect the Poor Law medical officers throughout the country from the pitiless parsimony of the parochial authorities, who are perpetually curbing their efforts to improve the condition of their patients. This central board should be neither so small as to render it unable to overtake its duties, nor so large as to free its members from individual responsibility. It should contain no honorary members, but consist only of men paid for the efficient discharge of its duties. It should be, as the Board of Supervision now is, charged with the superintendence of all matters affecting the health and well-being of the poorer classes. Its powers should be greatly enlarged, and should enable it to compel all unwilling local boards to do their duty in sanitary matters. It should be the one court for dealing with all questions of pauperism. The sheriffs have seldom the training necessary to enable them with wise consideration to decide the complicated questions arising in regard to the poor, to which the principles of mere law are rarely applicable, and they can scarcely be expected to have the wisdom displayed by the supreme court in Scotland. The Court of Session when, in deciding an appeal against a kirk-session, it declared, in

1772, "That the kirk-session is best acquainted with the circumstances of those who reside in their parish; they know best whether or not those who apply for the benefit of the public charity be proper objects of it, and what is necessary to supply their wants." This, considering the source from which it comes, is probably sound law; it is, at all events, sound sense, and shows what, in the opinion of the court, is the superiority of having the poor in each district managed by persons practically acquainted with them in their own habitations.

Were some such changes as those which I have indicated effected in the management of the Poor Law, we might hope for some advantage, from a volunteer agency administering it, under suitable checks and due supervision. The giving of relief without due inquiry, whether as a legal dole or as charity, must ever prove most injurious to the recipients. Investigation under the present law is not thorough. Few of the applicants are ever seen in their own houses, and more than that, it never can be. But, after all, the best treatment under a Poor Law must be palliative, not remedial. It were therefore desirable that the State should enlist the services of the same agency in an endeavour to elevate the lower classes.

Poor Laws encourage improvidence, and improvidence lowers wages and renders a Poor Law necessary. Raise our working classes but one step in the social scale and they will exert themselves to maintain, both for themselves and their families, their improved position. All the means which the working classes have themselves devised for this purpose should be allowed free and unrestrained development.* Chief among these are Provident Societies, which have already effected much good, and which we hope Mr Gladstone will place under Government protection and Government security, as he has already done with our Savings Banks and small Annuity Schemes. So elevated, with minds better cultivated, and hands better trained, our labourers will shrink from the relief as they will from the treatment of a pauper. With bodies

* See "Progress of the Working Classes," 1832-1867, by J. H. Ludlow, and Lloyd Jones. Straham 1867.

better nourished, and frames more firmly knit, they will be able to labour for their daily bread with greater energy and with less desire for the pernicious stimulant that gives a temporary flip to the flagging energies of the ill-fed and exhausted. With houses where decency is possible, where air, light, and water are freely supplied, he will have a pride in maintaining them in cleanliness and comfort, and, restored to the possession of such a home, he will regain many social virtues which it is next to impossible for him at present to preserve in exercise. And with a better cultivated mind, and a more robust body, and numerous comforts around him, the virtue of providence will be awakened, and knowing that dark and dreary days may be in store for him, as for most men, he will make a wise provision to meet them.

As it is now, the bounty of the State is denied to the industrious, and lavished on the idle or dissolute ; by this, prudential habits are discouraged or destroyed. While this continues a State provision for the poor can never be dispensed with, and there seems no chance of our escaping from the meshes which it has woven around us. But let such alterations as have been suggested be introduced ; let drunkenness, when it leads to criminal neglect, be punished as a crime ; let temperance and the prudential virtues be encouraged ; let industry and self reliance be promoted, let the chasm which now separates the upper and lower classes be bridged over ; let the natural law by which we are all dependent on and responsible for duties to one another be restored ; let the poorer classes be reinstated in homes deserving of the name ; and let the social virtues that the possession of a home ensures be cultivated ; and then, not suddenly, nor precipitately, but only when the arch of social order is reconstructed, when the lower classes are rendered independent of extraneous support, may the weak and inefficient scaffolding of a Poor Law by which we have sought to sustain them be utterly and for ever swept away. And may I, in conclusion, be permitted to say one word to the ministers of religion, who have frequently heard me, and to whom especially the interests of the poor are dear. You need not tell me what a

helpless and hopeless work you are often engaged in, when you seek to raise the lapsed masses of our cities to something better even than physical and moral improvement. I believe that the glad tidings you are privileged to proclaim is the best cheer for sad and down-trodden hearts, and the best cure for the evils which prevail in the world. But I know, and you know better, for often must you have experienced it, that as of old, "the children of Israel hearkened not unto Moses for anguish of spirit, and cruel bondage," so, your most impressive words and most persuasive appeals fall cold and lifeless on those who are crushed down by poverty and want. We can, after all, only supply material benevolence; it is yours to animate it with the life-giving spirit. Join with us, then, or put yourselves at our head in this noble—this truly Christian enterprise. As a nation, we are responsible for much of the misery we deplore. Faithfully tell us of our shortcomings, and warn us of our dangers, and by precept and example show us that a Christian army in an enemy's country should not lie idle in cantonments, or suffer its weapons to rust for want of use. By every inroad that we make on this dark realm of abject misery and passive endurance, by every human body that we wrest from the foul disease that is preying on its vitals, by all that we do to raise the fallen ones from the miserable abyss in which they are sunk, we are rendering your work the easier, and affording you an opportunity of wiping away the reproach which attaches not only to a nation, but to a Church which refuses wisely to consider the case of the poor.