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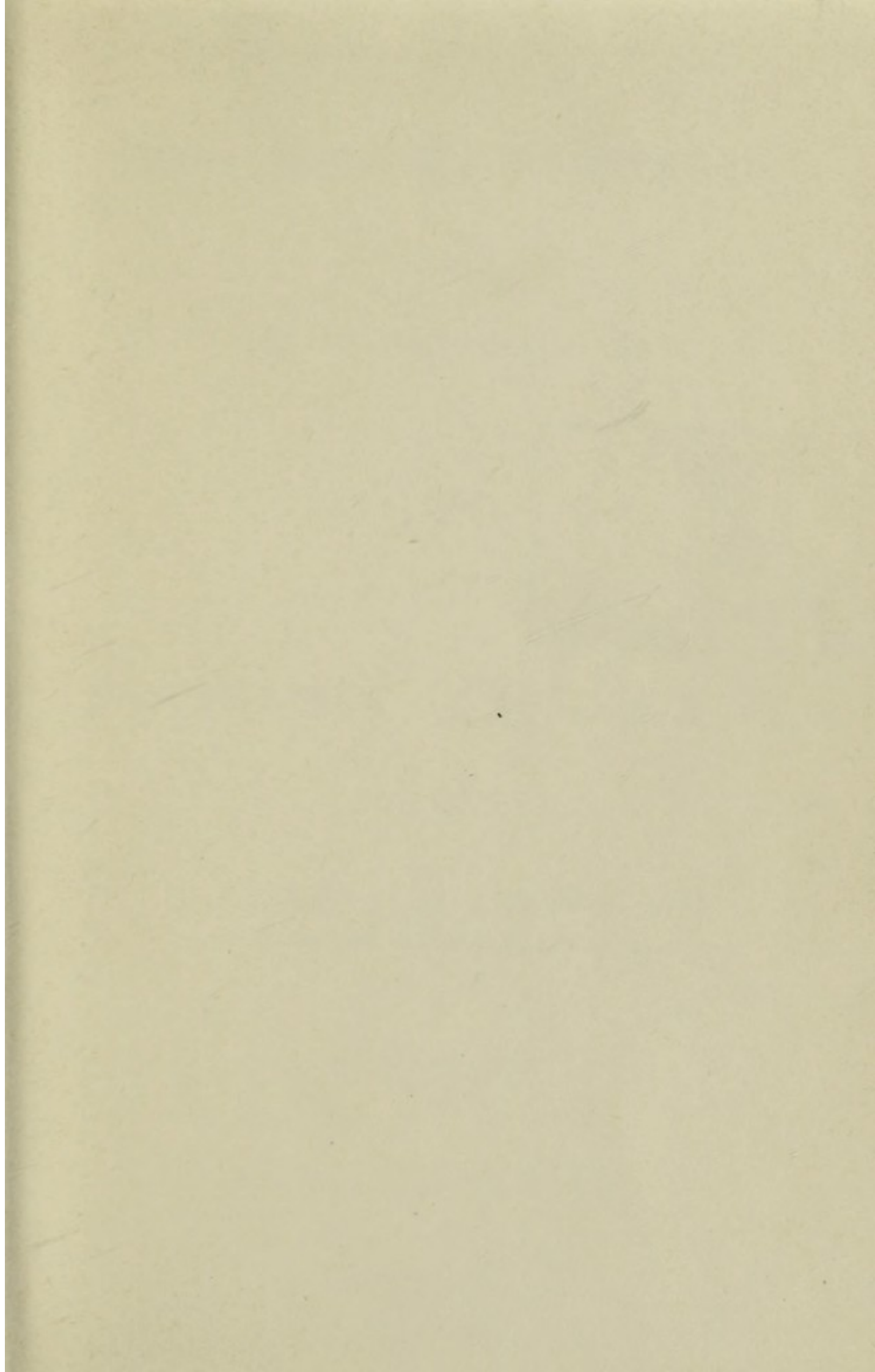
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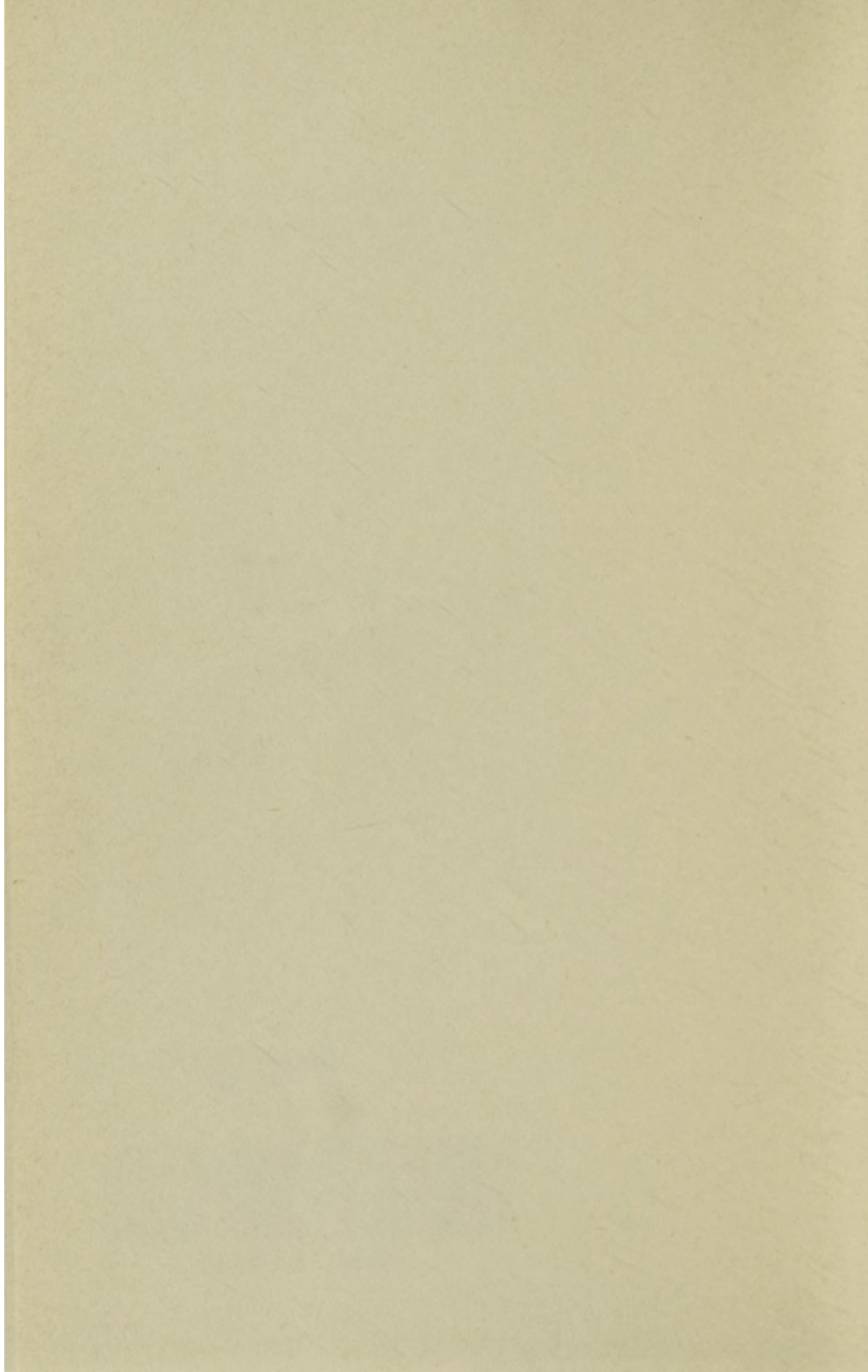
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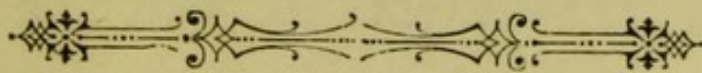
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Poor Law Administration.



HISTORY

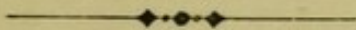
OF

PARISH OF AYR,

BY

DAVID CALDWELL,

Inspector and Collector, Parish of Ayr.



FROM 1756 TO 1895.

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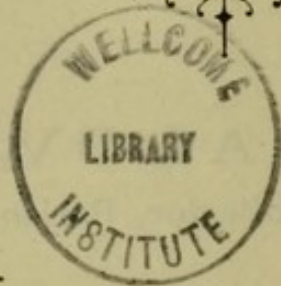
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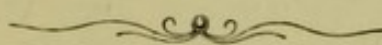
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RELIEF OF THE POOR.

Introduction.

THE first effort of the Scotch Parliament dealing with relief to poor persons was in the year 1424, and these Acts were known as the "Statutes of Beggars," because they were confined to the suppression of vagrancy and the regulation of begging. A distinction was made between destitute persons who were sick and impotent and those "strong and wasterful beggars" who were able and not willing to exercise an honest employment. Rigorous measures were taken against the latter class, and the former were under certain conditions permitted to derive a substance from voluntary alms.

This permission to beg lasted for a century and a half till the Act, 1579, C. 74, was passed, and laid the foundation of our present system of poor laws by making provision for a compulsory assessment to supplement church-door collections, Mortifications, and other sources of income for the relief of the poor. Under this Act the burden of maintaining its own poor was laid on every parish. The right of a poor person to receive relief arising from seven years residence (afterwards three years), failing this the burden fell upon his birth parish.

Poor Law Act, 1579, C. 74.

As the Act of 1579, C. 74, was only amended not repealed, a summary of its powers will be interesting.

PARISH.

That no person be allowed to beg in any parish who had been born in another. That the headman of the parish make tokens and give them to the beggars thereof, that they may be maintained within the bounds of their own parish ; and that none others be served with alms except those having tokens.

Vagabonds and Idle Persons should be punished.

All persons above the age of 14, and within the age of 70, declared to be vagabonds, strong and idle beggars, and found wandering and misordering themselves, shall be apprehended and brought before the Provosts and Bailies of the Burgh, and in the Landward Parishes the Justices, and by them committed to the common prison, stokes, or irons, within their jurisdiction ; thus to be kept until tried before an Assize, and if convicted shall be scourged and burnt through the ear with a hot iron.

Of him who flies his Master's Service.

An offender leaving his master's service within the year against his will, being tried and convicted, shall be scourged and burned through the ear. After 60 days should he be found again in his idle and vagabond trade of life, he shall suffer the pains of death as a thief.

Who shall be Esteemed Vagabonds and Idle Beggars.

All idle persons going about the country of this realm using "subtel., craftie, and unlauchful playes, as jugalarie, rast-and-lous, and silk utheris, the idle people calling themselves Egyptians —telling fortunes, and all able-bodied persons ; and all minstrelles, songsters, tale-bearers, and vagabond schollers of the Universities of Saint Andrews, Glasgow, and Aberdeen, not licensed by the Rector and Dean of Facultie of the University

to aske almes, all shopmen and mariners, &c., &c., shall be taken, adjudged, esteemed, and punished as strong beggarres and vagabonds."

Of them who Maintains or Receives Vagabonds.

Any person who gives money, harbours or lodges, or gives other relief to any vagabond or strong beggar, marked, wanting a license . . . shall pay to the poor of the parish, as the judge shall modify, a sum not to exceed "five punds."

Of them who Stays the Execution of this Act.

All persons resisting the Act, or impeding the judges, or other persons travelling for the due execution thereof, shall incur the same pains that the vagabond would have incurred in case he had been convicted.

Of Soldiers and Ship Broken Men.

Provides for a travelling license from parish to parish "till he be at his resting place."

Searchers of Vagabonds.

Certain persons to be nominated in every burgh and parish or searching, receiving, and conveying the vagabonds to the common prison, irons, or stokes.

Reparation of Hospitals for Aged and Impotent Persons.

Hospital to be erected, lodging and abiding places to be provided for aged and impotent persons, as best may serve for their help and relief

Inquisition to be taken of Aged, Poor, and Impotent Persons.

The Provosts and Bailies of Burghs and the Justices Landward Parishes to take inquisition of all aged, poor, impotent, and decayed persons born within the parish, or who was dwelling, or had their most common resort in the parish during the seven years before the 1st January, 1580.

All Poor Persons shall Return to their own Parishes—and of their Sustentation.

Upon inquisition, shall make a register, containing their names and surnames and ordains within forty days after the proclamation of this present Act, all poor persons to return to the parish they were born, or to the parish they had their common resort for seven years. After this the Roll for each parish is to be made up, and according to the number, to consider what their needful sustentation will extend to, and to tax and stent the inhabitants within the parish, according to the estimation of their substance, to such charge and contribution as shall be thought sufficient to sustain the said poor people. The names of the inhabitants stented, together with their taxation, to be likewise registered.

Collectors for Males—Overseers.

Overseers and Collectors for every Parish to be appointed to collect and pay to the poor people in such manner as the Provosts and Baillies within Burghs. and Judges within the Landward Parishes may ordain and command.

Stent Roll.

At the end of each year a new Stent Roll is to be made up, showing the alterations caused by death, or the increase or diminution of means and substance.

Testimonials to be given to the Poor.

The Provosts and Baillies in Burghs, and Judges in Landward Parishes, shall give Testimonials to such poor persons as they find not born in their own Parishes, or making residence therein for the last seven years, sending or directing them to the next parish, and so from parish to parish till they be at the place where they were born, or had their most common resort or residence during the last seven years preceding. To be supported by asking almes in their passage, or from the common almes fund of each parish.

Of the Poor Refusing to Return to their own Parish.

Poor people refusing to pass and abide in the places appointed, or, after the appointment, be found begging, then be

punished by scourging, imprisonment, and burning through the ears, as vagabonds and strong beggars ; and for the second fault to be punished as thieves, as is before appointed.

Collectors.

Collectors refusing office, or neglecting their duties, liable to a fine of "twentie punds," or imprisonment.

Of them who Refuse to Contribute to the help of the Poor.

Any person refusing, or hindering others from contributing to the relief of the poor, being able so to do, shall be "commanded to ward" till he agrees to contribute.

Of the Poor Refusing to Work.

Any poor person being able to work, and refusing to do so, can be scourged and put in the "stokkes," and for the second fault to be punished as a vagabond.

Of Beggars' Bairns.

The children of beggars' between the age of 5 and 14 can by order be given to any person of honest estate, and by them kept till the Male child is 25, and the Female child is 18 years, and cannot be taken from their master or mistress's service, and if they leave the service, the master or mistress have the like action and remedy as for hired servants.

Collection of Victuals, Meat and Drink.

Where money cannot be collected, certain provisions made for the collection at the inhabitants houses of victuals, meat, and drink by the poor for their own support.

Expenses of Prisoners.

The expense of prisoners apprehended to be paid out of the common contributions, by the Parishes where they were apprehended. The allowance to each prisoner, "ane punde of ait breade, and water to drink."

Execution of this Act.

The Sheriff, Stewards, and Baillies of regalities, and their

Baillies, over all the realm, and their deputies, to see this act put into execution in all points within their jurisdictions.

Interpretation of this Act.

To His Majesty with Advice of his Privy Council.

POOR LAW ACT, 1672, C. 18.

The next Act, 1672, C. 18. establishes correction houses for idle beggars and vagabonds. It also charged the minister and elders of each Parish with the duty of making up lists of the poor persons within their Parishes, and of those who should be sent to the Correction houses, and it reduced the residential settlement to three years (with the exception of a short recurrence to seven years), and in place of residence and common resort, substituted "haunting."

The Proclamation of William and Mary, 11th August, 1692 anent beggars. It requires the heritors, ministers, and elders of every parish to make lists of all the poor within their Parish, and to assess for their maintenance one half upon the heritors and one half on the house holders. Further provisions are made for employing the able bodied and punishing beggars.

The next Proclamation of William and Mary, dated 29th August, 1693, and 31st July, 1694, was anent "beggars," and for putting former Acts and Proclamations anent beggars in execution.

The last Proclamation of William, 3rd March, 1698, anent the poor, states that the laws passed for maintaining the poor and the suppression of beggars, vagabonds, and idle persons have not hitherto taken effect, and attributes the cause, partly because no houses were provided for the poor, and partly because the persons to whom the execution of these laws was committed have been negligent of their duty. It orders the Magistrates of Burghs to provide correction houses at once.

From the summary of the Acts prior to 1845 it will be seen that they provided for

1. The Kirk-sessions and Heritors administering relief for Landward Parishes.
2. The Magistrates for Burghs.

3. A Compulsory Assessment.
4. A Birth and Residential Settlement.
5. A Law of Removal in connection with Settlements.
6. And tremendous powers for the suppression of strong Beggars, Vagabonds, Soldiers, Mariners, Egyptian Fortune Tellers, and Vagabond Scholars of the Universities of St Andrews, Glasgow, Aberdeen, &c.

The provisions under these Acts were found quite inadequate to meet the wants of the poor. The poor were granted by the Kirk-session and Heritors "takiness or badges" permitting the wearer to beg within the bounds of his parish. Even this plan proved insufficient, and consequently vagrancy and begging, unlicensed and unrestrained, grew rampant. The whole country was over-run with hordes of strong and idle beggars, sorners, and other vagabonds who lived more by plunder than anything else; and were a terror and a loss to the peaceable inhabitants, while the deserving poor for whom the funds were chiefly intended were pushed aside and brought almost to the point of starvation.

This state of matters drew the attention of leading men to the solution of the question of how the poor should properly be relieved. Dr Alison in 1840, from the result of his inquiries, stated that "many poor are drawn from the 507 parishes, in which nothing worth the name of provision is made for them, to other parts of the country which afford them a better chance of procuring bread by begging and other means. The friends of a lone woman in a Highland parish applied to the minister to know what amount of relief would be given. The answer was—7s 6d per annum is the utmost. In Kilmun, in Skye, it was reported 60 paupers (out of 200 that might be on the roll if there were funds) received £8 a year—1s each in the year. At Lochmaree where the paupers on the roll were 80, they had 2s 6d each a year; indeed, throughout the six northern synods the average allowance to each pauper on the permanent roll was 9s 4d in the year."

This was the state of affairs in 1843 when a Commission was appointed to inquire into the subject, and the result of their inquiries was the passing of the Poor Law Amendment Act, 8 and 9 Victoria, Cap. 83.

It will now be interesting to give an account of the Parish of Ayr from the early records in the possession of the present Ayr Parochial Board, and also some information about the constitution of the managers and the manner relief was administered.

Parish of Ayr.

Sometimes called Are or Air—a parish partly burghal and partly landward, the burghal portion comprising the Royal Burgh of Ayr. It is bounded on the west by the sea; on the north by the River Ayr, which divides it from Newton-on-Ayr and St Quivox; on the east by Coylton; on the south-east by Dairymple; and on the south-west by the River Doon, which divides it from Maybole Parish. It comprises the ancient parishes of Ayr and Alloway, which are nearly equal in extent, and are separated from each other by the Glengall Burn. The Parish of Alloway was annexed to the Parish of Ayr by Decree of Annexation about the year 1690, and the lands conveyed by the Charters of William the Lion and King Alexander, and subsequently confirmed at different times by the Crown, have since been conjoined, and comprehended the whole united parishes of Ayr and Alloway, and now usually recognised as the *Parish of Ayr*.

The early records of the Parish of Ayr date from 22nd November, 1756, and extracts and copies of accounts, &c., will show the manner the managers or Directors discharged their duty in administering relief to the poor.

It is evident from the minutes that a poorhouse was in existence at this period, and the following minute gives a list of the poor who were inmates :—

Ayr, November 22nd, 1756.

Convened in the Poorhouse A meeting for admission of the poor, viz :—

Provost Montgomerie.

Mr William Dalrymple.

Baillie Wm. Ballantine.

Convener Eaton.

Mr John Muir.

James Hunter.

The poor were called as follows :—

1. William Ballantine, aged 87, born in Arran, 56 years in Ayr.
2. James Ballantine, aged 11, born in Ayr—he has 4 shirts of his own, a suit of clothes; his son has 3 new shirts, a suit of clothes, a pair of new shoes and stockings, a new bonnet, 5 mark of fee due him by John Goudie at Kilroy Brig.

These two to fleece together.

3. William Holmes, aged 80, born in Ayr—has nothing but what's on him.
4. James Blair, aged 74, born in Ayr—he has brought to prhouse a feather bed and bolster, 3 p. of blankets, a chest, 2 chairs, 4 shirts, an old coat, the clothes he has on, a chimney and tongs, 3 stockings. He has some title to the rents of houses in the Sandgate, which he declares himself willing to make over to prhouse.
4. William Hunter, aged 80, born near Londonderry, 25 years in Ayr—2 shirts, the clothes he wears, a chest, a stool, a spoon, some old blankets, a covering, a plaid.
5. William Hood, 30 years old, born in Glasgow, in Ayr 27 years—6 shirts, a good coat, the clothes he wears.
6. Anne Morison, 67 years, born in Campbeltown—3 pair blankets, 2 feather pillows and a bolster, a bed, a covering, a pan, 2 cases, a box.
7. John Neil, aged 74, born in Bridgend of Doon, 60 years in Ayr—a bedstead and roof, a pot, a girdle, 1 pair tongs, 1 pair blankets, a chaff bed and bolster, 1 arm chair, 2 stools, 2 timber plates, the clothes he wears, a beef barrel, a cask.
8. William Galt, aged 89, born in Dreghorn, 40 years in Ayr Parish—1 pair blankets, a covering, a half-blanket. Timber owing him by Alloway Mill folk—a counter, 3 shirts, 3 ell of cloth for breeches, a wright's aytch, an ax, 3 or 4 finners.
9. Margaret Baird, aged 80, born in Ayr—a wheel, some old blankets, 2 old beds, a covering, a kettle pot, a luggie, 3 spoons, 2 stools, old tongs, 2 skirts, a pair cards, a reel.
10. Mary Gamer, aged 75, born in Perth, 12 years in Ayr—a chest, a pair of blankets, a covering, an old bed, a little wheel, a chair, a cog, a spoon, 2 shirts, head cloths, good cloak and cap.

11. Jean Smith, aged 67, born in Ayr—2 stools, a little wheel, a chest, a chaff bed, 2 pair blankets, a half blanket, 2 coverings, a little pot, a pewter jug, 2 timber trenchers, 2 dishes, 2 spoons, 4 shirts, 2 gowns, clothes she wears, a plaid, head cloths.
12. Janet Boyle, aged 55, born in Ayr—2 stools, a chair, chaff, 2 pair blankets, a covering, a chest, a little wheel, a little pot, a poker, 3 dishes, 4 spoons, 2 shirts, her body clothes, a hood. Out of the above, 5s a half year's rent, to be paid to Hugh Logan.
13. Nannie Gillespie, her daughter, aged 7 years—2 skirts, the clothes she wears.
14. Eliza Richmond, 7 years old, born in Ayr.
15. Ann Ker, aged 70, born in Newton, 60 years in Ayr—a shirts, head cloths, a cloak and cap.
16. Janet Pyier, born in Alloway, aged 80—a chest, a pair blankets, a covering, 1 chair, a stool, a plate, a cog, 6 spoons, the cloths she wears.
17. Janet M'Clure, aged 28, born in Ayr—4 skirts, a gown, a coat, a cloak and cap, some head cloths, a trunk, a luggie, a cap, a spoon, 2 half blankets, a covering, a pillow.
18. Marion Baird, aged 80, born in Ayr—a feather bed, a matt, a bolster, a chest, a counter, a pot, a little wheel, a chair, 2 shirts.
19. Marion Underwood, aged 70, born Maybole, 36 years in Ayr—a pair of blankets, a chest, a chair, a cog, a plate, a spoon, 2 shirts, 2 gowns, a cloak and cap, head cloths, her wearing clothes, stockings and shoes.
20. Marion Kay, aged 86, born in Govan, 40 years in Ayr—a blanket, a covering, a chair, a pillow, a rock and spindle, 3 shirts, 2 gowns, 3 suit head cloths, stockings and shoes.
21. Annie Gillespie, 80 years, born in Ayr—a stool, a chest, her wearing clothes.
22. Thomas M'Fadzine, aged 8 years, born in Ayr—bastard, grandson to Ann M'Dill.

23. Janet Hay, aged 68, born in Ayr—a chest, a spoon, a dish,
a half-blanket, the clothes she wears.
24. Nany Hay, aged 64, born in Ayr.

—:0:—

1. William Ballantine and James Ballantine, in one bed.
2. William Holms and William Hunter, in one bed.
3. James Blair and Thomas M'Fadzine, in a room by itself.
4. William Hood, in a bed by himself.
5. William Gall and John Neil.
6. Ann Morrison, in a bed by herself, ... No. 11.
7. Mary Garner with Jean Smith, No. 11.
8. Jenny Hay and Nany Hay, No. blank
9. Janet Boyle, her daughter, No. blank
10. Anne Ker and Margaret Baird, No. 11.
11. Janet Pyier and Marion Hay, No. 11.
12. Janet M'Clure and Marion Underwood, ... No. 11.
13. Anne Gillespie and Elizabeth Richmond, ... No. blank

1756. REGULATION OF THE POORS' DIET.

	BREAKFAST.	DINNER.	SUPPER.
SUNDAY,	{ Oatmeal pottage, } { with ale or milk. }	Bread and ale, or milk. ..	Broth, bread and flesh.
MONDAY,	.. Do. ..	{ Herring and potatoes } { or salmond and bread. }	Oatmeal pottage with ale or milk.
TUESDAY,	.. Do. ..	{ Broth, bread and } { cheese or butter. }	Do.
WEDNESDAY,	.. Do. ..	Broth, bread and flesh. ..	Do.
THURSDAY,	.. Do. ..	{ Herring and potatoes } { or salmond and bread }	Do.
FRIDAY,	.. Do. ..	Broth, bread and flesh. ..	Do.
SATURDAY,	.. Do. ..	{ Broth, bread and } { cheese or butter }	Do.

N.B.—Each old person allowed 3 oz. Beef, &c.; 4 oz. Cheese; 2 oz. Butter; 4 oz. Salmond.
Each faurl of Bread 4 oz. Boys and girls one half of the above.

This list reveals as well as the subsequent records that there was a birth and residential settlement, that the poor were provided for in the Poorhouse, and that there were out pensioners with fixed allowances. It is evident that while supporting the poor people in the Poorhouse, the Directors required that each should bring in with them all their goods and gear, and grant authority to uplift any debts due them, or convey any property they might be possessed of at the period of their admission to the Poorhouse. If poor persons declined to bring into the Poorhouse their goods and gear, they were dismissed and refused relief. On 11th Dec., 1756, the relations of John Neil, who died in the Poorhouse, applied to the Directors for the property he brought in with him when admitted, and the same was granted under deduction of the

cost of his maintenance and burial. On 13th Dec., 1756, William Gall, an inmate, was allowed to leave the Poorhouse to work at small jobs, and, what he earned to be given to himself, provided he wore his old clothes and shoes. That was certainly treating the poor in a kind and humane manner.

On 24th November, 1756, the master of the Poorhouse reports the two Kays have gone out of the house without liberty and refused in the morning to get out of bed for breakfast, and it was ordered if they come back they were to get their breakfast for dinner. At the weekly committee on 29th Nov., 1756, agree that if the Magistrates, think proper to confine the two Kays in prison till the quarterly meeting to allow them three halfpence per day for their maintenance in the prison. As the Magistrates were the Directors of the Poorhouse, it was not likely they would refuse to obey their own order,

While the minutes record that out-door allowances were granted to the poor, no such list appeared till 3rd November, 1763, and was as follows:—

Weekly Allowance to Pensioners.

1. William Galt,	£0	1	6
2. William Reid, to be given his wife, 1 peck of meal,	0	0	0
3. Jno. Tate, child at nurse,	0	1	0
4. Robert M'Connell,	0	1	0
5. Lachn. Stephenson,	0	1	6
6. Margaret Kennedy,	0	2	0
7. Jno. Murdoch,	0	3	6
8. Janet Paterson,	0	2	0
9. Agnes M'Rae,	0	1	0
10. Helen Colquhoun,	0	1	6
11. Eliza Morton,	0	1	0
12. Katherine Blair and child,	0	1	0
13. James Eaglesome,	0	1	6
14. William Burns,	0	1	6
15. Eliza Piper,	0	1	6
16. Catherine Beck,	0	1	0
17. Hugh Craig,	0	1	6
18. Thomas Eaton,	0	1	0
	£1	5	0

In 1877 weekly allowances of oatmeal were granted, in some cases without cash, and in others with weekly cash allowance as per the following list:—

6th November, 1777—List of Out Pensioners and Weekly Allowances.

	Pecks of Oatmeal.	Weekly Allowance.
Elizabeth Vance,	—	£0 1 3
Robert M'Kie,	—	0 1 0
Marion Miller, 5s per quarter, and weekly, ...	—	0 1 0
Margaret Calder,	—	0 1 2
Widow Beggs, and Marion Beggs her daughter,	—	0 1 6
Agnes M'Clymont, one pair of shoes and...	one	0 0 0
James Paterson,	one	0 0 0
William Hillhouse's widow,	one	0 0 0
David Fulton,	one	0 0 0
Thomas Robison's widow,	one	0 0 0
William Currie's widow,	—	0 1 0
Jean Love,	—	0 0 8
William Dunshee,	one and	0 0 3
James Gray,	one and	0 0 3
David Hudd and Spouse,	one	0 0 0
James Smith's widow,	—	0 0 7
Thomas Eaton's widow,	one	0 0 0
Margaret Gillespie,	one	0 0 0
Robert Wilson,	one	0 0 0
Katherine Wilson,	one and	0 0 3
Hugh Dunlop,	one and	0 0 3
George Brown and Spouse,	one and	0 0 4
Agnes Dunshee,	one and	0 0 3
James Curle,	one and	0 0 3
Elizabeth Kerr for Catherine Dick her daughter,	—	0 1 3
James Hudd,	—	0 1 0
Mary Cook,	—	0 0 9
Barbara Rankine, one cart of coals and	one	0 0 0
John Craig, sen., and Spouse,	one	0 0 0
Mary Donald,	one	0 0 0
Agnes Robb,	one	0 0 0
Thomas Duff,	—	0 0 6
John Morrison and Spouse,	—	0 1 6
William Gairdner,	—	0 1 0
Jannet Thomson,	—	0 1 0
Isabella Galloway for M. Dick her daughter, ...	—	0 1 3
William Galloway's widow,	—	0 1 0
Jannet Boyd,	one	0 0 0
Margaret Dick,	one	0 0 0
John Dick,	one	0 0 0
David Smith,	one	0 0 0
Robert Montgomerie,	one and	0 0 3
A Petition from Elizabeth M'Nab, the meeting allow,	—	0 0 6
	25 Pecks.	£1 0 0

Directors.

From 1756 to 1774 frequent lists of the Directors are given, but in 1774 their constitution is shown clearly by the following list:—

List of New Directors for Ayr Poorhouse from 1st Nov., 1774, to 1st November, 1775.

COUNCIL.

1. David Fergusson, Esq., present Provost.
2. Baillie John Nimmo, } present Baillies.
3. Baillie John Hutchison, }
4. Mr W. Allison, Dean of Guild.
5. Mr D. Limond, Treasurer.
6. Mr James Neill, writer.
7. Mr James Peddie, merchant.
8. Mr James Duncan, merchant.
9. Councillor John Hart, mason.

SESSION.

10. The Rev. Mr Wm. Dalrymple, } ministers.
11. Rev. Mr W. M'Gill, }
12. Sheriff Duff.
13. Mr James Hunter, cashier.
14. Dr Gillespie.
15. Baillie Wm. Wood, merchant.
16. Deacon M'Kenzie, Glasgow, weaver.
17. Mr James Bowman, weaver in ye country.

TRADES.

18. Councillor John Campbell, jun., present Convener
19. Councillor John Campbell, sr., late Convener.
20. Deacon M'Kean, smith.
21. Deacon James Cairns, cooper.
22. Deacon James Jamieson, wright.
23. Deacon James Paton, dyer.
24. Deacon Thomas Neill, weaver.
25. Mr Robert Smith, tailor.

SAILORS.

26. Baillie Cuthbert, merchant.
27. Baillie James Hutchison, merchant.
28. Mr James Hunter, cashier.

MERCHANTS.

29. Mr D. Mitchell.
 30. Mr John Gibson.
 31. Mr Alexander Kennedy.

Mr Allison, Dean of Guild, was appointed convener, and Mr James Hunter, treasurer, to the House for the ensuing year.

The meeting appointed Messrs Allison, Neill, Hume, Baillie Hutchison, and Mr William Dalrymple, as a Committee to settle the Treasurer's last year's audit, or any three of them.

The Committee appointed for provisions are:—Baillie Wood, Convener Campbell, elder and younger.

The meeting appointed, as Weekly Directors for the Poorhouse for ensuing quarter, the following persons, viz.:—James Peddie, James Duncan, Deacon Jamieson, Convener Hart, Convener Campbell, elder.

Members not attending meetings were fined 6d for each non-attendance.

This constitution remained in force till the passing of the Poor Law Act of 1845, and an examination of the records of the Parish shows that relief was administered at first mainly in the Poorhouse, but latterly the bulk of the relief was granted to outdoor pensioners. The alimnts to the outdoor pensioners ranged from 6d to 2s 6d per week.

The accounts for 1833 state that the

INCOME					
From Stent Money was	...	...	...	...	£924
„ Kirk Session „	...	...	...	...	171
„ Mortifications „	...	...	...	...	121
					£1216
EXPENDITURE.					
Poorhouse,	...	...	...	...	£162
Out Pensioners,	...	...	...	...	927
					£1089

The last published accounts before the Act of 1845 came into operation are as follows:—

Account of Receipts and Expenditure of the Poor Funds of the Parish of Ayr for the Year Ending 31st December, 1845.

RECEIPTS

To Balance in Ayrshire Bank at last year's settlement, ...	£92	16	7
„ Poor's Stent received,	570	16	5
„ Interest on Captain Tennant's Mortification,	11	8	6
„ Alderman Smith and Mr Dick's Mortification,	65	2	3
„ Interest on Mr Ferguson's Mortification,	24	2	3
„ Cash from Kirk Session,	179	10	0
„ Interest in Ayrshire Bank,	2	3	5
„ Cash for Oakum and Work done in House,	38	0	6
„ Cash Received on Account of Paupers,	14	6	9
„ Mortification on Killoch Acre for Christmas Dinner (2 years),	2	0	0
„ Mortification on the Lands of Shields for New-Year's Day Breakfast,	0	17	9
„ Meal on Hand at last year's Settlement, 3½ bolls at 16s 9d, £2 18 7½			
„ Meal Received from Loans, 64 do. at 16s 9d, 53 12 0			
„ Meal Purchased, ... 34 do. cost 27 18 3			
		84	8 10½
101½			
		£1085	13 3½

EXPENDITURE.

By Cash Paid Out Pensioners,	£470	7	6
„ Cases of Emergency,	60	17	3
„ Passes and other Expenses with Stranger Poor, ...	4	14	0½
„ Board for Lunatics,	42	5	1
„ Law Cases and other Expenses,	4	9	2
„ Board for James Millar at Dundee Asylum, ...	15	0	0
„ Insurance and Assessments,	1	7	10
„ Printing, Stationery, and Postage,	7	10	6
„ Funeral Expenses,	16	2	4
„ Salaries for Master and Matron,	80	0	0
„ Mr M'Derment's Retired Allowance.	10	0	0
„ Mercer's Account,	18	19	11
„ Shoemaker's do.,	7	2	9
„ Barber's do.,	1	9	3
„ Butcher's do.,	13	7	6
„ Baker's do.,	21	10	4½
„ Tailor's do.,	1	4	1
„ Milk and Butter do.,	11	0	9½
„ Barley do.,	4	1	0
„ Cooperage do.,	0	5	6
„ Coal do.,	18	3	1½
„ Herrings and Salt do.,	4	12	0
„ Potatoes, do.,	20	6	9
„ Groceries & Cordials do.,	24	0	2½
„ Straw, Chaff, Brooms, and Chimney-sweeping do.,	1	1	6½
„ Expenses with Garden,	2	9	7½
„ Repairs on House,	5	4	9½
„ Soap and Candles,	4	1	11½
„ Meal Bought,	27	18	3

„ Ironmongery,	2	16	6
„ Gas,	3	14	10½
„ Old Ropes,	20	14	5½
	<hr/>		
	£926	19	0
By Meal to Out Pensioners, 17½ bolls at 16s 9d, £14 13 1½			
„ used in House, 80 do. at 16s 9d, 67 0 0			
„ on Hand, 4 do. cost 2 15 9			
			<hr/>
		84	8 10½
By Balance in Ayrshire Bank,		74	5 5
			<hr/>
	£1085	13	3½
			<hr/>

AYR, 6th February, 1846. —Examined and found correct.

J. D. BOSWELL.
GEORGE M'TAGGART.



Mortifications.

The following tables are complete lists of the Mortifications administered by the Parish of Ayr, and the Kirk Session of Ayr, and in connection therewith, Section 30, of the Local Government (Scotland) Act, 1894, requires to be considered.

Parish Council Acts, 1894.

Section 30. (1.) When trustees hold any property wholly or mainly for the benefit of the inhabitants of a single parish or any of them as such inhabitants, or for any public purpose connected with a single parish other than—

- (a.) for an ecclesiastical charity ;
- (b.) for an Educational Endowment within the meaning of the Educational Endowments (Scotland) Act 1882 ; or
- (c.) for the use or benefit of the poor of the Parish within the meaning of Section fifty-two of the Poor Law (Scotland) Act, 1845.

they may transfer the property to the Parish Council of the Parish, or to persons to be from time to time appointed by that Council, and the Parish Council, if they accept the transfer, or persons whom they appoint, shall hold the property on the trusts and subject to the conditions on which the trustees hold the same.

(2.) In the event of any such property not being transferred to the Parish Council under and subject to the provisions of the preceding subsection, the Parish Council of the Parish concerned may from time to time appoint such number of additional persons to act along with the trustees of the said property, as the trustees and the Parish Council may agree upon, or in default of such agreement as may be approved by the Board in each case ; provided that where the trustees of any such property are elected by, or include persons elected by parish electors or inhabitants of the Parish, or are members of the County or Town Council, or are Burgh Commissioners, the provisions of this subsection shall not apply unless the Board by order so prescribe.

(3.) Where the trustees of any such property are the kirk-

session, or the heritors and kirk-session of any parish, or the kirk-session or deacons' court, or managers, or vestry of a congregation belonging to any religious denomination to the number, whether alone or conjoined with others of not less than 6 persons, the said trustees shall from time to time appoint certain of their own number, not exceeding three, and the Parish Council of the parish shall from time to time appoint such number of additional persons as the Board may in each case approve, to act together as a Committee of Management of the said property, and such Management shall be transferred to the Committee accordingly.

(4.) Where trustees hold any property for the benefit of the inhabitants of, or for any public purpose (other than as hereinbefore mentioned) connected with two or more parishes, the Parish Councils of the parishes concerned may, if the Board so decide, from time to time appoint in such manner or rotation and subject to such conditions as may be prescribed in any order of the Board, such number of additional persons to act along with the trustees of the said property as may be approved by the Board in each case.

(5.) The term of office of a trustee appointed under this section shall not be longer than three years, but a trustee shall hold office until his successor is appointed, and shall be eligible for re-appointment.

(6.) The heritors of any such parish may transfer the property of any churchyard which they hold to the Parish Council, and the Parish Council, if they accept such transfer, shall thereafter hold such churchyard for the same purposes and subject to the same rights for and subject to which it was held by such heritors, and shall have and may exercise and perform all the powers and duties before such transfer vested in or imposed on such heritors in relation to the churchyard transferred (except any power or duty of enlarging or extending such churchyard, and assessing for the cost of such enlargement or extension): provided that the costs of maintenance and management of such churchyard after such transfer shall, if and so far as they require to be defrayed out of any rate, be a charge upon the poor rate: and provided also that such transfer shall not alter or transfer any liability to assess for the repayment of any debt or the incidence of any assessment levied for such repayment. After such transfer the powers and duties transferred shall no longer be exercised and performed by such heritors.

(7.) The Board may by order prescribe rules (1) as to the form in which the accounts of any property dealt with in this section shall be kept ; and (2), as to the publication of the said accounts.

(8.) Whilst a person is trustee of any property or revenues falling within the provisions of this section, he shall not, nor shall his wife nor any of his children, receive any benefit therefrom.

(9.) The provisions of this section with respect to the appointment of trustees shall not apply to any charity until the expiration of forty years from the date of the foundation thereof, or, in the case of a charity founded before the passing of this Act by a donor, or several donors, any one of whom is living at the passing of this Act, until the expiration of forty years from the passing of this Act, unless with the consent of the surviving donor or donors.

Mortifications Administered by the Parish of Ayr.

RETURN IN TERMS OF SECTION 53 OF 8 AND 9 VICT. C. 83.

Name and Description of each Gift, Mortification, or Bequest, and by whom made.	Date of Same.	Am't of the Same.	Manner in which the same is Invested.	Authority by which said Investment was made.	Rate of Interest obtained from said Investment.	State wheth'r Interest is in Arrear, if so, from what Date.	Describe Title Deeds, and state in whose custody they are deposited.	State in what Register of the Constitution and the last Title are recorded.
Tenant's Mortification.	May 25th, 1827.	Inter-est of £309.	Ayr Corporation Funded Debt.	Mrs Mary Shearwood or Tennant.	3½ per cent.	No arrears	Bond in custody of Treasurer of Kirk-Session.	Burgh Court Books, and particulars in Register of Sasines.
Fergusson's Mortification.	October 4th, 1790.	£1000.	Deposited in Royal Bank.	Parochial Board.	Bank Interest.	No arrears	Deed of Mortification by John Fergusson, Esq. In hands of Town Clerk.	In Books of Council and Session.
Mortification in Killoch Acre.	No trace of Deed of Mortification. The sum is paid by William Gairdner, Esq., of Dalblair House, Ayr.				£1 stg. annually for Dinner to the Innates of Ayr Poorhouse on Christmas Day.	No arrears.		
Mortification on Shields Farm.	No trace of Deed of Mortification. The sum is paid by R. A. Oswald, Esq., of Auchencruive.				8s 10½d annually for the Poor of Ayr Parish.			
Rev. Dr. Robert Paton.	July 4th, 1870.	£20.	In the Poor Funds of the Parish of Ayr.	Parochial Board.	The ground at New Cemetery, where Dr Paton and his sister are interred, to be kept in order in all time coming.			Book of Council and Session, 15th May, 1878

MORTIFICATIONS ADMINISTERED BY THE KIRK SESSION OF AYR.

Name of Parish or Kirk Session.	Name, Description and Purpose of each Gift, Mortification or Bequest, and by whom made.	Date of Same.	Amount of the Same.	Manner in which the same is invested.	Authority by which such Investment was made.	Rate of Interest obtained from such Investment.	State wheth'r Interest is in arrear, and if so from what Date	Describe Title Deeds and state in whose custody they are deposited.	State in what Register the Deed of Constituti'n and the last Title are recorded.
Ayr.	<i>Lady John Campbell's Bequest</i> —£1200 for support of poor widows without children in Ayr (three-fourths of income) and in Monkton (one-fourth of income). Founder—Lady John Campbell.	1819.	£1200.	Burgh of Ayr Water-works funded debt.	Ayr Kirk Session.	3½	—	Certificate by Ayr Burgh, of date 13th August, 1886. David Dunlop, solicitor, Ayr, custodian.	—
	<i>Mrs Crawford's Bequest</i> —£1000 (reduced to 900 <i>l.</i> by deduction of Legacy Duty) for respectable poor people in Ayr; proceeds to be distributed in sums of between 5 <i>l.</i> and 10 <i>l.</i> to each family or individual. Founder—Mrs Jane Hamilton, otherwise Crawford of Ardmillan.	7th May, 1819.	£900.	Bond and Disposition in Security.	—	4	—	Bond and Disposition in security. David Dunlop.	—
	<i>Smith's Bequest</i> —1,800 marks Scots, for poor of Parish. Founder—Wm. Smith, of the city of Londonderry, alderman; administered by Magistrates and Session.	1st July, 1692.	£1500. (Estimated Value.)	Feu Duties—33 <i>l.</i> from Castlehill; 3 <i>l.</i> from Ewenfield; 7 <i>l.</i> 10 <i>s.</i> from Corsehill; and 11 <i>l.</i> 10 <i>s.</i> from Etonville.	—	—	—	Instrument of Sasines, dated 24th Nov., recorded in Particular Register of Sasines for Shire of Ayr, 3rd Dec., both in 1830.	—
	<i>Dick's Bequest</i> —£300 for poor persons. Founder—James Dick, manufacturer in Ayr; administered by Magistrates and Session.	4th May, 1819.	£300.	Burgh of Ayr Water-works funded debt.	—	3½	—	Certificate by Ayr Burgh, of date 13th August, 1866.	—
	<i>Gordon's Bequest</i> —Lands acquired from Jas. Gordon of Newark, in excambion for poor in Burgh and Parish of Ayr. Infest on Charter of Novodamus by the Town 15th May 1830.	27th January, 1763.	£500. (Estimated Value.)	Feu Duties—10 <i>l.</i> 13 <i>s.</i> from Cunningpark, and 8 <i>l.</i> 4 <i>s.</i> 9½ <i>d.</i> from Seafield	—	—	—	Copy Charter of Resignation, by Archd. Kennedy of Culzean, in favour of the Kirk Session, dated 13th June, 1691.	—

<p><i>Midsands, Barns, &c.</i>— Two acres of land in Midsands of Ayr, acquired under Novodanus by the Town.</p>	<p>13th June, 1805.</p>	<p>—</p>	<p>Feu Duties 12<i>l.</i> from Midsands; 2<i>l.</i> 13<i>s.</i> 4<i>d.</i> from Barns; and 1<i>l.</i> 6<i>s.</i> 8<i>d.</i> from Bellveue.</p>	<p>ster of Sasines for Burgh of Ayr, 6th July, 1681. Instrument of Sasine in Kirk Session's favour, recorded in the Register of Sasines for the Burgh of Ayr, 15th June, 1805.</p>
<p><i>John Guthrie's Bequest</i>— Of £100 for coals for deserving poor, by late John Guthrie, of Her Majesty's Customs, Melbourne, Australia.</p>	<p>1871.</p>	<p>£100.</p>	<p>Bank Deposit Receipt.</p>	<p>Instrument of Sasine in favour of the Ministers and Kirk Session, recorded in the Particular Register of Sasines for the County of Ayr, 8th December, 1795.</p>
<p><i>Blackwood's Mortification</i>— Consisting of the lands of Sessionfield, in the Parish of Ayr, let to Mr James Cowan at £120 per annum; bequeathed by Sir Robert Blackwood, merchant in Edinburgh; the proceeds to be distributed annually among honest poor indigent persons.</p>	<p>30th May, 1711.</p>	<p>—</p>	<p>—</p>	<p>Certificate by Ayr Burgh, dated 24th June, 1887, for £309.</p>
<p><i>Tennant's Mortification</i>— Of £300 (now £309) for behoof of the Poorshouse of Ayr; by Mrs Mary Shearwood or Tennant, spouse of Robert Tennant, late Captain East and West Lothian Fencibles.</p>	<p>25th May, 1827.</p>	<p>£300.</p>	<p>Ayr Burgh Waterworks funded debt.</p>	<p>34</p>
<p><i>Miss Paul's Bequest</i>— Of (1) balance of £100 for behoof of old and poor persons, and (2) balance of £100 for the Parish Mission Funds. Founder—Miss Magdalen Lithgow Paul, Wellpark, Ayr.</p>	<p>30th July, 1888, 29th January, 1889, and 27th January, 1890.</p>	<p>£51 15 5 and £12 9 6</p>	<p>Bank Deposit Receipt and Bank Account.</p>	<p>—</p>
<p><i>John M'Clure's Legacy</i>— Of £15 for the poor of Ayr, Carrick Street Mission. Founder—John M'Clure, joiner, Ayr.</p>	<p>28th August, 1893.</p>	<p>£13 10.</p>	<p>—</p>	<p>—</p>

Relief of the Poor as now Administered.

Poor Law Amendment Act, 8 and 9 Victoria C. 83.

Local Government (Scotland) Act 57 and 58 Victoria C. 58.

Under the 1845 Act, provision was made for the establishment of the Board of Supervision as a central authority with control over Poor Law administration in Scotland. This Board was composed of :—

The Lord Provost of Edinburgh,
Do. Glasgow,
The Solicitor-General for Scotland,
The Sheriff Depute of Perth,
Do., do., Renfrew,
Do., do., Ross,
Do., do., Cromarty,

along with three other persons appointed by Her Majesty.

Under the 1894 Act the Board of Supervision is abolished, and the following is the constitution of the new central authority called :—

THE LOCAL GOVERNMENT BOARD.

EX-OFFICIO MEMBERS.

President—The Secretary for Scotland,
The Solicitor-General for Scotland,
The Under Secretary for Scotland.

APPOINTED MEMBERS.

Vice-President—John Skelton, C.B.,
Legal Member—James Patten-Macdougall,
Medical Member—James M'Lintock, M.D., B.Sc.

For the powers of the Local Government Board see Guthrie Smiths' Digest of the Poor Law (3 edition,) and Macdougall's Parish Council Guide for Scotland.

The Poor Law Act of 1845, after establishing a Central Authority made provision for the creation of a—

PAROCHIAL BOARD FOR EVERY PARISH IN SCOTLAND.

ASSESSMENTS TO MAINTAIN THE POOR.

RELIEF OF THE POOR AND THEIR SETTLEMENTS.

LAW REGULATING RELIEF OF THE POOR UNDER 1845 AND 1894
ACTS.

Practically while the Local Government (Scotland) Act of 1894 has established a new Central Authority, and a Parish Council in place of the old Parochial Board, it has not touched the questions of Assessment, Relief of the Poor, or their Settlements, and so the Poor Law Act of 1845, with the Rules and Regulations of the Board of Supervision, and the decisions of the Court still govern all points in connection with Assessment, Relief and settlement. It will therefore be seen that an explanation of the manner the Parochial Board of Ayr carried out the Administration of Relief within their Parish may be useful information for the guidance of Parish Councils.

Parochial Boards.

The Constitution of Parochial Boards after 1845, partly Burghal and Landward, and wholly Landward, was as follows :—

- (1) Every owner of property of the yearly value of £20 and upwards was a Member of the Board.
- (2) The owners of property under the value of £20, and the tenants or occupants, annually elected representatives to the Board. The number they were entitled to return was fixed by the Board of Supervision.
- (3) Six persons to be nominated by the Kirk-Session, or any less number which the Kirk-Session may consist.
- (4) The Provost and Bailies of any Royal Burgh in the Parish.

Parish Councils.

Every Parish (or Combination) in Scotland after 15th May, 1895, is to have a popularly elected Parish Council, which will take the place of the Parochial Board.

The number of Parish Councillors for each Parish must not be less than five, and not more thirty-one, and are fixed by

County Councils, Town Councils, and Burgh Commissioners, and the number so fixed must be approved of by the Local Government Board. The elections for Parish Councillors, which takes place every three years, are carried out by the following authorities:—

<i>Parish.</i>	<i>Authorities.</i>
Parish wholly rural, - - - -	County Council.
Parish wholly in a Burgh, - - - -	Town Council.
Parish wholly in a Police Burgh, - - - -	Burgh Commissioners.
Parishes partly rural and partly urban, -	Such of these Authorities as are concerned, acting jointly.



Parish of Ayr.

The Parochial Board of Ayr held two Statutory Meetings in each year—on the first Wednesdays of February and August. At the February meeting the minutes were approved of, and the roll of paupers adjusted and revised, and, generally, any other competent business was considered. At the Statutory Meeting in August the accounts and report of the Committee of Management were read and approved of, a Chairman elected, a Committee of Management appointed for the ensuing year, with all the powers of the Board, and assessments were levied for the relief of the poor.

The following lists gives the names of all the Chairmen of the Parochial Board of the Parish of Ayr from 1845 to 1895, also of the present Committee, with the period they have served the Parish, and the officials.

Chairmen.

- 16th September, 1845.—First Meeting of Parochial Board under 8 and 9 Vict., c. 83, when Archibald Hamilton, of Rozelle, was appointed preses.
- 1st August, 1846.—Provost Miller, of Midton, Ayr, appointed chairman.
- 5th August, 1856.—Provost Miller sends in his resignation as chairman, after he had been 10 years chairman, and was in all 35 years a director of the Parish.
- 5th August, 1856.—J. D. Boswell, of Garallan, solicitor, Ayr, appointed chairman.
- 1863.—Mr Boswell died.
- 5th August, 1863.—Provost Paterson, of Carston, elected chairman.
- 7th August, 1867.—Provost Paterson ceased to be chairman, and thanked for his services.
- 7th August, 1867.—Provost Macneillie appointed chairman.
- 9th October, 1878.—Provost Macneillie died, and his death recorded in minutes.
- 2nd August, 1865.—Wm. Kilpatrick, banker and solicitor, Ayr, first attendance at Board meetings.

9th October, 1878.—Wm. Kilpatrick, banker and solicitor, appointed chairman.

3rd August, 1881.—Archd. Rae appointed chairman.

2nd August, 1882.—Wm. Kilpatrick, appointed chairman, and remained in office till 15th May, 1895.

Committee of Management in Office up to 15th May, 1895.

	Appointed a Member of Committee.
Archibald Rae, 118 High Street Ayr, (Note—First attended Board meetings 6th August, 1862.)	3rd February, 1864.
Hugh Wood, 32 High Street, Ayr,	7th August, 1867.
James Oliver, 41 High Street, Ayr,	19th August, 1868.
Alexander Ligertwood, Mounthamilton, Ayr,	25th August, 1869.
William Willock, 12 Eglinton Terrace, Ayr,	7th August, 1878.
John Graham, 2 Killoch Place. Ayr,	6th August, 1879.
Captain Galloway, Ailsa Place, Ayr,	3rd August, 1881.
Thomas Smith, 12 Beresford Terrace, Ayr,	1st August, 1883.
John Semple, 73 High Street, Ayr,	6th August, 1884.
Rev. W. Cairns Duncan, Bourtree Park, Ayr,	4th August, 1886.
Provost Willock, Magdala, Carrick Road, Ayr,	3rd August, 1887.
James Johnstone, Alloway Cottage, Alloway,	6th August, 1890.
William Robertson, Bellarina, Castle- hill Road, Ayr,	5th August, 1891.
Allan Stevenson, 14 Cathcart Street, Ayr,	3rd August, 1892.
John Buchanan, 259 High Street, Ayr,	3rd August, 1892.
John Cowan, 17 New Bridge Street, Ayr,	2nd August, 1893.
J. B. Fergusson, Doonholm, Ayr,	1st August, 1894.
David Smith, 27 Sandgate Street, Ayr,	1st August, 1894.

Medical Officers.

Dr J. L. Crawford, ...	...	appointed 9th November, 1848.
		Resigned 3rd July, 1851.
Dr Thom, ...	...	appointed 22nd January, 1849.
		Resigned 3rd July, 1851.
Dr C. Thomson, ...	...	appointed 26th June, 1851.
I o. ...	...	Resigned 10th December, 1851.
Dr Scott, ...	appointed in Dr Thomson's place	10th Dec., 1851.
Do., ...	Re-appointed do.	3rd March, 1852.
Do., ...	...	Resigned 8th March, 1855.
Dr Finlayson	...	appointed 8th March, 1855.
Do., ...	...	Resigned 22nd June, 1855.
Dr Page, ...	...	appointed 22nd June, 1855.
Do., ...	...	Resigned 31st January, 1856.
Dr Dobbie, ...	...	appointed 31st January, 1856.
Do., ...	...	Resigned 28th April, 1858.
Dr Weild, ...	...	appointed 28th April, 1858.
Do., ...	...	Resigned 26th June, 1862.
Dr Erskine, ...	...	appointed 26th June, 1862
Do., ...	...	Resigned 30th April, 1866
Dr W. R. MacDonald,	...	appointed 30th April, 1866
Do., ...	...	Resigned 15th March, 1886
Dr Black Morrison, ...	...	appointed 19th April, 1886
		And presently in office.

Inspector of Poor and Collector of Rates.

1845.—William Lennox, appointed Inspector 16th September, 1845, and Collector 21st November, 1845.

1872.—David Caldwell, appointed Inspector and Collector 20th April, 1872, and at present holds these offices.

Law Agents.

John Gray—from 1845 to 1867.

David Dougall—from 7th August, 1867, up to present date.

Assessment.

Compulsory assessment was introduced by the Statute, 1579; but as the revenues of the Kirk-Session, arising from Church door collections and other sources were, in general, found sufficient for the maintenance of the poor, no assessment was imposed for upwards of a century afterwards. By the proclamation of 11th August, 1692, the assessment was divided into two parts. In country Parishes one half of the burthen was borne by the proprietors, according to the annual value of their lands; one half by the tenants or householders, according to their annual income, of which, in many cases, the rent they paid was taken as a fair and convenient criterion. The Kirk-Session and Heritors in rural Parishes, and the Magistrates in Burghs, levied the assessments. (See Guthrie Smith's Digest of the Poor Law.)

The 1845 Act imposed the following modes of assessment:—

- (1.) Rental without classification—one half of the rate to be imposed on owners, and the other half on tenants or occupants.
- (2.) Rental with classification—one half of the rate to be imposed on owners, and the other half on the tenants or occupants, imposed in accordance with classification.
- (3.) One half of the rate on owners, and the other half by means and substance.

(This mode of assessment is now abolished.)

- (4.) Established usage.—The 35th Section allows a Parish to continue the mode of assessment established by a local Act, or by usage prior to 1845.

The assessments are now levied in accordance with the certified copy of the Valuation Bill supplied each year in October by the County Clerk in rural Parishes, and the Town Clerk in burghal Parishes.

Except a statutory exemption can be claimed, there is no appeal against the payment of Poor Rates, but under the 42nd Section of the 1845 Act, there is an appeal on the ground of inability to pay, and is as follows:—

“And be it enacted, that it shall be lawful for the Parochial Board of any Parish or Combination to

exempt from payment of the assessment, or any part thereof, to such an extent as may seem proper and reasonable, any person, or class of person, on the ground of inability to pay."

Law of Assessment.

The following short statements upon Assessment Law will be found useful:—

Valuation Roll.

	Page	Poor Law Digest.
Appeals against the valuation of heritable subjects lies to the Magistrates or Commissioners of Supply, as the case may be, - - - - -	107	
Appeals require to be lodged by the 10th, and disposed of at latest by the 30th September, in each year, - - - - -	107	
On all questions of value the roll after this becomes absolutely conclusive, -	107	
Where a proprietor charged twice in the Valuation Roll, for the same subjects through an error of the Assessor, that proprietor is entitled to redress. (Sharp v. Latheron, P.L.M., 1884), p.	192	
There is no provision in the Statute for a supplementary Valuation Roll so as to bring in subjects which are either omitted, or not ready for registration when the annual roll is made up, - - - - -	108	

Assessment Roll.

The Collector cannot take a less sum than the amount set forth on the roll, -	173	
After the Valuation Roll is made up, it is no defence against paying the Poor Rates that the premises are to be pulled down, - - - - -	173	

Every occupier of a rateable subject at the period of the levy is liable without distinction, - - - -	119
The persons who must pay the rates are those who are in actual possession at the time of the levy of the assessment	173
Industrial Schools rateable, - - -	121
School Board Schools rateable, - - -	121
Lunatic Asylums rateable, - - -	122
Charitable Institutions not exempted from rates, - - - - -	186
Hospitals not exempted, but must pay the assessment, - - - - -	186
(Greig V. Herriot's Hospital, 28th March, 1886.)	
Landlord liable for Poor Rates if he sells effects of tenant, even if balance of rent due:—	
Morton v. Stewart, P.L.M., 10 v., p. -	373
Allan v. Sinclair, „ 8 v., p. -	490
Kidd v. Moodie, „ 8 v., p. -	604
Hall v. M'Kechnie, „ 3 v., p. -	321

Notice of Assessment.

The 39th Section of the Poor Law Act, 1845, requires that the Collector, as soon as the assessment roll is made up, shall intimate to each person the amount of the sum to be levied from him, and the time when the same is payable.

Court of Session decision, Mackenzie v. King, 1875, P.L.M. 643—Franchise—Poor Rate—Notice of Assessment—People Representation Act, 31 and 32 Vic. c. 48, Sect. 18:—Held that where a notice of assessment for poor's rate was left by the Collector at occupier's usual place of abode, they had been "duly demanded by a demand note" in terms of the 18th Section of the Statute.

Table 1 has been prepared from the books of the Parish of Ayr to show the gross and nett valuation, the rates imposed upon the different classes, and the amount of the assessments uplifted.

It may be explained that up to 1861 the assessment was by means and substance, and the rate imposed upon the owner was imposed upon householder in accordance with his means and substance.

Suppose owners were assessed at 4d per £ on their properties, the tenant or householder would be assessed 4d on their annual means and substance as fixed by the Parochial Board, which was roughly as follows:—

Gravediggers, Joiners, Gardeners, Masons, Curriers, &c.,	£30
Weavers, Blacksmiths, &c.,	40
Merchants, &c.,	50 to £300
Writers, &c.,	60 to 800
Bankers, &c.,	300 to 500

The Parochial Board of Ayr, by minute of 18th September, 1861, agreed to adopt first mode of assessment specified in Sect. 34 of 8 and 9 Vict., c. 83, that the tenants and occupants of lands and heritages should be divided into three classes, viz.—

Class First.—To comprehend all dwelling houses, banking establishments, writers' offices,

Class Second.—To comprehend shops, warehouses, inns, hotels, mills, quarries, harbours, railways, gas and water companies, and generally all other heritages not falling under the First and Third Class.

Class Third.—To comprehend lands and fishings.

Table 1 shows clearly from 1862 the rates per £ charged in each of the above classes.

The principle involved in the classification of the tenants' or occupants' rates by the Parish of Ayr is, roughly, to arrive at the means and substance of the ratepayers, who are tenants or occupiers. Starting with the First Class, which is chiefly composed of dwelling houses, it was considered reasonable to think that rents are paid for these houses in accordance with the means and substance of the householder; and the Second Class subjects, business rentals, not being a criterion of income, these ratepayers are accordingly only assessed for the half of the rate of the First Class. The Third Class is principally composed of farms, and it must be admitted that the rents paid by farmers does not represent their income, and consequently they are charged the half of the Second Class rate.

It may be explained that neither the Annual Reports of the Board of Supervision or the books of the Parish give full information till 1853.

1868	46,632	38,788	10½	1/4	8	4	3383	3d	416	2	51	2½	327
1869	46,500	38,610	10½	1/4	8	4	3364	5	755	2	53	2½	330
1870	49,670	40,385	10½	1/4	8	4	3610	4	669	2	50	2½	344
1871	50,776	41,069	11½	1/5	8	4	3303	4	686	3	80	2½	187
1872	56,317	43,874	10	1/3	7	3	3410	4	860	3	83	2½	162
1873	58,503	44,291	10	11d	5	2	2821	5	931	2	56	2½	91
1874	61,977	47,591	8	10	4	2	2639	6	1098	2	54	2½	96
1875	63,726	49,061	5	8	4	2	2073	5	995	2	53	2½	109
1876	64,835	50,101	4	6	3	1	1682	4	857	2	56	2½	—
1877	68,370	52,329	4	6	3	1	1735	4	626	2	57	2½	108
1878	71,058	54,310	4	6	3	1	1797	5	878	2	83	2½	113
1879	75,047	57,687	4	6	3	1	1932	5	1322	2	56	2½	120
1880	77,712	58,503	4	6	3	1	1944	6	1351	3	92	2½	—
1881	79,832	61,685	4	6	3	1	2047	5	1220	4	116	2½	245
1882	83,564	62,699	4	6	3	1	2066	4	1028	4	97	2½	257
1883	86,821	65,161	4	6	3	1	2156	3	1262	5	123	2½	267
1884	88,554	66,640	4	6	3	1	2217	4	1488	4*	202	2½	274
1885	91,381	68,722	4	6	3	1	2287	6	1836	4	197	2½	282
1886	92,047	69,313	3½	5	2	1	2075	6	1816	6	203	2½	284
1887	93,997	70,759	3½	5	2	1	2126	5	1568	4	198	2½	292
1888	94,770	70,915	3	4½	2	1	1779	4	1590	4	198	2½	292
1889	95,797	71,698	3	4½	2	1	1804	5	1640	4	205	2½	296
1890	96,622	72,149	3	4½	2	1	1816	6	1885	4	205	2½	298
1891	97,550	73,074	3	4½	2	1	1843	7	1646	4	205	2½	301
1892	99,925	74,844	3	4½	2	1	1901	6	1596	4	205	2½	310
1893	100,622	75,384	2½	4	2	1	1654	6	1640	4	205	2½	313
1894	103,455	77,637	2½	3½	1	7	1596	6	1640	4	205	2½	280
1895	106,308	79,831	2½	3½	1	8	1646	6½	1885	4	205	2½	294

* Landward and Alloway combined.

TABLE II.

Year.	Popula- tion.	Poor Chargeable During Year.				Expenditure for Years Ending 14th May.						
		Registered Poor.		Casual and Vagrant Poor.		Registered Poor.	Lunatic Poor.	Casual and Vagrant Poor.	Medical Relief.	Law Ex- penses.	Man- age- ment.	Total.
		Adults.	D'pend- ants.	Adults.	D'pend- ants.							
1846	8,264	241	...	210	...	£863	...	£66	...	...	£80	£1009
1847	...	284	...	110	...	1198	£140	198	£30	£33	153	1752
1848	...	290	...	120	...	1284	81	161	68	19	227	1840
1849	...	273	...	989	...	1384	72	212	143	57	198	2066
1850	...	306	...	1498	...	1308	113	118	81	16	200	1836
1851	...	312	...	927	...	1279	87	91	83	52	165	1757
1852	9,115	329	...	2262	...	1355	43	83	74	18	166	1739
1853	...	357	...	2005	...	1428	78	62	87	11	165	1831
1854	...	344	...	1784	...	1512	111	60	128	12	165	1988
1855	...	406	150	2720	1791	1726	145	133	125	6	...	2135
1856	...	384	154	1051	806	1578	100	80	97	16	186	2057
1857	...	332	102	1369	466	1567	112	136	81	20	186	2102
1858	...	353	102	2545	476	1535	182	186	96	10	225	2234
1859	...	383	205	1602	846	1621	199	157	89	14	233	2313
1860	...	385	175	1175	777	1805	254	138	105	7	222	2531
1861	...	370	148	462	292	1824	251	91	101	4	221	2492
1862	9,308	430	185	334	232	1896	312	116	115	19	223	2681
1863	...	418	199	892	619	2547	461	178	116	...	351	3653
1864	...	518	193	481	413	2222	416	118	109	7	367	3239
1865	...	448	245	441	256	1955	383	81	103	19	390	2931
1866	...	433	194	465	311	2077	348	94	101	19	382	3021
1867	...	479	200	439	298	2220	412	123	102	26	384	3267
1868	...	546	227	584	274	2459	459	100	110	6	375	3509

Administration of Relief.

Table II. has been prepared to illustrate, so far as statistics can do so, the manner that relief was administered to the poor of the Parish of Ayr.

Registered Poor.

The poor with settlements (birth, residential, or derivative), and registered as such in the General Register of Poor for the Parish, are returned under this head. The lunatics are given separately to show the gradual increase of lunacy, but they have already been included in the numbers returned as registered poor.

Casual and Vagrant Poor.

The casual poor, as a rule, are poor persons who are resident in the Parish, and are relieved by the Inspector on his own responsibility, till their cases are reported to the first meeting of the Board.

The vagrant poor—homeless, wandering persons, begging or stating they are in search of work—were up till 1872 relieved extensively, both by money and tickets for nights' lodgings. It is instructive to observe the immediate change that takes place after 1872, when, instead of cash relief or nights' lodgings, they receive no relief, but an offer of the poorhouse.

The expenditure columns sufficiently explain themselves, with the exception of law expenses, which includes litigation expenses, payments for legal advice, conveyancing, cost of warrants of removal, and expenses incurred on account of dangerous lunatics, and law business generally. The management includes payment for Poor Law duties to officials in Inspector's and Collector's department, and all office and general business expenses, as well as poorhouse establishment charges. Under this head the table for a number of years only show management expenses for Inspector's department.

It will be seen from the records of the Parish of Ayr that out-door and in-door relief has been administered since 1756, and whatever may have been the principles that guided the Managers in the 17th and succeeding centuries in determining who

was to receive this relief; since 1872 there has been no doubt about the class of cases that should receive out-door and in-door relief.

The able-bodied poor are not entitled to relief (House of Lords, *Jack v. Isdale*), and therefore the destitute poor, wholly or partially disabled, can only claim legal relief under the Poor Law Acts. In determining who are entitled to relief, a leading principle should always be observed; that the relatives, legally liable, and whose circumstances are such that they are able to support the applicant or contribute towards his support, should be compelled to do their duty. It is also to be remembered that every poor person residing or breaking down in the parish is entitled to relief whether his settlement is in the parish or not.

When I was appointed Inspector of the Parish of Ayr in 1872 I commenced to visit the registered poor, and prepared for that purpose a visiting report slip containing full information about their means and resources, &c. These reports at the end of the half year were bound, and before visiting the next half year were carefully copied on a new visiting slip, so that the truthfulness of the statements received at the previous half-yearly visitation could be compared with the report of the next visitation and the change of circumstances noted. The Board of Supervision subsequently adopted this report slip as one of their forms for the visitation of the poor, and I am informed with distinct benefit in the reduction of ~~their~~ pauperism.

In-door Relief.

Shortly after my appointment and from experience gained in the City Parish of Edinburgh, I recommended that the following class of applicants should receive no relief but an order to the poorhouse:—

1. Deserted wives.
2. Persons of dissipated habits.
3. Persons attempting to deceive the Board by false statements.
4. Persons of immoral character.
5. Woman whose claim arises wholly or in part from illegitimate children.

Reference is made to the Poor Law Magazine for 1876, 1877, 1882, and 1885 to articles written by me advocating the class of cases suitable for in-door and out-door relief.

Special reference is made to a circular letter issued by the Board of Supervision, and dated 26th July, 1883, which states that "the experience which those charged with the administration of the Poor Law have acquired since 1850 has established that it is hurtful in practice to grant relief otherwise than in the poorhouse to the following classes :—

1. Mothers of illegitimate children including Widows with legitimate families who may fall into immoral habits.
2. Deserted Wives.
3. Persons having grown up families settled either in this country or abroad.
4. Persons having collateral relatives in comfortable circumstances.
5. Wife of persons sentenced to terms of imprisonment or penal servitude.
6. Generally all persons of idle, immoral, or dissipated habits.

The Board of Supervision states that it is clearly established—1st That a judicious but firm and vigilant use of the Poorhouse test has a marked effect in deminishing pauperism ; 2nd That it is not attended with any evil consequences, such as the increase of crime or vagrancy ; 3rd That the great majority of the paupers by whom the offer of the Poorhouse has been refused became self-supporting, or are supported by their relatives.

A reference to Table II, showing the registered poor chargeable since 1872 clearly points out the marked results obtained in the Parish of Ayr by administering indoor relief in accordance with the above principles.

It may be useful to give the reasons for granting indoor relief to—

(1.) Mothers of Illegitimate Children &c.

It was found that granting outdoor relief was just an encouragement to women having illegitimate children, and so soon as it was understood no relief but the Poorhouse could be received, the chargeabilities from this cause were not only greatly decreased, but the rule had a good effect in reducing illegitimate births.

Mr Malcolm M'Neill, Secretary to the Local Government Board, some years ago reported that "this rule was so well known among this class of applicants, that a short time ago a young woman marched to the door of the Poorhouse and demanded

admission, without having applied to the Inspector for relief or secured an order." "She didna think she needed to dae that." In this Parish the illegitimate births have decreased 50 per cent. In the Parish of Ayr for nearly 20 years no out door relief has been granted to these cases, and few have gone into the Poorhouse, and then only for short periods.

(2.) *Deserted Wives.*

I must confess it is almost impossible to find out in the case of wives deserted by their husbands, who is in the right, and who is in the wrong. According to the wife's story she is always in the right. How often is it arranged between them, that while the husband is away temporarily to another part of the country, the wife should try and get relief from the Parish; or the husband leaves for work in a distant part and contributes towards their support, and yet the wife seizes the opportunity to make a little money out of the Parish. With few exceptions the wives are just as bad as the husbands, and it is almost impossible for an Inspector to detect, at the time of application, whether the case is genuine or not. A husband upon the slightest quarrel takes the road, and allows his wife to shift for herself until she is thoroughly repentant. He comes back, and, not having been punished, is ready to desert again on the slightest provocation. No doubt, in most of the cases, the faults are about equally balanced between husband and wife, and a little forbearance on the wife's part, or on the part of both, would keep matters right. In most cases she is determined to assert her rights about some petty domestic affair, and from less to more the quarrel goes on till it ends in desertion. The wife being patted on the back by the parish granting an outdoor allowance is encouraged; but the reverse is the case when the poorhouse is offered, the tendency then being to regulate domestic squabbles. The wife sees she is not to be kept outside to allow her "to nurse her wrath to keep it warm," but must go to the poorhouse, and she naturally considers if it would not be better to try and live agreeably with her husband rather than stay in the poorhouse. She begins to see, while she was eager to punish her husband, she was just punishing herself, and so, like a wise woman, gets a friend to carry a message to her husband, and settles down determined to keep peace if possible. This is no fancy portrait, for most deserted wives applying to an inspector come shortly after the desertion and display anxiety to know if their husbands will be punished. When

they are informed they must go into the poorhouse before the husband will be looked after, that changes the view. They will not do so, and go away sadly reflecting that after all it was no good fighting. Enquiry has shown that these wives who wont take the poorhouse soon find means to bring their husband, and after all was over were glad that the parish were not put to the necessity of punishing. Although the law gives power to parishes to apprehend and punish deserters, yet the cost is so great, and the result so uncertain, that it requires to be a very clear case indeed in which a conviction could be obtained. It is necessary to prove that the husband deserted or neglected to support his wife, being able so to do. His being able so to do is the stumbling block, for Sheriffs have interpreted the law as meaning that the parish must prove the husband was working and earning sufficient to support his wife. You apprehend a man in a distant part of the country, and he pleads not guilty, you are then bound to bring witnesses from the place he was working to prove the wages he was earning, before he can be convicted. This, apart from the expense, is not easy to do, and is the reason Parochial Boards seldom take action for desertion. Desertion is fostered by the imperfect state of the law, for husbands are seldom punished, and so come to think they can desert with impunity. The law ought to be amended to the effect that the husband deserting or neglecting to support his wife, and she becoming chargeable to the parish, should be punished for the mere desertion or neglect. It would then have the effect of making husbands more cautious in leaving their wives.

(3.) *Persons having Grown-up Families Settled either in this Country or Abroad.*

These are the relatives legally liable, but who, as a rule, are not very willing to come forward and try to keep their parents from becoming paupers. I have been informed by sons that their parents paid poor rates all their days, and they were only getting back what they had paid; and by others, that so long as they paid poor rates they were not bound to keep their parents; and others simply paid no attention—do your best. To bring an action against them was throwing away money on account of the expense, for while they might be able to afford 6d or a 1s per week, they could not afford to litigate, and it does not look well in a parish selling the son's furniture, and putting him out

of a house, to support his parents. I have pointed out frequently that if they would each contribute a 6d or a 1s per week, or what they could afford, their parents would be more comfortable than on the parish, and that it would directly teach a great lesson to their own families that the support of an aged parent was a first duty, and always carried with it a blessing. It is curious to note the belief that there is no disgrace in the parent receiving outdoor relief, but it is a disgrace if they go into the poorhouse. It is because of this feeling, that when the poorhouse is offered, they agree among themselves to support their parents, and so keep away the "stigma" that would attach to them if their parents went into the poorhouse.

In the Board of Supervision Report of 1874, Mr Campbell uses the following argument for granting no out-door relief to this class of cases—"What many think harsh and unfeeling contains under a rough exterior the truest kindness to the labouring classes. It stimulates to exertion, and re-awakens those natural feelings which the practice of Parochial Boards has too generally throughout the country allowed to die out. Feelings require to be kept in exercise, and if Parochial Boards by a lax administration of the poor law make it what it then becomes, a curse to the community, they must blame themselves and not the poor law alone for the decay amongst the peasantry of that fine old feeling of independence whose absence they are the loudest to lament."

(4.) *Persons having Collateral Relations in Comfortable Circumstances.*

A wise discrimination requires to be exercised in this class of cases, because there are two sides to a story, and the element of no legal responsibility. Before a decision is arrived at careful inquiries should be made, and if a decision is to be given upon the moral responsibility, it must be kept in view, it will always be a ticklish one. My experience is that applicants with collateral relations in good circumstances who need parochial relief have only themselves to blame for the position they are in, and so it is pretty safe to offer them the poorhouse.

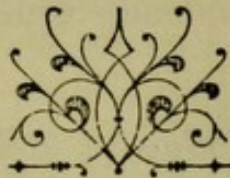
(5.) *Wives of Persons Sentenced to Imprisonment.*

With few exceptions the wives of such persons are just about as bad as the men, and the offer of the poorhouse

seldom accepted. So well-known is this rule in Ayr Parish that such applications are rarely made.

(6.) *Generally all persons of idle, immoral, or dissipated habits.*

To give relief other than in the Poorhouse to this class of cases, would be merely wasting the ratepayers money.



Outdoor Relief.

The poor who do not come within the class of cases recommended for indoor relief, there is every reason to believe are decent worthy people, entitled to kind consideration, and to a liberal outdoor allowance. If a poor person is put on the outdoor roll he is one of the deserving poor, and in awarding relief there must be some principle fixed to guide Councils in arriving at a proper decision.

Probably the better way to arrive at some definite idea of what these principles are would be to divide the outdoor poor into classes, and naturally the first consideration would be

The aged Poor.

There is no class of cases that creates so much sympathy as the aged deserving poor, and if they have supported themselves without charity till they reach the age of 65 and upwards, liberal and kind treatment should be dealt out to them. The labouring classes, beyond joining a burial society, are unable to save money to make a provision for their old age, and even if they join a friendly society providing for illness and old age, they, as a rule, cannot keep up the contributions, through frequent want of work. The furnishing of a house represents the savings of the labourer, and during the period he is out of work, the furniture has to be sold for his maintenance. Living all their lives in this hand to mouth manner supporting a wife and family, it is not reasonable to suppose they can make a provision for themselves by any old age pension scheme that has yet been placed before the public. This being the case, Parishes should award substantial allowances, after considering the circumstances of each case. The Parish of Ayr has hitherto allowed to the aged poor a weekly aliment of 2/6 to 5/- per week.

Widows with Families

The rule at one time in fixing the allowance for a widow was to allow a 1s. per week for each child, but now it is generally 1s. 6d. per child. This is a somewhat hard and fast rule that may in some cases be liberal, but in others quite inadequate.

To illustrate how it works out in different cases, take that of a widow who has been left with five young children, the youngest being a baby. The husband, after a short illness, dies, and being in a burial society, the funeral expenses, and the modest mournings for the family, are paid from the society funds. Before his death he was in good employment, and able comfortably to maintain his family. (Very few of the labouring classes, however willing, are able to save.) The widow has for her station in life a house fairly well furnished, and her friends to the best of their ability do what they can for her. Even with their aid, she finds that an application must be made to the Parish; and after her case has been inquired into, an allowance of 7s. 6d. per week is granted, being 1s. 6d. for each child. Along with this aliment she is entitled to clothing for the child, and can have medical advice and medicines free. The widow keeps lodgers, and does any other work that can be obtained, but try her best, as a rule, she cannot earn more than from 8s. to 10s. per week on an average, which, added to the allowance, has to pay rent, coals, gas, and keep the children in food, and supplement the children's annual supply of clothing, if it does not last out the year, besides keeping up her own clothing. Education is free.

Take another case. A widow left with the same number of children, and the inevitable baby. It is no fancy case I am narrating, but the simple truth. The husband before his death was for many months incapable of working, and during his first illness, if a member of a society, he received an allowance, but as his illness increased, with no sign of his getting better, the rules of the society did not provide an increased allowance for protracted illness, but a decreased one. Their friends being all very poor, and struggling for a bare existence, could not do much for them, and pride—false it may be—but pride worthy of admiration—kept them from applying to the Parish, and in the hope that the husband would soon be better, and able to resume his work, one bit of furniture after another was sold, that when death came to take him away, the house was almost bare, and the funeral allowance from the society was all swallowed up with these expenses and in paying the few debts that had been contracted. After a struggle lasting sometimes for about a year, nursing a sick husband and suckling a baby, with an occasional day's work to bring in a few shillings, it is a wonder that the poor widow has any spirit left. The neighbours are poor, but

kind; they try to help, but it is so little and latterly they see that the Parish must step in and assist. Application is made, and the widow is allowed 7s. 6d. per week, 1s. 6d. for each child. The widow with this allowance will at a particular period receive clothing for the children, and medicine and medical advice free, but nothing will be done to restore the furniture that was sold. I feel that every case requires very special and careful consideration, and I do not think a widow should be forced to leave her house for work to supplement the Parish allowance. The young children are left in the house to take care of themselves, the eldest, whether a boy or a girl, being in charge, and the parental control so needful for young children is wanting. Can a poor woman, tired with her day's work, coming home late, and going away early, do much for the children. She cannot do so, and as a consequence they have far too much control over their movements, and in bad company soon learn evil habits.

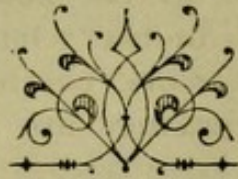
A respectable widow in this position should be treated as if she was the nurse of boarded-out children, and receive an allowance of 3s per week for each child, and not allowed to go outside her home for work, but remain there to do her duty in properly educating and rearing her children. The widow should keep from the children the knowledge that the parish has anything to do with their maintenance, and if the children are reared in this manner, they will become useful members of society, and not lapse back into pauperism, as the tendency is when they are taught to look to the parish in every emergency that occurs. So soon as the children start work the allowance can be reduced, and when the children's earnings are such that the mother can do without the parish allowance take it away. I think it will be found, as my experience has proved, that the widow will be the first to suggest giving up the allowance.

Other Poor.

While the bulk of the outdoor poor consists of widows with families and aged persons, the parish has frequently to consider the cases of poor persons of all ages, temporarily or permanently disabled, and no special rule can be laid down for such cases in fixing weekly allowances. Each case is best judged by itself with reference to its own facts and circumstances.

Orphans and Deserted Children.

All such children are boarded out in the country with respectable guardians, and their cost per head averages about £11 per annum. The success of the boarding-out system, as against the rearing of children in poorhouses, has been proved during the last fifty years, by the very small per centage of boarded-out children who lapse back to pauperism. For a very full account of the boarding-out of poor children in Scotland, reference is made to Dr Skelton's book published by Messrs Blackwood & Son.



Settlement.

The statute of 1579, cap. 74 laid down the principle that the birthplace was the parish liable in the absence of a continuous residence. The Poor Law Act of 1845, section 76, enacted that a settlement could be gained by five years continuous residence in a parish, provided that the poor person either by himself or family did not resort to common begging, or received or applied for parochial relief. The residential settlement could be retained by residing one year out of any subsequent period of five years, and this has been interpreted to mean that if a person be absent from the parish where he gained a residential settlement for four years and one day that settlement will be lost.

The birth and residential settlement looks extremely simple, but that is far from the case. The difficulties in interpreting this provision as to residential settlement are evidenced by the great amount of litigation that has been entered into in order to find out in the varying circumstances in connection with the acquisition and losing of such settlements what is the true meaning of the enactment.

A very short and popular explanation of a few of the Settlements Questions may prove useful in gaining a general knowledge, but if these questions are to be considered specially the Digests and Decisions would require careful study.

Birth.

Every person born in Scotland has a birth settlement, and the burden of proving a residential settlement rests upon the birth parish. Birth may be proved by the birth records for each parish which have been in existence since 1855, prior to 1855 the old session records along with family traditions, and in the absence of registration by relatives or other persons who can give direct evidence of the birth.

Scotch-born Children of English and Irish Parents.

The Parish of Ayr in the case of Caldwell v. Dempster settled the question that the birth parishes of these children were not liable, while the foreign parents with no settlement in Scotland were in desertion, and that the parish of chargeability must maintain them during the age of pupilarity.

Settlement through the Parents.

With the above exception the children under the age of puberty and not forisfamiliarized follow the birth or residential settlement of the parents. In the case of the mother marrying

a second time (*St Cuthbert's v. Cramond*) it was decided that a residential settlement gained by a father enured on his death to his pupil son, and was not lost to the son on his attaining puberty, or by the fact that his mother had another settlement by her second husband.

Illegitimate Children.

An illegitimate child while under the age of pupilarity follows the settlement of the mother and it has been recently decided in the case of *Wallace v. Caldwell*, that the child can retain after pupilarity the derivative residential settlement gained through the mother. An illegitimate child living apart from its mother, on arriving at the age of preterity, takes his own birth settlement and not the mothers.

Lunatic Children.

A person insane from infancy, and incapable of being taught or earning anything that would contribute towards his support, is a perpetual pupil, and can have no settlement apart from the parents, therefore in these cases it is always necessary to find out the parents settlement.

Settlement by Marriage.

Every woman when she marries, loses her previously existing settlement, and takes the settlement of the husband.

A Scotch woman whose husband was born in Ireland or England, and whose husband has deserted her takes her own birth settlement.

A widow at the date of her husbands death, takes his settlement whether it be a birth or a residential one, and if a residential one, can lose it by the usual absence, and unless she gains a residential settlement in her own right, takes her own birth settlement. Should the husband leave a birth settlement at death, the widow retains it till she gains a residential settlement. An Inspector requires to be very particular about the settlement left by the husband at his death.

Desertion by a husband being held equivalent to death a married woman so deserted is in the exact position of a widow with regard to her settlement.

A married woman insane and admitted into a lunatic asylum, takes the settlement of her husband at the date she was committed to the asylum, and so long as she remains in the asylum, continues to retain said settlement, notwithstanding the husband may have subsequently changed his settlement.

Settlement by Residence.

It has been already explained that a residential settlement is gained by an industrious and continuous residence in a parish of ^{ve}four years, and that it is lost by an absence of four years and one day.

Continuous residence must be without break, or the break of a nature that is merely incidental to the residence.

Sailor.

A sailor going to sea and leaving his wife and family in a parish, and at the end of each voyage visiting and residing with them, can gain a residential settlement in the parish where his wife resides, and which he makes his home.

Fishermen.

A fisherman lived with his wife and family in Dingwall, but every season, for months at a time, prosecuted his trade in the neighbouring parish of Bressay, where he lived on shore while not fishing. His settlement was held to be where his wife resided, that being his home.

In the case of tradesmen, commercial travellers, &c., enquiries must be made as to the character of their absence. If the absences were merely incidental to their business or occupation, the continuity of the settlement will not be broken; but if a person removes his goods and gear to another parish with the object of settling in that parish, and with no intention of returning, that absence, however short, will be considered fatal in breaking the continuity of the residence.

English and Irish &c., Settlements.

Every poor person born in England, Ireland, or the Isle of Man, and not having acquired or retained a residential settlement in Scotland, who shall be in the course of receiving Parochial relief in any Parish or Combination in Scotland, then, and in such case, it shall be lawful for the Sheriff or any two Justices of the Peace of the County in which such Parish is situate, upon the complaint made by the Inspector of Poor, to grant warrant for the removal of the poor person to his or her birth place. A copy of the warrant has to be sent to the Clerk of the Guardians of the Union, twelve hours before the removal takes place, and the poor person is removed to the Workhouse of that Union.

The removal question is intimately bound up in the law of settlement, and cannot very well be touched unless there is to be considered the extension of the area of chargeability; or a

universal rate for Scotland, with the complete abolition of the settlement, that would embrace England, Scotland, and Ireland. In the mean time a Scotch poor person can be removed to the Parish in Scotland where he has a settlement, and the hardship of these removals is just as great as the removals to England and Ireland.

Court of Session Decisions.

FIRST DIVISION.

10th July, 1869, P.L.M., 565.

KIRKWOOD v. LENNOX.—Poor—Lunatic, 20-21 Vict., c. 21—Residential Settlement—Discovery of Teinds belonging to pauper. A person, born in Ayr, was in 1864, having then a residential settlement in Govan, sent to a district asylum as a pauper lunatic, under a warrant in terms of the Lunacy Act. It was then found that she had some funds, and these were expended on her maintenance. They being exhausted, held, in a dispute between Ayr and Govan, that her settlement was in Govan, the case coming under the 75th section of the Lunacy Act. Opinion: As to whether, at the date of being sent to the asylum, the party was a "pauper lunatic." Question—Whether a lunatic, being incapable of acquiring a residential settlement, is capable of retaining one?

In this case it was held that under the 75th section of the Lunacy Act the settlement of the lunatic pauper at the date of admission to the asylum continued to be her settlement, so long as she remained in the asylum. This decision has been confirmed in the case of *Palmer v. Russell*.

CIRCUIT COURT OF JUSTICIARY.

1st September, 1875, P.L.M., p. 530.

CALDWELL *v.* COLLINS.—Sheriff—Jurisdiction—Small-Debt Court.—Held that an action by an Inspector of Poor for relief of advances made to a party's mother, who was a pauper, was competent in the Small-Debt Court, the sum sued for being less than £12.

HIGH COURT OF JUSTICIARY.

1st June, 1876, P.L.M., p. 370.

CALDWELL *v.* NIXON.—Settlement—Continued Parochial Relief—Competency—Jurisdiction—*Res judicata*.—The Inspector of A. gave parochial relief to a pauper, and as the amount was under £12 brought an action for that sum in the Small Debt Court against the Inspector of B. in whose parish the pauper was averred to have settlement. There was a question between the parties as to whether the pauper continued chargeable at the date of the action, but the discussion proceeded on the footing that she was. Held that the action was competent in the Small Debt Court, notwithstanding that the Sheriff had incidentally to decide the question of settlement.

The above two cases have had a remarkable effect upon the litigation of questions under the Poor law Act. Prior to these decisions it was the usual practice throughout Scotland to bring such cases in the ordinary Sheriff Court and not in the Small Debt Court. The understanding being that as such cases raised a question of continuous liability action for recovery of the sums expended by a Parochial Board up to the date of bringing the action, although not exceeding the Small Debt limit were incompetent in that court. Since the decisions in these cases the questions as a rule are tried in the Small Debt Court, and thereby an almost incalculable saving of expense to Parochial Boards has been effected, no doubt to the great loss of the legal fraternity. These decisions have not only opened the door of the Small Debt Court to parochial questions of this kind at a small expense, but

have also opened it to the questions arising under other branches of the law, such as actions in affiliation cases, &c.

20th July, 1883, P.L.M., p. 575.

CALDWELL *v.* DEMPSTER.—Scotch Born Illegitimate Child—Mother Born in Ireland—Held [eight judges to four in whole Court—Lord Adam being absent] that the relieving Parish in the case of a Scotch born illegitimate child of an Irish woman with no settlement in Scotland, has no claim on the Parish of the child's birth.

Great uncertainty prevailed regarding the settlements of such children, and not only in the Parish of Ayr, but throughout Scotland, claims were being made on the birth parishes of children whose parents had only a birth settlement furth of Scotland. This case decided the law upon the question, and was considered of such importance, that it was ordered to be tried before the whole Court of Session

FIRST DIVISION.

9th December, 1884, P.L.M., p. 81.

BEEBY *v.* CALDWELL. — Settlement — Soldier — Poor Law Act, 1845.—Held that a soldier who had acquired a residential settlement in a parish before he enlisted had lost that settlement through absence with his regiment for more than five years.

So important was this case that the expenses in settling the question were subscribed for by parishes throughout Scotland. Before the case was settled it was a keenly debated point whether a soldier acquiring a residential settlement before enlistment, could not lose it while serving in the army. The decision settles the point clearly that absence in the army loses the residential settlement in the usual manner.

FIRST DIVISION.

6th November, 1894, P.L.M., p. 642.

WALLACE *v.* CALDWELL.—Settlement—Derivative Industrial Settlement—Illegitimate Minor—Poor Law Act,

1845 (8 and 9 Vict., c. 83), Sec. 76.—Held that an illegitimate child, on attaining puberty, takes his mother's industrial settlement, and not the settlement of his own birth.

This was a special case tried to settle the question of an illegitimate child retaining in the same manner as a legitimate child the derivative settlement of the mother. Before this decision it was generally believed that so soon as an illegitimate child arrived at the age of puberty, his own birth settlement was taken in preference to any derivative one.

Amalgamation of Parishes of Ayr, St. Quivox, and Newton-on-Ayr.

After an inquiry before Sheriff Chayne, held in the Towns Buildings, Ayr, on 6th December, 1894, the Secretary for Scotland issued the following final order for the Amalgamation of the Parishes of Ayr, St Quivox, and Newton-on-Ayr. It will be noticed that the identity of the Parishes of St Quivox and Newton-on-Ayr, are now lost, and merged into that of the Parish of Ayr. These amalgamated parishes will be now called in future the "Parish of Ayr."

Extract from the "Edinburgh Gazette" of Tuesday, March 19, 1895

LOCAL GOVERNMENT (SCOTLAND) ACTS.

ALTERATION OF PARISH AREAS.

ORDER No. XXIII.

PARISHES OF AYR, ST. QUIVOX, AND NEWTON-ON-AYR.

(NEW PARISH OF AYR.)

Whereas it has been represented to me by the Parochial Board of the Parish of St Quivox and by the Parochial Board of the Parish of Newton-on-Ayr, that I should issue an Order, under section 51 of the Local Government (Scotland) Act, 1889, and section 46 of the Local Government (Scotland) Act, 1894, uniting the Parish of Ayr and the Parish of St Quivox and the Parish of Newton-on-Ayr into one Parish ;

And whereas, after consulting with the Authorities concerned, and causing a local inquiry to be held, I am of opinion that it is expedient to give effect to the said representation ;

And whereas I caused the proposed Order to be published in the Edinburgh Gazette of the 1st February, 1895 :

Now, therefore, I, the Right Honourable Sir George Otto Trevelyan, Baronet, Her Majesty's Secretary for Scotland, do, in virtue of the powers conferred upon me by the Local Government (Scotland) Acts, order as follows :—

1. The Parish of Ayr and the Parish of St Quivox and the Parish of Newton-on-Ayr shall be united into one Parish, to be called the Parish of Ayr.

2. The debts, liabilities, property, and assets of the Parochial Board of Ayr and the Parochial Board of St. Quivox and the Parochial Board of Newton-on-Ayr shall be transferred to the Parish Council of Ayr.

3. Nothing herein contained shall affect the districts of the School Boards of Ayr (Burgh), Ayr (Landward), Newton-on-Ayr and St Quivox (Landward), and Alloway, or the powers, rights, duties, property, liabilities, debts, officers, and servants thereof.

4. Nothing herein contained shall affect the rights of Creditors or of persons having vested interests.

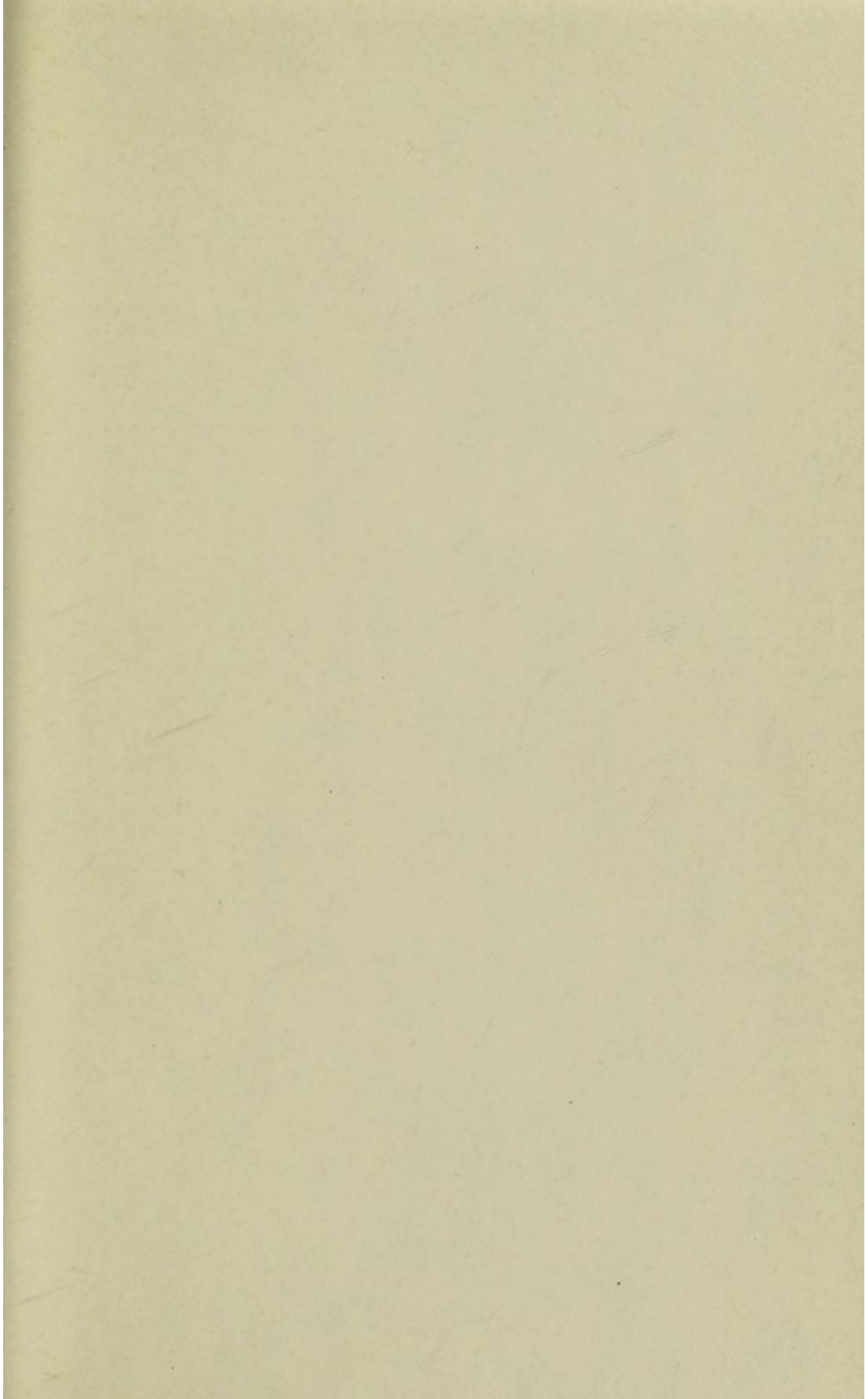
5. For the purpose of receiving the Parish Council Register prior to the first election, and summoning the first statutory meeting of the Parish Council of Ayr, in terms of the Local Government (Scotland) Act, 1894, the Inspector of Poor of the now existing Parish of Ayr shall be deemed to be Inspector of Poor of the Parish constituted by this Order.

This Order shall take effect immediately for all purposes connected with Parish Council elections, and on the 15th day of May, 1895, for all other purposes.

Given under my hand and seal of office at Whitehall this 18th day of March, 1895.

GEORGE OTTO TREVELYAN,
Her Majesty's Secretary for Scotland.

L. S.



THIR

