


ANNO OCTAVO & NONO

# VICTORIÆ REGINÆ.

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## CAP. CXVII.

## An Act to amend the Laws relating to the Removal of poor Persons born in *Scotland*, *Ireland*, the Islands of *Man*, *Scilly*, *Jersey*, or *Guernsey*, and chargeable in *England*.

[8th *August* 1845.]

WHEREAS it is expedient that the Laws relating to the Removal of poor Persons born in *Scotland* or *Ireland*, or in the Islands of *Man*, *Scilly*, *Jersey*, or *Guernsey*, and not settled in *England*, but chargeable to Parishes in *England*, should be amended: 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 from and after the passing of this Act so much of the following Acts of Parliament, and of all Acts to amend or continue the same, as relates to the Removal of such poor Persons from the Parishes to which they are chargeable, except so far as any of the said Acts may repeal the Provisions of any former Act, and except as to all Orders made under the same or any of them, and not fully executed at the passing of this Act, shall be and the same is hereby repealed; (namely)

Repeal of 11 G. 4. & 1 W. 4. c. 5. ss. 1, 2., 3 & 4 W. 4. c. 40., 7 W. 4. & 1 Vict. c. 10., 3 & 4 Vict. c. 27., and 7 & 8 Vict. c. 42.

(namely) an Act made in the Eleventh Year of the Reign of King *George* the Fourth, "to repeal the Provisions of certain Acts relating to the Removal of Vagrants and poor Persons born in the Isles of *Jersey* and *Guernsey*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof;" an Act made in the Fourth Year of the Reign of King *William* the Fourth, "to repeal certain Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof until the First Day of *May* One thousand eight hundred and thirty-six, and to the End of the then next Session of Parliament."

Provision for Removal of Natives of Scotland, Ireland, and the Isles of Man, Scilly, Jersey, and Guernsey.

II. And be it enacted, That if any Person born in *Scotland* or *Ireland*, or in the *Isle of Man*, or *Scilly*, or *Jersey*, or *Guernsey*, not settled in *England*, become chargeable to any Parish in *England* by reason of Relief given to himself or herself, or to his Wife, or to any legitimate or bastard Child, such Person, his Wife, and any Child so chargeable, shall be liable to be removed respectively to *Scotland*, *Ireland*, the *Isle of Man*, *Scilly*, *Jersey*, or *Guernsey*; and if the Guardians of such Parish, or of any Union in which the same may be comprised, or, where there are no such Guardians, if the Overseers of such Parish, complain thereof to any One Justice of the Peace, such Justice may, if such Person do not attend voluntarily, summon him to come before any Two Justices of the Peace, at any Time and Place to be named in the Summons; and at such Time and Place, or on the Attendance of such Person, any Two Justices may hear and examine into the Matter of such Complaint, and if it be made to appear to their Satisfaction that such Person is liable to be so removed as aforesaid, and if they see fit, they may make and issue a Warrant under their Hands and Seals to remove such Person forthwith at the Expence of such Union or Parish.

Persons executing Warrants of Removal to have the Authority of Constables.

III. And be it enacted, That every Person to whom any Warrant made in pursuance of this Act shall be delivered for the Purpose of being carried into execution shall detain and hold in safe Custody every poor Person mentioned therein, until such poor Person have arrived at the Place to which he is ordered to be removed, and shall for that Purpose, in every County and Place through which he may pass in the due Execution of such Warrant, have and exercise the Powers with which a Constable is by Law invested, notwithstanding such Person may not otherwise be empowered to act as a Constable for such County or Place.

Justices of the Peace to make new Regulations for Removal of Scottish and Irish Poor, &c. to their respective Places of

IV. And be it enacted, That the Justices of the Peace of every County shall at some General or Quarter Session of the Peace or some Adjournment thereof, and the Justices of the Peace in Petty Sessions of every Borough shall within Eight Months after the passing of this Act, make Regulations for the more effectually carrying into effect the Provisions of this Act for the Removal of such poor Persons, their Wives and Children, whether by Land or Sea, or Part of the Way by Land and Part by Sea; and such Justices may from Time to Time thereafter, as they may see Occasion, make other



Regulations

Regulations for the same Purpose; and such Justices shall in such Regulations provide, so far as may be, for the removing of Persons born in *Ireland*, and their Families, to the Ports named in the Schedule marked (A.) to this Act annexed which are nearest to the respective Places where such Persons were born or have resided, unless where any such Persons consent to be removed to any other Port or Place in *Ireland*, and as regards Persons born in *Scotland*, and their Families, to the Ports named in the Schedule marked (B.) to this Act annexed which are nearest the respective Places where such Persons were born or have resided, or to Places not being Ports, but being as near as such Ports to the respective Places where such Persons were born or have resided, unless where any such Persons consent to be removed to any other Port or Place in *Scotland*; and such Regulations, when approved by one of Her Majesty's Principal Secretaries of State, shall be observed and carried into effect by all Justices of the Peace, Guardians, Overseers, Constables, and other Persons charged with or concerned in such Removal in such respective County or Borough; and until such Regulations for any County or Borough have been so approved, all Rules, Orders, Regulations, and Directions heretofore made for the Removal therefrom of Persons born in *Scotland*, *Ireland*, or the Isles of *Man*, *Scilly*, *Jersey*, or *Guernsey*, shall continue in force, but no longer.

Birth or Residence.

V. And be it enacted, That in the Case of any Parish not in Union, and not containing a Population exceeding Thirty thousand Persons according to the last Census published by the Authority of Parliament, if the Guardians or Overseers on whose Complaint such Warrant of Removal was made bring or send to the Clerk of the Peace of the County or to the Town Clerk of the Borough in which such Parish is situate such Warrant of Removal, accompanied with an Affidavit, sworn before some Justice of the Peace of such County or Borough, (who shall be authorized to administer the same,) of the Amount of the Expences *bonâ fide* incurred and paid by such Guardians or Overseers on account of such Removal under such Warrant as aforesaid, and also a Statement of the several Items comprised in such Amount, such Clerk of the Peace shall lay the same before the Justices of the Peace assembled at the Quarter Session or Adjournment thereof holden for such County next after he has received the same, and such Town Clerk shall lay the same before the Council of such Borough at their Quarterly Meeting held next after he has received the same; and the said Justices and Council of such Borough respectively shall, if the Regulations in force in regard to such Removal have been duly complied with, order the Amount of such Expences to be paid out of the County Rate raised in such County, or out of the Borough Fund of such Borough, as the Case may be.

Expences of certain Parishes to be repaid out of County Rates.

VI. And be it enacted, That if any Board of Guardians of any Union in *Ireland*, or the Heritors and Kirk Session or Borough Magistrates in *Scotland*, think themselves aggrieved by any Removal of any poor Person under the Provisions of this Act, and if they forward to the Poor Law Commissioners a Statement of the Case, and of any Grounds

Appeals against such Removals may be lodged at the Instance of Boards of

Guardians in Ireland, and of Kirk Session, Heritors, or Borough Magistrates in Scotland.

Grounds for concluding that such poor Person is settled in any Parish in *England*, or was not in Law liable to be removed to *Ireland* or *Scotland*, as the Case may be, and if they or any Persons on their Behalf give good Security in *England* to the said Commissioners for the Payment of all Costs which may be incurred in any Appeal against the Warrant for the Removal of such poor Person, such Commissioners, if satisfied that it will be expedient so to do, may appeal, on behalf of the Persons so aggrieved, to the Court of Quarter Sessions holden for the County or Borough from which such Removal was made, held at any Time within Six Months after such Removal was completed; and such Commissioners shall, at least Twenty-one Days before the holding of such Session, send by Post or otherwise, to the Guardians or Overseers on whose Application such Warrant was obtained, Notice in Writing, purporting to be signed by their Secretary or one of their Assistant Secretaries, of their Intention to appeal against such Warrant, containing a Statement in Writing of the Ground of such Appeal; and such Court of Quarter Sessions shall hear and determine such Appeal; and if the Warrant of Removal is reversed by such Court, the Guardians or Overseers on whose Application the same was obtained shall pay the Costs and the necessary Expences and Charges incurred by or on account of such Board of Guardians, or Heritors and Kirk Session or Borough Magistrates respectively, in conveying the poor Person removed under the same back to such Parish; and if they refuse or neglect to pay the same within Seven Days after demand thereof, the Persons on whose Behalf such Appeal was brought, or any Person authorized by them, may recover the same as Penalties and Forfeitures: Provided always, that the said Guardians or Overseers may at any Time after such Notice of Appeal give or send by Post Notice in Writing under the Hands of any Two or more of them to the said Commissioners, that they abandon such Warrant, and thereupon such Warrant shall be of no Effect; and such Guardians and Overseers shall pay to the Persons on whose Behalf such Notice of Appeal was given, or to some Person authorized by them, the Expences incurred by or on account of such Persons by reason of such Warrant, and in any Proceedings consequent thereon, and the necessary Expences and Charges of conveying the Person removed under the same back to such Parish; and if they do not pay the same within Seven Days after demand the same may be recovered as Penalties and Forfeitures.

The Poor Law Amendment Act and this Act to be construed as One Act.

VII. And be it enacted, That the said Act of the Fifth Year of the Reign of King *William* the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*," and all Acts to amend and extend the same, and the present Act, except so far as the Provisions of any former Act are altered, amended, or repealed by any subsequent Act, shall be construed as One Act; and that in this Act, or any of the said Acts, the Word "County" shall mean and include any County, Division of a County, Riding, or Liberty, having a separate Commission of the Peace; and that in this Act the Word "Borough" shall mean any Borough having a separate Court of Quarter Sessions.

VIII. And

VIII. And be it enacted, That in all Proceedings under this Act it shall be sufficient in the Law to use, with such Changes only as the Facts of each Case may require, the Forms contained in the Schedule marked (C.) to this Act annexed, for the Purposes in the Titles to such Forms respectively specified. Forms in the Schedule may be used in Proceedings under this Act.

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

## SCHEDULE (A.)

### PORTS IN IRELAND.

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| DUBLIN. | CORK. | BELFAST. |
| WEXFORD. | LIMERICK. | DUNDALK. |
| WATERFORD. | DERRY. | |

## SCHEDULE (B.)

### PORTS IN SCOTLAND.

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| DUMFRIES. | GLASGOW. | ABERDEEN. |
| AYR. | OBAN. | DUNDEE. |
| GREENOCK. | INVERNESS. | EDINBURGH. |

## SCHEDULE (C.)

*Form of Warrant of Removal of Persons born in Scotland or Ireland, or in the Isle of Man, or Scilly, or Jersey, or Guernsey.*

To

County of } WHEREAS Complaint hath been made by the Board of
to wit. } Guardians of the Union [*or* of the Parish of, *&c.* ], in the said County of unto us, whose Names are hereunto set and Seals affixed, Two of Her Majesty's Justices of the Peace acting in and for the said County, that a Person born in Scotland [*or* Ireland, *or* the Isle of Man, *or* Scilly, *or* Jersey, *or* Guernsey], hath become and is now chargeable to the Parish [Township, *&c.*] of in the said Union, *&c.*]: And whereas, upon Examination of the said taken upon Oath before us (which Examination is hereto annexed), it doth appear to our Satisfaction that he was born in Scotland, *&c.*, and hath not a Settlement in England, and that he hath a Wife named and Children, videlicet neither of which Children has any Settlement in England.

These are therefore to require you the said to convey the said his Wife and Family aforesaid, to Scotland, *et cætera*, in the Manner directed by the Regulations of the Justices of the said County, *et cætera*, and approved by *J. S.*, one of Her Majesty's Principal Secretaries of State, in pursuance of the Provisions

Provisions of a certain Act made and passed in the Year of the Reign of Queen Victoria, intituled [*the Title of this Act*].

Given under our Hands and Seals this Day of in the Year of our Lord One thousand eight hundred and .

[*Here copy the Regulations of the Justices of the County, et cætera, approved by the Secretary of State, as applicable to the Removal of the Party.*]

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*Form of Examination to which the above Warrant refers.*

} THE Examination of taken on Oath
to wit. } before us, Two of Her Majesty's Justices of the Peace acting in and for the [County, Riding, City, Borough, Town Corporate, Division, *or* Liberty,] aforesaid, this Day of in the Year of our Lord One thousand eight hundred and , who on Oath saith, that according to the best of [his *or* her] Knowledge and Belief [he *or* she] was born in in that Part of the United Kingdom called Scotland [*or* Ireland, *or* in the Isle of Man, *or* Scilly, *or* Jersey, *or* Guernsey], which [he *or* she] left about Years ago, and hath no Settlement in that Part of the United Kingdom called England, and hath actually become and is now chargeable to the [Parish, Township, *&c.*] of in the County of [and that he hath a Wife named and Children, neither of which Children have gained a Settlement in England].

Sworn the Day and Year first above written, before us

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