

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

CAP. CIII.

An Act to continue an Act of the last Session of Parliament, for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

[1st *August* 1849.]

WHEREAS by an Act passed in the Twelfth Year of the Reign of Her present Majesty, intituled *An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions*, Provisions were made whereby the Costs of the Relief and the Expenses of the Burial of certain poor Persons therein described are made chargeable upon the Common Fund of the Union until the Thirtieth Day of *September* in the present Year; and it is expedient that such Term should be extended, and that various Amendments should be made in the Laws relating to the Relief of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions in the said Act regarding the Charge of such Costs and Expenses upon the Common Fund, which Provisions would, unless

11 & 12 Vict. c. 110.

Certain Provisions of 11 & 12 Vict. c. 110. con-

tinued for a limited Time.

unless continued by Parliament, expire on the Thirtieth Day of *September* next, shall be continued in full Force until the Thirtieth Day of *September* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament.

Who may be deemed a destitute Foundling within the 11 & 12 Vict. c. 110.

II. And be it enacted, That the Term "destitute Foundling" contained in the said Act shall extend to any destitute Child under the Age of Twelve Years who shall be deserted by both Parents or by its surviving Parent, and who shall not be in the Care or Custody of some Relative, Guardian, or Friend, and whose Settlement shall not be known.

Persons chargeable to the Common Fund brought within the Provisions of 5 G. 4., &c.

III. And be it enacted, That the Chargeability of any Person to the Common Fund of a Union shall have the same Effect and shall be attended with the same Consequences as the Chargeability of any poor Person to a Parish in respect of Proceedings to be taken under the Act of the Fifth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act for the Prevention of Vagrancy*, or under the Statutes for the Removal from *England* of poor Persons born in *Scotland* or *Ireland*, or in the *Isle of Man*, or *Scilly*, *Jersey*, or *Guernsey*, or under the Statutes for the Removal of Lunatic Paupers to Asylums, or under any Statute against unlawfully causing or procuring the Removal of any poor Person.

Removal of a Lunatic to an Asylum or of a Pauper to a Workhouse of the Union not to be deemed an Interruption of the Residence under 9 & 10 Vict. c. 66., but the Time to be excluded from Computation.

IV. And be it enacted, That the Removal of any Lunatic Pauper to an Asylum, licensed House, or registered Hospital, under the Authority of the Statutes in that Behalf, or of any Pauper, otherwise than under an Order of Removal, from his Place of Abode in any Parish of a Union to the Workhouse of such Union, shall not be deemed to be an Interruption of the Residence of such Pauper within the Meaning of the Statute of the Tenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to the Removal of the Poor*, but the Time spent in such Lunatic Asylum, licensed House, or registered Hospital or Workhouse respectively, and the Time during which any Person shall be relieved at the Charge of the Common Fund of the Union, shall be wholly excluded from the Computation of the Time of Residence which, according to the Provisions of such Statute, will exempt a poor Person from being removed.

The Costs of Lunatic Poor, being irremovable to be borne by the Common Fund.

V. And be it enacted, That all the Costs and Expenses incurred, or hereafter to be incurred, since the Twenty-fifth Day of *March* last in and about the obtaining any Order of Justices for the Removal and Maintenance of a Lunatic Pauper who shall have been or shall be removed under any such Order to any Asylum, licensed House, or registered Hospital, and who, if not a Lunatic, would have been exempt from Removal by reason of some Provision in the said last-

recited Act of the Tenth Year of the Reign of Her Majesty, shall, until the Time when the Provisions herein-before contained shall cease, be borne by the Common Fund of the Union comprising the Parish wherein such Pauper Lunatic was resident at the Time when such Lunatic Pauper was so removed to such Asylum, licensed House, or registered Hospital, notwithstanding the Order for the Payment thereof shall have been made upon the Overseers of such Parish, or the Parish of the Settlement, or upon the Treasurer or Guardians of the Union in which either Parish shall be comprised.

No Person to be appointed Overseer who is interested in certain Contracts.

VI. And be it enacted, That no Person shall be qualified to be appointed to be an Overseer of the Poor in any Parish who at the Time of the proposed Appointment shall be engaged or directly or indirectly concerned in any Contract for the Supply of Goods, Wares, Materials, or Provisions for the Workhouse, or for the Relief of the Poor in such Parish or in the Union comprising such Parish: Provided always, that no Rate or Assessment made, nor any other Act or Thing done, by such Person as Overseer, nor the Service of any Notice, Demand, Order, or Process upon him as such, shall, if in other respects legal and sufficient, be deemed invalid by reason only of such Disqualification.

Recovery of Contributions when Copy of the Order served upon One Overseer.

VII. And be it enacted, That where the Guardians of any Union or Parish shall make any Order for the Payment of Money upon Overseers or other Officers of any Parish upon whom they are empowered by Law to make it, and a Copy of such Order shall be served upon any one of such Overseers or other Officers, it shall be lawful for the said Guardians to enforce such Order against the Person so served as fully and as effectually as if a Copy thereof had been also served upon every one of such Overseers or other Officers.

On Vacancy in the Office of Auditor, Poor Law Board to appoint a temporary Auditor to audit Accounts incomplete.

VIII. And be it enacted, That when any Auditor shall die, resign, or be removed, or become incompetent to act, at any Time when the Audit of the Accounts of the Parishes or Unions within his District shall not be completed, the Poor Law Board may, by Order under their Seal, appoint temporarily some other Person to audit the Accounts of the several Parishes or Unions which may then be ready to be audited; and such temporary Auditor shall have the same Powers and Authorities, and shall be subject to the same Obligations and Duties, as the ordinary Auditor would have possessed or would have been subject to, and shall receive such Remuneration as the said Commissioners shall direct for the Performance of his Services herein.

Certain Limitation in 11 & 12 Vict. c. 43. not to

IX. And whereas in the Act of the last Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices*

apply to Proceedings by Auditors.

Justices of the Peace out of Sessions within England *and* Wales *with respect to summary Convictions and Orders*, it is enacted, that in all Cases where no Time had then been or should thereafter be specially limited for making the Complaints, or laying the Informations therein referred to, every such Complaint should be made and every such Information laid within Six Calendar Months from the Time when the Matter of such Complaint or Information respectively arose; and Doubts have been entertained whether the Provision aforesaid applies to Proceedings by Auditors to recover Sums certified by them to be due in the Accounts of Officers or other Persons, and it is desirable to remove such Doubts: Be it therefore declared and enacted, That nothing in the Provision of the said Act herein recited shall be deemed to apply to any such Proceeding by any Auditor; but that no Auditor shall commence any such Proceeding after the Lapse of Nine Calendar Months from the Disallowance or Surcharge by such Auditor, or, in the event of an Application by way of Appeal against the same to the Court of Queen's Bench or to the Poor Law Board, after the Lapse of Nine Calendar Months from the Determination thereupon.

In Proceedings for Penalties and Forfeitures under Act 5 W. 4. or any subsequent Statute, full Costs to be allowed.

X. And be it enacted, That in the Case of the Prosecution of any Information, or the Proceeding for any Penalty or Forfeiture, or for enforcing any Order under the said Statute of the Fifth Year of the Reign of His late Majesty King *William* the Fourth, or of any subsequent Statute incorporated therewith, where Judgment shall be given against the Defendant, and the Justices shall order or direct such Defendant to pay the Costs, such Costs shall, in addition to other Costs lawfully chargeable, include all such Costs and Expenses incurred in respect of such Prosecution or the laying of such Information, or the preferring of the Complaint, or the making of the Application, and the Attendance of the Party, or his Counsel or Attorney, and the summoning and Attendance of the Witnesses required to prove the Case, as the Justices shall think fit to allow, and find to have been reasonably and properly incurred.

Auditors may recover Costs of Proceedings to enforce due Attendance at the Audit.

XI. And be it enacted, That where any Auditor shall lay any Information for a Penalty in consequence of the Default of any Officer or other Person to attend the Audit, or the Adjournment thereof, or to produce the proper Account or Vouchers, or to make or sign the proper Declaration before him, the Costs incurred by such Auditor, when not recovered from the Defendant in such Information, shall, if the Poor Law Board consent thereto, be payable to such Auditor, and be chargeable in like Manner as the Costs incurred by an Auditor in enforcing the Payment of Sums certified by him to be due.

XII. And

Orders of the Poor Law Commissioners or Poor Law Board may be acted upon, if the Parties think fit, within the Fourteen Days after being sent.

XII. And whereas by the said Act of the Fifth Year of the Reign of His late Majesty King *William* the Fourth Provision is made for the sending of Copies of the Rules, Orders, and Regulations of the Poor Law Commissioners to certain Persons therein described; and it is also therein enacted, that no Rule, Order, or Regulation of the said Commissioners, except certain Orders therein specially excepted, shall be in force until the Expiration of Fourteen Days after the Copies thereof shall have been sent by the said Commissioners: And whereas Parties to whom such Orders have been addressed have often acted in conformity therewith within the Period of Fourteen Days, and it is often convenient that they should do so: Be it therefore enacted, That nothing in the said Act contained shall be taken to invalidate any Act or Proceeding heretofore or hereafter to be done or taken in conformity with any Order of the said Commissioners or of the Poor Law Board by the Person or Persons to whom the same shall have been or shall be addressed, although the Period of Fourteen Days shall not have elapsed from the sending of the Copies of the said Order when any such Act shall have been done or Proceeding taken.

Limitation of Time upon the Issue of a Certiorari to bring up the Orders of the Poor Law Commissioners or Poor Law Board.

XIII. And be it enacted, That no Writ of Certiorari shall be granted, issued forth, or allowed to remove into the Court of Queen's Bench any Order, Rule, or Regulation of the Poor Law Commissioners, or of the Poor Law Board, heretofore made, unless such Certiorari be moved or applied for within Twelve Months next after the passing of this Act; and in respect of any Order, Rule, or Regulation to be hereafter made, within Twelve Months next after the Day when the Copy thereof shall be sent in the Manner required by the several Statutes in that Behalf.

Guardians of a Union or Parish may contract to receive in their Workhouses certain Poor belonging to some other Union or Parish within certain Limits.

XIV. And be it enacted, That where the Workhouse of any Union or Parish shall be governed and regulated by Rules, Orders, or Regulations of the Poor Law Commissioners or of the Poor Law Board, the Guardians of the Union or Parish to which such Workhouse belongs, in case of the overcrowding of the Workhouse of any other Union or Parish, or the Prevalence or reasonable Apprehension of any epidemic or contagious Disease, or in and towards carrying out any legal Resolution for the Emigration of poor Persons, may, with the Consent of the Poor Law Board, receive, lodge, and maintain in the first-mentioned Workhouse, upon such Terms as shall be mutually agreed upon by the respective Boards of Guardians, any poor Person belonging to such other Parish or Union; and such poor Person so received into such first-mentioned Workhouse shall while therein be treated in all respects in like Manner, and be subject to the same Regulations and Liabilities, as the other poor Persons

 therein,

therein, and shall be deemed to be chargeable in the first instance to the Common Fund of the Union or to the Parish in the Workhouse whereof such poor Person shall be received: Provided always, that the abiding of any such poor Person in such Workhouse shall in all other respects be attended with the same legal Consequences as if such Workhouse had been situated within the Union or Parish from which such poor Person shall have been sent.

Mode of describing Collectors of Poor Rates in Indictments for Larceny and Embezzlement.

XV. And whereas the Guardians of certain Unions and Parishes under the Authority of the Orders of the Poor Law Commissioners and of the Poor Law Board are empowered to appoint Collectors of Poor Rates and Assistant Overseers for some One or more of the Parishes comprised within their Union or for their Parish, as the Case may be, who collect and receive the Money and other Property of the Parish or Parishes for which they are appointed; and in Cases of Embezzlement or Larceny of such Money or Property by such Collector or Assistant Overseer Difficulty has arisen as to the proper Description of his Office in the Indictment or other Proceeding: Be it therefore enacted, That in respect of any Indictment or other Criminal Proceeding every Collector or Assistant Overseer appointed under the Authority of any Order of the Poor Law Commissioners or the Poor Law Board shall be deemed and taken to be the Servant of the Inhabitants of the Parish whose Money or other Property he shall be charged to have embezzled or stolen, and shall be so described; and it shall be sufficient to state any such Money or Property to belong to the Inhabitants of such Parish, without the Names of any such Inhabitants being specified.

Guardians may appropriate certain Property of Paupers.

XVI. And be it enacted, That where any Pauper shall have in his Possession or belonging to him any Money or valuable Security for Money, the Guardians of the Union or Parish within which such Pauper is chargeable may take and appropriate so much of such Money or the Produce of such Security, or recover the same as a Debt before any Local Court, as will reimburse the said Guardians for the Amount expended by them, whether on behalf of the Common Fund or of any Parish, in the Relief of such Pauper, during the Period of Twelve Months prior to such taking and Appropriation, or prior to such proceeding for the Recovery thereof (as the Case may be); and in the event of the Death of any Pauper having in his Possession or belonging to him any Money or Property, the Guardians of the Union or Parish wherein such Pauper shall die may reimburse themselves the Expenses incurred by them in and about the Burial of such Pauper, and in and about the Maintenance of such Pauper at any Time during the Twelve Months previous to the Decease.

XVII. And

Expenses of Burials recoverable as Loans.

XVII. And be it enacted, That it shall be lawful for the Guardians of any Union or Parish to pay the Costs of the Burial of any poor Person dying out of the Limits of such Union or Parish who was at the Time of the Death in the Receipt of Relief from such Guardians, and that the Cost of burying any poor Person by or under the Direction of any Guardians or Overseers shall be recoverable in like Manner and from the same Parties as the Cost of any Relief (if given to such Person when living) would have been recoverable.

Guardians and Vestry in Parishes under Local Acts enabled to consent to Orders of the Poor Law Board.

XVIII. And whereas by the said recited Act of the Fifth Year of the Reign of His late Majesty the Poor Law Board are empowered, by and with the Consent in Writing of a Majority of the Guardians of any Union, or with the Consent of a Majority of the Rate-payers and Owners of Property entitled to vote in any Parish, by Writing under their Hand and Seal, to make certain Orders for the building, purchasing, hiring, enlarging, or altering of a Workhouse: And whereas in many Parishes, not comprised in any Union, the Affairs relating to the Relief of the Poor are managed by a Select Vestry, or by Guardians appointed or elected under the Authority of some Local Act, and in such Parishes it is difficult to obtain the Opinion of the Rate-payers and Owners of Property upon any such Question: Be it therefore enacted, That in any Parish where there shall be a Select Vestry lawfully appointed, or a Board of Guardians appointed under any Local Act, the Consent in Writing of the major Part of the Select Vestry, or of the Guardians, as the Case may be, shall be sufficient to enable the Poor Law Board to issue any Order, Rule, or Regulation in all such Cases as are herein-before referred to, where the Consent of the Rate-payers and Owners of Property would but for this Provision have been requisite; provided that where in any Parish there shall be a Select Vestry and also a Board of Guardians, the Consent in Writing of the major Part of the Vestry or Guardians shall be sufficient, according as such Vestry or Guardians respectively shall by Law be empowered to carry the Directions of the said Board into execution.

In case of Equality of Votes Chairman to have casting Vote.

XIX. And be it enacted, That in the Case of an Equality of Votes upon any Question at a Meeting of the Guardians of any Union or Parish the presiding Chairman at such Meeting shall have a second or casting Vote.

Guardians may expend limited Sum for Purposes of Emigration without a previous Vestry Meeting.

XX. And be it enacted, That the Guardians of any Union, or of any separate Parish for which a Board of Guardians is or shall be established, may expend, with the Order and subject to the Rules and Regulations of the Poor Law Board, but not otherwise, any Sum of Money not exceeding Ten Pounds for each Person, in and about the Emigration of poor Persons having Settlements in such Parish, or in any

any Parish in such Union respectively, without the Necessity of the Rate-payers and Owners of Property therein meeting and giving their Consent (as required by the said Act of the Fifth Year of King *William* the Fourth) to such Expenditure, and such Guardians shall charge the same to the Parish of the Settlement, in every Case where such poor Person resided therein or was removeable thereto at the Time of the Emigration: Provided always, that the Guardian or (if more than One) a Majority of the Guardians of such last-mentioned Parish shall express his or their Concurrence in Writing in the Resolution of the Board of Guardians for such Expenditure, and that such written Concurrence shall be transmitted by the Clerk of the Union in communicating that Resolution to the Poor Law Board: Provided also, that the aggregate Amount of the Monies expended in the Course of any One Year in and about the Emigration of such poor Persons shall not exceed One Half the average yearly Poor Rate raised in the said Parish for the Three preceding Years.

Interpretation Clause, and Incorporation of the Statutes.

XXI. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said recited Act of the Fifth Year of the Reign of His late Majesty, and the Statutes explaining and extending it; and that the Commissioners for administering the Laws for Relief of the Poor in *England* may be described in all Instruments, Documents, and Proceedings in Courts of Law or otherwise, and may execute all Powers and Authorities from Time to Time vested in them, by the Name of "The Poor Law Board," and by such Name shall be understood in this Act; and that all the Provisions of the said last-mentioned Act and of the said Statutes not repealed shall extend to this Act, except where any such Provision would be inconsistent with anything herein contained.

Act to extend to England and Wales only.

XXII. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.