It augurs ill for France that its first president should be a military man, who has founded his claim amid the slaughter of her citizens in the greatest catastrophe that ever befel a large city. For this characteristic in his advent to power, General Cavaignac is innocent. It has been forced on the Republic by the baseness of many of its citizens.

The clubs have been closed. M. Emile Girardin, the editor of the *Presse*, is arrested. His journal, which had the largest circulation of any daily paper in Paris, —perhaps of any daily paper in the world—has been suppressed without the form of trial. Other ten or twelve papers share its fate. They may have deserved it; but this is liberty.

Placards of a political character on the walls are proscribed. The most complete despotism is restored. The red Republicans have destroyed freedom. The Socialists and Communists, who express detestation of bloodshed and violence, have dyed red the streets of Paris, as never streets of any city were reddened before by its own citizens.

The guillotine has been erected. Men have been shot in cold blood by hundreds. The crime of high treason has been re-established. The dungeons are crowded with prisoners. The churches are made prisons. The corpses of the dead are in their coffins at every third or fourth house in Paris. The men of industry have been decimated in defence of the small remnant of property that remained to them and to their families.

Surely no city ever presented a scene of such appalling woe, inflicted solely by its inhabitants on each other. The second city in Europe is thrown into universal mourning. Its houses in many quarters are in ruins. Its streets are torn up to build barricades with the paving-stones. Its business is destroyed; for the days of June are the beginning of many sorrows.

Mingled with the fifteen thousand men wounded and slain, are generals of the highest character, who had passed through many hard-fought fields to be shot in the streets of Paris, not in defending it from foreign foes, but in protecting it from the madness of its people—men of the quietest professions, for bankers left their desks to fight in the ranks of the Guards, in which M. Rothschild is an inferior officer—and the highest minister of religion, the Archbishop of Paris, shot while endeavouring to conciliate his followers.

This terrible event would have furnished a theme from which Mr. O'Connell would have eloquently taught the misguided confederates of his Ireland—who are struggling forward to reach similar scenes—and find a like bloody and desperate ending.

For Paris and for France we do not anticipate an early restoration of peace and order. Peace and want are incompatible. Want there must be in Paris for a long period. No other city is less fitted to become the centre of a republic. Its population have been chiefly employed in ministering to luxury. They have banished or they have terrified the rich. The absentee will linger there no longer. Even in Tipperary, an unpopular landlord would be equally safe. The tourist will seek some other place of amusement. The citizens are put in mourning for months. The business of the city is concluded for a season; but the people must eat. We anticipate, therefore, no immediate and favourable termination of those scenes. The Executive Councilf have been dismissed. The fealty of more than one o the five is doubted. The Ministry have resigned. The character, and even the safety, of some of them is compromised. The National Assembly talks no more and does no less than our own Parliament; but it is following a bad example. It is losing confidence in itself, and preparing the people for any change.

In our March No. we glanced rapidly at the events of the Revolution—the men—and the character of the men whom it had turned up. Our opinion was then considered harsh. We remember that it was given in doubt, and with many compunctions. Nevertheless, freedom suffers more from the silence than from the candour of its friends, and events have confirmed the estimate we then formed.

The name of M. Lamartine was well calculated to inspire confidence; and if he had followed the dictates of his own mind, and been less anxious to conciliate such refractory opponents as Ledru Rollin, who, we suspect, is much compromised in the affairs of the 15th May and the 24th June, there would have been no military dictator now in France.

That crisis of February needed more than a man of genius. It required a leader endowed with great energy and determination. It needed a man not merely of integrity and of courage, but also of decision. It required a patriotic Napoleon—a leader to do all for the people that Napoleon did for himself and for his family. General Cavaignac may be the necessary man; but he has risen by a singular throw into power, almost without a character.

[We have occupied a very considerable portion of this No. with records of the revolutionary movements in Europe; and, although, we have with that object enlarged the Magazine, yet we have also encroached on space ordinarily given to more general subjects; but we are passing through a period when events, equal in importance to the changes of a century in more pacific times, are crowded into a week or a month; so that, in following this course, while sacrificing some advantages, we gain a rapidly-written, yet a faithful contemporaneous history of great changes, which, to our subscribers, may be more interesting many years hence than even at the present time.]

WIDOW RICE AND WILLIAM LINDSAY.

WIDOW RICE and WILLIAM LINDSAY are two very plain and poor persons, residing within the municipality of Glasgow, and unacquainted with each other. They have been brought before the public neither from their virtues nor their crimes, but by their calamities; and the stubborn determination of the parochial boards to starve as many young children as they possibly can; not from any hatred to little boys and girls; not from any personal inhumanity on the part of the members; for several, and it may be all of them, are amiable and benevolent men, in their private capacities; and it is in their public dealings alone that they bear the slightest resemblance to those affectionate Chinese, who slay their daughters in infancy, to save them from the miseries of an evil world; or the superstitious Hindoo mothers,

who were in the habit of wafting their little ones into futurity on the waves of the Ganges. The idol that the parochial boards of Glasgow fall down before and worship is called "political economy." It is a hardened thing, made up of hard men's musings, with such heart in it as the image had, raised by the Babylonian monarch, in the plain of Dura. This "political economy" stands in a modern Tophet, and the parochial boards of Glasgow left little children to pass through the furnace of affliction before it, not merely without compunction, but they have even been at much cost to proclaim their principles before the world, and prove their right to be cruel, according to law.

Our English and Irish readers may probably know that the poor-law of Scotland has hitherto excluded able-bodied persons from relief, although they may be out of employment. According to the interpretation put on the statutes respecting the poor in Scotland, it was a calamity to any man to be in good health when out of work. The circumstance that should have been a comfort in difficulties, was an aggravation of his distress. The question put by the parochial board was not, have you work? but can you work? In this happy country, it was presupposed that if a man could work, he would have no difficulty in meeting a demand for his labour. He might be most involuntarily idle, but the misfortune was treated as a crime, and the man was outlawed, so far as the reception of public aid was concerned. This was the undoubted opinion held regarding the law; and the practice was to refuse assistance to all claimants who were able to work, although no employment was afforded to them.

Widow Rice is a native of Ireland; but her children were born in Scotland, and they had been resident for a considerable time in Glasgow, where, indeed, we believe, they were born. After her husband's death, Mrs. Rice applied to the parish for some assistance to her children. The parochial authorities objected, on the ground that she was an Irishwoman, whom they would return to her parish. The applicant, however, persisted in the claim, not on her own account, but that of her children, who were Scotch children with an Irish mother. The law does not trace a person's origin farther than birth. It does not recognise races. If the lady of one of the Irish confederates had, as in that case it would be esteemed, the misfortune of being confined in England or Scotland, the law would stamp the baby as a Sassenach baby; and its little brothers and sisters would be then bound to hate the Saxon. Widow Rice, although an Irishwoman, probably was not a confederate; and she was enabled to bring her case before the various Courts for decision. The Sheriffs found successively against the parochial boards, and ordered interim relief to be afforded to the applicants, while the parish went forward to the Court of Session with this poor Irish widow and her children as their opponents. The litigation, which has continued for two years, and passed through all the stages of the Lord Ordinary, the Outer House and the Inner House, has at last been heard before a full Court, and decided in the widow's favour. If we were not to print and preserve a very extraordinary note of Lord Robertson's, on a case somewhat similar, we should copy the judgment given in this case; because we do not recollect an instance where the conduct of powerful defendants was more properly rebuked than that of the "guardians of the poor," who had dragged on this action through many stages, not at their own cost, but at the cost of the parish.

The decision has a legal bearing of some importance. It completely separates the case of the parent from that of the child. This applicant for her children has obtained relief; for herself she could only obtain a passage to her parish. The law then, as now interpreted, holds that the children of a poor person, may be separated from their parent, by the Channel, and all the space in addition, that both parties may have to travel in search of their parish. The Irish mother may belong to Galway. Her Scotch children may have been born in Caithness. Their father may have found a grave in Wick; and to obtain relief, the mother and her children may have to be separated by all the intervening space between these two distant ends of the earth.

This inconsistency can be easily removed, if any case arises in which its inconvenience becomes apparent. An order on the mother's parish, for the money allowed to her, will obviate the difficulty. In this instance no difficulty arose, as the mother sought nothing for her own support, but only required the means to feed and clothe her children; and we rejoice that they have been allowed to her against all the political economy employed on the subject.

William Lindsay's case is somewhat different. He is a cotton-spinner. At the date of his application to the Govan Parochial Board, one of the Glasgow parishes, he had been five weeks out of employment. To a man who has been in regular work as a cotton-spinner, five weeks of idleness should not be a serious matter. It appeared, however, that William Lindsay's employment had been irregular for two years. He had been occasionally on short time. He had been working at periods for only five hours daily. At last he was thrown altogether idle. His family consisted of his wife and four children. His wife was sick, and in the hospital. His children were also under ten years of age. He could meet with no employment, and the state of his family hardly enabled him to seek it. In these circumstances he applied to the Govan Parochial Board, not for himself, but for his children.

An application, backed by these facts, could scarcely be refused. Those who think so, do not know political economy. Perhaps William Lindsay had been an improvident man. Perhaps he had some remnant of savings invested in the drawer of a chest, to be squeezed out. Probably there was in his house some scraps of furniture—a blanket—a bed or a bedstead—not yet at the pawnbroker's. He may not have sought work with sufficient activity. He may have relations who will help him in distress. He may have neighbours who will share their scraps and crumbs with the children rather than that they should starve. Political economy is ingenious. Especially our Scotch political economy is a hard article, but shrewd, very shrewd. At any rate, political economy resisted the imputation that a parochial board were bound to feed children whose father committed that unnatural crime, in the midst of want and depression, of continuing in good health. What could be thought of a father who was guilty of that enormity? Did children deserve breakfast or supper, keeping dinner out of view, whose father would not become sick? To political economy, at least, the question seemed impertinent.

If William Lindsay could have changed places with his sick wife in the hospital, there might have been something done; but failing that, this board, consisting, we seriously aver, of ecclesiastical men and of laymen, of most charitable and praiseworthy persons, decided on going to law, rather than feeding these hungry children in the wood of affliction. Fortunately their case came under the cognoscence of the officers in an excellent society formed for the protection of the poor. They brought the circumstances before two of

the Sheriffs of Lanarkshire—Sheriff Bell, who was formerly so well known in the literary circles of Edinburgh ; and then Sheriff Alison, the accomplished historian of the Revolution.

Both of these gentlemen are esteemed to be sound lawyers, and they both decided in favour of feeding the children at the expense of the parish until their father could obtain employment. That decision had the necessary consequence of obtaining for them interim relief, during the farther discussion of the case, for the litigation did not terminate with this deliverance. The parochial authorities transmitted very lachrymose circulars to most, if not all the other Scottish parochial boards, imploring aid to carry on the war against the four infant children of the unemployed William Lindsay, and his sick wife.

We have the honour of the parochial boards and of political economy at heart, and it grieves us to say that these circulars were not returned unanswered. The indignation of many of the boards was stirred. Eloquent speeches were made to precede patriotic or parochialic resolutions ; and there was that stern determination to sacrifice their constituents' money evinced, in resisting this terrible invasion of William Lindsay's four children on Govan milk and meal, that the Danes show in preserving Schleswig.

The case, accordingly, came before the Lord Ordinary, and we subjoin his judgment :—

"9th June, 1848.—The Lord Ordinary having heard parties' procurators on the closed record, and whole process,—In respect it is not denied, that, at the date of the application for relief, the petitioner had no means of subsistence, and was unable to procure work of any kind, whereby he might earn wages for the support of himself and his children,—and in respect the said children are, from their youth, unable to work or earn a subsistence for themselves,—Finds, that while remaining under such circumstances, they are by law entitled to relief, to the extent of necessary sustentation, and, therefore, adheres to the judgment of the Sheriff: Repels the reasons of advocation, remits the cause simpliciter to the Sheriff, and decerns. Finds the respondent entitled to expenses, and remits the account thereof when lodged, to the auditor to tax and report.

(Signed) "P. ROBERTSON."

The note is of more importance than the judgment. It is long, but we wish to preserve it for several reasons, and it will most amply repay perusal :—

"NOTE BY LORD ROBERTSON.

"The questions, here raised, are of the deepest importance in the administration of the Poor-laws of Scotland, affecting the very constitution of society, and the support of those belonging to the labouring classes, whom misfortune has reduced, without any fault on their part, to a condition of actual starvation. The petitioner seeks relief, not for himself, but for four helpless children—the youngest of three years of age, and the eldest about ten. Their mother, at the date of the application, was in the Infirmary, and is since dead. Their father was, owing to the state of trade, out of employment —earning no wages—but able-bodied, and willing to work. The children had no means of subsistence ; and the father—although continuing to live under the same roof with them —nothing to give them for their support. The question is, whether they are to be allowed to starve, but for the intervention of the voluntary charity of those whose ears may be reached by their cry of destitution!—or, whether they have not a right, by the Statute Law of Scotland, to demand relief? The plea of the Inspector is, that their father being able-bodied, is not entitled to direct relief for himself,—that he is not in law a pauper,—and that consequently he being bound to support his children, and children not being entitled to relief where the father has no such right, they cannot make any legal claim. Precarious charity, he says, is the only source to which they are entitled to look for subsistence.

"Now, the first question is, whether the petitioner, in respect of his being able-bodied, is not entitled to relief under the circumstances in which he is placed? And the second, whether, independent of his situation, the children are not entitled to support, to be administered in such a way as to insure them from sickness and death by starvation? It was well observed by the Lord Justice-General—in the case of Watson *v.* The Kirk-Session of Ancrum—that 'we must decide cases of this kind according to the rules of law, and must not be influenced by feelings of compassion.' It is, therefore, necessary to look closely at the provisions of the several statutes on this head; and the Lord Ordinary thinks, that the result of such investigation, as well as the solemn judgment of this Court in 1804, contradict the assumption that this petitioner is not entitled to apply for relief to himself.

[The Lord Ordinary, it will be observed, enters here on a question not before him, viz., whether the father of the children was entitled to relief.]

"I. The petitioner is, no doubt, or at least was, when he made the application, able-bodied,—and, so far as his own strength is concerned, was capable of earning a subsistence. He is not entitled to say that he is unwilling to work. He says, on the contrary, that he is quite willing, but can get nothing to do. This the Lord Ordinary understood the Inspector to admit in the broadest sense, and that the admission implied, the petitioner had no means of getting employment of any kind,—that he could earn no wages from any source. A party certainly would not be entitled to say—I am a cotton-spinner, accustomed to the warm atmosphere of a cotton-mill, and if I can get no work, such as that to which I am habituated, I am not obliged to work in the cold air of winter, out of doors, digging ditches, or breaking stones, at diminished wages. On the contrary, being able-bodied, he is bound to work at whatever his hand can find to do,—however foreign to his previous habits or pursuits, and at whatever rate the market affords; and he is not entitled to be idle, merely because he cannot find the employment best suited to him, and to which, in happier times, he had been accustomed. Far less does a fall in the rate of wages justify idleness. But the respondent, in this case, desired the argument to proceed on the assumption that no employment of any kind could be found by or for the petitioner,—no wages could be earned. And such is the construction put by the Lord Ordinary on the judgment of the Sheriff-Substitute, that the petitioner, 'for five weeks previous to the institution of this action, had been out of employment, and earned nothing,—owing to the dullness of trade, his employers having no work for him,—and that he had tried, but had been unable, to procure work anywhere.'

"In this situation, it is impossible to characterise the petitioner as a sturdy beggar, or to deal with him as idle and dissolute. Surely the law will not award punishment against him, because he can get nothing to do. He is plainly an object of compassion, whether, in respect of the bodily strength he enjoyed—(how long to continue without suitable aliment is a question of serious import)—he is entitled to statutory relief. Now, the Statute Law of Scotland undoubtedly makes an important distinction between two classes of poor. It suppresses and punishes, on the one hand, the sturdy beggar—the idle and dissolute, who will not work, who 'flee labour,' and support themselves 'by sorning,' or in any other lawless manner. This class of vagabond poor is well enumerated by Baron Hume :—'In terms of those laws, there are to be held and treated as vagabonds or masterful beggars,—all bards and jugglers, all users of subtile, craftie, and unlawful plays, Egyptians, sorners, fenzeit fools (or pretended idiots), counterfeit deaf and dumb persons, fortune-tellers, pretenders to knowledge in charms, prophecy, or other abused sciences, all minstrels also, songsters, and tale-tellers, not being in the service of the Lords of Parliament, or the great burghs.'

"On the other hand, the law affords relief to the impotent, weak, and destitute, who, unless relieved, must live by alms. The strong arm of the law is, no doubt, directed to repress those who will not work at an honest calling, and gain their livelihood by industry, but who seek it by violence, or by fraud and imposition, such as fortune-telling, unlawful games, or the like, as above enumerated. But it is also stretched forth to succour the weak and poor, who cannot, owing to their condition, earn their own subsistence. The charity of the law will not allow the impotent to starve. But if starvation be inevitable, when a willing man can earn no wages for his support, where is the foundation of the distinction between him who has not hands to work withal, and him who cannot get work on which his hands may be employed? That a man is able-bodied may afford a presumption of his being able to earn his livelihood. It may be a good general test, that his case, in ordinary circumstances, requires no parochial aid. But if it be conceded that he can get no work—if, on the one hand, he prove that the labour market is closed against him—what sort of mockery is it to say that, if he beg, he must be punished as a masterful beggar, an able-bodied

dler; and if, on the other hand, he apply for parochial relief, his hands are strong enough to support him, though he has nothing on which these hands can be occupied? A man is not an able-bodied weaver, fit to maintain himself, who has strength of limb and skill in his trade, but who cannot get a loom whereon to work. He cannot, like the spider, spin from his own internal resources. Nor is one an able-bodied seaman, who shall get no aid from the parish, because he is active and used to the sea, and anxious to buffet the waves when there is no vessel in the port requiring hands for navigation. Nor will the intellectual strength of genius support him who may not wander forth as a 'minstrel' or 'barde,' a 'songster' or 'tale-teller,' and who cannot command types, pen, ink, and paper, for the record and dissemination of his valuable labours.

"It is also true that, in this country, we have no statutory-work-houses for the general employment of the able-bodied; so that, if an able-bodied man apply for aid, he is entitled to be at once put to work by the parish. Our system is founded on the principle of suppressing the idle, and generally of allowing the industrious to find work for themselves. But it by no means follows that, if truly and *bona fide*—and not as a mere colourable pretext for idleness—able-bodied men can find no work of any kind, they are mere objects of common charity, outcasts by the law, and not entitled to any relief, merely because they have strength of body. What is it to the unemployed craving for work, that he has legs and arms, thews and sinews, if he cannot get whereon to employ his strength, and thereby to gain that support which he is anxious to secure by his own industry? Wherein is he, as a citizen of the state, entitled to support, different from him whom disease has stricken down for a season? Leave the former unsupported, and, if he subsist at all, he will soon be in the predicament of the latter. But surely the law of no Christian country can enact such a barbarous system of tardy, and perhaps useless, relief—as that the party must become sick from actual want, before he is offered that aid which, timeously administered, would save him from sickness altogether?

"If unemployed men, destitute not by their own will, but from the state of the market, have no claim on the law for subsistence—it is to be feared that, rather than starve, or allow their children to starve, they may be led to violate that law under which they cannot find the means of subsistence. Such, surely, cannot be its policy; and, although undoubtedly the law is not to be stretched, on the one hand, from the fear of outrage—on the other, the necessities of the poor must be fairly considered; and if there be a right of relief competent to the extent of needful sustentation—which is all that is here asked—and which is undoubtedly required—then the wise and humane policy of the law must be to see such relief duly and timeously administered. It is humbly thought an examination of the statute will show the soundness of these views.

"The first statute which has been referred to is one of King James I.—being that of 1424, c. 6, entitled—'Of the age and marke of beggars, and of idle men.' This statute prohibits beggars, between the ages of 'fourteene and three score ten zeires, bot they be seene by the councelles of the tounes, or of the lane, that they may not winne their living uther waies.' Those who are allowed to beg are to have a certain token, and such as have no token, are to be 'charged be open proclamation to labour, and passe to craftes for winning of their living, under the paine of burning on the cheike, and banishing of the countrie.' All this, it will be observed, does not apply to persons under 14 years of age, and assumes, that those who have strength to work shall be able to obtain work to perform, because they are to pass to crafts for winning of their living. If they do not, they are to be punished.

"The act 1503, c. 70, ordains this statute,—'Maid upon stirke beggers,' to be executed by Sheriffs and other officers; and enjoins that they 'thoil nane to beg' within their jurisdictions, 'except cruiked folke, seik folke, impotent folke, and weak folke, under the paine of payment of ane mark for ilk uther begger that beis foundin.'

"The act 1535, c. 22, in like manner, was passed 'for refraining of the multitude of maisterful and strange beggers.' It confirms the statute of James I., appoints tokens to be given to the licensed beggars of each parish, who are entitled to beg, and prohibits all others from doing so.

"These are the statutes which precede the act 1579, c. 74, which first introduced the system of poor-laws into Scotland. It consists of two branches, as the title of the statute itself bears:—1st, 'For punishment of strang and idle beggars;' and, 2d, 'Reliefe of the pure and impotent.' This act first confirms the prior statutes against masterful and idle beggars, 'sik as maks themselves fules, and are bairdes,' and the like; and, after a further preamble, declares, that 'it is thocht expedient, statute and ordained, as well for the utter suppressing of the saidis strang and idle beggers, as contageous enimies to the commoun weil, as for the charitabel releeving of aged and impotent pure peopel, that the ordour and forme following be observed.' It then contains a variety of regulations against strong, idle, and disorderly beggars, who are described as consisting of generally—1st, 'All idle peopel calling themselves Egyptians, or any uther that feinzies them to have knawlege of charming, prophecie, or uthers abused sciences.' 2d, 'All persones being haill and starke in bodie, and abill to worke, alleging them to have beene herried or burnt in sum far pairt of the realme, or alleging them to be banished for slauchter and uthers wicked deids, and uthers nouther havand land nor maisters, nor using ony lauchful merchandice, craft, or occupation, quhairby they may win their livings, and can give na reckoning how they lauchfullie get their living.'—3d, 'All minstrells, sangsters, and tale-tellers,' &c.—4th, 'All commoun labourers, being personnes abill in bodie, living idle, and fleeing labour.'—5th, 'All counterfaicters of licenses to beg.'—6th, 'All vagabond scholars of the Universities of St. Andrews, Glasgow, and Aberdene, not licensed be the Rector and Dean of Faculty.'—And, 7th, 'All schipmen and mariners alleging themselves to be schipbroken without they have sufficient testimonialles.' All the persons falling under these various descriptions are to be esteemed and punished as 'strang beggars and vagabonds.'

"Having thus dealt with the classes of persons who are to be repressed and punished, the Act next provides for those who are unable to gain a livelihood for themselves, and who are to be relieved. This branch of the statute is introduced by the words—'And seeing charitie would that the pure, aged, and impotent persones suld be als necessarilie provided, as the vagabonds and strang beggars repressed, and that the aged, impotent, and pure people suld have ludgeing and abiding places throughout the realme to settle themselves intil.' It therefore, 1st, directs the Lord Chancellor to inquire into the state and condition of hospitals; 2dly, It directs the magistrates of burghs, and Justices of the Peace of each parish, to take 'inquisition of all aged, pure, impotent, and decayed persones borne within that parochine, or quhilkes war dwelling and had their maist commoun resorte in the saide parochine, the last seven zeires bypast, quhilkes of necessitie mon live bee almes.' Upon this inquisition, a register is to be made up, after full inquiry into the circumstances of the poor; and particularly, 'quhat their neideful sustentation will extende to everie oulke.' This being arranged, the whole inhabitants of the parish are to be taxed and stented, 'according to the estimation of their substance, without exception of persones to sik oulkie charge and contribution, as sall be thocht expedient and sufficient to susteine the saidie pure peopil.' There is a further provision, which it may be proper to notice—'Gif the aged and impotent persones not being sa diseased, lamed, or impotent, bot that they may woorke in sum manner of wark sall be, bee the ovreseers in ony parochin appoynted to wark and zit refusis the same—then, first, the refuser to be scourged and put in the stokkes; and, for the second fault, to be punished as vagabounds, as said is.'

"The Act 1661, c. 38, containing instructions to Justices of the Peace, has also been referred to, in so far as regards the taking up a list of the poor twice a year,—'into which number there shall no person be received who are any way able to gain their own living;'—and overseers are to be appointed 'to make due tryal and examination of the condition and number of such poor, aged, sick, lame, and impotent inhabitants of the said paroch, who (of themselves) have not to maintain them, nor are able to work for their living; as also of all orphans and other poor children within the said paroch, who are left destitute of all help.' These persons are to be enrolled in the list, and provided for; and the overseers are to make trial of their behaviour,—that 'if any of them being so provided shall go abroad to beg, or otherwayes miscarry themselves, or shall refuse, being able to work, any manner of work that they are able to perform in such cases,' they are to be punished.

"The Act 1663, c. 16, also contains provisions concerning beggars and vagabonds, ratifying the former statutes,—'With this addition, that strong beggars, with their bairns, be employed in common works, and that they shall continue servants therein during their lifetimes.' It further narrates, that the chief cause 'that vagabonds and idle persons do yet so much abound, hath been, that there were few or no common works then erected in the kingdom, who might take and employ the saids idle persons in their service.' It, therefore, authorises all persons who have manufactories within the kingdom, to seise upon and apprehend 'the persons of any vagabonds who shall be found begging, or who, being masterless and out of service, have not wherewith to maintain themselves by their own means and work, and to employ them for their service as they shall see fit,—the same being done with

the advice of the respective Magistrats of the place where they shall be seized upon.' Work being thus provided, the persons by whom the provision has been made are to be paid at a certain fixed rate by the parish.

"Such appear to be the important provisions of the law connected with this subject; and, assuredly, the present petitioner,—who, *ex concessis*, can find no employment of any kind, and who is willing to work, but who must not beg, and yet who has no way of obtaining relief, but by alms,—cannot be described as a wrong doer, and be liable in punishment. Whether the act last quoted has been carried into execution or not, it, as well as the previous statutes, proceed upon the necessary assumption, that parties who are unable to win their livelihood by the labour of their hands, are entitled to relief. Poverty, combined with idleness, does not give such a claim,—for every one must work if he can. If he be impotent or sick, and so cannot work, he is entitled to relief. But, if the inability to work and the right of relief be co-existent, how can it be the law, that a person who is sick, and so cannot work, must not be allowed to starve,—but that a person not yet sick, but equally unable to work, because he can get nothing to do, shall be allowed to starve, or at least be allowed to become sick and wasted,—and thus more likely to continue a permanent burden,—before the time arrives when he shall be entitled to relief? Surely this is inconsistent even with the cautious and prudent charity of the law, on the principle of which the relieving part of the Act 1579 proceeds. The word used, among others, is the 'impotent,' who are generally to be provided for;—and why?—merely because they cannot provide for themselves. But impotency cannot mean mere want of bodily strength,—else where is the remedy for the idiot or maniac? Why, indeed, should strength of body be an exemption?—but because it implies, in the ordinary case, the power of getting the means of subsistence by industry. But if public calamity, not in any way attributable to the party, render this impossible, he is as 'impotent' to work as if he had lost the use of his limbs, or the use of his reason.

"On these views of the statutes the Lord Ordinary would have proceeded, had this been an application for the direct relief of an able-bodied person thrown out of all employment owing to public calamity of any kind. But it is most satisfactory to find, that the precise point has been adjudicated by the Court, in the case of Pollock *v.* Darling, 17th January, 1804, Mor. 10,591. That case, no doubt, appears to have been carried by a narrow majority, and against the opinion of Lord-President Campbell. But it was most deliberately argued on informations, in a hearing in presence, and afterwards on petition and answers;—and the Lord Ordinary is not aware of any judicial opinions since that date, shaking its authority. Nothing condemnatory of that judgment appears to have fallen from the Court in the case of the Abbey Parish of Paisley, 29th November, 1821,—where it was decided that the Sheriff had no jurisdiction to review a judgment of the Heritors and Kirk-Session, refusing relief to able-bodied men. But some of the Court 'indicated an opinion, that if the Heritors and Kirk-Session had refused to meet, and to take the petition into consideration, a complaint to the Sheriff would have been competent to oblige them to do so.' No doubt, the Court was not then called on to review the judgment of 1804; but had the relief claimed appeared to have been palpably inconsistent with the genius of our law, the remark here made would not have been one natural to arise.

"This case of Pollock has stood on the books, so far as appears, uncontradicted for upwards of 40 years. Mr. Tait, in his work on the powers and duties of Justices of the Peace, published in 1815, notices it without any disapprobation, or stating that its authority had been doubted by lawyers. He thus describes the persons to whom relief is to be given:—'Cause of Poverty.—The persons relieved are either those who require permanent relief, whether partial or total, who are commonly called the ordinary poor, and who form the roll made up at the meeting already mentioned, or those who require only temporary relief, whether partial or total—(here Pollock's case is referred to)—who are commonly called the extraordinary poor, and who are not usually entered upon that roll.' The question now under consideration involves no point as to the extent to which relief is to be given; and, of course, when employment can be found, the right of relief of the able-bodied man, who can then procure sustentation for himself, ceases. Mr. Hutchison,—in the third edition of his Treatise on the Justice of Peace Law, vol. ii., p. 56, also published in 1815,—notices the case fully in a note; and, instead of disapproving of it, he quotes from Mr. Malthus in this way:—'Even Mr. Malthus, the formidable opponent of a compulsory provision for the poor, allows the propriety of giving occasional assistance under temporary distress.'—'At the same time, we must not forget that both humanity and true policy imperiously require that we should give every assistance to the poor on these occasions that the nature of the case will admit. If provisions were to continue at the price of scarcity, the wages of labour must necessarily rise, or sickness and famine would quickly diminish the number of labourers; and the supply of labour being unequal to the demand, its price would soon rise in a still greater proportion than the price of provisions. But even one or two years of scarcity,—if the poor were left entirely to shift for themselves,—might produce some effect of this kind; and, consequently, it is our interest, as well as our duty, to give them temporary aid in such seasons of distress.'—'Principles of Population, B. III., chap. 5 of Poor Laws.' Mr. Hutchison himself observes, p. 54,—'As the best remedy against a summary list of permanent poor, it has always been the practice to assist persons who, by misfortune or disease, or other circumstances, are disabled for a time from maintaining their families. And even when the necessary relief is not of such extent, or for such a period of time, as makes it worth while to place the distressed individual on the roll, still it is usual in practice to afford such supplies as the exigency requires. By means of these seasonable supplies, many,—who would have been irretrievably ruined, or prematurely cut off, leaving their families a permanent burden on the public,—are restored to the exercise of their lawful industry, and afterwards, instead of needing further aid, sometimes thankfully repay the money so seasonably advanced to them.'

"Mr. Dunlop indeed observes, that this case of Darling was one,—not at the instance of the poor themselves, but of a party who had been assessed. The Lord Ordinary cannot see the force of that observation, as detracting from the authority of the judgment; because, if the unemployed labourers were not by law entitled to relief, no assessment for such a purpose could be legal; and if the assessment was not legal, the party who complained was not bound to pay it, and yet he was found liable. Nor was the case argued on any such narrow grounds. Mr. Dunlop also observes, that the inexpediency of the system sanctioned by that judgment has been generally acknowledged—and Mr. Monypenny (a name which cannot be referred to on this, or any other subject, without the most profound respect) doubts the authority of the decision, as establishing a general doctrine which he considers materially altering the character of the Scottish system of poor-laws. The Lord Ordinary, even if satisfied of the inexpediency of the judgment (into which he does not consider himself judicially entitled to inquire), would still hold it binding. It does not appear to him, with due deference, to make any alteration on the character of our system. It does not give the able-bodied a direct and immediate claim for relief, or for work. It does not put the able-bodied, under ordinary circumstances, on a footing with those who are physically impotent. But merely determines that, under the pressure of a public calamity—where it is admitted or proved that a person cannot find the means of subsistence, however anxious to labour for his daily bread—that person who must not beg is, while the pressure of distress is upon him, entitled, as of right, to parochial relief. He is not to be cast aside until he become physically unable to work, when relief would be extended to him at a time when, in all human probability, it would come too late. It was well observed, in the case of Pollock and Darling, that 'a general assessment alone is calculated for a prompt, sufficient, and comprehensive relief, particularly for great and occasional distresses. The fund must be already provided, the system matured, and laws proportionate to the evil must be ready, otherwise the misery of the labouring classes of the community will run to such a height, that what has been refused in charity will be taken by force; and the voice of law being drowned, the clamours of nature, anarchy, and insurrection, will universally prevail.'

"Nor is it immaterial to observe that, if the decision in this case had been considered inconsistent with the genius of our law, and that able-bodied men were, in respect of their strength of limbs, to be excluded from parochial relief, it is somewhat remarkable that the views of policy to which Mr. Dunlop refers were not acted on in the recent statute, 8 and 9 Vict., c. 83, specially passed 'for the amendment and better administration of the laws relating to the relief of the poor in Scotland.' Certainly that statute does not confer any new right. But if the judgment of the Court, in 1804, was disapproved of, either as unfounded in law, or as impolitic in jurisprudence, it was strange that a privilege thus improperly declared to belong to the able-bodied should not have been taken away. All the provision we have on the subject, however, is contained in the 68th section, which enacts—'That from and after the passing of this act, all assessments imposed and levied for the relief of the poor shall extend and be applicable to the relief of occasional, as well as permanent poor: provided always that nothing herein-contained shall be held to confer a right to demand relief on able-bodied persons out of employment.'

"II. But even if it could be held, upon a rigid interpretation of the statutes, that the petitioner is not entitled to direct relief for himself, it by no means follows that children under 10 years of age have no claim for relief. These children are poor—having no means of subsistence of their own. They are impotent—that is, unable to work. They are below the age when the law represses idle and vagabond beggars. They surely would be entitled to beg, if able to do so. Keeping in view police regulations, the Inspector does not prescribe this course for their obtaining a livelihood, and some of them are too young even to be able to go about. The father is admitted to have no means by which he can support them. If he desert them utterly—that is, do not come near the hovel in which they may be—it is admitted that they would be entitled to relief. If he be imprisoned, and so be unable, as it is presumed, to give them aid, their claim is equally clear. And why? Not in respect of the mere fact of imprisonment—but in respect of the presumed inability of the father, in such a case, to give them help. Yet a tailor or shoemaker in prison, if he can get work, may be able to support his children. But how can this petitioner, who has not a crust for himself, have wherewithal to help them? They are utterly destitute—they are poor and impotent—and thus directly within the protection, and within the charity of the law.

"In the very words of the preamble of the act 1579, they are 'impotent and pure' people whom 'charity wald' 'suld be necessarilie provided,' and 'suld have lodgein and abiding places throughout the ralme to settle themselves intil.' They are also persons 'quhilks of necessitie mon live be almes.' They are in the words of the act 1661, c. 38—'persons who have not to maintain them'—'nor are able to work for their living'—'poor children who are left destitute of all help.' To tell them, that they are to be fed upon the legal obligation of the father to support his children when the father has nothing—to say, that out of the church collections the Kirk-Session may or may not, as it pleases, give them aid—is no legal answer to their demand. It is true that the benevolent occasionally establish soup-kitchens, and large funds are sometimes raised in cases of public calamity, and that relief may perhaps be thus obtained when the funds last, and according to the bounty of the distributors. But in law this is nothing. As to these occasional funds, some may think them well administered, and some may think them ill administered—many refuse to subscribe—and many, for reasons good or bad, cease to continue their subscriptions. They are sometimes neglected from caprice, or justly condemned for mismanagement. They are raised without obligation, and may be abandoned without cause. And to observe, that in this way these children may not utterly perish, is only to say, that the law will give no helping hand to save them, but send them adrift on the precarious waters of common charity or harsh caprice, whose waves may cast them forth, or whose sources may be dried up.

"Even if the father have the means, and spend them in debauchery, his unnatural conduct will not relieve the parish in the first instance. The law will see that the impotent and destitute children are supported, and action will lie against the father to make good the advances out of any means he may possess. It may be right to keep in mind, as Lord Fullerton observed in the case of Pride *v.* The Heritors and Kirk-Session of Ceres;—'When a pauper comes for needful sustentation, he cannot be met with the answer that he may go against relations. Sustentation must be given in the first instance, by the parish, which may seek its relief against those bound to aliment the pauper.' But really, in the present case, the right of relief against the father can be of very little importance; for it is admitted that he has nothing, and can earn nothing. He cannot help the children—and they cannot support themselves. Therefore, as was well observed by Lord Jeffrey in the Ceres case—'It would be an extraordinary thing indeed, if a man should, in a civilized community, not have a right to necessary sustentation, which is a right to live, and lies deeper than the right of property itself.' But we do not need to go beyond the statutes. The statute 1579 took away the right of begging—and in lieu thereof, which was a resource, 'gave a clear vested right to have needful relief.' On these grounds, the Lord Ordinary affirms the judgment of the Sheriff."

There is, amongst all the reasons of complaint existing in this country, one great consolation in the equitable course of justice. The administration of the law may be slow, but it is pure. The administrators are fallible, but their intentions are undoubted, and the poor, when they can get into the courts, have an equal hope of justice with the wealthiest in the land.

We have referred to the Glasgow Association for the assistance of the poor in such cases as we have quoted. It is a useful society; but, like many other similar societies, hampered in its operations by the insufficiency of funds. In this last case, the parish of Govan, aided by the parochial stamina of Scotland, has appealed from the Lord Ordinary. In the management of such cases there are considerable expenses incurred; and if those Scotchmen who may think that little children should not be starved in their country because their father happens not to be ill of fever, would assist the society, by their subscriptions, in working out this case, they would be doing something towards the vindication of that country from an indelible stain of cruelty to the helpless and unfortunate young.

We believe there is no doubt that if William Lindsay had committed crime, and been justly banished or imprisoned for his conduct, that the Board would not have hesitated in relieving his children. That is the difference made in this case between an honest man and a thief; and we think that political economy commits a great mistake in this instance. It sets snares for drawing men into crime; because a father, who was enabled to resist the ordinary temptations of personal want, and so on, might not have sufficiently strong principles to resist the knowledge that his virtue was the only remaining barrier between his starving children and their daily bread.

Whatever may be the ultimate decision in this case, enough is done to shake the law, if these enormities can be legally maintained. And it is a most vicious law. In that same city Glasgow, during 1847, the number of deaths was over *eighteen thousand*, or *one* in *twenty* of the inhabitants; and while we seek to use neither strong nor irritating expressions, yet we shall not be withheld from signifying our doubt, that the diseases which caused this frightful rate of mortality might have been, in many cases, traced to a deficient Poor-law, and an obdurate "political economy."

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