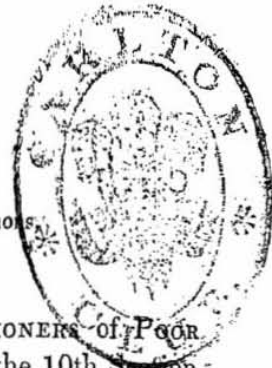


POOR LAW (IRELAND).

RETURN to an Order of the Honourable The House of Commons
dated 9 June 1848;—for,



COPIES "of the CORRESPONDENCE upon which the COMMISSIONERS of Poor Laws in *Ireland*, took Legal Advice as to the Construction of the 10th Section of the Act 10 Vict. c. 31, and of the CASE submitted by them to Counsel; and of the CIRCULAR LETTER of the Commissioners issued thereupon."

Poor Law Commission Office, Dublin, }
22 June 1848.

W. STANLEY,
Secretary.

COPY of a POLICE REPORT received from the Under Secretary for Ireland,
on the 24th April 1848.

(No. 22491/48.—Carrick-on-Shannon Union.

County of Leitrim, Ballinamore, 15th April 1848.

AN inquest was held on the 14th instant on the body of Wabby M'Sweeney,
in the Carrick-on-Shannon Union.

Copy of Verdict.

"That deceased came by her death from want of the common necessities of life,
and exposure to the inclemency of the weather.

"The deceased and family are in great distress, but cannot obtain relief, as her
husband would not give up 12 acres of land."

Inspector-General, &c. &c.

J. Lodge, S. I.

Referred to Captain Wynne (Temporary Poor Law Inspector for the Carrick-
on-Shannon Union), 26th April 1848.

COPY of Captain Wynne's REPORT, dated 8th May 1848.

THIS poor woman was found dead in a ditch, into which it is supposed she fell
from exhaustion on her return from the Relief Depôt, where she had procured about
a quarter stone of oatmeal from the paupers. She no doubt came by her death
as stated in the verdict, and her husband and children, I fear, are likely to follow,
as he will not give up the land he holds, 12 acres, and the run of the mountain.
I find that no application was made by or on behalf of this family till after the
inquest on deceased, and that then, in consideration of the extreme destitution of
the parties, the relieving officer offered them a ticket for the house, although the
father would not give up the land.

This case is certainly one of the worst I have met with. I do not think the
family can hold out much longer; and yet the father will neither conform to the
law, and entitle himself to relief, nor will he accept the workhouse, if we offered it.
It is difficult to manage such cases, and they are by no means uncommon.

E. W. 5/8/48.

COPY POLICE REPORT received from the Under Secretary for Ireland,
29th April 1848.

(No. 23632/48.—Westport Union.)

County of Mayo, Westport, 15th April 1848.

AN inquest was held on the body of Michael Brady, who died in the Westport
Union.

Copy of Verdict.—"Died from Starvation."

Inspector General.

Denis Walsh, Q. S. I.

(No. 23632/48.)

COPY LETTERS to Mr. *Lynch*, Temporary Poor Law Inspector, and to the Clerk to the Westport Union, dated 1st May 1848.

Poor Law Commission Office, Dublin,
1st May 1848.

Sir,

I AM directed, by the Commissioners for administering the Laws for Relief of the Poor in Ireland, to forward to you herewith a copy of a communication, which they have received from the Under Secretary's office, relating to the decease of a poor man in the Westport Union, named Michael Brady, and I am to request that you will have the goodness to make such inquiry into the circumstances as may enable you to report to the Commissioners as to the facts of the case; and especially whether the deceased made application for relief either to the Vice-Guardians of the Westport Union, to the workhouse Master, or to any of the Relieving Officers.

I have, &c.

To R. M. Lynch, Esq., &c. &c.
Westport.

W. Stanley, Secretary.

(No. 23632/48.)

Poor Law Commission Office, Dublin,
1st May 1848.

Sir,

I am directed, by the Commissioners for administering the Laws for Relief of the Poor in Ireland, to forward to you herewith a copy of a communication which they have received from the Under Secretary's office, relating to the decease of a poor man in the Westport Union, named Michael Brady, and I am to request that the Commissioners may be furnished with the observations of the Vice-Guardians of the Westport Union thereon.

By order, &c.,

To the Clerk, Westport Union.]

W. Stanley, Secretary.

(No. 25961/48.)

COPY REPORT from Mr. *Lynch*, dated 9th May 1848.

Sir,

IN accordance with the directions contained in your letter of the 1st instant, (No. 23632), I made inquiry into the circumstances connected with the death of a poor man, named Michael Bradley, *not Brady*, and I find that he died from want. He resided in the townland of Creganrue, in the electoral division of Louisburgh. He held two or three acres of land, and, therefore, never applied to the Relieving Officer for assistance; but left his home for the purpose of begging, and died on the side of the road, within two miles of the town of Westport. His wife, with one infant, have since abandoned the holding at Creganrue, and are gone to live at a place called Derrygorruff, in the same electoral division, and are now receiving out-door relief.

Mr. Carroll, the Relieving Officer of Louisburgh, reports, that there are several families in the most urgent distress, who being holders of land are excluded from relief; that several of these persons have sold their beds and clothing to enable them to purchase seed for the land, and are now actually starving; but still are unwilling to abandon their little farms. I may add, that such cases are not peculiar to Louisburgh, but are to be found in almost every district in the Union.

Wm. Stanley, Esq., Secretary,
Poor Law Commission, Dublin.

I have, &c.

Richard M. Lynch.

(No. 26474/48.)

EXTRACT from MINUTES of PROCEEDINGS of the Vice-Guardians,
dated 10th May 1848.

THE Vice-Guardians have directed the Relieving Officers to be questioned on the subject ; but such a person is not known by any of the Relieving Officers.

(No. 25961/48.)

COPY LETTER to the Under Secretary, dated 13th May.

Poor Law Commission Office, Dublin,
13th May 1848.

Sir,

WITH reference to the communication referred to the Commissioners on the 29th ultimo, relating to the death of a poor man named Michael Brady, in the Westport Union, I am directed, by the Commissioners for administering the Laws for Relief of the Poor in Ireland, to transmit herewith, for the information of his Excellency the Lord Lieutenant, a copy of a Report which the Commissioners have received from Mr. Lynch, Poor Law Inspector for the Westport Union, on the subject.

To T. N. Redington, Esq., &c. &c.,
Dublin Castle.

I have, &c.
W. Stanley, Secretary.

COPY of OBSERVATIONS of Mr. *Bourke*, Poor Law Inspector, on the Report of Mr. *Lynch*.

"THERE have been two cases of death in the neighbourhood of Westport since my arrival, under circumstances such as those alluded to by Mr. Lynch."

17th May 1848.

R. B.

CASE for OPINION of The Right Honourable the *Attorney-General*.

It is provided by the 10th section of the 10th Vict. c. 31, "that no person who shall be in the occupation of any land of greater extent than the quarter of a statute acre shall be deemed and taken to be a destitute poor person, under the provisions of the first-recited Act, 1 & 2 Vict. c. 56, or of the Acts amending the same, or of this Act." It is further provided by the same section that, "if any person so occupying more than the quarter of a statute acre shall apply for relief, or if any person on his behalf shall apply for relief, it shall not be lawful for any Board of Guardians to grant such relief within or out of the workhouse to any such person."

By the 54th section of the 1st & 2d Vict. c. 56, it is provided, "that all relief given under this Act to a wife or child shall be considered as given to the person declared by this Act to be liable to maintain such wife or child," and a similar provision is contained in the 8th section of the 10th Vict. c. 31.

The 10th & 11th Vict. c. 84 repeals so much of the 1st & 2d Vict. c. 56 as provides for the punishment of persons deserting their wives and children, but enacts "that every person who shall desert or wilfully neglect to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute, and be relieved in or out of the Workhouse of any Union in Ireland, shall, on conviction thereof before any Justice of the Peace, be committed to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding three calendar months."

On the 15th April last an inquest was held in the county of Leitrim on the body of a woman named Wabby M'Sweeney, and the jury returned a verdict to the effect that "she came by her death from want of the common necessities of life, and exposure to the inclemency of the weather." It was stated at the same time that "the deceased and her family were in great distress, but could not obtain relief," as her husband would not give up 12 acres of land.

Inquiry has been made by the Inspector of the Union in which the woman died, in order to ascertain the truth of this statement, and he has confirmed it; and

stated at the same time "that the woman's husband and her children are not likely long to survive her, as the man will not give up the land he holds."

The Commissioners regard the conduct of the parent in this case as a neglect to maintain his children, and they would, if justified by the law in its present state, recommend the Guardians to relieve the children, and prosecute the father under the section cited from the Vagrant Act.

The Commissioners are desirous of receiving your Opinion :

First. Whether the Board of Guardians could legally afford the children of this man relief either in or out of the workhouse.

Secondly. Whether he can be prosecuted for neglecting to maintain them if they are received into the workhouse, or otherwise relieved from the Poor Rates.

The above QUERIES have already been submitted to Mr. Jonathan Henn, and the following is his Opinion thereon :

First. I think they can, *in* the workhouse if there be room for them, or *out of it* if there be not, if they are in a state of destitution as above described. I do not think the retention of the land by the father will make it illegal to relieve them ; but,

Secondly. If the father, notwithstanding his possession of the land, is really unable to maintain the children, I do not think he could be properly convicted under the 10th and 11th Vict. c. 84, s. 2.

15 May 1848,
16, Upper Merrion-street.

(signed) J. Henn.

I concur with Mr. Henn in the above Opinion. It would not be possible to convict the father for neglecting to maintain the children, considering his refusal to give up his land as such neglect.

But I think, notwithstanding the father's refusal to give up the lands, that his children are proper objects for relief.

20 May 1848.

(signed) J. H. Monahan.

CIRCULAR.

Poor Law Commission Office, Dublin,
23 May 1848.

Sir,

THE Commissioners for administering the Laws for Relief of the Poor in Ireland, have been informed, that the families of persons occupying more than a quarter of an acre of land suffer in some cases very great privation in consequence of the head of the family refusing to give up the occupation of any part of such land, and being therefore not entitled to receive relief under the provisions of 10 Vict., c. 31, s. 10.

The Commissioners have resorted to legal advice on this subject, and I am directed to state, that such members of the family of a person holding more than a quarter of an acre of land as may be destitute, can legally be relieved in the workhouse of the Union, or if the workhouse be full, the Guardians may relieve them out of the workhouse, if an order of the Poor Law Commissioners authorizing the relief of such persons out of the workhouse, under the 2d section of the Act, be in operation in the Union in which they reside.

The Commissioners desire at the same time to point out, that the provisional power given to Relieving Officers, under sec. 7 of the Relief Extension Act, applies to every class of destitute persons in all cases of sudden and urgent necessity, whether the parties be or be not relievable out of the workhouse by the Board of Guardians, in virtue of any order of the Poor Law Commissioners issued under the 2d section of the Extension Act.

It is not to be understood, however, from the above observations, that a person occupying more than a quarter of an acre is himself relievable either in or out of the workhouse.

I am to desire that you will call the immediate attention of the Board of Guardians to the contents of this Circular, and to the necessity of their at once giving instruction to the Relieving Officers of the Union accordingly.

I have, &c.

To
The Clerk of each Union.

W. Stanley, Secretary.

(No. 457, M/48.)

Poor Law Commission Office, Dublin,

Sir,

8 June 1848.

ADVERTING to their Circular of the 23d ultimo, concerning the Relief which may legally be afforded from the Poor Rates to the destitute wives and children of persons occupying more than a quarter of an acre of land, the Commissioners for administering the Laws for the Relief of the Poor in Ireland direct me to state, that, having reason to believe that some misapprehension exists as to the precise nature of the modifications which the law, as explained in that Circular, may introduce into the administration of relief, they desire to make the following observations:—

The only practical difference which that Circular need make in the administration of relief is, that Boards of Guardians and Relieving Officers should not permit the wife or child of a person occupying more than a quarter of an acre of land to die of starvation, or to suffer extreme privations, because the husband or father (as the case may be) refuses to qualify himself for relief, by ceasing to occupy more than such quarter of an acre. But it would be an entire perversion of the meaning of the law, and of the language and meaning of the Circular, to give relief systematically and indiscriminately to the wives and children of persons occupying more than a quarter of an acre of land, when the Legislature has expressly declared that such occupiers are not to be deemed destitute.

If such occupiers are really able to maintain their wives and families, Boards of Guardians have exactly the same remedy under the Irish Vagrant Act (10 & 11 Vict., c. 84), against them, as against a person in employment with high wages, who “deserts or wilfully neglects to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute, and be relieved in or out of the workhouse of any Union in Ireland.” Under that Act any such occupier may be prosecuted for wilfully neglecting to maintain his wife or child, and he “shall, on conviction thereof before any Justice of the Peace, be committed to the common gaol, or house of correction, there to be kept to hard labour for any time not exceeding three calendar months.”

It is true that Boards of Guardians have no adequate protection against a person who, although he persists in occupying more than a quarter of an acre of land, is so poor that he cannot be said, in the legal sense of the words, wilfully to neglect to maintain his wife or child, and who yet is practically the cause of the destitution of such wife or child, by his refusing to bring himself within the conditions through which he would be entitled by law to relief. The Guardians will be thus exposed to numerous attempts at imposition, which can only be successfully met by patient inquiry and discrimination on the part of themselves and of Relieving Officers. At the same time, it is to be remembered, that Boards of Guardians are now deemed to be in a position which will enable them to save an innocent wife or child from death by starvation, arising from the obstinacy of a husband or father; and means are thus afforded for the better securing an object, which must be regarded as the principal aim of every Poor Law, viz., the preservation of human life.

By Order of the Commissioners,

W. Stanley, Secretary.

To
The Clerk of each Union.

POOR LAW (IRELAND).

COPIES of the CORRESPONDENCE upon which the COMMISSIONERS of POOR LAWS in *Ireland* took Legal Advice as to the Construction of the 10th Section of the Act 10 Vict. c. 31, and of the Case submitted by them to Counsel; and of the CIRCULAR LETTER of the Commissioners issued thereupon.

(Sir William Somerville.)

Ordered, by The House of Commons, to be Printed,
29 June 1848.

442.

Under 1 oz.