occupy the time we were to spend together. Little conversant with details, I have dealt mainly with general principles, and I have perhaps somewhat tasked your attention by the lines of thought I have followed. But what I have given you was the best I had to offer; and I trust it may be of some use in helping you to avoid false paths, and in fixing your attention on the true means of achieving the end of all your efforts—a better and nobler life for the workman of the future.

III.—*On the Anomalous Differences in the Poor-laws of Ireland and of England: An Address to the Trades Union Congress.* By W. Neilson Hancock, LL.D. Q.C.

[Read 15th September, 1880.]

ASKED to address you on the anomalous differences in the Poor-laws of Ireland and England, my first inquiry was, what views had been adopted by the parliamentary committee of your Congress on the subject of equal laws for all parts of the United Kingdom.

Views of the Trades Union Congress on the subject of equal laws for all parts of the United Kingdom.

After holding eleven annual Congresses in various towns in England, you last year held a Congress at Edinburgh, and this year in Dublin. Now I was much struck with the tone and spirit with which you approached the discussions of such branches of Irish affairs as fell within the legitimate scope of your discussions. Last year you had been successful in obtaining from the late parliament, and with the cordial assent of the late government, one of the most important reforms which you have carried by your twelve years of earnest and persevering work—namely, the Summary Jurisdiction Act, 1879. Just after the Edinburgh Congress last year, your parliamentary committee addressed a letter to the late Home Secretary, Mr. Cross, containing the following suggestions as to Scotland and Ireland.

Having referred to the Act as a measure of immense value in improving the administration of justice, and in securing the liberty of Englishmen, your parliamentary committee say:—

> "So great did the advantages and benefits of the Act appear to the Congress, that the predominant feeling of the moment (the Congress being in Scotland), was that the Act ought to apply to Scotland.
>
> "We therefore ask you next session to bring in a Bill which will so apply the Act to the Scotch procedure and law that the people of Scotland may have the possession of similar advantages.
>
> "We hope that our Scotch friends will be able to assist you by laying before you their views of the way this should be done."

Then follows a passage in which in a few pregnant sentences your parliamentary committee sketch out a large-minded policy for guiding legislation for Ireland. They add:—

> "While urging this upon your attention, we cannot refrain from saying that we know of no reason why similar privileges should not be conferred upon the Irish people.

"We beg to inform you that our next Trades Union Congress in September, 1880, will be held in Dublin, and to express our belief that nothing can be more calculated to promote content among the Irish workmen than the voluntary extension of liberties to Ireland similar to those we enjoy."

Your committee have thus sketched out a very generous, very just, and very feasible line of policy.

It has in its favour the authority of the great Sir Robert Peel, who having commenced his career in 1810 as Chief Secretary of Ireland, conceded under the Duke of Wellington in 1829, the great measure of Roman Catholic Emancipation to Irish feeling; and in 1846, as Prime Minister, the great measure of Free Trade, which has placed the British people in advance of the world on economic and social questions.

In the remarkable speech with which he closed his career as Prime Minister, Sir Robert Peel said:—

"There ought to be established between England and Ireland a complete equality in all civil, municipal, and political rights, so that no person viewing Ireland with perfectly disinterested eyes should be enabled to say a different law is enacted for Ireland, and *on account of some jealousy or suspicion* Ireland has curtailed and mutilated rights."

The generosity and vigilance of your parliamentary committee has not been without fruit likely to be beneficial to Ireland. The short session of the late parliament and the short session of the present parliament were not favourable to either the late or the present government dealing with summary jurisdiction in Scotland or Ireland, but two Irish members (Mr. Errington and Sir Patrick O'Brien) have brought in a bill, the preamble of which embodies to the fullest extent the suggestions of your committee; it is in these terms:—

"Whereas the law of Summary Jurisdiction in Ireland and the Summary Jurisdiction Courts rest on the same original foundation as the corresponding laws and institutions in England and Wales, and it is expedient to have the latest improvements adopted in England for the benefit of suitors and persons brought before these courts, promply extended to Ireland."

As no Scotch member has introduced a similar measure for Scotland, Ireland is likely to take the lead of Scotland in carrying out this branch of assimilation of law, in accordance with the suggestions of your parliamentary committee.

Is the principle of equal laws for all parts of the United Kingdom as applicable to Poor-laws, as to other branches of legislation?

The operations of Poor-law in England and Ireland was made the subject of elaborate researches by parliamentary committees in 1861, 1862, and 1863, and a great deal of discussion arose in consequence of the distress in Ireland in 1863, which followed the three wet years of 1860, 1861, and 1862.

The very question I now propose was made, in the winter of 1863-64, the subject of an address and a paper by Dr. Ingram, then Vice-President, and since President of the Statistical and Social Inquiry Society of Ireland. The conclusions at which he arrived are worth

quoting at the present time, as recent teachings of social science on this important question, based on careful research and thoughtful reasoning, and delivered to a scientific body in remarkable communications, strictly confined to the scientific view of the question. He says:—

> "The regulations of a poor-law ought to be founded either on the facts of individual human nature, or on the relations and mutual duties of the members of a human family. Those facts are the same in Ireland as in England; these relations are alike sacred on both sides of the channel. Whether aged couples should be separated in a workhouse—whether widows with one child, or widows with two, ought to have outdoor relief—whether deserted wives should be placed in the same position as widows—whether the wives of soldiers and sailors in Her Majesty's service are entitled to any special consideration—whether the occupation of a quarter acre of land should exclude from outdoor relief—these questions which, if decided by reason, and not either by prejudice or by haphazard, must, I think, be answered alike, whether proposed in the one country or in the other.
>
> "What is now, above all things, to be desired with respect to the poor-laws, is that the same discretionary powers vested in the English Poor-law Board should be confided to the Irish Commissioners. Whatever may be our opinions as to the extent to which outdoor relief ought now to be given in Ireland, the same power of authorizing it, whenever and wherever circumstances may require it, ought to belong to the central authorities in both countries."

I could not present to you a more complete, impartial, or conclusive opinion on the policy of equal Poor-laws.

The chief anomalies in the Poor-laws of Ireland at the present time, arise from the wise suggestions of Dr. Ingram, in 1864, having been (owing to the pressure of such important subjects as the church and land questions) neglected, and the people of Ireland consequently excluded from nearly all the improvements introduced into Poor-laws in England in the last thirty years. Before, however, explaining what Ireland has lost in this way, I think it right to say a word or two showing why this Congress is specially entitled to form and to express an opinion on this Poor-law assimilation question.

Why the Trades Union Congress is specially entitled to form and express an opinion on the subject of equal Poor-laws.

In order to appreciate this, I will quote an analysis of the social science principles of Poor-laws, which I published in 1871 :—

> "The main principle of Social Science on which Poor-laws rest is that it is impossible for individuals of the labouring class, however well conducted, moral, and prudent they may be, *without mutual assistance*, to provide from their wages and savings against all the vicissitudes of their lot.
>
> "For labourers of the higher class, this provision is made: in the case of officials, by Superannuation Funds, Widows' Funds, and Orphans' Funds, or by pensions for some or all of the classes provided for by such funds. In professional and other cases of higher class labour, provision is made by Life Insurance Companies and Accident Insurance Companies. Amongst the artizan class, vicissitudes are provided against by Trade Societies, Friendly Societies, Sick Clubs, and Burial Clubs.
>
> "Beneath all these classes of labourers there is a lower stratum of agricultural labourers, ordinary town labourers, labourers at trades too small for mutual assistance, and migratory labourers. As respects these it has been found by experience that from want of education, want of common

bonds, and want of intercourse, effective mutual assistance to guard against the vicissitudes of their lot does not exist amongst them, and for these classes, the State, from motives of humanity on the one hand, and of policy on the other, has undertaken to make provision for widows and orphans, for old age, for temporary want of employment, for sickness of the head, or of any member of the family."

Now, it follows from the principles thus laid down, that the Trades Union Congress, representing 600,000 of the working-classes, or between 3,000,000 or 4,000,000 of the population—equal to all Scotland, to two-thirds of Ireland, or to all London; teaching mutual assistance and the elevation of the working-classes, by good conduct, energy, prudence, and the discipline of the members of different trades upon one another, is one of the most powerful social influences of the present day for raising the largest possible number of the working-classes above the necessity of being in any degree dependent on Poor-laws.

An organisation that is engaged in such important work, so beneficial to all classes in the community, has a very deep interest in seeing that none of their class are unduly or unfairly taxed or burdened by any delay in extending to all parts of the United Kingdom the most recent improvements in Poor-law administration.

What are the reforms that have been carried in England in Poor-laws in the last thirty years, that have not at all or only imperfectly been extended to Ireland?

1st.—The substitution of Union-rating for Parish-rating, carried in England in 1865.

As to the importance of this reform, we have the independent scientific testimony of the late Mr. MacNeel Caird, who was selected to write the Cobden Club Essay on "Local Government Taxation in Scotland," and who, in a paper on Poor-laws read at the Statistical section of the British Association, or Scientific Men's Congress at Glasgow, in 1876, wrote as follows:—

> "The same evils [as those he was referring to in Scotland] arose in England from the law of settlement and rating having been limited to parishes. The subject was elaborately investigated by a Parliamentary Committee, between 1861 and 1864, and in the following year, parliament with almost universal concurrence, established the rule for England that all cost of relief, whether in or out of the workhouse, is to be charged no longer on parishes, but on unions.
>
> "That change has put an end in a great measure to the pulling down of houses and the restrictions on the accommodation of labourers, which were formerly as well known in what were called the close parishes in England, as they have been during the last thirty years in Scotland."

Here, then, we have a reform adopted fifteen years ago for all England and Wales, and recommended for Scotland by the latest scientific authority on the subject. Now, how has Ireland been dealt with in respect to it? This great reform which was carried in England in 1865, had been really proposed thirty years before, when parishes were consolidated into unions for the purpose of government, and accordingly the statesmen who proposed a poor-law for

Ireland in 1838, introduced the bill in parliament containing the principle of union-rating, and with the stated intention of dividing all Ireland into only eighty unions.

The greatest of Anglo-Irishmen, the late Duke of Wellington, was unfortunately able to induce parliament to substitute for union-rating in the Bill, the principle of small districts of rating called electoral divisions corresponding to parish-rating. After the famine of 1847, the number of electoral divisions was increased, and the resemblance to English close parishes made so complete, that some electoral divisions were actually co-incident with single estates.

This unwise policy increased the temptation to clear estates, and was one of the causes which rendered necessary part of the legislation in the Land Act of 1870, yet strange to say when the question of union-rating came to be dealt with in Ireland in 1876, instead of the complete English measure of Lord Palmerston's government of 1865 being extended to Ireland, we had only the compromise of partial union-rating. This unhappy compromise retains the temptation and motive to clearances, though not in quite as intense a form. Hence we have had within four years of its passing, a renewed conflict between classes, and between the Houses of Parliament, and yet the remedy which was applied in England in 1865, has not yet in its integrity been applied to Ireland, though its extension would be identical in principle, and consequently involve no exceptional legislation. To show that I am not peculiar in the very great importance I attach to this question of the abolition of electoral division or parish-rating, especially as it affects working-men, I will quote what Mr. MacNeel Caird said in his scientific paper, to which I have referred in support of the abolition of parish-rating in Scotland :—

> "A law of settlement for the poor, even in its mildest form, is necessarily adverse to the freedom of labour. Whenever you enact that the burden of maintaining the poor of any district shall rest on the people or property of that district, you give to every other district a fictitious interest to shut out all whom they may, reasonably or unreasonably, apprehend likely to become burdensome. And *the narrower the area of rating and settlement, the more severe will the pressure be on the industrious labourer*. For a man whose settlement is in one of the small parishes I have spoken of, is under a practical hindrance in finding customers for his labour except among the two, three, or four hundred inhabitants of the parish. And it depends much on the health and condition of himself and his family, and especially on their being visibly able to support themselves prospectively, whether the hindrance shall be little or great to the free sale of his labour in a wider market. In the very cases where he most needs freedom—the cases of a numerous young family, or delicate wife, or crippled or imbecile child—the unwillingness to receive him as a resident in another parish (lest he or they should become a burden on it) is intensified, and the greater is his difficulty in finding a residence and employment elsewhere than in the parish to which he is already tied.
>
> "This branch of the poor-law operates indeed as a kind of prædial slavery, though its action is indirect, and is disguised under a different name.
>
> "*It operates by creating a fictitious interest in every land and house-owner, every farmer and every ratepayer outside of the parish to which a poor man belongs*, to prevent his being in their parish long enough to acquire a settlement there because of the risk of him, or some of his family becoming at some future time a burden on the rates. And that fictitious interest has very real effects.

"The market available to a man for the hire or sale of his manual labour, is physically limited to narrow bounds round the place where he lives, and any legal arrangement which artificially increases his difficulty in obtaining a house in another district, where he could get steadier work or better wages, is a source of oppression to him. He has no right to claim that any land-owner shall be bound to provide a house for him, any more than he could claim that any baker should be bound to provide bread for him. *But he has a good right to claim in regard to both land-owner and baker, that no false or artificial motive, adverse to the supply of his wants, shall be created by law;* that, in regard to houses as well as bread, demand and supply shall be left to act naturally and freely.

"The law of settlement of the poor in such very limited areas, operates in a very marked way in *stinting the house accommodation for labourers.* In country parishes, where all the houses are under the control of a few large proprietors, it has been *too often supposed a politic thing to pull down houses and restrict the accommodation for labourers with an eye to the poor-rates.* In a natural state of things an adequate supply of labour tends greatly to increase the productiveness, and consequently the profit of the owner of an estate. But the fear of poor-rate has in practice been found very generally to prevail over other considerations. And, in many parts of Scotland, the levying of poor-rate, commencing in 1845, was immediately followed by the pulling down of cottages to an enormous extent. *The result is that a third of the whole people of Scotland now live in houses of one room.* This has been ascertained beyond denial by the census. Such a fact, with all that it implies, cannot be too often noticed, till the legislature is forced to deal with it, and to amend the ill-considered laws which have brought it about; of which laws one is the law for settling the poor in narrow parochial bounds."

The first and most serious anomaly in Irish Poor-law is the retention of small districts of poor-law rating like electoral divisions confined in some cases to a single property, contrary to the policy of the English statesmen who introduced poor-laws into Ireland in 1838, and contrary to the policy of parliament in dealing with the case of England in 1865.*

2nd. *The non-extension to the Dublin Metropolitan District of the principle of Common Poor Fund of the London Metropolitan District.*

The next subject to which I have to direct your attention is the non-extension to the Dublin Metropolitan district of the principle of the Common Poor Fund of the London Metropolitan district.

The London Common Poor Fund was commenced under Lord Palmerston's government in 1864, extended under Lord Derby's government in 1867, and still further extended to all workhouse relief in London by Mr. Goschen under Mr. Gladstone's government in 1870. The principle of social science on which this reform rests is probably best described in the first report of the Jewish Board of Charities for all London, quoted by Dr. Stallard in 1867:—

"Formerly when the rich and the poor lived in close proximity, the association of locality afforded some kind of intercourse, imperfect though it was. The rich and poor were not, as now, estranged from each other.

"The character and wants of the poor could not escape observation altogether, and the wealthy, seeing the distress of their respectable and poorer neighbours, relieved them with a sort of discretion quite unknown since they have lived apart."

* For an account of the existing inequality in Ireland, see Appendix, p. 142.

This simple statement shows the extreme importance of guarding against the effect of our modern development of suburban railways, omnibuses, and tram cars, in separating the rich from the poor, and thus throwing an unfair share of the relief of the poor, upon the independent working-men just above them, who have from the exigency of their employment or their moderate means to reside in the poorer quarters of large cities.

The extent to which this took place in London may be estimated by the fact, that while the poor rates in Bethnal-green in 1867, before the Common Poor Fund attained the extension given to it by Mr. Gathorne Hardy and Mr. Goschen, were 3s. 11d. in the £1, while in St. George's, Hanover-square, the most fashionable parish in London, the rates were only 8d., and in the city of London, the centre of wealth and business, only 7d.

This state of affairs led to a discussion in the public papers, to books and pamphlets. From one of the ablest of these: *Dr. Stallard on Pauperism*, published in 1867, I select the following passages as stating the case of London. Referring to the city part of London pauperism, he says:—

> "How many thousands who contribute to its wealth and to the prosperity of its merchants, live in the impoverished districts of Southwark, Whitechapel, and Bethnal-green, upon the inhabitants of which the burden of their poverty falls with crushing weight.
>
> "Nothing can be more unjust than that the advantages of labour should be monopolized by one district, whilst its burdens miseries, and misfortunes, are borne by another.
>
> "London is one body for the mutual purposes of trade, business, and labour, and yet it is cut into divisions for the support of the burdens which those common purposes entail, and by a variety of causes these divisions are becoming more marked and more unjust.
>
> "The burden of the poor is borne by the poor alone, and wealth, disowning its duty and its origin, flies away to the country and to the west, leaving poverty to shift for itself as best it may."

After referring to the inadequate, unsatisfactory, and capricious system of relief that was the consequence of the variety of the rates charged for relief in different parts of London according to the then division of 39 rating districts. Dr. Stallard continues:—

> "All these circumstances point to the necessity of treating the whole metropolis as a common town. The labourers employed in the suburbs cannot live there, and those who should be distributed over every part are congregated in localities already overcrowded, and the evil is increasing.
>
> "This matters little so long as the man is healthy and in work, but the time comes when it is ruinous to those around him.
>
> "Every part of the metropolis has an interest in the labourer, and is bound to support its share of the misfortunes which labour entails.
>
> "The suburban land-owners are increasing the value of their property at the expense of those of the crowded parts of the town.
>
> "There is not a single evil of parochial chargeability which is not illustrated in the metropolis with ten-fold force to what it was in the country before the introduction of the better system in 1865, and it is true that the same remedy should be applied.
>
> "The area of chargeability must be extended and cannot stop short of metropolitan district, and it may eventually be of the whole county [of Middlesex]. For it cannot be doubted that the value of property of every

kind is greatly increased by its proximity to the centre of wealth, commerce, and industry, and that all who derive benefit from London labour should contribute to the burden which is associated therewith."

To the line of argument thus put forward parliament yielded by part in 1867, the year when it was published, and still further in the adoption of the Common Poor Fund for workhouse relief for the whole of the metropolitan district in 1870.

I have given so fully the reasoning by which the London Common Poor Fund was carried, because it is strictly applicable to every large city and large town in the United Kingdom.

In the ten years which have elapsed since 1870, the principle has been applied to the third largest town of Scotland, and the whole of Dundee is now in one combination for poor-law purposes; it has been partially applied to two parishes in Edinburgh where the difference of rating before its adoption was 2s. 10d. and 10½d.; and to two parishes in Glasgow where the difference of rating had been 2s. 2d. and 10d.

But there has been no application of the principle to the three unions that have divisions in the Dublin Metropolitan Police district; though that district has since 1838 been taxed for police on the London model, at an equal rate for the whole district.

Nothing can be more anomalous than treating Dublin like London, as one area for police, and then to sub-divide the area amongst three unions, and sub-divide the three unions into twenty-seven electoral divisions, with twenty-seven distinct rates for Poor-law purposes.

Why, again, should there be seven distinct ratings in Edinburgh, and six in Glasgow, and why should not the London Common Poor Fund be applied to them also. So far as Dublin is concerned, the differences of rating, 2s. 2d. in the city divisions where the workmen live, and 1s. 6d. in Rathmines, and only 1s. in the still more wealthy districts of Blackrock and Killiney—indicates precisely similar pressure on working-men, which led to the London Poor Fund in 1867 and 1870, and to the combinations in Glasgow and Edinburgh, in 1873.

Then, during the past winter we had the same sort of disorganization and discussion as preceded the change in London; meetings of the unemployed, deputations to the Lord Lieutenant and the Lord Mayor; some public subscriptions raised; the rules of relief relaxed in one Dublin union more than in others. Then the policy of assimilating the Irish to the English Poor-law was discussed at the South Dublin Union, and it was conceded in the discussion that some of the differences were entirely indefensible.

It follows then that the working-classes in Dublin have a fair claim to have the London Common Poor Fund principle of 1870, which was partially applied in Glasgow and Edinburgh in 1873, extended in 1880 to the three unions of the Dublin Metropolitan Police district, in order that they who reside chiefly in the city may no longer be taxed at more than double the rate of some of the wealthiest suburbs.

Should the Local authorities entrusted with the care of the poor in Ireland, have the same powers and the same duties as the corresponding authorities in England and Wales?

When the attempt to govern Ireland without a Poor-law, which was persevered in for 300 years with unsatisfactory results, was terminated in 1838, and a Poor-law was introduced, it was on the policy of identical legislation. So much was this the case, that only one Poor-law commission was created for both countries, and the English name, Guardians of the Poor, was conferred on the Irish local authority created by the Act of 1838. Unfortunately this wise policy of identical legislation was departed from after a few years, and a separate board created for Ireland, and the details of administration, which in England were left almost entirely to the Local Government Board to regulate, were in many important cases prescribed by imperial statute for Ireland, in acts applying to Ireland alone.

We have thus a differently constituted Local Government Board, with different powers, and different duties, and we have Boards of Guardians of the poor, also with different powers and different duties.

It is difficult to see on what principle the apparent distrust evinced by parliament of the Irish Local Government Board rests, which forces that board to appeal to parliament on emergencies, and for purposes which the English Board has not to do. If we look at this branch of the subject in a larger point of view, we have, as Dr. Ingram has so well pointed out;—

> "A waste of social power, produced by this system of separate legislation for the different portions of the United Kingdom."

He gives a graphic explanation of the way in which this waste takes place:—

> "Waste of social power is produced by the system of separate legislation for the different portions of the United Kingdom. A valuable reform is pressed on the attention of our legislators, and they are induced to provide the legal sanction necessary for its practical working in England. But Ireland is excluded from the operation of the Act, and accordingly, when the same social needs arise in those countries, as they inevitably must in states of society so closely resembling that of England, the whole operation of enquiry, argument, solicitation, and legislation must be gone through over again in both, before the same facilities can be obtained for introducing changes admittedly beneficial to the public. Such a mode of proceeding is too clearly opposed to the spirit of our time to be much longer tolerated.
>
> "The best safeguard for a poorer and less cultivated community bound by a legislative union to a richer and more advanced one, lies in identity of legislation, as far as possible, for both. When that is the practice, the stronger nation, in taking care of itself, takes care of its weaker partner. Every improvement which a powerful and enlightened public opinion effects in the one becomes, without separate effort, the property of the other. If this rule be carried out with relation to England and Ireland, the latter will be continually gaining the benefit of the larger experience and riper reflection of the former, and the union will be productive of real and undeniable blessings.
>
> "This principle of identical legislation might doubtless be carried to unreasonable lengths. All practical rules—as the common sense of mankind has recognised—admit of exceptions. In some cases the par-

ticular historical antecedents or social condition of Ireland may recommend or even necessitate special legislation adapted to her circumstances. But identity ought to be the rule; and in every instance the onus of proving the necessity or advantage of diversity should be thrown on those who seek to introduce or maintain it."

The anomalies I have now to notice are all illustrations of the principles so well and so ably laid down by Dr. Ingram.

Non-extension to Ireland of the improvement adopted in 1853, *in the case of Lunatics in England.*

In 1853 an obligation was imposed on the local poor-law authorities in England, of seeing that no lunatic was neglected. That law was not extended to Ireland. On the contrary, when the subject came to be dealt with in 1868, it was discovered that Ireland was under the system adopted in England in 1800, and that neither the improvements introduced in the care of lunatics in 1838, nor those introduced in 1853, applied to Ireland.

Here was a great opportunity of bringing Ireland at once to the level of the latest English improvement, but the opportunity was thrown away; and in 1868, fifteen years after the reform of 1853 was adopted in England, Ireland was only allowed to try the reform of 1838, which had been given up in England in 1853 as inefficient and unsatisfactory.

Now, what has been the result upon the helpless class so carefully cared for in England and Scotland? In the last official inquiry into lunatics in Ireland before 1868, it was reported that there were 1,500 neglected lunatics; but in a more recent inquiry in 1879, the number was estimated as having doubled, or increased to 3,000.

The lunatics in Ireland have, in many cases, to be kept out till they are dangerous, and show an intent to commit a crime, and during the past year 1,276 were so kept out. In England the number kept out till they are dangerous has, under the reform of 1853, fallen to two or three in the year. Now, why should the duties of guardians and other local authorities to this helpless class be different from what they are in England and from what they are in Scotland.

This state of the law as to lunatics affords a good answer to an argument sometimes used by some accomplished English writers—that if assimilation is to be carried out, the Irish poor-law is better than the English.

This line of reasoning entirely breaks down in the case of lunatics; for the Irish law as to them has been borrowed from the English law and practice, and the present Irish law, in the points in which it differs from the English law, is that which prevailed in England from 1838 to 1853, but was then (that is more than a quarter of a century ago,) condemned and superceded on account of its unsatisfactory results. The statement that the Irish law is better than the English, has therefore, in this case, no meaning.

The anomaly of retaining a condemned English law still in force in Ireland is the more remarkable, as the whole state of Irish lunatics was brought before parliament by Mr. Gladstone in 1869, when it was proposed to relieve this class exceptionally out of the Irish

Church surplus, upon a plan of dealing with that surplus which was not in the end adopted by parliament.

Again, the subject of the treatment of lunatics in the three kingdoms came before parliament during Lord Beaconsfield's administration, when the large contributions towards the cost of lunatics was made out of the general taxes.

For the justness of that contribution it is essential that the powers and duties of those who take charge of lunatics in England, Scotland, and Ireland should be equal, and it has been estimated that Ireland loses £25,000 a year of her fair share of contribution from the general taxes, owing to the more restricted duties and powers of the Irish authorities who have the care of lunatics assisted by the state.

The primary burden of this state of the law falls on so many of the families of the 3,000 lunatics, who from poverty are unable to supply adequate care. Next to these afflicted families, what class in the community are most deeply interested in having this anomaly terminated, and complete assimilation carried out?

It is obvious that if adequate relief is not afforded to lunatics, if they are kept out till they are dangerous and show an intent to commit a crime, it is those who reside in the most populous places and nearest to the poor, who are most likely to suffer; and this class, as I have already noticed, necessarily includes a large number of the working classes, represented at this Congress. It is therefore an anomaly appropriate for special notice here. It is, besides, one that has been officially noticed, and in three recent sessions of parliament, bills have been introduced to remedy it.

Difference in the powers and duties of Guardians in Ireland and England as to the care of Children.

Since the passing of the enactments of the Imperial Parliament imposing restrictions on the powers and duties of guardians in Ireland, different from those in England and Wales, public opinion has undergone a great change as to the duty of the guardians and others in respect of the case of children thrown on the state for support or for care.

These differences turn chiefly on the questions of rearing children in workhouses or boarding them out, and upon paying school fees for children, and enforcing the parental duty of education.

Upon the subject of boarding-out, a strong opinion has been formed from the great success of boarding-out in Scotland; from the results of its partial adoption in Ireland, and more recent adoption in England, at the suggestion of a very large and influential number of ladies who have formed visiting committees. Then, owing to the exertions of the State Charities' Aid Association founded by Miss Schuyler in New York, that State has passed a law against any children been reared in workhouses.

In England full effect has been given to this growth of opinion, and though latest to adopt the system, the English guardians are allowed to adopt it more completely and perfectly than the Irish.

As part of that system it has been found desirable to remove children from large cities to specially healthy rural districts to be

reared. In accordance with this, London guardians are allowed to send children as far as the northern counties of England, and some of the most interesting reports on the subject are those of Miss Preusser on the rearing of children of London unions boarded out at Windermere.

In Ireland a similar practice has been pursued for years by the Dublin Protestant Orphan Societies of sending Dublin children to the County of Wicklow. But ten years after the English guardians have copied the example of the Irish Orphan Societies, Irish guardians are still prohibited by imperial statute from copying the successful Irish example at their door. Though it was a visit, while on an excursion for the purpose during the Social Science Congress of 1861, of some English ladies to Protestant orphans boarded out in Wicklow, that led to the adoption and sanction of the practice in England.

Could there possibly be a greater anomaly in legislation than this? Could there be a stronger case to illustrate the wisdom of the English system of leaving the details of Poor-law administration so largely to the discretion of the Local Government Board, and by that Board to the discretion of the guardians, compared with the system pursued towards Ireland, of parliament, distrusting the Irish Local Government Board and the Irish guardians, and consequently at one time spending so much time in regulating relief in Ireland on different principles from what is in force in England, and at another time delaying for years to extend useful reforms to Ireland because Irish legislation and Irish questions occupy so much of the time of parliament?

Treatment of the Children of Widows and of Wives deserted or deprived of the protection and support of their husbands.

The boarding-out of children and other helpless classes, so long recognized as sound policy in Scotland, as shown by the able writings of Mr. Skelton and Dr. Arthur Mitchell, is increasingly recognized in Ireland, where the numbers of orphans and deserted children boarded-out with their mothers and others, have increased in a few years from 200 to 7,000, and in England where ladies' committees have been formed to watch over it, like those presided over by Mrs. Archer, Miss Preusser, Miss Hill, and the Hon. Mrs. Lowther, and has been completely adopted in New York.

This system rests upon the principle of appreciating the extreme value of family life, and of the importance of preserving it to the utmost possible extent. In the case of total orphans and of deserted children, it is thought worth while to try and create an artificial family for them, and to supply new family ties for those of which they have been deprived.

The English Poor-law carries out this principle in dealing with the children of widows, and wives who have been deserted or otherwise deprived of the protection and support of their husbands. But the Irish law regulated by statute in 1847, passed years before the modern growth of opinion on the subject, contains some anomalous provisions.

In the Evangelist's account of the restoration to life of the son of

the widow of Nain, it is specially mentioned that he was *the only son of his mother, and she was a widow.*

In Ireland the guardians are forced in every case to separate the child from the mother in giving relief, if she be a widow *who has only one child.* In England there is no such restriction; out-door relief in that case is left to the discretion of the guardians.

In England, in order to preserve family life, guardians may treat as widows, wives who have been deserted, or whose husbands are separated from them by being on foreign service as soldiers or sailors, or even when the husbands are detained in prison.

The number of children so relieved in England and Wales, when a classified return was published some years since, amounted to several thousands. In similar cases Irish guardians are restrained by statute from giving out-door relief, and consequently are forced to separate the children from the mothers.

The question is not one of mere numbers, however, for the observations of Dr. Stallard as to widows and orphans in London, is equally applicable to the children of deserted wives.

> "The relief of this class is the most difficult and the most important duty undertaken by the guardians of the poor. Upon its successful management the diminution of pauperism mainly depends."

Now why should guardians in Ireland be restrained by statute from following the advice of the ablest writers and thinkers in England on the subject, endorsed by the actual practice of English and Scotch guardians.

Powers and Duties of English Guardians in the matter of Education of the Poor.

In all those parts of England and Wales which are not under school boards, comprising about 9,000,000 of the population, the duty is cast on the guardians of rural districts to appoint school attendance committees, to see that children attend schools; and as part of that duty they are empowered to pay school fees for those unable to pay.

This important state function was imposed by parliament at the suggestion of the late government, carrying throughout all England and Wales the principles which, under Mr. Gladstone's former government, Mr. Forster (now Chief Secretary for Ireland), had established for all Scotland, and for the part of England and Wales under school boards.

In the researches connected with the recent distress in Ireland, it appeared that there was a striking coincidence between the districts where the greatest distress prevailed, and those in which over 50 per cent. of the population spoke Irish in 1871.

With such patent facts disclosed, is it not a serious anomaly that guardians of the poor in Ireland should not have the like duties and like powers in respect of caring for and providing for the education of the children of the very poor, as the guardians in England and Wales.

The progress of poor-law reform is not a party question; it was commenced by Lord Grey's government, extended by Sir Robert

Peel, carried farther by Lord Palmerston, Lord Derby, and Mr. Gladstone; and the powers of guardians in the matter of education was the work of Lord Beaconsfield's government. I have quoted Sir Robert Peel for the general proposition of assimilation of Irish and English laws, and I will now quote Mr. Bright on the impolicy of restrictions on guardians in administration of the poor rates. Speaking of the action of the President of the Poor-law Board in England during the crisis caused by the American war in the cotton industry in Manchester, he says:—

> "I think he has shown that disposition which we should expect from him and the department over which he presides, to arm guardians in every district with powers to exercise a very wide discretion with regard to the treatment of this great evil.
>
> "The guardians are elected by a very large constituency in every union; they are spending, not the money of the Chancellor of the Exchequer, but the money which their constituents have recently paid into their coffers, and I believe there is no body to whom you could more safely entrust the spending the ratepayers' money than those to whom the ratepayers have themselves entrusted it. I think, therefore, the Right Hon. President of the Poor-law Board will be acting in accordance with true wisdom, and with the true instinct of humanity, if he does little or nothing to check the liberality of the guardians in the distribution of the resources entrusted to their care."

Now, if this be a sound principle to act on, it follows that it is anomalous to give guardians of the poor in Ireland less powers, and to impose on them less duties in respect of the relief of the poor, than the guardians in England and Wales.

Effects of too restricted relief, and the classes most likely to suffer from it.

In the history of the 300 years that Ireland was without a Poor-law, we had extreme cases of the effects of inadequate relief, "in the land famine and pestilence," and we had what an old Latin author described as "Evil counselling famine" in the insurrection and other crimes that famine led to. Since 1838 we have had the similar, but not so great, effects of restricted relief.

The three crises of distress of 1847, 1863, and 1879 have all been marked by an increase of crime. So again, when we compare the crime of Scotland and England, we find the stringency of the Scotch Poor-law in depriving the guardians of powers to give any relief in-door or out-door to the able-bodied, marked by a serious excess of crimes against property, especially of crimes against property with violence. Now, to whatever extent an increase from restrictions in the powers of the guardians takes place, and that it does take place to some extent is beyond doubt, it becomes of importance to bear in mind who suffers most from it. It is obvious that any disease or crime will affect those most who have to reside in the same districts as the poor. Hence, the independent working-men who have, from the necessity of their employment, or from moderate means, to reside in the poorer parts of towns, suffer most.

We have seen that the tendency of the electoral division rating is to concentrate the poor in the towns and city electoral divisions in Dublin, and to tempt the guardians of those districts to be very rigid

as to relief. Now, in the Dublin district that suffers most of any place in Ireland under the Poor-law arrangements, from the combined absence of union-rating and common poor fund we have a degree of mortality to which the working-men have called attention, and an excess of crime which has been a matter of observation for some years. Whilst this Congress represents a great social influence for checking the growth of poor rates by teaching the working-classes the principles of mutual assistance and self-elevation, it also represents those who suffer most under their necessary proximity in residence to the poor from any disease and crime caused by too restricted relief.

Supposed effects of large districts of charge on indiscriminate relief.

It was supposed by many that the enlargement of districts of charge to union-rating and common poor fund would lead to wasteful management; it has however had precisely the opposite effect. Since the Common Poor Fund was commenced in London, the Charity Organisation Society, with its branches, or similar societies spread over England, has arisen. Then we have had conferences of Poor-law guardians, and the causes of pauperism examined, besides a large number of new charities started, so that the whole subject of poor relief was never so studied or so looked after as it has been since the union-rating and common poor-law fund has been adopted in England. Since then have arisen the thirty-nine district committees of the Charity Organisation Society in London, and the fifty-nine societies throughout England and Wales, besides three county associations; the societies before that date numbering only thirteen.

If there were the same proportion in Ireland for population, there ought to be twenty-two societies, whilst there has been only one similar society started in Ireland since 1844, and one of extremely limited operation. In Scotland, where the English proportion would give fourteen societies, there have been only seven started, and we have Mr. MacNeel Caird's statement, that in 1876 the Scotch were only beginning to consider the question of union-rating, which had been settled in England eleven years previously.

Whilst Union-rating and Common Poor Fund lead to vigilence, it leads to generosity of management.

One of the Irish Poor-law grievances that have been oftenest brought before parliament, is the law of poor removal. The grievance would entirely disappear if the recommendation for its abolition, made by a Select Committee of the House of Commons thirty years ago, and again made by another Committee in 1879 as to England and Wales, were adopted.

The important point to notice (as to the last report), is the generosity of the English witnesses under the training of large areas of taxation, compared with the narrow and more selfish views of the Scotch witnesses under the discipline of parish-rating, which is still retained there.

The Committee report:—

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

The Scotch witnesses expressed a decided preference for the law to which they had been accustomed, and the committee partially yielded to that preference, for whilst they recommended the total abolition of poor removal in England, with singular inconsistency they recommended that the law relating to removal in Scotland should be only *gradually* assimilated to that of England. The opposition of the Scotch has since delayed the recommendation of the committee being acted on even as to England.

It is impossible to read the evidence of the Scotch witnesses, to compare it with the predictions of the great Scotch philanthropist Dr. Alison, in his paper at the Belfast meeting of the British Association, in 1852, and of the condemnation of the Scotch system of parochial rating at the Glasgow Meeting of the British Association, by Mr. MacNeel Caird, in 1876, without seeing that the first step for the solution of this poor removal question, from which the Irish labouring classes suffer so much in Scotch towns, where they are 1 to 6 of the adult male population, is the extension to Glasgow and Edinburgh, and Aberdeen, and other towns with more than one parish in town and suburbs, of the London Common Poor Fund system, and the like extension to every combination of parishes in Scotland, which is now united for the maintenance of a workhouse; and the enactment that all relief given to those who have not a settlement in Scotland, shall be a charge to the common fund of the town and suburban parishes, or to the combination of other parishes.

Would the increase of State relief in Ireland diminish private charity?

It might be supposed that the increase of state assistance would in Ireland check private charity, and throw the whole burden on the state. We have, however, a very simple means of testing this.

In one branch of state assistance—the care of the deaf and dumb and blind—the Irish Poor-law was, from 1843 to 1865, in advance of the English. The result has been the erection of the admirable Roman Catholic charities for the deaf and dumb at Cabra, and for the blind at Merrion; and the Protestant deaf and dumb and blind asylum at Belfast. In the case of all these charities large additions are made by private munificence and devoted service to the moderate assistance given from local rates.

So again in the case of Industrial Schools. In 1866 I was asked by the Reformatory School Union at Manchester, just as you have asked me, to state the case of Ireland as to industrial schools, and when I showed that Ireland had been unwisely and improperly omitted for years from the industrial school legislation, the subject was in the next session taken up by two Irish members (The O'Conor Don and Lord Emly), and equal laws in the main conceded.

In this way, through the invitation of an English philanthropic

society, by complying with their request, and by stating the case as I do now under similar circumstances at your request, the larger question of the Poor-laws, and urging then as now the great importance and justice of equal laws, especially in the case of protection of the helpless, I have the satisfaction of having been to some extent instrumental in having industrial schools extended to Ireland, an event I shall always look back to with satisfaction.

The result has exceeded my most sanguine expectations, and industrial schools have spread much more rapidly in Ireland than in England (with less assistance from the state), by the large sums of money which have been devoted to the object by private charity, and by the service of earnest religious people. These institutions have consequently been instrumental in supplying, in a very imperfect way no doubt, still to some extent, the want of enforcement of parental duty as to education, in which Ireland is nine years behind Scotland, and ten years behind England.

Other differences in the Poor-laws of Ireland and England.

To attempt an enumeration of all the differences in the poor-laws of Ireland and England, would far exceed the limits of an address, so I have confined your attention to the leading differences, to those you are most deeply interested in, and to those which best illustrate the anomalies of the present system of separate legislation on social questions. If the principles which the Congress contend for, and which I approve of, equal laws for a United Kingdom, in all cases where a reason for difference cannot be shown, be adopted, all arbitrary and unreasonable differences will disappear by a single enactment. The important business for this Congress, however, is to come to a conclusion on the applicability to Poor-laws of the principle of equal laws for the United Kingdom, and then leave your parliamentary committee to watch over the details of legislation and any exceptions to equal laws that are proposed.

Summary of conclusions.

I will now briefly summarize the conclusions I venture to submit for your consideration.

1. The suggestion of your parliamentary committee in 1879:—

> "That nothing can be more calculated to promote contentment amongst Irish workmen than voluntary extension of liberties to Ireland, similar to those which English workmen enjoy,"

is a generous, just, and feasible line of policy.

2. It coincides with the policy enunciated by the great Sir Robert Peel, at the close of his career as Prime Minister:—

> "That there ought to be established between England and Ireland a complete equality of all civil, municipal, and political rights, so that no person viewing Ireland with perfectly disinterested eyes, should be enabled to say a different law is enacted for Ireland, *and on account of some jealousy or suspicion* Ireland has curtailed and mutilated rights."

3. One of the highest authorities on social science in Ireland, pronounced some sixteen years ago that this principle of equal laws

for a united kingdom is specially applicable to the subject of this address. In 1864, Dr. Ingram, in his address to the Irish Statistical and Social Inquiry Society, said:—

> "The regulations of a Poor-law ought to be founded either on the facts of individual human nature, or on the relations and mutual duties of the members of a human family. Those facts are the same in Ireland as in England; those relations are alike sacred on both sides of the channel.
>
> "The joint action of the Local Government Board and the guardians of each union is in England almost absolutely unrestricted. I do not see why in Ireland it should be hampered and fettered as it is."

4. The Trades Union Congress representing 600,000 of the working classes, or from 3,000,000 to 4,000,000 of the population, by teaching mutual assistance and the elevation of the working classes by good conduct, energy, prudence, and the discipline of the members of the different trades upon one another, is one of the most powerful social influences of the present day for raising the largest possible number of the working classes above the necessity of being in any degree dependent on poor-laws.

5. In consequence of this effect of the organization which the Congress represents, it is specially entitled to form and to express an opinion on the administration of relief to the classes who are not so fortunate as to be protected by mutual assistance and trades societies, against the vicissitudes of their lot.

6. The retention of electoral division rating in Ireland, even in the modified form of the Act of 1876, is contrary to the policy of the English statesmen who introduced Poor-laws into Ireland in 1838, and contrary to the almost unanimous decision of parliament in establishing union-rating in England in 1865.

7. This electoral division rating system throws an undue pressure of poor rates and pauperism, with risk of attendant disease and crime, on the town electoral divisions, and more crowded parts of large cities, where the working classes have from the exigency of their labour and their moderate means, so frequently to reside.

8. For a like reason it is anomalous that the London Common Poor Fund principle, commenced by Lord Palmerston in 1864, extended by Lord Derby's government in 1867, and still further extended to all workhouse relief by Mr. Gladstone's government of 1870, is not applied to the three unions that have some of their divisions in the Dublin Metropolitan Police district, which was arranged on the London Metropolitan Police system.

9. The working classes of Dublin are specially interested in assimilation of Poor-laws for (1) Dublin suffers from both causes, want of union-rating and want of common poor fund; (2) the city divisions in which the working classes chiefly reside have to pay twice the poor rates paid by some of the wealthiest of the suburban districts in the three unions; and (3) (if there be any connection between restricted relief and disease), those residing in the city divisions are exposed to the maximum of disease and crime of any place in Ireland, and so have a special claim to have the English system for checking these evils tried in Dublin.

10. Owing to the powers and duties of guardians of the poor and

governors of lunatic asylums, and the Local Government Board in Ireland being different from those of the corresponding authorities in England, Ireland has been excluded from much of the improved legislation introduced in recent years in England, for securing that all lunatics shall be cared for, that the boarding-out of children shall be carefully provided for, that widows with one child and deserted wives shall not be unnecessarily separated from their children, and that the duty of educating all children shall be enforced, and the most helpless assisted by having their education paid for.

11. The adoption of union-rating and London Common Poor Fund has been followed by increased care in the administration of poor relief, increased development of charity, and of enlightened consideration for the poor, as shown by the foundation of the Charity Organization Society, and its hundred branches or cognate societies started in England and Wales since 1865, besides Poor-law conferences and county associations.

12. The adoption of the larger areas of taxation under union-rating and common poor fund has led to a generosity of management, as shown by the English witnesses before the Poor Removal Committee in 1879, consenting to the abolition of poor removal, while the Scotch witnesses, where parish-rating still continues, were opposed to it.

13. That entrusting local, and central authorities in Ireland with like powers as corresponding authorities have in England, in administering state charity to the poor, would encourage instead of checking private charity, is shown by the private contributions to the Roman Catholic charities for the deaf and dumb at Cabra, and the blind at Merrion, and to the Protestant institutions at Belfast, which have all been started since state assistance was granted in 1843, whilst the elder Protestant charities in Dublin for similar objects receive undiminished support.

14. The great progress of Irish industrial schools (chiefly Roman Catholic), though receiving less assistance from the state than those in England, attests the same conclusion.

Summary of suggestions for legislation to remove anomalous differences in Poor-laws.

15. While diversity of laws on elementary social questions in the three Kingdoms leads to complication and delay in legislation, the principle of equal laws would lead to great simplicity. Thus the whole of what has been suggested in this paper would be carried out, by simply enacting (*a*) that the powers and duties of local and central authorities charged with the care of the poor and helpless, shall be the same in Ireland as in England; and (*b*) that the town electoral divisions, and the crowded parts of large cities in Ireland (in which the working-classes chiefly reside) shall not, in addition to being specially exposed to the disease and crime consequent on any defect in relief, be taxed on a different principle and a higher rate than rural or suburban electoral divisions, or suburban unions, in cases where more equal taxation has within the last fifteen years, under similar circumstances, been established in England and Wales.

Appendix.

Unequal Rates on Electoral Divisions in Ireland.

"The great difficulty in carrying out the suggestions made—of wholly withdrawing from the (comparatively) richer unions within the distressed districts, is much increased by the system adopted *in Ireland of levying the poor-rate upon each electoral division,* according to the actual needs and expenditure of such electoral division, *instead of upon the whole union as in England.* Thus it happens that the poorest parish is the one which is most heavily rated to the poor, and thus in comparatively rich unions districts exist which need help equally with those in unions which are much poorer as a whole. *In any future changes in the poor-law in Ireland, it would, I feel persuaded, be a great advantage to assess the whole union, or even the county, equally for the relief of the poor.* The difference in the rate collected in the various electoral divisions of the same unions varies in *some cases from 6d. to 1s. 6d. or 2s., in others from 10d. to 4s. in the £1, and even in one case from 2s. 6d. to 4s. 6d. in the £1."—Extract from Irish Distress and its Remedies,* by James H. Tuke, 1880, *3rd Edition,* pp. 80-81.

IV.—*Report of Council at Opening of Thirty-fourth Session.*

[Read 30th November, 1880.]

Visit of Social Science Congress.

The Council joined with the Town Council of Dublin in inviting the Social Science Congress to meet in Dublin in 1881, and the invitation has been accepted.

The Council invite the co-operation of all the residents in Dublin and the neighbourhood, who take an interest in social questions, to enable the Society to secure the preparation of papers and the conducting of researches on all the subjects that it would be desirable to bring before the Congress. If zealously supported, the Council feel that they will be able to secure as successful a meeting of the Congress in 1881 as in 1861.

Representation of the Society at other Associations.

The Society was represented at the Statistical Section of the British Association, at Swansea, by Mr. Constantine Molloy, who was chosen as Secretary of the Section. Dr. Ingram (ex-President), and Dr. Hancock, at the invitation of the Executive Committee of the Trades Union Congress, gave addresses at the meeting of the Congress in Dublin in September last.

Legislation on matters the Society has taken an interest in.

Lunacy Legislation.

The Lord Chancellor succeeded in carrying one branch of his Neglected Lunatics (Ireland) Bill—namely, the part which gave to