

**POOR LAW REFORM.**

BY J. MAGUIRE, B.L.

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Not unconnected with the primary duty of the State to protect life and property and to maintain order is the duty of providing for the poor. Happily this appeals to the economic sense of the community and to the conscience of the individual.

The outlay involved in the discharge of this duty is met by a personal rate assessable on property. Having regard to its object it is submitted that a charge of this nature should be defrayed out of national rather than local funds; that it should be disentangled from all the other expenses of local government, and be a State charge, locally administered under central control. The flaw in the Local Government Act of 1898 was that it perpetuated this entanglement. The Government of that day failed to seize the opportunity then present of establishing independently of local government a sound system of Poor Relief, by which institutional charges might be diminished, the sphere of Home Help enlarged, actual destitution anticipated and prevented, and the family tie preserved unbroken.

The drawback in institutional relief is that it breaks up the home, the unit of social life, the nidus out of which human society is evolved, and substitutes an environment from which the natural relations of parent and child and the charm and associations of family life are eliminated.

The aim of this paper is not to present a complete and elaborate scheme of Poor Law Reform—a transcendent task—but to indicate a few general and leading principles which, it is submitted, ought not to be lost sight of in the preparation of such a scheme.

The dissolution of the Dublin Board of Guardians and the facts leading up to it will tend to throw light upon our subject and to elucidate some of its problems. The Local Government Board of a few years ago had inaugurated a policy of piecemeal reform by amalgamating unions, closing down workhouses as such, and turning some of them into County and District Hospitals. The idea was good so far as it went. It had the appearance and, no doubt in some cases, the substance of economy, and afforded opportunities of improved classification of inmates. But the system had been a long time ripe for radical reform, while this was only a tinkering attempt at improvement. The Guardians of the two Dublin Unions were

slow in responding to the invitation of the Local Government Board to formulate a plan of amalgamation, and accordingly that Department drafted a scheme for their consideration, which was promptly rejected for reasons hereinafter shown. That plan, which had the authority of the Viceregal Commission, was for the union of the urban portions of North and South Dublin only, which though it might be a desirable feature in a general scheme of reconstruction, would, in a piecemeal measure such as was then attempted, be most unfair to the municipal union so constituted.

In contrast to this were two other proposals, one by Sir Henry Robinson for the junction with the Dublin Unions of the three outlying Unions of Balrothery, Celbridge and Dunshaughlin; the other by the late Mr. P. J. Farrelly, a guardian of ability and experience, and the present writer. This proposal was to extend that of Sir Henry Robinson so as to include the wealthy Union of Rathdown.

The merit of these two proposals was that they would have given substantial relief to the overburdened ratepayers of Dublin by extensively widening the area of charge. This the amalgamation of the two Dublin Unions, advocated by the Citizens' Committee, wholly failed to do. For such a huge establishment as the Dublin Union a wide area of charge is a financial necessity, and to ignore this fact is to invite the failure which followed.

It goes without saying that the new Executive Authority has a heavy task before it, and it is a question worthy of consideration whether an Advisory Committee of Guardians should not be retained in view of the knowledge and experience acquired by them in the service of the poor and their value as a check upon officialism.

The amalgamation of 1918 was fruitless as a reform. It made no change in the system under review, and the present writer has no regrets that as a guardian he voted against it. Subsequent to the amalgamation of the Dublin Unions the Union of Rathdown, which would have been a valuable contributory asset in Mr. P. J. Farrelly's scheme of amalgamation, had it been adopted, closed down its workhouse, converted it into a hospital, and boarded its healthy inmates in the Dublin Union on terms very favourable to Rathdown.

In Mr. Farrelly's plan Rathdown would have been brought in with the other unions and shared with them all union charges according to its valuation. Of the four distinct plans proposed this would have been the most advantageous to Dublin and the most equitable. Sir Henry Robinson's would have been the

next best thing. While the best that can be said for the plan adopted and now in operation is that there was a worse plan, and that was the tentative proposal of the Local Government Board to make Dublin a purely urban union.

It is due to the Urban District Council of Pembroke to say that, by a resolution of their Board, they approved of Mr. Farrelly's proposal for enlarging the area of charge and lightening the burthen of Dublin.

To view the subject historically: The Irish Poor Law system is not of native growth. It originated in the Poor Relief Act, 1838, which was passed in opposition to the views of the Royal Commission of 1833-6. The members of this Commission were Irishmen. They declared that Ireland did not require a Poor Law like that of England, but that what they did want was the development of her resources and the carrying out of a programme of social reform, many items of which have since been realised after years of prolonged parliamentary agitation.

In this inceptive Act there was no provision for outdoor relief. The sole relief was the workhouse and the sole condition was destitution, while the administrators were all English officials. The system was financed by a compulsory local rate, which has proved to be a crushing burden on industry and of unequal incidence as between the various unions on which it is charged.

The prevention of destitution was not contemplated by the Act. It only operated when the destitution was actual, and even when the great famine came with all its horrors its failure was inevitable and complete. The destitution was indeed actual. "There were over three millions of people to be fed, and the total rental of the land of Ireland was £10,000,000. The task was utterly beyond the resources of the owners and occupiers of land." The views of the Royal Commissioners of 1833-36 received a terrible vindication in the catastrophe which followed their rejection. For their wise, constructive and prescient proposals there was substituted a system which they had condemned in advance, and which after a trial of eighty-five years' working is condemned to-day as wasteful and extravagant, uncongenial and unnatural, unsuited to the national character and the conditions of the country.

Prior to the working of the Land Purchase Acts and the establishment of the Congested Districts Board there were unfortunately recurrent periods of agricultural depression and distress, with which the workhouse system proved itself, as might be expected, wholly unable to cope. The necessities of

the case and the public feeling which they aroused forced the Government to make a substantial grant of £1,500,000 for outdoor relief.

The introduction of this principle and its operation on a large scale marks a new epoch in the history of the Irish Poor Law system. In more recent times public benevolence has placed on the Statute Book various Acts for the protection of child life, the boarding out of children so as to give them the natural and healthful environment of family life, of which the workhouse system is the negation; old age pensions, provision for the unemployed, all of which tend towards the gradual elimination from our system of poor relief of an institution so universally condemned as the workhouse in its present form.

During the Balfour regime the present writer suggested to a member of the Government the desirability of adding to their programme of remedial legislation a measure for the establishment of a well-regulated plan of outdoor relief to take the place of the workhouse system then in operation. His reply was that outdoor relief was capable of much abuse. The proposition is absolutely true, but equally true, to say the least, of the system it was suggested to supersede. Later on, as a Guardian of the North Dublin Union and of the amalgamated Dublin Union, the writer came into close contact with a system of which he had already formed definite opinions, which his experience confirmed.

Dublin is in a special degree the victim of the Poor Law. When agriculture languishes and rural conditions are bad there is a general tendency of the poor to flock towards the towns and cities in search of employment. Dublin is the centre to which the poor of the South and West mainly gravitate. Owing to the absence of factories and large industrial concerns comparatively few are successful in finding employment, and too many come to that degree of destitution which renders them chargeable to the rates. Such a state of things cannot exist in England, Scotland or Wales, where there is a Law of Settlement. This law is based on an inherent right to the benefit of the Poor Law in a particular place. It is acquired by birth or residence for a specified time. Happily the tendency of modern legislation has been to shorten this qualifying period of residence and to facilitate the acquisition of a new settlement.

This law is in point of fact a law of self-protection for every individual union, making it responsible for its own poor only and relieving it of any charge for the maintenance of the poor of other unions.

This limitation is unknown in Ireland, and destitute persons

who apply for relief in the Dublin Union must be maintained there, no matter from what quarter of the world they come. There is no reciprocity in this matter, and Irish poor who have not acquired a settlement in England, Scotland or Wales are sent, not to their place of origin in Ireland, but to the nearest Irish port.

The Law of Settlement operates by way of poor removal when persons apply for relief in places where they have not acquired a settlement either by birth or residence. Removal may involve, and has involved, untold hardships on the poor, particularly on the Irish poor removed from England or Scotland. The Legislature has been obliged to interfere to mitigate these hardships, particularly when delicate women and children, badly nourished, were shipped as deck passengers in tempestuous weather, sometimes at the risk of their lives.

In the case of removal on the ground of settlement questions will arise as to where the true settlement is and what particular union is to be chargeable with the poor person's maintenance. These matters of doubt become matters of litigation in England, and involve heavy legal charges on the unions concerned. In Scotland, however, they act more prudently, and submit their disputes to the arbitration of their Local Government Board.

Allusion has been made to the fact that prior to the amalgamation of the Dublin Unions in 1918 the Local Government Board formulated a scheme for the creation of a union to consist of the urban parts of the North and South Unions, leaving the rural portions of both to be joined to the unions lying on either side. This proposal of the Local Government Board would appear to have been put forward only to provoke discussion. It would have aggravated the abnormal position of Dublin. The city proper would have had to bear of itself the heavy burthen now shared by the rural districts surrounding it. Its expenses would not have been seriously diminished, while the area of charge would have been seriously curtailed. The guardians from the rural districts, as might be expected, highly approved of the proposal, but the Local Government Board, conscious of its unsuitability, gracefully withdrew it. Its unsuitability was emphasised by the fact that there is not in Ireland any Law of Settlement such as exists in England restricting the responsibility of each union to the making of provision for its own poor. The question here arises whether this Law of Settlement, about which comparatively little is known at this side of the Channel, is the best remedy for the state of things justly complained of.

Early in the Victorian era Sir John Pope Hennessy moved in Parliament for leave to bring in a Bill to establish a Law of Settlement in Ireland, but withdrew the motion on the advice of Mr. John Francis Maguire, to whom he deferred as an authority on Irish affairs and as possessing special knowledge of the subject. In point of fact, as Mr. Maguire pointed out, it is an archaic law, not framed in view of modern conditions and requirements but restricting the migration of labour and causing endless trouble and litigation. A few years earlier, in 1854, the President of the English Poor Law Board brought in a Bill to abolish it in England and to reform the system in other respects. The Irish representatives in Parliament were absolutely united in their demand to have Ireland included in this measure of reform, and the Government admitted that their case was unanswerable. The immediate effect of this admission was that the author of the Bill resigned, and the final result was that a valuable measure was lost both to Great Britain and Ireland mainly by the obstinacy of an official. For some time subsequent to this debacle poor law reform was regarded as a thorny subject, almost dangerous, for a statesman to touch. In 1856 the President of the Poor Law Board introduced three measures of poor law reform, all of which were withdrawn, including one for dealing with poor removal. Even in the twentieth century it is one that appeals little to popular sentiment, however much it may affect popular interests. These interests, it is submitted, will be best served by narrowing the sphere of institutional relief to the absolute necessities of the case, and by enlarging that of home help, so that the actual destitution which demands institutional relief may be anticipated and prevented.

In 1916 the cost of an inmate in the North Dublin Union was about 10/6 a week. Of this sum 6/4 went for clothing and maintenance and 4/2 to the upkeep of the workhouse and its officials. At a later stage these figures rose to 12/6, 7/9 and 4/9. Outdoor relief is clearly, therefore, the more economical, as it saves establishment charges. It does not, moreover, break up the family. It saves children from the drawbacks incident to being reared in an institution away from home influences. If wisely and judiciously administered it may rescue families on the brink of pauperism, enable them to maintain their position and to discharge their duties efficiently and creditably. In England a few years ago a circular emanated from the Local Government Board calling on boards of guardians to increase their allowances for outdoor relief generously in the public interest.

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A wise and judicious administration of outdoor relief postulates three things—strict supervision, accurate accountancy, sociological training and experience in the officers employed.

In reference to the qualities desirable and necessary in the case of an officer administering outdoor relief or home help, the evidence of Mr. Baldwin Fleming given before the Royal Commission of 1909 is valuable and may be quoted with advantage: "For a relieving officer you want not only a man of good personal character, but you want a man of great sympathy and at the same time of great firmness, who can be very gentle and at the same time very strong, a man who has the fullest sympathy with distress and at the same time who is determined to protect the ratepayers from fraud—a man who will find out imposition and be stern with it, and, on the other hand, be sympathetic with real distress." Mr. Baldwin Fleming suggested that the relieving officers should always be appointed in the first instance as assistants, and only promoted to independent positions after having received training and shown definite capacity. He further suggested that training should be combined with examinations.

Having regard to the increase of outdoor relief in the Dublin Union, and bearing in mind the foregoing opinion and suggestions, the present writer moved the board of guardians for the appointment of a superintendent of outdoor relief whose expert knowledge he thought would promote the efficiency of that department. On a division the motion was lost. It may have been regarded as a slur, which it was not, on a body of men the majority of whom were capable, intelligent, humane, and interested in their duties. In the case of future appointments, it is submitted, that some attempt should be made to realise the ideal which Mr. Baldwin Fleming has portrayed, and those other conditions of strict supervision and accurate accountancy that are essential to efficiency in this department of relief.

In addition to skilled official experts, it would be desirable in the administration of outdoor relief or home help to avail of the services of voluntary workers, members of charitable organisations of men and women possessing sympathetic knowledge and lengthened experience. This as a matter of economy and efficiency and for the purpose of preventing the overlapping of charitable activities by creating a mutual understanding between the members of such organisations, who, though working on different lines, have a common interest in protecting themselves from imposture and restricting their assistance to bona fide and deserving cases.

For the purposes of outdoor relief or home help it is submitted that the local unit of administration should be the parish, and for institutional relief the county, and that the true path of reform will lie in the direction of the prevention of destitution by a generous and at the same time prudent bestowal of home help, which, under proper safeguards, should be extended to necessitous widows with families of young children.

In Holland, which has a population of seven millions and an area of about one-third of Ireland, they spent in 1921 over £2,500,000 in outdoor relief and about £3,000,000 on hospitals, almshouses and the treatment of the insane. Religious societies are able to deal with 18 per cent. of the destitution and organised private charity with 9 per cent., leaving the remaining 73 per cent. to be relieved by the municipalities and civil societies. Workhouses are found in very few communes. There is no poor rate as such, but a pauper must be maintained by the commune in which he lives, while mendicity and vagabondage are treated as offences punishable by confinement in a State Work Establishment. Unemployment insurance has been established since 1917.

Though conditions in Continental countries differ from ours, the reformer will do well to consider what measures other States have taken in dealing with this problem of the poor. To compare Ireland and Scotland in relation to poor relief in a normal and pre-war year is not inappropriate to our purpose and may prove interesting and instructive.

In the year 1913 the populations of these countries were approximately equal, while the valuation of Scotland was double that of Ireland. Scotland spent £980,600 in relieving 87,000 persons, while Ireland spent less than two-thirds of that sum, that is to say £629,400 in relieving 79,000 persons. These figures include all sums expended, whether on institutional or outdoor relief.

In institutional relief Scotland spent £389,582 on 13,240 persons; Ireland spent £500,000 in relieving 38,600, which approaches three times the number of inmates in Scottish workhouses. The annual cost of an inmate in Scotland was £29 8s. 5d.; in Ireland about £13, considerably less than one-half. We cannot assume that we are more economical than our Scottish friends, and therefore but for our valuation of only half that of Scotland we should have to admit that we are less generous.

In the matter of outdoor relief this difference is even more strongly marked. In 1913 Scotland gave relief to 73,959 persons at a cost of £591,126 or £7 19s. 10½d. per person; Ire-



land to 40,700 persons at a cost of £129,400 or about £3 3s. 4d. per person, which works out at about 3.1 per week per person relieved in Scotland and about 1.2½ per week per person relieved in Ireland.

These figures when duly considered will tend to dissipate certain popular prejudices and to exhibit Scottish poor law economy in its true aspect as efficient, prudent and generous. In this system will be found some admirable features well worthy of imitation and adoption by those who undertake the responsibility of reforming the Irish poor law. Among these is the Society of the Inspectors of the Poor, an organisation which protects its members and holds annual conferences for the discussion of poor law problems. There is also a Poor Law Examination Board which holds examinations half-yearly and grants diplomas. Inspectors of the poor have one or more assistants who qualify for diplomas, and when appointed command high pay. Distress Committees rent unreclaimed land and employ the unemployed to reclaim it. In Glasgow one of these committees has a farm of 400 acres on which 56 men are employed.

These are a few salient characteristics of the Scottish system of poor relief which are said to be attended with excellent results, which, together with the few suggestions embodied in the foregoing paper, may be of interest to those who may be charged with the duty of establishing a system of poor law in Ireland which will be preventive, ameliorative and reconstructive.

This paper, being mainly based on the preconceived opinions and personal experience of the writer, is naturally fragmentary. A wider view of the subject may be derived from a perusal of the Reports of the Commissions of 1833, 1906 and 1909; a pamphlet on the Prevention of Destitution in Ireland by the Right Rev. Monsignor Parkinson (Brown & Nolan, Ltd.), and a Supplement to the same containing a Summary of the Proposals for the Break up of the Poor Law by Mr. John B. Hughes, an able writer and diligent student of the subject.