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THE HISTORY OF THE Poor Laws: WITH OBSERVATIONS.

By RICHARD BURN, LL.D.
One of his Majesty's Justices of the Peace for the County of WESTMORLAND.

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THE PREFACE.

THERE is a time, when old things ſhall become new —— *This maxim is verified in the following hiſtorical deduction; wherein are ſet forth, what laws for the poor were anciently in this kingdom; what the laws are now; and what propoſals have been made by ingenious and publick ſpirited men from time to time, for the amendment of the ſame.*

What the author himſelf hath propoſed, he is not ſo ſanguine as to expect that it will have better ſucceſs, than what others have offered before him. His principal deſign is to excite attention; and, from a comprehenſive view of the ſubject, to enable every reader to form his own judgment.

Jan. 15. 1764.

PREFACE.

CHAPTER THE FIRST.

Religious houſes anciently how far liable to maintain the poor.

IT is generally ſuppoſed, that before the diſſolution of monaſteries, the poor were maintained chiefly by the religious houſes; and that, by the aboliſhing of thoſe religious eſtabliſhments, the poor having become utterly deſtitute, the ſtatute of the 43 *Eliz.* ſtruck out an intirely new method for their ordering and relief. How far this opinion is well founded, will appear from the ſequel of this diſcourſe.

That the religious houſes were, by virtue of their inſtitution, obliged to make *ſome* proviſion for the poor, is not to be doubted. Out of the revenues of churches appropriated to them, a portion was to be ſet apart for that purpoſe.

But before the foundation of monaſteries, there were poor to be provided for; and to this end ſome part of thoſe poſſeſſions, which afterwards came into the hands of the monks, had been anciently applied.

Before there were any pariſhes in England (according to the notion of pariſhes which we

have at preſent) the biſhop was incumbent of the whole dioceſe; and he ſent out his clergy from his cathedral church, to preach in the ſeveral parts of his dioceſe, as he ſhould ſee occaſion, or as churches became eſtabliſhed. The whole tithes of the dioceſe were then paid to the biſhop; and he uſually, for the furtherance of religion, divided the ſame into four parts; one, to be applied to the ſervice of himſelf and clergy, at his cathedral; another, to the repairs and ornaments of the churches; a third, to the miniſters officiating therein; and a fourth, to the poor, and to neceſſitous travellers.

Afterwards, when the biſhops ſees began to be endowed with lands and other conſiderable poſſeſſions, the ſaid biſhops (in order to encourage the foundation of churches, and to eſtabliſh a better proviſion for the reſiding clergy) did tacitly recede from their quarter part, and were afterwards by canons of the church forbidden to demand it, if they could live without it.

So that then the diviſion came to be into three parts; and every prieſt was the receiver and diſtributer thereof, as the biſhop had been before; ſtanding obliged to expend one part on the raiſing, ſupporting and adorning his church and manſion houſe; another part, on entertaining ſtrangers and relieving the poor; and to have a third reſerved to his own immediate occaſions. (*Kennet. Impropr.* 14, 15.)

But this portion was not intended to be the whole maintenance which the poor ſhould receive.

For we find it injoined in the laws of king Eadgar, that as the prieſts, ſo alſo the people, ſhould

ſhould diſtribute alms to the poor; that thereby they might render the deity propitious to them, and that thereby the people might be accuſtomed to the giving of alms: And it was required that the prieſts, when they diſtributed their alms, ſhould ſing pſalms; and the poor, at the ſame time, pray for their benefactors. (Wilk. 86.)

And by the laws of king Alfred, it was ordained, that the poor ſhould be ſuſtained by parſons and rectors of churches, and alſo by the pariſhioners; ſo that none ſhould die for want of ſuſtenance. (*Mirrour*. 14.)

Afterwards, when churches became appropriated to the monaſteries, it was uſual to allow one third of the revenues to the vicar officiating in ſuch appropriated church; and the other two thirds were given to the monaſteries, and applied as well for maintenance of the ſeveral members of ſuch religious houſes reſpectively, as for keeping hoſpitality, and eſpecially for the relief of the poor.

And by the act of parliament, 15 R. 2. c. 6. it was required, that in every licence to be made in the chancery, of the appropriation of any pariſh church, it ſhould be expreſſed, that the dioceſan ſhall ordain, according to the value of ſuch church, a convenient ſum of money to be paid and diſtributed yearly of the fruits and profits thereof, to the poor pariſhioners, in aid of their living and ſuſtenance for ever.

And by the 4 H. 4. c. 12. In every church ſo to be appropriated, a ſecular perſon was to be ordained vicar perpetual, and covenably endowed, to inform the people, and keep hoſpitality there.

And in thoſe acts of endowment of vicarages which are yet extant, we generally find, that the biſhop did proportion, ſo near as could reaſonably be eſtimated, one third part to the vicar, and the other two parts to the religious houſes for the purpoſes aforeſaid.

And to the end that they might be the better enabled to anſwer the ſaid charge, care was taken that they ſhould not be otherwiſe overburdened.

Thus, by the ſtatute of the 3 Ed. 1. c. 1. it is enacted as follows: Becauſe that abbies and houſes of religion have been overcharged and ſore grieved, by the reſort of great men and other, ſo that their goods have not been ſufficient for themſelves, whereby they have been greatly hindred and impoveriſhed, that they cannot maintain themſelves, nor ſuch charity as they have been accuſtomed to do; it is provided, that none ſhall come to eat or lodge in any houſe of religion, of *any other's* foundation than of his own, at the coſts of the houſe, unleſs he be required by the governor of the houſe before his coming thither.

And that none, at *his own* coſts, ſhall enter and come to lie there, againſt the will of them that be of the houſe.

And by this ſtatute the king intendeth not, that the grace of hoſpitality ſhould be withdrawn from ſuch as need; nor that the founders of ſuch monaſteries ſhould over-charge or grieve them by their often coming.

And none ſhall ſend to the houſe or manor of a man of religion, his men, horſes, or dogs, to ſojourn; nor none ſhall them receive.

And

And alſo the ſheriffs ſhall not grieve religious men, by often coming and lodging, neither at their houſes nor their manors.

And by the 35 Ed. 1. ſt. 1. c. 1. Whereas religious houſes were founded, and lands given to them, to the intent that clerks and laymen might be admitted therein, ſick and feeble men might be maintained, hoſpitality, almſgiving, and other charitable deeds might be done, and that in them prayers might be ſaid for the ſouls of the founders and their heirs; the abbots and other governors of the ſaid houſes, and certain aliens their ſuperiors, have laid heavy taxes upon the ſame, whereby the number of religious perſons in the ſaid houſes and other ſervants therein being oppreſſed, the ſervice of god is diminiſhed, alms being not given to the poor the ſick and feeble, the healths of the living and ſouls of the dead be miſerably defrauded, hoſpitality almſgiving and other godly deeds do ceaſe; it is ordained, that religious perſons ſhall ſend nothing to their ſuperiors, out of his majeſty's kingdom and dominion.

And by the ſtatute of Articuli Cleri, 9 Ed. 2. ſt. 1. c. 11. Where it is deſired by the prelates, that the king and the great men of the realm do not charge religious houſes or ſpiritual perſons for corodies, penſions, or ſojourning in religious houſes and other places of the church; it is anſwered, That they ſhall not be unduly charged.

And by the 2 H. 5. c. 1. Foraſmuch as many hoſpitals, founded as well by the noble kings of this realm, and lords and ladies both ſpiritual and temporal, as by divers other eſtates, to the honour of god and of his glorious mother, in aid

and merit of the ſouls of the ſaid founders, to the which hoſpitals the ſaid founders have given a great part of their moveable goods, and a great part of their lands and tenements, therewith to ſuſtain impotent men and women, lazars, men out of their wits, and poor women with child, and to nouriſh, relieve, and refreſh other poor people in the ſame, be now withdrawn and ſpent in other uſe, whereby many men and women have died in great miſery, for default of aid, living, and ſuccour, to the diſpleaſure of god, and peril of the ſouls of ſuch diſpoſers; it is ordained, that the ordinaries ſhall inquire thereof, and upon that due correction and reformation ſhall be made, according to the laws of holy church.

And ſo the revenues of thoſe houſes of religious or charitable inſtitution, did continue charged until their diſſolution. And in one of the acts of diſſolution (27 H. 8. c. 28.) it was required, that all perſons to whom the king ſhould demiſe the ſite and demeſnes of any of the diſſolved houſes, ſhould keep an honeſt continual houſe and houſhold there, and for that purpoſe occupy yearly as much of the demeſnes in ploughing and tillage of huſbandry, as the ſaid religious had done before; on pain of 61. 13s. 4d. a month: And the juſtices in ſeſſions were to inquire thereof. Which order continued until the twenty firſt year of king James the firſt, when the ſaid clauſe was repealed.

But during the time that theſe inſtitutions continued, there were many other regulations with reſpect to the poor made from time to time by act of parliament, for the employment of ſome, for the puniſhment of others, and for maintenance

nance of the reſt. The firſt of which fall under the denomination of ſervants, labourers, and artificers; the ſecond, of rogues and vagabonds; and the third, of impotent poor.

CHAPTER THE SECOND.

Antient ſtatutes relating to ſervants, labourers, and artificers.

CONcerning ſervants, labourers, and artificers; the following ſtatutes have been enacted.

By the 23 Ed. 3. Becauſe great part of the people, and eſpecially of workmen and ſervants, late died in peſtilence; many, ſeeing the neceſſity of maſters, and great ſcarcity of ſervants, will not ſerve without exceſſive wages, and ſome rather willing to beg in idleneſs than by labour to get their living: it is ordained, that every man and woman, of what condition he be, free or bond, able in body, and within the age of threeſcore years, not living in merchandize, nor exerciſing any craft, nor having of his own whereon to live, nor proper land whereon to occupy himſelf, and not ſerving any other, if he in convenient ſervice (his eſtate conſidered) be required to ſerve, ſhall be bounden to ſerve him which ſhall ſo him require; and take only the wages which were accuſtomed to be given in the

place where he ſerves, in the twentieth year of the preſent king, or five or ſix other common years next before. Provided, that the lords be preferred before other in their bondmen or their land tenants; ſo that they retain no more than be neceſſary for them. And if any refuſe, he ſhall, on conviction by two true men, before the ſheriff or conſtable of the place, be committed to gaol till he find ſurety to ſerve.

And if any workman or ſervant, of what eſtate or condition he be, retained in any man's ſervice, do depart from the ſaid ſervice, without reaſonable cauſe or licence, before the term agreed on, he ſhall have pain of impriſonment. And none, under the ſame pain, ſhall preſume to receive or retain any ſuch in his ſervice.

And none ſhall pay more, or ſhall demand or receive any more; on pain of forfeiting double: and contracts to the contrary ſhall be void.

Sadlers, ſkinners, white tawers, cordwainers, taylors, ſmiths, carpenters, maſons, tilers, ſhipwrights, carters, and all other artificers and workmen, ſhall take no more wages than as aforeſaid.

And the archbiſhops and biſhops ſhall cauſe this to be publiſhed, and command the curates and other ſubdioceſans to compel their pariſhioners to labour, and alſo their ſtipendiary prieſts of their reſpective dioceſes, which do now exceſſively take, and will not ſerve for a competent ſalary, on pain of ſuſpenſion and interdiction.

By the 25 Ed. 3. On complaint of the commons, that the ſervants have no regard to the aforeſaid ſtatute, and withdraw themſelves to

ſerve

ſerve great men and other, unleſs they might have double or treble the ſaid wages; it is ordained, that carters, ploughmen, drivers of the plough, ſhepherds, ſwineherds, deies, and all other ſervants ſhall take wages as by the ſaid former act.

And they ſhall ſerve by the year, or other uſual terms, and not by the day.

And none ſhall pay, in the time of ſarcling or hay making, but a peny the day. A mower of meadows five pence an acre, or five pence a day. Reapers of corn, in the firſt week of Auguſt, two pence; in the ſecond, three pence; and ſo till the end of Auguſt; without meat, drink, or other courteſy.

And all workmen ſhall bring openly in their hands to the marchant towns their inſtruments, and there be hired in a common place and not privy.

Item, that none ſhall take for the threſhing a quarter of wheat or rye above two pence halfpeny; quarter of barley, beans, peaſe, and oats, a peny halfpeny.

And none ſhall go out of the town where he dwelled in winter, to ſerve the ſummer, if he may ſerve in the ſame town. Except in the time of harveſt.

And ſervants ſhall be ſworn twice a year, before the lords, ſtewards, bailiffs, and conſtables of every town, to obey this ordinance; on pain of being ſet in the ſtocks for three days or more, or to be ſent to the next gaol till they will juſtify themſelves.

A maſter carpenter ſhall take no more than three pence a day; other carpenter, two pence.

A maſter

A maſter free maſon, four pence a day; other maſons, three pence; and their ſervants, a peny halfpeny. Tilers, three pence; and their knaves a peny halfpeny; and other coverers of fern and ſtraw, three pence; and their knaves, a peny halfpeny. Plaiſterers and other workers of mud walls, and their knaves, by the ſame manner. Without meat or drink. And this, from eaſter to michaelmaſs; and from that time leſs, according to the diſcretion of the juſtices. And they that make carriage by land or by water, ſhall take no more than they were wont in the twentieth year of the king, and four years before.

And goldſmiths, ſadlers, horſe ſmiths, ſpurriers, tanners, coriers, tawers of leather, taylors, and other workmen, artificers and labourers, and all other ſervants here not ſpecified, ſhall be ſworn before the juſtices, to uſe their crafts as they were wont to do in the ſaid twentieth year and four years before, without refuſing the ſame becauſe of this ordinance.

And ſervants fleeing from one county to another, becauſe of this ordinance, ſhall be brought back to the gaol of the county from whence they fled, till the next ſeſſions.

By the 34 Ed. 3. The ſtatute of labourers ſhall be put in due execution. With this, that lords of towns ſhall impriſon the offenders fifteen days, if they will not juſtify themſelves; and then ſend them to gaol till they do.

And chief maſters of carpenters and maſons ſhall have four pence a day; and the other, three pence, or two pence, as they are worth.

And

And all alliances and covins of maſons and carpenters, and congregations, chapters, ordinances, and oaths betwixt them made, ſhall be void: ſo that every maſon and carpenter ſhall be compelled by his maſter whom he ſerveth to do every work that pertaineth him to do, or of free ſtone, or of rough ſtone. And alſo every carpenter in his degree.

And where labourers and artificers abſent themſelves in another town or county, if the ſheriff return that ſuch perſon cannot be found, he ſhall be outlawed. On which, a writ ſhall iſſue to every ſheriff of England. And when he is brought, he ſhall be impriſoned till he juſtify himſelf, and make gree to the party; and nevertheleſs, he ſhall be burnt in the Forehead with an iron formed to the letter F, in token of his Falſity.

And no labourer, ſervant, or artificer, ſhall take no manner of wages the feſtival days.

By the 37 Ed. 3. c. 6. Artificers and handicrafts people, ſhall hold them every one to one miſtery.

By the 12 R. 2. No ſervant or labourer ſhall depart, at the end of his term, out of the hundred where he is dwelling, to ſerve or dwell elſewhere, or by colour to go from thence in pilgrimage, unleſs he bring a letter patent under the king's ſeal (to be kept within the county for that purpoſe) containing the cauſe of his going, and the time of his return (if he ought to return). If he be found wandring without ſuch letter, he ſhall be put in the ſtocks, and kept

kept till he find ſurety to return to his ſervice, or to ſerve or labour in the town from whence he came, till he have ſuch letter to depart for a reaſonable cauſe.

But, with ſuch letter, at the end of his term, he may depart to ſerve elſewhere, ſo that he be in a certainty with whom.

And none ſhall receive ſuch perſon going without a teſtimonial, nor with teſtimonial above one night (except for ſickneſs or other reaſonable cauſe); on pain to be limited by the juſtices.

And as well artificers and people of miſtery, as ſervants and apprentices, which be of no great avoir, and of which craft or miſtery a man hath no great need in harveſt time, ſhall be compelled to ſerve in the harveſt, to cut, gather, and bring in the corn.

And becauſe the wages following have not been put in certain before this time, it is accorded and aſſented, that the bailiff for huſbandry ſhall take by the year 13s. 4d. and his cloathing once a year, at the moſt. The maſter hine 10s. Carter 10s. Shepherd 10s. Oxherd 6s. 8d. Cowherd 6s. 8d. Swineherd 6s. A woman labourer 6s. A dey 6s. A driver of the plough 7s.

And he or ſhe which uſe to labour at the plough and cart, or other labour and ſervice of huſbandry, till they be of the age of 12 years, from thenceforth ſhall abide at the ſame labour, without being put to any miſtery or handicraft: and any covenant of apprenticeſhip to the contrary ſhall be void.

By

By the 13 R. 2. c. 8. Forasmuch as the price of corn and victuals cannot be put in certain; the justices shall make proclamation, after the dearth of victuals, how much every mason, carpenter, tiler, and other craftsmen, workmen, and labourers by the day, as well in harvest as in other times of the year, shall take by the day, with or without meat and drink.

By the 4 H. 4. c. 14. No labourer shall be retained by the week; nor shall take any hire for the holidays, nor for the evens of feasts where they do not labour but till the hour of noon, but only for the half day.

By the 6 H. 6. c. 3. The justices shall make proclamation once a year, how much every servant of husbandry shall take for his service by the year then next following; and twice a year how much every artificer and workman shall take by the day, and by the week, with or without meat and drink, as well in August as in other times of the year. And every proclamation so to be made, shall be holden as a thing ordained by statute.

By the 23 H. 6. c. 13. A servant, purposing to depart, shall, at the midst of his term or before, give warning; that his master may provide another. Otherwise, he shall serve for the next year.

And the wages of a bailiff of husbandry shall not exceed 23s 4d a year, and cloathing of the price of 5s, with meat and drink; chief hind, carter,

carter, or chief ſhepherd 20s, cloathing 4s; common ſervant of huſbandry 15s, cloathing 40d; woman ſervant 10s, cloathing 4s; infant under fourteen 6s, cloathing 3s. And ſuch as deſerve leſs, ſhall take leſs. Free maſon or maſter carpenter not above 4d a day, without meat and drink 5½d. Maſter tiler or ſlater, rough maſon and mean carpenter and other artificers concerning building 3d a day, without meat and drink 4½d. Every other labourer 2d a day, without meat and drink 3½d. After michaelmaſs, to abate proportionably. In time of harveſt, a mower 4d a day, without meat and drink 6d. Reaper or carter 3d a day, without meat and drink 5d. Woman labourer and other labourers 2d a day, without meat and drink 4½d.

By the 11 H. 7. c. 22. There is a like rate of wages, only with a little advance to ſeveral of them; as for inſtance, a free maſon, maſter carpenter, rough maſon, bricklayer, maſter tiler, plummer, glazier, carver, joiner, ſhall be allowed, from eaſter to michaelmaſs, to take 6d a day without meat and drink, or with meat and drink 4d. From michaelmaſs to eaſter, to abate 1d.

And a maſter maſon or carpenter, having under him ſix men, ſhall be allowed to take 1d a day extraordinary.

And no artificer ſhall depart before his work be finiſhed, if his employer ſo long will have him, and pay his wages; on pain of impriſonment for a month, and forfeiture of 20s. (Unleſs it be for the king's ſervice.)

And every artificer and labourer, between the middle of March and the middle of September, ſhall be at work before five in the morning, and continue till after ſeven at night. And ſhall be allowed half an hour for breakfaſt; an hour and a half for dinner, in ſleeping time; out of ſleeping time ſhall have one hour for his dinner, and half an hour for his noon meat. From the middle of September to the middle of March, he ſhall be at work from the ſpring of the day until night. The ſeaſon for ſleeping to be, from the middle of May to the middle of Auguſt.

By the 6 H. 8. c. 3. Several of the aforeſaid regulations are repeated, with ſome few alterations; and the wages of ſhipwrights, particularly, are rated after the following proportions: A maſter ſhip carpenter, taking the charge of the work, having men under him, 5 d a day, in the ſummer ſeaſon, with meat and drink; another ſhip carpenter, called a hewer, 4 d; an able clincher, 3 d; holder, 2 d; maſter calker, 4 d; mean calker, 3 d; a calker labouring by the tide, for every tide 4 d.

By the 27 H. 8. c. 25. Servants departing from their ſervice, by licence, will, death, or excluſion of their maſter, having letters of their maſter, or in caſe of his death other ſufficient teſtimony, ſhall not be taken as vagrants, for one month after; nor then, if they have entred into any ſervice, or be otherwiſe in labour.

Then, finally, came the ſtatute of the 5 Eliz. c. 4. which brought together all the former ſtatutes,

tutes, and re-enacted what was uſeful therein, with ſome few alterations. The preamble ſets forth the uſe and deſign of ſuch an act, and the whole act is a very good example of what may be done in like caſes. It begins,———Altho' there remain and ſtand in force preſently, a great number of acts and ſtatutes concerning the retaining, departing, wages, and orders, of apprentices, ſervants, and labourers, as well in huſbandry, as in divers other arts, miſteries, and occupations; yet partly for the imperfection and contrariety that is found and doth appear in ſundry of the ſaid laws, and for the variety and number of them; and chiefly for that the wages and allowances limited and rated in many of the ſaid ſtatutes, are in divers places too ſmall, and not anſwerable to this time, reſpecting the advancement of prices of all things belonging to the ſaid ſervants and labourers; the ſaid laws cannot conveniently, without the great grief and burden of the poor labourer and hired man, be put in good and due execution: And as the ſaid ſeveral acts and ſtatutes were, at the time of the making of them, thought to be very good and beneficial for the commonwealth of this realm (as divers of them yet are): So if the ſubſtance of as many of the ſaid laws as are meet to be continued, ſhall be digeſted and reduced into one ſole law and ſtatute, and in the ſame an uniform order preſcribed and limited, concerning the wages and other orders for apprentices, ſervants, and labourers, there is good hope that it will come to paſs, that the ſame law (being duly executed) ſhould baniſh idleneſs, advance huſbandry, and yield unto the hired perſon, both in the time of

ſcarcity

ſcarcity, and in the time of plenty, a convenient proportion of wages; —— and then enacts, that the ſaid former laws ſhall be repealed; and proceeds to lay the whole together in one uniform and conſiſtent act.

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SO much, for the preventing of IDLENESS. To which end it may be appoſite alſo to inſert briefly the ſtatutes which were made againſt unlawful games. As,

By the 12 R. 2. c. 6. Servants and artificers ſhall leave all playing at tennis, or football, and other games called coites, dice, caſting of the ſtone, kailes, and other ſuch importune games; and ſhall bear no bucklers, ſwords, nor daggers; but they ſhall have bows and arrows, and uſe the ſame on ſundays and holidays.

By the 17 Ed. 4. c. 3. Whereas by the laws of this realm no perſon ſhould uſe any unlawful games, but that every perſon ſtrong and able of body ſhould uſe his bow; contrary to which laws many new imagined games are daily uſed, as well by perſons of good reputation, as of ſmall behaviour; it is ordained, that none ſhall uſe any of the games called cloſh, kailes, halfbowle, hand-in and hand-out, and quekborde; on pain of 10l and two years impriſonment: And none ſhall ſuffer the ſame in his houſe, garden, or other place; on pain of 20l and impriſonment for three years.

By the 11 H. 7. c. 2. No apprentice, ſervant, labourer, or artificer ſhall play at tables but only

for meat and drink; nor at the tennis, claſh, dice, cards, bowls, nor any other unlawful game, out of chriſtmaſs; and in chriſtmaſs, only in the dwelling houſe of his maſter, or where his maſter is preſent: on pain of being ſet in the ſtocks for one day.

In like manner, by the 19 H. 7. c. 12. No apprentice, or ſervant at huſhandry, labourer, nor ſervant artificer, ſhall play at tables; nor at tennis, cloſh, dice, cards, bowls, nor other unlawful games out of the twelve days of chriſtmaſs, and then only in their maſter's houſe, or where he abideth: on like pain as aforeſaid.

By the 27 H. 8. c. 25. No perſon ſhall keep any open playing houſe, or place for common bowling, dicing, carding, cloſh, tennis, or other unlawful game, taking money for the ſame; on pain of five marks a month.

All which regulations were introductory to the ſtatute of the 33 H. 8. c. 9. to the like purpoſe now in force.

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IT may be alſo curious to obſerve what reſtrictions they were ſubject to, with reſpect to their cloathing and apparel. It hath been already ſet forth, at what price by the year their cloathing ſhould be eſtimated. Other particulars are as follows.

By the 37 Ed. 3. c. 9. it is ordained, that people of handicraft and yeomen ſhall take nor wear cloth of a higher price for their veſture or hoſing, than within 40s the whole cloth; nor ſtone, nor cloth of ſilk nor of ſilver, nor girdle, knife,

knife, button, ring, garter, nor owche, riban, chains, nor no ſuch other things of gold or ſilver; nor no manner of apparel embrowdered, aimeled, nor of ſilk by no way. And that their wives, daughters, and children, wear no vail of ſilk, but only of yarn made within the realm, nor no manner of fur, nor of budge, but only lamb, conie, cattle, and foxe.

By the 37 Ed. 3. c. 14. Carters, ploughmen, drivers of the plough, oxherds, cowherds, ſhepherds, deyars, and all other keepers of beaſts, threſhers of corn, and all manner of people of the eſtate of a groom, attending to huſbandry, and all other people not having 40 s of goods, ſhall wear no cloth but blanket, and ruſſet wool of 12 d, and ſhall wear girdles of linen according to their eſtate.

By the 3 Ed. 4. c. 5. No perſon under 40 l a year, ſhall uſe or wear in aray for his body, any bolſters nor ſtuffing of wool, cotten, nor cadas, nor any ſtuffing in his doublet, but only lining according to the ſame. And no perſon ſhall wear any gown, jacket, or coat, unleſs it be of ſuch length that the ſame may cover his privy members and buttocks; nor ſhoes for boots having pikes paſſing the length of two inches. And no ſervant, or labourer, or artificer, ſhall wear any cloth above 2 s the yard; nor ſuffer any of their wives to wear any coverchieffes, whereof the price of the plite ſhall paſſe 12 d; nor any girdle garniſhed with ſilver. But this ſhall not extend to minſtrels, nor players in their interludes; nor to perſons as for wearing of any purſes, broches, or crowns for caps of children. ——And tranſgreſſing in any of the above par-

ticulars is expreſſed to be, to the great diſpleaſure of almighty god.

By the 4 Ed. 4. c. 7. No cordwainer or cobler ſhall make any ſhoes, galoches, or huſeaus, with any pike or poleyn, that ſhall paſs the length of two inches.

By the 4 Ed. 4. c. 9. None ſhall make patens nor clogs, for gentiles or other, of aſp fit for ſhafts.

By the 22 Ed. 4. c. 1. No perſon, under the eſtate of a lord, ſhall wear any gown or mantell, unleſs it be of ſuch length, that, he being upright, it ſhall cover his privy members and buttocks.

By the 1 H. 8. c. 14. No ſerving man, under the degree of a gentleman, ſhall wear any gown, or cote, or ſuch like apparel, of more cloth than two broad yards and a half in a ſhort gown, and three broad yards in a long gown. And no ſerving man, waiting upon his maſter under the degree of a gentleman, ſhall uſe any garded hoſe, or any cloth in his hoſe above 20 d the yard. And no man, under the degree of a knight, ſhall wear any garded or pinched ſhirt, or pinched partlet of linen cloth. Nor no ſervant of huſbandry, ſhepherd, or labourer, ſhall wear any hoſe, the price of the cloth whereof paſſeth 10 d a yard.

By the 6 H. 8. c. 1. No man under the degree of a knight, except ſpiritual men, ſerjeants at law, or graduates in the univerſities, ſhall uſe more cloth in a long gown than four broad yards, and in a riding gown or coat above three broad yards. And no man, under the degree of

a knight, ſhall wear any chain of gold, or collar of gold, any gold about his neck, or bracelets of gold.

And no man, under the degree of a gentleman, ſhall wear any ſilk points, or any points in any of his apparel, nor aglets of gold or ſilver, or button, or broches of gold or ſilver. And no man, under the degree of a knight, ſhall wear any garded or pinched ſhirt, or pinched partlet of linen cloth, or plain ſhirt garniſhed, or made with ſilk or gold or ſilver.

By the 7 H. 8. c. 7. There are the like regulations, with ſome ſmall variation.

By the 24 H. 8. c. 13. No man, not having 40l a year, ſhall wear any chain of gold, of leſs weight than ten ounces of troy weight of fine gold. And no ſerving man, or other under 40 s a year, ſhall wear any ſhirt or ſhirt band, under or upper cap, coif, bonnet, or hat, garniſhed or wrought with ſilk, gold, or ſilver. Nevertheleſs it ſhall be lawful for him to wear a ſilk ribband for his bonnet, and alſo the cogniſance or badge of his lord or maſter, and a horn tipped or ſlewed with ſilver gilt or ungilt. Alſo they may wear on their bonnets all ſuch games of ſilver gilt or ungilt, as they may win by wreſtling, ſhooting, running, leaping, or caſting of the bar. And alſo maſters of ſhips or mariners may wear whiſtles of ſilver, with the chain of ſilver to hang the ſame upon.

Finally, by the 13 El. c. 19. Every perſon above the age of ſix years (except maidens, ladies, and gentlewomen; and lords, knights, and gentlemen of 20 marks a year) ſhall wear

upon the ſabbath and holiday, upon their head, one cap of wool knit, thicked, and dreſſed in England; on pain of 3 s 4 d a day.

CHAPTER THE THIRD.

Vagrants.

BY the 23 Ed. 3. Becauſe that many valiant beggars, as long as they may live of begging, do refuſe to labour, giving themſelves to idleneſs and vice, and ſometimes to theft and other abominations; it is ordained, that none, upon pain of impriſonment, ſhall, under the colour of pity or alms, give any thing to ſuch which may labour, or preſume to favour them towards their deſires; ſo that thereby they may be compelled to labour for their neceſſary living.

By the 7 R. 2. Juſtices of aſſize, juſtices of the peace, and the ſheriff in every county, ſhall have power to inquire of perſons wandring from place to place; and as well the ſaid juſtices and ſheriff, as the mayors, bailiffs, conſtables, and other chief officers of towns and places where ſuch vagabonds ſhall come, ſhall have power to examine them diligently, and compel them to find ſurety for their good bearing, by ſufficient mainpernors, who may be diſtrainable if any default be found in ſuch vagabonds; and if they

cannot find ſuch ſurety, to commit them to the next gaol, till the coming of the juſtices aſſigned for deliverance of the gaols, who ſhall do to the ſaid vagabonds as to them ſhall ſeem meet by the law.

By the 12 R. 2. Of every perſon that goeth begging, and is able to ſerve or labour, it ſhall be done as of him that departeth out of the hundred or other place without letter teſtimonial; (that is, he ſhall be put in the ſtocks, and kept till he hath found ſurety to return to ſerve or labour in the town from whence he came.)

Except people of religion and heremites, having letters teſtimonial of their ordinaries.

And of all them that go in pilgrimage as beggars, and be able to travel, it ſhall be done as of the ſaid ſervants and labourers, if they have no letters teſtimonial of their pilgrimage under the king's ſeal, which for this intent ſhall be aſſigned and delivered to the keeping of ſome good man of the hundred, city, or borough, at the diſcretion of the juſtices.

And the ſcholars of the univerſities that go ſo begging, ſhall have letters teſtimonial of their chancellor, upon the ſame pain.

And they that feign themſelves men travelled out of the realm, and there to be impriſoned, ſhall bring letters teſtimonial of the captain where they were abiding, or of the mayors or bailiffs where they arrived. And the ſame mayors and bailiffs ſhall inquire of ſuch people, where, and with whom they have dwelled, and in what place their dwelling is in England. And the ſame mayors and bailiffs ſhall make them letters patents

under the ſeal of their office, teſtifying the day of their arrival, and alſo witneſſing where they have been (as they have ſaid). And they ſhall cauſe them to ſwear, that they ſhall hold them right way towards their country (except they have letters patents under the king's great ſeal to do otherwiſe). And if any ſuch travelled man be found without ſuch letter, it ſhall be done of him as of the ſaid ſervants and labourers. And alſo this ordinance ſhall be intended of men travelled, that go begging thro' the country after their arrival.

By the 1 H. 5. c. 8. All Iriſh clerks, beggars, called chamberdekens, ſhall be voided out of the realm.

By the 11 H. 7. c. 2. The king our ſovereign lord, conſidering the great charges that ſhould grow to his ſubjects for bringing of vacabonds to the gaols according to the ſtatute of the 7 R. 2. and the long abiding of them therein, where by likelihood many of them ſhould loſe their lives; in moderating of the ſaid ſtatute, his highneſs will, by the authority of this preſent parliament, it be ordained and enacted, that where ſuch miſdoers ſhould be by examination committed to gaol, there to remain as is aforeſaid, the conſtables and other officers ſhall take all ſuch vacabonds, idle and ſuſpect perſons, living ſuſpiciouſly, and them ſo taken ſhall ſet in ſtocks, there to remain by the ſpace of three days and three nights, and there to have none other ſuſtenance but bread and water; and after the ſaid three days and three nights, to be had

out

out and ſet at large, and then to be commanded to avoid the town. And if eftſoons he be taken in ſuch default in the ſame town or townſhip; then to be ſet likewiſe in the ſtocks by the ſpace of ſix days, with like diet as is afore rehearſed. And if any perſon give any other meat or drink to the ſaid miſdoers, being in ſtocks in form aforeſaid, or the ſame priſoners favour in their miſdoing, that then they forfeit for every time ſo doing 12 d.

And no man ſhall be excuſed by that he is a clerk of one univerſity or of other, without he ſhew the letters of the chancellor of the univerſity from whence he ſaith he cometh.

Nor none other calling himſelf a ſoldier, ſhipman, or travelling man; without he bring a letter from his captain, or from the town where he landed; and that he then be commanded to go the ſtrait highway into his country.

And if any officer afore rehearſed, execute not the premiſſes as is aboveſaid, of every vacabond, heremit, or beggar able to labour, or clerk, pilgrim, or ſhipman, as oft as any ſuch cometh in his ſight, or that he hath thereof knowledge within the town where he hath authority, rule, and governance, as often as any ſuch of the ſaid miſdoers abiding there by the ſpace of a day departeth unexamined and unpuniſhed, for every miſdoer ſo departed he to leeſe 12 d.

Provided, that diminution of puniſhment of vacabonds and beggars aforeſaid, may and ſhall be had for women great with child, and perſons in extreme ſickneſs, by him that hath authority to do the ſaid puniſhments, this act notwithſtanding.

By

By the 19 H. 7. c. 12. Inſtead of being ſet in the ſtocks for three days and three nights, as by the laſt act; they ſhall be ſet there by the ſpace of one day and one night; and then to avoid the town or place where they were taken, into ſuch city, town, place, or hundred where they were born, or elſe to the place where they laſt dwelled or made their abode by the ſpace of three years; and that, as haſtily as they conveniently may; and there to remain and abide. And if eftſoons they be taken in ſuch default in the ſame town or townſhip, then to be ſet likewiſe in ſtocks by the ſpace of three days and three nights, with like diet as is aforeſaid. And if any perſon give any other meat or drink to the ſaid miſdoers ſo being in ſtocks in form aforeſaid, or the ſaid priſoners favour in their miſdoing, or them receive or harbour over one night, that then they forfeit for every time ſo doing 12 d.

And that no man be excuſed by that he is a clerk of an univerſity from whence he ſaith he cometh, without a letter of the vicechancellor.

Nor none calling himſelf a ſoldier, ſhipman, or travelling man, without he bring a letter from his captain, or from the town where he landed, and that he then be commanded to go the ſtraight highway into his country. And if he depart not according to ſuch commandment, then to be taken and puniſhed as a vagabond.

Provided always, that diminution of puniſhment of vagabonds and beggars aforeſaid, may and ſhall be had for women great with child, and men and women in great ſickneſs, and perſons being impotent, and above the age of ſixty years;

years; by the diſcretion of him that hath authority to do the ſaid puniſhment, this act notwithſtanding.

And the juſtices or two of them within their ſhires, and mayors within their cities, towns, and boroughs, ſhall have power to make four times in the year, that is to ſay, every quarter once, or oftner, as by their diſcretion ſhall be thought neceſſary, throughout all their ſhire, a due and diligent ſecret ſearch; and if they find any of the ſaid miſruled perſons, the ſaid miſruled perſons ſo found ſhall have like puniſhment and correction as is aforeſaid.

By the 22 H. 8. c. 12. If any perſon, being whole and mighty in body, and able to labour, be taken in begging, or be vagrant and can give no reckoning how he lawfully gets his living; the conſtable may arreſt and bring him to a juſtice, or to the high conſtable; who ſhall, reſpectively, by their diſcretions, cauſe every ſuch idle perſon to be had to the next market town, or other place where they ſhall think moſt convenient, and there to be tied to the end of a cart naked, and to be beaten with whips throughout the ſame market town or other place, till his body be bloody by reaſon of ſuch whipping. After which, he ſhall by ſuch juſtice or high conſtable be injoined upon his oath, to return forthwith without delay, in the next and ſtraight way, to the place where he was born, or where he laſt dwelled by the ſpace of three years, and there to put himſelf to labour as a true man ought to do.

And

And after that done, he ſhall have a letter ſealed with the ſeal of the hundred, city, borough, town, liberty, or franchiſe, witneſſing that he hath been puniſhed according to this ſtatute, and containing the day and place of his puniſhment, and the place whereunto he is limited to go, and by what time he is limited to come thither; within which time he may lawfully beg by the way, and otherwiſe not.

And if he do not accompliſh the order to him appointed by the ſaid letter; then to be eftſoons taken and whipped; and ſo, as often as any default ſhall be found in him contrary to the order of this ſtatute, in every place to be taken and whipped, till he be repaired where he was born, or where he laſt dwelled by the ſpace of three years, and there to put his body to labour for his living, or otherwiſe truly get his living without begging, as long as he is able ſo to do.

And if the conſtables and inhabitants of any town or pariſh do not take and puniſh ſuch ſtrong beggar as aforeſaid; then the townſhip or pariſh where ſuch default ſhall be, ſhall forfeit for every ſuch ſtrong beggar that ſhall happen to beg within their diſtrict, not being taken and ordered as is above limited, 6s 8d.

And ſcholars of the univerſities of Oxford and Cambridge, that go about begging, not being authorized under the ſeal of the ſaid univerſities, by the commiſſary, chancellor, or vicechancellor of the ſame; and all ſhipmen, pretending loſſes of their ſhips and goods of the ſea, going about the country begging, without ſufficient authority witneſſing the ſame; ſhall be puniſhed and ordered as is above rehearſed of ſtrong beggars.

And

And all proctors and pardoners, going about without ſufficient authority; and all other idle perſons going about, ſome of them uſing divers and ſubtil crafty and unlawful games and plays, and ſome of them feigning themſelves to have knowledge in phyſick, phyſnomie, palmeſtry, or other crafty ſciences, whereby they bear the people in hand that they can tell their deſtinies, deceaſes, and fortunes, and ſuch other like fantaſtical imaginations, to the great deceit of the king's ſubjects; ſhall, on conviction before two juſtices, be puniſhed by whipping at two days together in manner aforeſaid. For the ſecond offence, ſuch perſon to be ſcourged two days, and the third day to be put upon the pillory from nine of the clock till eleven before noon of the ſame day, and to have one of his ears cut off. And if he offend the third time, to have like puniſhment with whipping, ſtanding on the pillory, and to have his other ear cut off.

And if any perſon give any harbour, money, or lodging to any ſtrong beggars ordering themſelves contrary to this ſtatute; he ſhall make ſuch fine to the king, as the juſtices in ſeſſions ſhall appoint.

And every letter that ſhall be delivered to ſuch vagabond, after he hath been whipped, ſhall be made in this form:

Kent. ff. J. S. whipped for a vagrant ſtrong beggar, at Dale in the ſaid county, according to the law, the 15th day of July, in the 23d year of king Henry the eighth, was aſſigned to paſs forthwith and directly from thence to Sale in the county of Middleſex, where he ſaith he was born,

(or,

(or, where he laſt dwelled by the term of three years;) and he is limited to be there within 14 days next inſuing, at his peril. In witneſs whereof the ſeal of the limit of the ſaid place of his puniſhment hereunto is ſet. By me A. B. one of the juſtices of the peace for the ſaid county of Kent.

Provided always, that any perſon delivered out of gaol for ſuſpicion of felony by proclamation, or acquit of any felony, and having no friend to pay his fees, may have liberty to beg for his fees by licence of his keeper for ſix weeks, and by letter from the clerk of the peace.

By the 27 H. 8. c. 25. The mayors, ſheriffs, bailiffs, conſtables, houſholders, and all other head officers of every city, ſhire, town, hundred, pariſh, or hamlet, at the repair and coming thither of ſuch ſturdy vagabond, ſhall cauſe and compel him to be ſet and kept to continual labour, ſo as to get thereby their own living.

And every perſon, being whipped or ſent to his country in form aforeſaid, at the end of every ten miles ſhall repair to the conſtable of any pariſh being directly in his way towards the county and place whereunto he is ſo appointed; and, upon ſight of his letters given to him at the time of his whipping and ſending of him into the ſame his country, every of the ſaid conſtables and other the king's ſubjects ſhall and may furniſh him with competent meat, drink, and lodging, for one night only, or for one meal: and ſo he ſhall continue his daily journey of ten miles,

until

until ſuch time as he ſhall come unto the hundred and place whereunto he is aſſigned to go.

And all idle perſons, ruffiers, calling themſelves ſervingmen, having no maſters, ſhall be ordered to all intents as ſturdy vagabonds.

And privy ſearches ſhall be ordered as before, in ſuch time of the night and day as ſhall be thought convenient, to the intent that all ruffiers, ſturdy vagabonds, and valiant beggars, and other ſuſpected perſons, may be by ſuch means apprehended. And all perſons ſhall aid and aſſiſt, at the commandment of the juſtices and other head officers aforeſaid, in making the ſaid ſearches; on pain of being fined by the diſcretion of the juſtices in ſeſſions.

And if any of the ſaid ruffiers, ſturdy vagabonds, and valiant beggars, after having been once apprehended, whipt, and ſent, ſhall wander, loiter, or idly uſe themſelves and play the vagabonds, and abſent themſelves from ſuch labour and occaſion as they ſhall be appointed unto in any ſuch place whereunto they have been ſent, and ſhall be again apprehended; every ſuch perſon ſhall be eftſoons not only whipped again, and ſent to the place whereunto he was firſt appointed, but alſo ſhall have the upper part of the griſtle of his right ear clean cut off. And if he ſhall again offend, he ſhall be committed to gaol till the next ſeſſions; and being there convicted upon indictment, he ſhall have judgment to ſuffer pains and execution of death, as a felon, and as an enemy of the commonwealth.

Provided always, that inaſmuch as friers mendicants have nothing to live upon, but only by the charity and alms of chriſtian people; there-

fore

fore nothing in this act ſhall be prejudicial to any perſon for giving of them, in general or particular, any manner of alms in money, victual, or other thing; nor alſo to them, or any of them, for being or remaining out of the places where they were born, or had their laſt habitation, or for paſſing abroad to gather the alms and charity of chriſtian people, or for continuance in their religion as they have been accuſtomed to do.

By the 1 Ed. 6. c. 3. Whoſoever man or woman, being not lame, impotent, or ſo aged or diſeaſed that he or ſhe cannot work, not having whereon to live, ſhall either like a ſerving man wanting a maſter, or like a beggar, or after any ſuch other ſort, be lurking in any houſe, or loitering, or idle wandring by the highway ſide, or in ſtreets, cities, towns, or villages, not applying themſelves to ſome honeſt labour, and ſo continuing for three days; or running away from their work; every ſuch perſon ſhall be taken for a vagabond: And any perſon may take, and bring him to the two next juſtices; who ſhall, on conviction by confeſſion or two witneſſes, cauſe the ſame loiterer to be marked with a hot iron in the breaſt with the letter V, and adjudge him to the perſon bringing him, to be his ſlave for two years, giving him only bread and water, or ſmall drink, and ſuch reffuſe of meat as he ſhall think fit; and cauſing him to work, by beating, chaining, or otherwiſe, in ſuch work and labour (how vile ſoever it be) as he ſhall put him unto. And if he ſhall run away, his maſter may retake him, and puniſh him by chains

chains or beating as aforeſaid; and on conviction of ſuch offence before two juſtices, they ſhall cauſe him to be marked on the forehead, or the ball of the cheek, with an hot iron, with the letter S, and adjudge him to be the ſaid maſter's ſlave for ever. And if he ſhall again run away; he ſhall be taken as a felon, and ſuffer pains of death as other felons ought to do.

And if any will take the child of a vagabond, above the age of five years and under fourteen; the juſtices ſhall adjudge ſuch child to be ſervant or apprentice to the ſaid perſon, till the age of 24 of the male, and 20 of the female. And if ſuch child ſhall run away; he or ſhe ſhall be adjudged to be a ſlave in all reſpects as aforeſaid.

And the ſaid ſlaves may be ſold, or deviſed by will, as other goods and chattels.

And if any ſuch ſlaves ſhall wound their maſter, in reſiſting their correction; or when they be manumitted and ſet again free, or otherwiſe in the time of their ſervice, ſhall conſpire with any other, or by themſelves ſhall go about to kill, maim, wound, or beat their ſaid maſter, or to burn his houſe, barn, or corn, ſo that their intent come to an act tending to the effect, as lying in wait with weapon, or any ſuch like; they ſhall be adjudged felons, and ſuffer pains of death as in caſe of felony.

If no perſon will take ſuch vagabond; yet the juſtice ſhall cauſe him to be ſo marked on the breaſt with the letter V, and ſhall inquire of him the town, city, or village where he was born; and then give him a writing in parchment, ſealed with his ſeal, of the form which here enſueth:

A. B. juſtice of the peace in the county of S. to the conſtable of the village of C. greeting. According to a moſt godly ſtatute, made in the firſt year of the reign of our ſovereign lord king Edward the ſixth; We have taken this bearer J. K. vagrantly, and to the evil example of others, without maſter, ſervice, or labour, whereby to get his living, going loitering idly about. And becauſe the ſame ſaith he was born in C. in the county of S. whereof you are the conſtable, we have ſent him to you to be ordered, according to the purport and effect of the ſame ſtatute.

And with this writing, the ſaid loiterer ſhall be delivered to the conſtable of the place where he was taken, and by him be delivered to the next conſtable, and ſo from conſtable to conſtable, till he be brought to the place where he ſaid he was born; and there to be kept and ordered as a ſlave, in like manner as is above expreſſed.

And the ſame order ſhall be had of all vagrant perſons, born in any other nation or country, as is before expreſſed of Engliſh idle perſons (marking in the breaſt or face only excepted); that is, to be had to the next port, and there to be kept of the inhabitants in convenient labour till he may be conveyed over; and then at the coſts of the inhabitants of the ſaid port, to be conveyed over into their countries.

And it ſhall be lawful to any perſon to whom any ſlave ſhall be adjudged as aforeſaid, to put a ring of iron about his neck, arm, or leg, for the more ſurety of the keeping of him. And if any perſon ſhall help him to take it off, he ſhall forfeit 10l.

Provided

Provided always, that it ſhall be lawful to the lord chancellor, or lord keeper, to grant commiſſion under the great ſeal, to perſons that have had their houſes or barns burnt, or ſuch loſſes, to gather charity as heretofore.

By the 3 & 4 Ed. 6. c. 16. Common labourers of huſbandry, able in body, uſing loitering, and refuſing to work for reaſonable wages, ſhall be puniſhed as ſtrong and mighty vagabonds.

And every vagabond and beggar, being born in any other nation or country, ſhall be conveyed from place to place, or to the place, or marches next adjoining to his native country, or to the next port (if there be a ſea between), there to be kept of the inhabitants of the ſaid port till they may be conveyed over, and then at the coſts of the inhabitants of the ſaid port, if themſelves ſhall not have wherewith, to be conveyed over into their native countries.

By the 5 & 6 Ed. 6. c. 21. No perſon commonly called pedlar, tinker, or petty chapman, ſhall go out of the place where he dwells, and ſell pins, points, laces, gloves, knives, glaſſes, tapes, or any ſuch kind of ware, or gather conie ſkins, or ſuch like thing, or exerciſe the trade of a tinker, but only ſuch as are licenſed by two juſtices within ſuch circuit as they ſhall aſſign: on pain of impriſonment for 14 days.

By the 14 El. c. 5. All rogues, vagabonds, and ſturdy beggars, ſhall upon their apprehenſion be brought before a juſtice, and by him be com-

mitted to the common gaol until the next ſeſſions or the next aſſizes.

And the conſtable, for conveying him by the command of ſuch juſtice, ſhall have reaſonable charges allowed to him by the juſtices or judge of aſſize, to be paid by the pariſh where ſuch rogue was apprehended.

At which ſeſſions or aſſizes, if ſuch perſon be duly convicted of his roguiſh or vagabond's trade of life, he ſhall be grievouſly whipped, and burnt thro' the griſtle of the right ear with a hot iron of the compaſs of an inch about; unleſs ſome perſon will take him into his ſervice for a year, and enter into recognizance to keep him the year and bring him to the ſeſſions at the year's end. For the ſecond offence, being of the age of 18 years or above, he ſhall be adjudged a felon, unleſs ſome perſon will take him for two years in like manner. And for the third offence, he ſhall be adjudged guilty of felony without benefit of clergy.

And for the full expreſſing what perſons ſhall be intended to be rogues, vagabonds, and ſturdy beggars, it is enacted, that all perſons that be, or utter themſelves to be, proctors or procurators, going about without authority from the queen;—and all other idle perſons going about, uſing ſubtil, crafty, and unlawful games or plays; ——and ſome of them feigning themſelves to have knowledge in phiſnomie, palmeſtrie, or other abuſed ſciences, whereby they bear the people in hand that they can tell their deſtinies, deaths, and fortunes, and ſuch other like fantaſtical imaginations;——and all perſons, being

whole

whole and mighty in body, and able to labour, having not land, or maſter, nor uſing any lawful employment, and can give no reckoning how they lawfully get their living;—and all fencers, bearwards, common players in interludes, and minſtrels, not belonging to any baron of this realm or perſon of greater degree, all juglers, pedlars, tinkers, and petty chapmen (the ſaid fencers, bearwards, players, minſtrels, juglers, pedlars, tinkers, and petty chapmen, wandring abroad, and not having licence of two juſtices);——and all common labourers, able in body, loitering, and refuſing to work for reaſonable wages;—— all counterfeiters of licences, paſſports, and all uſers of the ſame;——all ſcholars of the univerſities of Oxford or Cambridge, that go about begging, not being authorized under the ſeal of the ſaid univerſities, by the commiſſary, chancellor, or vicechancellor of the ſame;—all ſhipmen, pretending loſſes by ſea;—all perſons delivered out of gaols, that beg for their fees, or travel to their countries or friends, not having licence of two juſtices;——— ſhall be deemed rogues, vagabonds, and ſturdy beggars.

Provided, that ſhipmen, and ſoldiers, having licence of the next two juſtices to the place where they landed, or firſt entred into this realm, ſhall be allowed to paſs according to the purport of their licence.

But no licence recited in this ſtatute, ſhall be of any force, but only in the ſhire whereof the granters ſhall be juſtices. Wherefore, if the party licenſed will have any further paſſage without danger of the law, it ſhall be behoveful for him to procure in every other ſhire where he in-

tends to paſs, one other licence from two juſtices of the ſaid ſhire, and ſo from ſhire to ſhire to the end of his journey.

Provided alſo, that this act ſhall not extend to cockers, or harveſt folks, that travel for harveſt work, corn or hay.

Nor to any that happeneth to be robbed by the way.

Nor to any ſerving man of honeſt behaviour, turned from his maſter, or whoſe maſter is dead, for ſix months after ſuch turning away or death; ſo as he hath a teſtimonial from his maſter declaring ſuch turning away, or from two juſtices declaring ſuch death.

Provided alſo, that nothing herein ſhall extend to make void any ſafe conduct, paſſport, or licence, by military officers, to any ſoldier paſſing about his lawful buſineſs.

Iriſh and Manniſh vagabonds, ſhall be ſent back at the charge of the county where they landed.

And whereas by reaſon of this act, the common gaols of every ſhire are like to be greatly peſtered with more number of priſoners than heretofore hath been, for that the ſaid vagabonds and other lewd perſons before recited ſhall upon their apprehenſion be committed to the ſaid gaols; it is enacted, that the juſtices in ſeſſions ſhall aſſeſs within every pariſh reaſonable ſums towards the relief of the ſaid priſoners. (Which clauſe is yet in force, and is the foundation of the preſent aſſeſſment for the relief of priſoners in the gaol.)

Finally,

Finally, it is provided, that nothing in this act ſhall extend to diſinherit, prejudice, or hinder John Dutton of Dutton in the county of Cheſter, eſquire, his heirs or aſſigns, concerning any liberty, privilege, preheminence, authority, juriſdiction or inheritance, which the ſaid John Dutton now lawfully uſeth or hath, or lawfully may or ought to uſe, within the county of Cheſter, and county of the city of Cheſter, by reaſon of any ancient charters of any kings of this land, or by reaſon of any preſcription, or other lawful uſage or title whatſoever.

By the 18 El. c. 3. Concerning rogues, inaſmuch as by the laſt act they are to be conveyed to gaol by the conſtable of the pariſh where they were apprehended, at the charges of ſuch pariſh; and, for the avoiding of ſuch charges, many are ſuffered to paſs unapprehended; it is enacted, that from henceforth every ſuch rogue apprehended, ſhall be conveyed by the conſtable of the pariſh where he was apprehended, only to the conſtable of the next townſhip or pariſh in the next hundred, and ſo from hundred to hundred till they come to the gaol.

And houſes of correction ſhall be provided in every county, by order of the juſtices in ſeſſions, (of the inhabitants to be taxed and levied,) and alſo ſtock and implements, for ſetting on work and puniſhing all ſuch as ſhall be taken as rogues, or once puniſhed as rogues, and by reaſon of the uncertainty of their birth, or of their dwelling by the ſpace of three years, ought to be abiding and kept within the ſame county.

By the 39 El. c. 3. Every ſoldier being diſcharged of his ſervice, or otherwiſe lawfully licenſed to paſs into his country, and not having wherewith to relieve himſelf in his travels homewards; and every ſeafaring man landing from ſea, not having wherewith to relieve himſelf in his travels homewards; having a teſtimonial under the hand of a juſtice of or near the place where he landed or was diſcharged, ſetting down therein the time and place when and where he landed or was diſcharged, and the place of his dwelling or birth unto which he is to paſs, and a convenient time therein to be limited for his paſſage, may, in the uſual ways, directly to the place unto which he is to paſs, and within the time in ſuch his teſtimonial limited for his paſſage, aſk and receive ſuch relief as ſhall be neceſſary in and for his paſſage.

By the 39 El. c. 4. (which continued in force till the 12th year of queen Anne) like power is given as by the act of the 18 El. c. 3. to erect houſes of correction, and to make order for the rule and governance thereof.

And further it is enacted, that all perſons calling themſelves ſcholars, going about begging; all ſeafaring men, pretending loſſes of their ſhips or goods on the ſea, going about the country begging; all idle perſons going about either begging or uſing any ſubtil craft or unlawful games and plays, or feigning themſelves to have knowledge in phiſiognomie, palmeſtrie, or other like crafty ſcience, or pretending that they can tell deſtinies, fortunes, or ſuch other like fantaſtical

ſtical imaginations; all perſons that be, or utter themſelves to be, proctors, procurers, patent gatherers, or collectors for gaols, priſons, or hoſpitals; all fencers, bearwards, common players of interludes, and minſtrels, wandring abroad, (other than players of interludes belonging to any baron of this realm, or perſon of greater degree;) all jugglers, tinkers, pedlars, and petty chapmen, wandring abroad; all wandring perſons and common labourers, being perſons able in body, uſing loitering, refuſing to work for common wages, not having living otherwiſe to maintain themſelves; all perſons delivered out of gaols that beg for their fees, or otherwiſe do travel begging; all perſons wandring abroad, pretending loſſes by fire or otherwiſe; and all perſons, not being felons, wandring and pretending themſelves to be Egyptians, or wandring in the habit, form, or attire of counterfeiting Egyptians; ſhall be deemed rogues, vagabonds, and ſturdy beggars.

And every ſuch perſon, upon his apprehenſion, ſhall, by order of a juſtice (or conſtable, aſſiſted by advice of the miniſter and one other of that pariſh), be ſtripped naked from the middle upwards, and be openly whipped until his body be bloody.

And ſhall be then ſent, from pariſh to pariſh, the next ſtreight way, to the pariſh where he was born, if the ſame may be known by his confeſſion or otherwiſe: If not, then to the pariſh where he laſt dwelt by the ſpace of one whole year: There to put himſelf to labour as a true ſubject ought to do.

In

In order to which, he ſhall, after whipping as aforeſaid, have a teſtimonial of the ſaid juſtice or conſtable reſpectively, teſtifying that he hath been puniſhed, and mentioning the day and place of his puniſhment, and the place whereunto he is limited to go, and the time in which he is limited to paſs thither at his peril. And if he do not accompliſh the order appointed by the ſaid teſtimonial; then to be eftſoons taken and whipped; and ſo often as any default ſhall be found in him contrary to the form of this ſtatute, in every place to be whipped, till he be repaired to the place limited.

And if it be not known where he was born or laſt dwelt, then to be ſent to the pariſh thro' which he laſt paſſed without puniſhment; to be by the officers of the ſaid village where he laſt paſſed without puniſhment, conveyed to the houſe of correction or common gaol, there to be employed in work until he be placed in ſome ſervice, and ſo to continue by the ſpace of one year; or not being able in body, until he be placed in ſome almſhouſe in the ſame county or place.

And if any of the ſaid rogues ſhall appear to be dangerous to the inferior ſort of people, or otherwiſe be ſuch as will not be reformed of their roguiſh kind of life; two juſtices may commit him to the houſe of correction or gaol till the next ſeſſions; and the juſtices there may order him to be baniſhed out of the realm, at the charges of that country; and to be conveyed unto ſuch parts beyond the ſeas, as ſhall be aſſigned by the privy council: or otherwiſe be judged perpetually to the gallies of this realm.

And if he ſhall return, ſuch offence ſhall be felony, and the party offending therein ſhall ſuffer death as in caſe of felony.

Provided always, that every ſeafaring man ſuffering ſhipwrack, not having wherewith to relieve himſelf in his travels homewards, but having a teſtimonial from a juſtice near the place where he landed, ſetting down therein the place and time where and when he landed, and the place of his dwelling or birth unto which he is to paſs, and a convenient time to be therein limited for his paſſage, may, in the uſual ways directly to the place unto which he is directed to paſs, and within the time limited for his paſſage, aſk and receive ſuch relief, as ſhall be neceſſary in and for his paſſage.

Provided alſo, that nothing herein ſhall extend to any children under the age of ſeven years.

Nor to any ſuch glaſsmen, as ſhall be of good behaviour, and travel without begging, having licence of three juſtices of the county where they travel.

By the 39 El. c. 17. Whereas divers licentious perſons wander up and down in all parts of the realm, under the name of ſoldiers and mariners, abuſing the title of that honourable profeſſion to countenance their wicked behaviour; and do continually aſſemble themſelves weaponed in the highways, and elſewhere in troops, to the great terror of her majeſty's true ſubjects, the impeachment of her laws, and the diſturbance of the peace and tranquility of the realm; and

whereas

whereas many outrages are daily committed by theſe diſſolute perſons, and more are likely to enſue if ſpeedy remedy be not provided: it is therefore enacted, that all idle and wandring ſoldiers or mariners, or idle perſons wandring as ſoldiers or mariners, ſhall ſettle themſelves in ſome ſervice, labour, or other lawful courſe of life, without wandring, or otherwiſe repair to the places where they were born, or to their dwelling places if they have any, and there remain, betaking themſelves to ſome lawful trade or courſe of life; on pain of being guilty of felony without benefit of clergy.

And every idle and wandring ſoldier or mariner, coming from beyond the ſeas, who ſhall not have a teſtimonial from a juſtice as aforeſaid, or ſhall exceed the time therein limited, above 14 days; and alſo every perſon wandring as ſoldier or mariner, having with him any forged teſtimonial, knowing the ſame to be forged; ſhall be guilty of felony without benefit of clergy.

Provided, that if any ſuch ſoldier or mariner, coming from the ſeas, or from beyond the ſeas, ſhall not at the time of his landing, or in his travel to the place whereunto he is to repair, going the direct way, that then he reſort to ſome juſtice next adjoining to the ſaid place of landing or way, and make known unto him his poverty; which ſaid juſtice may licence him to paſs as aforeſaid: and in ſuch caſe, he, purſuing the form of his licence, may for his neceſſary relief in his travel, aſk and take the relief that any perſon ſhall willingly give him.

By

By the 1 Ja. c. 7. Foraſmuch as many perſons, by colour of the aforeſaid proviſo in favour of glaſsmen, do travel up and down, and commit many enormities; it is enacted, that all ſuch perſons as ſhall wander up and down the country to ſell glaſſes, ſhall be deemed rogues and vagabonds, and be puniſhed as rogues, vagabonds, and ſturdy beggars by the aforeſaid act of the 39 El. c. 4.

And perſons adjudged by the ſeſſions as aforeſaid to be incorrigible or dangerous, ſhall, by judgment of the ſaid court, be branded in the left ſhoulder with a hot iron, of the breadth of an engliſh ſhilling, with a great roman R upon the iron; and branding upon the ſhoulder to be ſo thoroughly burned and ſet on upon the ſkin and fleſh, that the letter R be ſeen and remain for a perpetual mark upon ſuch rogue during his life; and thereupon be ſent to the place of his dwelling, if he have any; if not, then to the place where he laſt dwelt by the ſpace of a year, if that can be known by his confeſſion or otherwiſe; and if that cannot be known, then to the place of his birth; there to be placed in labour as a true ſubject ought to do. And after ſuch puniſhment, if any ſuch rogue ſhall ſo offend again, in begging or wandring contrary to the ſtatute; he ſhall be judged a felon, and ſuffer as in caſes of felony without benefit of clergy.

And every perſon ſhall apprehend ſuch rogues, vagabonds, and ſturdy beggars, as he ſhall ſee or know to reſort to his houſe to beg, and carry him to the next conſtable; on pain of 10s. Conſtable, not performing his duty, to forfeit 20s.

By

By an ordinance of parliament, during the time of Cromwell's uſurpation, in the year 1656, chap. 21. Whereas the number of wandring, idle, looſe, diſſolute, and diſorderly perſons, is of late much increaſed, by reaſon of ſome defects in the ſtatutes heretofore made for the puniſhment of rogues, vagabonds, and ſturdy beggars (they being ſeldom taken begging); it is enacted, by his highneſs the lord protector and this preſent parliament, that every idle, looſe, and diſſolute perſon, which ſhall be found and taken vagrant and wandring from his uſual place of abode, and ſhall not have ſuch good and ſufficient cauſe for his wandring as the juſtice before whom he is brought ſhall approve of,—ſhall be adjudged a rogue, vagabond, and ſturdy beggar, within the ſtatute of the 39 Eliz. c. 4. and puniſhed accordingly, altho' he ſhall not be taken begging.

And if any perſon or perſons, commonly called fidlers or minſtrels, ſhall be taken playing, fidling, and making muſick, in any inn, alehouſe, or tavern; or ſhall be taken proffering themſelves, or deſiring, or intreating any perſons to hear them to play or make muſick in any the places aforeſaid; every ſuch perſon ſhall be adjudged a rogue, vagabond, and ſturdy beggar within the ſtatute aforeſaid.

And by another ordinance in the ſame year, chap. 26. Whereas divers lewd and diſſolute perſons in this commonwealth, live at very high rates and great expences, having no viſible eſtate, profeſſion, or calling (anſwerable thereunto) to maintain

maintain themſelves in their licentious, looſe, and ungodly practices; and do make it their trade and livelihood to cheat, deboyſt, cozen, and deceive the young gentry and other the good people of this commonwealth: It is enacted, by his highneſs the lord protector and this preſent parliament, that any juſtice of the peace ſhall have power to ſend for ſuch perſon, and require of him ſufficient ſureties as well for his appearance at the next ſeſſions, as for his good abearing. And on conviction of ſuch offence at the ſeſſions, to be ſent to the houſe of correction for three months.

By the 13 & 14 C. 2. c. 12. Whereas for want of encouragement to perſons apprehending vagrants, the ſtatutes of the 39 El. c. 4. and 1 Ja. c. 7. are not duly executed; it is enacted, that the juſtice before whom ſuch vagrant ſhall be brought, may order a reward of 2 s to the perſon bringing him, to be paid by the conſtable of ſuch pariſh where the vagrant paſſed through unapprehended.

And to defray the charges of relieving vagrants, paſſing them, and carrying them to the houſe of correction, the conſtable and churchwardens ſhall make a rate within the pariſh, in like manner as the poor rate.

And the juſtices in ſeſſions ſhall have power to tranſport ſuch rogues, vagabonds, and ſturdy beggars, as ſhall be duly convicted and adjudged to be incorrigible, to any of the Engliſh plantations beyond the ſeas.

By

By the 11 & 12 W. c. 18. Whereas many parts of this kingdom are extremely oppreſſed, by the uſual method of conveying vagabonds or beggars from pariſh to pariſh in a dilatory manner, whereby ſuch vagabonds or beggars, in hopes of relief from every pariſh thro' which they are conducted, are encouraged to ſpend their lives in wandring from one part of the kingdom to another; and, to elude divers charitable and well diſpoſed perſons, very frequently forge or counterfeit paſſes, teſtimonials, or characters, whereby the charitable intentions of ſuch perſons are often abuſed: It is enacted, that if any vagabond or other perſon be brought to a conſtable, with any ſuch paſs or other writing, pretending thereby either to be relieved or conveyed; ſuch conſtable ſhall carry him to the next juſtice; who ſhall, upon examination, if he finds him ſuch perſon as ought to be puniſhed, ſend him accordingly to the houſe of correction; or if he is not ſuch perſon, then ſhall order him immediately to be conveyed out of the county, to ſuch town of the next county, unto or thro' which he is to paſs, as ſuch juſtice ſhall think moſt proper: And he ſhall give to ſuch conſtable, who is to convey him or them, a certificate of the number of ſuch perſons, and ſetting forth alſo the manner, how, when, and from whence ſuch perſons are to be conveyed, whether by cart, horſe, or foot; and alſo ſhall tax, on the back of ſuch certificate, a reaſonable allowance to the conſtable for his trouble and expence; to be paid out of the gaol and marſhalſea money; and if the ſame

ſhall be deficient, then out of an aſſeſſment to be laid upon the county in like manner as for gaols and bridges. And the petty conſtable ſhall not charge the inhabitants of his conſtablery, with any ſum for the relief or conveyance of ſuch vagrants.

Provided, that where there are ſeveral diviſions, liberties, and towns corporate, that have ſeparate ſeſſions, and ſeveral treaſurers for their county ſtocks; they ſhall be deemed as counties for the purpoſes of this act.

By the 1 An. ſt. 2. c. 13. Whereas the ſaid act of the 11 & 12 W. c. 18. has reſpect only to ſuch vagrants, as are found to have paſſes or other writings, pretending thereby either to be relieved or conveyed; it is enacted, that the ſaid act ſhall be conſtrued to extend, to all vagrants whatſoever, whether with paſſes or without.

And whereas ſeveral great ſums, ſince the making of the ſaid act, have been levied and expended for the conveying of vagrants; and ſome juſtices give greater allowances to conſtables for conveying vagrants than may ſeem neceſſary; and the owners of horſes, waggons, carts, or other carriages for conveying ſuch vagrants, are often extravagant in their demands; it is enacted, that the juſtices in eaſter ſeſſions yearly, ſhall ſet and aſcertain ſuch rates.

By the 5 An. c. 32. Whereas the methods provided by the former acts for raiſing money to ſatisfy the allowances made to conſtables, for their loſs of time and expences in paſſing of

vagrants, have in many places been found impracticable; it is enacted, that where the gaol and marſhalſea money ſhall be deficient, the juſtices in ſeſſions ſhall lay an aſſeſſment in like manner as for county bridges.

By the 12 An. ſt. 2. c. 23. The former laws are repealed; and the ſubſtance thereof re-enacted, with alterations. Particularly,

Perſons apprehended, on privy ſearch, or otherwiſe, ſhall be ſent to the place of their laſt legal ſettlement, if they have any; if that cannot be found, then to the place of their birth; or, if under the age of 14, then to the place of abode of their father or mother, if living; if that cannot be known, then to the pariſh or town where they laſt paſſed unapprehended.

The manner of conveying ſuch perſon to be from county to county; and to be whipped in every county thro' which he is conveyed. And no conſtable ſhall be obliged to receive him, unleſs it appear by the paſs that he hath been whipped in the county thro' which he laſt paſſed (except women great with child, ſoldiers having certificates from their officers, or ſuch as the juſtice ſhall judge not able to undergo ſuch puniſhment, which ſhall be certified in the paſs).

And there are ſome other clauſes, about lunaticks, foreign vagrants, and other particulars; which being re-enacted, with little variation, by the vagrant act now in force, are here omitted.

By

By the 12 G. 2. c. 29. The charges of maintaining and conveying vagrants, ſhall be paid out of the general country rate.

By the 13 G. 2. c. 24. A diſtinction is made between idle and diſorderly perſons; rogues and vagabonds; and incorrigible rogues: and a particular enumeration is given of each ſpecies.

And they are ordered to be ſent, as before, to the place of their ſettlement; if that cannot be found, then to the place of their birth; or, if under the age of 14, and they have a father or mother living, then to the place of abode of ſuch father or mother; if none of theſe, then to the place where they were laſt found begging or miſordering themſelves, and paſſed unapprehended.

And whereas, when the place to which the vagrant is to be ſent lies in ſome diſtant county, the delivery of ſuch perſon to the conſtable of the firſt town or place in the next county or diviſion is found inconvenient, ſince it often happens, that ſuch officer is unprovided with, and cannot readily furniſh the means of conveying them forwards; it is enacted, that they ſhall be conveyed from houſe of correction to houſe of correction.

The other regulations are nearly the ſame, as in the preſent vagrant act; which repeals this act of the 13 G. 2. and enacteth in ſubſtance as follows: viz.

By the 17 G. 2. c. 5. Whereas the number of rogues, vagabonds, beggars, and other idle and

diſorderly perſons daily increaſes, to the great ſcandal, loſs, and annoyance of the kingdom; it is enacted, that all perſons who threaten to run away and leave their wives or children to the pariſh; and all perſons who, having been legally removed to their place of ſettlement, return without a certificate; and alſo all perſons who, not having wherewith to maintain themſelves, live idle, and refuſe to work for common wages; and all perſons going about from door to door, or placing themſelves in ſtreets, highways, or paſſages, to beg or gather alms in the pariſhes where they dwell; ſhall be deemed idle and diſorderly perſons. And they may be ſent to the houſe of correction for a month. And any perſon may apprehend thoſe who ſhall be found begging in their own pariſhes, and carry them before a juſtice; for which he ſhall have a reward of 5s, to be paid by one of the overſeers of the poor of ſuch pariſh, and to be allowed in his account.

And all perſons going about as patent gatherers, or gatherers of alms, under pretences of loſs by fire or other caſualty; or going about as collectors for priſons, gaols, or hoſpitals; all fencers and bearwards; all common players of interludes; and all perſons who ſhall for gain act any part in any play or farce, not being authorized by law; all minſtrels; jugglers; perſons pretending to be gypſies, or wandring in the habit or form of Egyptians, or pretending to have ſkill in phyſiognomy, palmeſtry, or like crafty ſcience, or pretending to tell fortunes, or uſing any ſubtil craft to deceive and impoſe on any of his majeſty's ſubjects; or playing or betting

betting at any unlawful games; and all perſons who run away and leave their wives or children whereby they become chargeable to the pariſh; all petty chapmen and pedlars, wandring abroad, not being duly licenſed; all perſons wandring abroad, and lodging in alehouſes, barns, outhouſes, or in the open air, not giving a good account of themſelves; all perſons wandring abroad and begging, pretending to be ſoldiers, mariners, ſeafaring men, or pretending to go to work in harveſt; and all other perſons wandring abroad and begging; ſhall be deemed rogues and vagabonds.—But this ſhall not extend to ſoldiers wanting ſubſiſtence, having certificates from their officers, or to ſeafaring men, licenſed by teſtimonial of a juſtice, ſetting down the time and place of their landing or diſcharge, and the place to which ſuch ſoldiers or mariners are to paſs, and the names of the chief towns or places thro' which they are to paſs, and limiting the time of their paſſage, while they continue in the direct way to the place to which they are to paſs, and during the time ſo limited; or to any perſon going to work in harveſt, having with him a certificate ſigned by the miniſter and one of the churchwardens or overſeers of the place where he inhabits, declaring that he hath a dwelling houſe or place there in which he inhabits.

And all end-gatherers offending againſt an act of the 13 Geo. c. 23. for the better regulation of the woollen manufacture; and all perſons apprehended as rogues and vagabonds, and eſcaping, or refuſing to go before a juſtice, or to be examined on oath, or conveyed, or giving a falſe account of themſelves; and all rogues or

vagabonds who ſhall eſcape out of the houſe of correction; and all perſons, having been puniſhed as rogues and vagabonds, and diſcharged, who ſhall again commit any of the ſaid offences; ſhall be deemed incorrigible rogues.

And any perſon may apprehend offenders; and the conſtable is obliged to do ſo: and every perſon apprehending a rogue and vagabond, ſhall have a reward of 10s.

And the juſtices ſhall four times in the year at leaſt, or oftner (if need be), cauſe a general privy ſearch to be made in one night, throughout their ſeveral diſtricts, for the finding and apprehending of rogues and vagabonds: and every juſtice, on information that rogues and vagabonds are in any place, ſhall iſſue his warrant to apprehend them.

And when any rogue or vagabond ſhall be brought before a juſtice; he ſhall be examined on oath, of his condition and circumſtances, and of his ſettlement; and ſhall ſign his examination. And the juſtice ſhall order him to be publickly whipped; or elſe ſhall ſend him to the houſe of correction till the next ſeſſions, or for a leſs time. And after ſuch whipping or confinement, the ſaid juſtice ſhall, if he thinks convenient, by a paſs cauſe him to be conveyed to the place of his ſettlement, but if that cannot be found, then to the place of his birth; or if he is under the age of 14 years, and hath a father or mother living, then to the place of abode of ſuch father or mother.

Where ſuch offender ſhall be committed to the houſe of correction till the next ſeſſions, and the juſtices there ſhall adjudge him a rogue or vaga-

vagabond, or an incorrigible rogue; they may order ſuch rogue or vagabond further to be detained in the houſe of correction not exceeding ſix months, and ſuch incorrigible rogue not exceeding two years nor leſs than ſix months; and during the time of ſuch confinement, to be corrected by whipping, in ſuch manner, and at ſuch times and places within their juriſdiction, as they ſhall judge proper; and afterwards they may ſend them by ſuch paſs: And if ſuch perſon, being a male, is above the age of 12 years, they may ſend him into his majeſty's ſervice either by ſea or land. And if ſuch incorrigible rogue ſhall eſcape out of the houſe of correction, or ſhall offend again in like manner; he ſhall be guilty of felony, and tranſported for ſeven years.

And together with the paſs, the juſtice ſhall give to the conſtable a note or certificate, aſcertaining how they are to be conveyed, by horſe, cart, or on foot; and what allowance he ſhall have for conveying.

And the conſtable ſhall convey to the firſt conſtable in the next county; who ſhall, by order of a juſtice there, convey to the next in like manner; and ſo from county to county, till they come to the place to which ſuch perſon is ſent. And if the officers of ſuch place, ſhall think his examination to be falſe; they may carry him before a juſtice, who may commit him to the houſe of correction till the next ſeſſions; and the juſtices there, if they ſee cauſe, may deal with him as an incorrigible rogue. But the perſon ſo ſent, ſhall not be removed from the place to which he was ſent, but by order of two

juſtices, as other poor perſons are removed to their ſettlement.

And the juſtice may order ſuch vagrant to be ſearched, and his bundles to be inſpected; and if he ſhall be found able to pay for his conveying, in whole or in part, the juſtice ſhall order his money to be paid, or other effects to be ſold, for that purpoſe.

Scottiſh vagrants are to be delivered to the firſt conſtable or other officer in the next ſhire or ſtewartry, and there diſpoſed of according to law. And if they return, they ſhall be deemed incorrigible rogues.

Maſters of veſſels may be compelled to export vagrants to Ireland, or the iſles of Man, Jerſey, Guernſey, or Scilly; the charges thereof to be paid according to ſuch rate as the juſtices in ſeſſions of that county from whence they are exported ſhall appoint.

And the rates for paſſing vagrants ſhall be limited by the juſtices in ſeſſions from time to time; to be paid to the perſon conveying by the high conſtable, and to him by the treaſurer out of the county rate.

The place to which the vagrants are removed ſhall ſet them on work; and if they refuſe to work, they ſhall be ſent to the houſe of correction.

And whereas there are ſometimes perſons, who by lunacy or otherwiſe are furiouſly mad, or are ſo far diſordered in their ſenſes, that they may be dangerous to be permitted to go abroad; it ſhall be lawful, for two juſtices to cauſe ſuch perſon to be apprehended, and kept ſafely locked up in ſome ſecure place within the county, if his

ſettle-

ſettlement be therein; and, if they find it neceſſary, to be there chained. If his ſettlement be not within ſuch county, they ſhall ſend him by a paſs to his ſettlement, to be there ordered in like manner. And the charges of removing, keeping, maintaining, and curing him during ſuch reſtraint (which ſhall be only during the time ſuch lunacy or madneſs continues), ſhall be paid out of his goods or rents of his lands; but if he have not ſufficient, over and above what is requiſite for the maintaining his family, the ſame ſhall be paid by the place to which he belongs. But this ſhall not reſtrain the prerogative of the lord chancellor concerning lunaticks; nor hinder any friend or relation from taking them under their own care.

If any perſon ſhall ſuffer any ſuch vagrant to lodge or take ſhelter in his houſe, barn, or other out-houſe or building, and ſhall not apprehend him, or give notice to a conſtable; he ſhall forfeit not exceeding 40s, nor under 10s. And if any charge ſhall be brought upon the pariſh by means of ſuch offence, the offender ſhall make ſatisfaction according to the order of ſuch juſtice before whom he ſhall be convicted.

A vagrant's child, above the age of 7 years, may by the ſeſſions be placed out, as a ſervant or apprentice, to any perſon willing to take the ſame, till the age of 21, or for a leſs time.

And whereas women wandring and begging, are often delivered of children in pariſhes and places to which they do not belong, whereby they become chargeable to the ſame; it is enacted, that where any ſuch woman ſhall be ſo delivered, and become chargeable, the churchwardens or over-

overſeers may detain her till they can ſafely convey her to a juſtice; who ſhall examine her, and commit her to the houſe of correction till the next ſeſſions; who may, if they ſee convenient, order her to be publickly whipt, and detained in the houſe of correction, for any further time not exceeding ſix months. And upon application by the churchwardens or overſeers of the place where ſhe was delivered, the juſtices at ſuch ſeſſions ſhall order the treaſurer to pay them ſuch a ſum, as ſhall be adjudged a reaſonable ſatisfaction, for the charges ſuch place hath been put to on ſuch woman's account. And if ſuch woman ſhall be detained and conveyed to a juſtice as aforeſaid, the child of which ſhe is delivered, if a baſtard, ſhall not be ſettled in the place where ſo born; but the ſettlement of ſuch woman ſhall be deemed the ſettlement of ſuch child.

Any perſon aggrieved by any act of the juſtices out of ſeſſions, concerning the execution of this act, may appeal to the next ſeſſions.

Where any offenders ſhall have been committed to the houſe of correction till the next ſeſſions; if, upon examination, no place can be found to which they may be ſent by a paſs, the juſtices at ſuch ſeſſions may order them to be detained in the houſe of correction, till they can provide for themſelves, or till the juſtices can place them out in ſome lawful calling, as ſervants, apprentices, ſoldiers, mariners, or otherwiſe, either within this realm, or his majeſty's colonies in America.

Provided

Provided always, that nothing herein ſhall extend, to diſinherit, prejudice, or hinder the heirs or aſſigns of John Dutton of Dutton, late of the county of Cheſter, eſquire, deceaſed, their heirs or aſſigns, concerning the liberty, privilege, pre-eminence, or authority, juriſdiction or inheritance, which they now lawfully uſe, or lawfully may or ought to uſe, within the county palatine of Cheſter, and county of Cheſter, or either of them, by reaſon of any ancient charters of any kings of this land, or by reaſon of any preſcription, or lawful uſage, or title whatſoever.

And the juſtices in ſeſſions ſhall have power to build or enlarge houſes of correction, or purchaſe or hire houſes for that purpoſe; and furniſh them with materials; and make orders for the rule and governance thereof; and may fine the maſters thereof for miſbehaviour, or turn them out at their diſcretion.

And the whole expences of carrying this act into execution ſhall be paid out of the general county rate.

CHAPTER

CHAPTER THE FOURTH.

Concerning the impotent poor, it hath been enacted as follows:

BY the 12 R. 2. c. 7. Beggars impotent to ſerve, ſhall abide in the cities and towns where they be dwelling at the time of the proclamation of this ſtatute. And if the people of cities or other towns will not or may not ſuffice to find them; then they ſhall draw themſelves to other towns within the hundreds, or to the towns where they were born, within forty days after the proclamation made; and there ſhall continually abide during their lives.

By the 11 H. 7. c. 2. All beggars, not able to work, ſhall go, reſt, and abide in that hundred where laſt he dwelled, or there where he is beſt known, or born, there to remain without begging out of the hundred; on pain of being puniſhed as a vacabond.

By the 19 H. 7. c. 12. All beggars, not able to work, ſhall go, reſt, and abide in his city, town, or hundred, where they were born, or elſe to the place where they made laſt their abode by the ſpace of three years; there to remain, without begging out of the ſaid city, town, hundred, or place; on pain of being taken and puniſhed as a vagabond.

By

By the 22 H. 8. c. 12. The juſtices ſhall ſubdivide themſelves, and make inquiry of all aged, poor, and impotent perſons, which live, or of neceſſity be compelled to live by alms of the charity of the people, abiding within every hundred, city, borough, pariſh, liberty, or franchiſe, within the limits of their diviſion; and ſhall have power by their diſcretions, to inable to beg within ſuch hundred, city, town, pariſh, or other limits as they ſhall appoint, ſuch of the ſaid impotent perſons, as they ſhall think moſt convenient, within the limits of their diviſion, to live of the charity and alms of the people; and ſhall give in commandment to every ſuch aged and impotent beggar, by them inabled, that none of them ſhall beg without the limits to them ſo appointed.

And ſhall alſo regiſter the names of every ſuch impotent beggar by them appointed, in a bill or roll indented; the one part thereof to remain with them, the other to be certified to the next ſeſſions.

And they ſhall make ſeals, to be ingraved with the names of the hundreds, cities, boroughs, towns, or places, within which they ſhall appoint every ſuch impotent perſon to beg; and deliver to every ſuch impotent perſon by them inabled to beg, a letter containing the name of ſuch impotent perſon, and witneſſing that he is authorized to beg, and the limits within which he is appointed to beg, and to be ſubſcribed with the name of one of the ſaid juſtices: Which ſhall be in this form;

" Kanc.

" Kanc. ff. Memorandum, that A. B. of " Dale, for reaſonable conſiderations, is licenſed " to beg, within the hundred of P. K. and L. " in the ſaid county. Given under the ſeal of " that limit. Tali die et anno."

And if any ſuch impotent perſon ſo authorized to beg, do beg in any other place than within ſuch limits as he ſhall be aſſigned unto; the juſtices, conſtables, or other officers, ſhall puniſh all ſuch perſons, by impriſonment in the ſtocks, by the ſpace of two days and two nights, giving them but only bread and water; and, after that, cauſe them to be ſworn, to return without delay, to the place where they be authorized to beg in.

By the 27 H. 8. c. 25. Where by the act of the 22 H. 8. c. 12. it was ordained, that aged, poor, and impotent people ſhould repair unto every hundred, where they were born, or had dwelled by the ſpace of three years next before; and it was not provided in the ſaid act, how they ſhould be ordered at their coming thither, nor how the hundred ſhould be charged for their relief; it is enacted, that the mayors, ſheriffs, conſtables, houſholders, and all other head officers, of every city, ſhire, towns, and pariſhes, at the repair and coming thither of ſuch poor creature, ſhall moſt charitably receive the ſame; and all the governors and miniſters of every ſuch place, ſhall ſuccour, find, and keep every of the ſame poor people, by way of voluntary and charitable alms, within the reſpective cities, ſhires, towns, hundreds, hamlets, and pariſhes, with ſuch convenient and neceſſary alms, as ſhall

be thought meet by their diſcretions, in ſuch wiſe as none of them of very neceſſity ſhall be compelled to go openly in begging: On pain, that every pariſh making default ſhall forfeit 20s a month.

And the mayors and other head officers of cities, boroughs, and towns corporate, and the churchwardens, or two other of every pariſh of this realm, ſhall, in good and charitable wiſe, take ſuch diſcreet and convenient order, by gathering and procuring of ſuch charitable and voluntary alms of the good chriſtian people within the ſame, with boxes every ſunday, holiday, and other feſtival days, or otherwiſe among themſelves, in ſuch good and diſcreet wiſe, as the poor, impotent, lame, feeble, ſick, and diſeaſed people, being not able to work, may be provided, holpen, and relieved, ſo that in no wiſe none of them be ſuffered to go openly in begging; and ſuch as be luſty, may be kept in continual labour.

Provided, that all leprous, and poor bedred creatures, may at their own liberty remain and continue in ſuch place where they be; and ſhall not be compelled to repair into their countries, according to the tenor of the aforeſaid act.

And every preacher, parſon, vicar, and curate, as well in their ſermons, collations, bidding of the beads, as in time of confeſſions, and at the making of the wills or teſtaments of any perſons at all times of the year, ſhall exhort, move, ſtir, and provoke people, to be liberal, and bountifully to extend their good and charitable alms and contributions from time to time, towards the comfort and relief of the ſaid poor, impotent,

decrepit,

decrepit, indigent, and needy people, and for ſetting and keeping to work the able poor.

And for the avoiding of all ſuch inconveniences, and infections, as oftentimes have and daily do chance among the people, by common and open doles, and that moſt commonly unto ſuch doles many perſons do reſort which have no need of the ſame; it is enacted, that no perſon ſhall make any ſuch common or open dole, or ſhall give any ready money in alms, otherwiſe than to the common boxes and common gatherings in every city, town, hundred, pariſh, and hamlet, for the putting in execution the good and virtuous purpoſes of this act; on pain to forfeit ten times as much. And all perſons, bodies politick, corporate, and others, that be bound yearly, monthly, or weekly, to diſtribute any ready money, bread, victual, or other ſuſtentation to poor people, in any place within this realm; ſhall diſpoſe the ſame, or the value thereof, to ſuch common boxes, for the relief of the poor in form aforeſaid.

And to the intent that the money gathered toward the relief of poverty as is aboveſaid, may be employed to ſuch charitable uſes as by this act is limited, and no part thereof be miſuſed by ſuch as ſhall have the collection thereof; it is ordained, that the churchwardens of every pariſh, calling unto them ſix or four of their honeſt neighbours, ſhall have power every quarter of the year, or oftner by their diſcretions, to command every ſuch collector to appear before them, and to render account of all ſums of money by them gathered, and how employed. And if upon ſuch account it be found, that ſuch col-

lector hath miſemployed or imbezilled any part thereof; they ſhall carry him before a juſtice, who ſhall commit him, till he ſhall have reſtored and paid back the ſame, and alſo 6s 8d for a penalty, to be employed for the purpoſes of this act.

And books ſhall be kept in every pariſh, of the money collected; and how, upon whom, and in what wiſe, the ſame was diſpoſed of.

And two or three times in every week, two or three of every pariſh, within cities and towns corporate, by the aſſignment of the mayor, governor, or conſtable, ſome in one week, and ſome in another, ſhall name and appoint certain of the ſaid poor people found of the common alms, to collect and gather broken meats and fragments, and the reſuſe drink, of every houſholder within every ſuch pariſh; which ſhall be by their diſcretions diſtributed evenly among the poor people found of the ſaid common alms, as they by their diſcretions ſhall think good.

Item, it is ordered, that the conſtables, churchwardens, or others the collectors of the ſaid alms, which ſhall at any time forbear their own buſineſs and labour, and ſhall travel or take any pains in the execution of this act; ſhall have, for their ſo doing, ſuch competent wages, of the money of the ſaid collections, as by diſcretion of the mayor, juſtices, and other of the pariſh, ſhall be thought reaſonable; which ſhall be appointed to them, at the making their accounts before the whole pariſh.

Item, the money collected ſhall be kept in the common coffer or box in the church; or elſe ſhall be committed to the cuſtody of any other

ſubſtantial truſty man, as they can agree upon; where it may be delivered to the uſes before expreſſed, from time to time, as neceſſity ſhall require.

And no churchwarden, collector or collectors of the foreſaid charitable alms, ſhall continue in their ſaid office above the ſpace of one whole year.

And the overplus of the collections of rich and wealthy pariſhes, ſhall be ordered and diſtributed towards the ſuſtentation of the charges of other poor pariſhes within the ſame city, borough, town, or hundred; by the diſcretion of the mayor, juſtices, and high conſtable of the ſame.

Provided, that where the voluntary and unconſtrained alms and charity of the pariſhioners or people, together with ſuch money as ſhall be added and given to the ſame from any monaſteries or other perſons, bodies politick, corporate, or other, will not ſuffice for the ſuſtentation of the poor within the limits of ſuch contribution; neither the magiſtrates, officers, nor inhabitants there ſhall incur the aforeſaid penalty of 20s a month, nor be conſtrained to any ſuch certain contribution but as their free wills and charities will extend, provided that what ſhall be collected be juſtly diſtributed as aforeſaid.

Finally, it is provided, that this act ſhall not be prejudicial to any abbots, priors, or other perſons of the clergy or other, that by any means be bound to give yearly, weekly, or daily alms, in money, victual, lodging, cloathing, or other thing, in any monaſteries, almſhouſes, hoſpitals, or other foundations or brotherhoods, by any good authority or ancient

cuſtom,

cuſtom, or of daily charity by keeping of poor men eſtabliſhed for that purpoſe; nor to any perſon for receiving of the ſame, or for their abiding in ſuch hoſpitals or almſhouſes according to ſuch foundation; nor alſo for alms in ready money, or otherwiſe, to be given to mariners or other perſons, that ſhall fortune to come or be ſet on land from ſhips periſhed or loſt on the ſea; or to any perſon that, riding, going, or paſſing by the way, ſhall after his conſcience or charity give money or other thing, to lame, blind, or ſick, aged, or impotent people.

By the 1 Ed. 6. c. 3. Foraſmuch as there is many maimed and otherwiſe lamed, ſore, aged, and impotent perſons; which, reſorting together and making a number, do fill the ſtreets or highways of divers cities, towns, markets, and fairs; who, if they were ſeparated, might eaſily be nouriſhed in the towns and places wherein they were born, or have been moſt abiding by the ſpace of three years: it is enacted, that the mayor, conſtable, or other head officer, of any city, town, or hundred, to which ſuch reſort ſhall be, ſhall ſee all ſuch idle, impotent, and aged perſons, who otherwiſe cannot be taken for vagabonds, which were born within the ſaid city, town, or hundred, or have been moſt converſant there by the ſpace of three years as aforeſaid, and now decayed,—beſtowed and provided for of tenantries, cottages, or other convenient houſes to be lodged in, at the coſts of the ſaid cities, towns, boroughs, and villages, there to be relieved and cured by the devotion of good people; and that they ſuffer no other to remain and beg there, but ſhall con-

vey them on horſeback, cart, chariot, or otherwiſe, to the next conſtable, and ſo from conſtable to conſtable, till they be brought to the place where they were born, or moſt converſant as aforeſaid.

Provided, that if any of the ſaid perſons be not ſo lame or impotent, but that they may work in ſome manner of work; that then ſuch city, town, pariſh, or village, do either in common provide ſome ſuch work for them as they may be occupied in, or appoint them to ſuch as will find them work for meat and drink.

And for the more furtherance of the relief of ſuch as are in unfeigned miſery; the curate of every pariſh ſhall, on every ſunday and holiday, after reading the goſpel of the day, make (according to ſuch talent as god hath given him) a godly and brief exhortation to his pariſhioners, moving and exciting them to remember the poor people, and the duty of chriſtian charity, in relieving of them which be their brethren in Chriſt, born in the ſame pariſh, and needing their help.

And provided always, that all leprous and poor bedred creatures, may at their own liberty remain and continue in ſuch houſes appointed for leprous or bedred people, as they now be in; and ſhall not be compelled to repair into any other countries by virtue of this act: and that alſo it ſhall be lawful unto the ſaid leprous and bedred people, for their better reliefs, to appoint their proctor or proctors, ſo there be not appointed above two perſons for any one ſuch houſe, to gather the alms of all ſuch inhabitants as ſhall be within

within the compaſs of four miles of any of the ſaid houſes.

By the 3 & 4 Ed. 6. c. 16. Foraſmuch as divers men and women, going on begging, impotent and lame, and ſome able enough to labour, do carry children about with them, which being once brought up in idleneſs, will hardly be brought after to any good kind of labour or ſervice; it is enacted, that any perſon may take ſuch child, above the age of 5 years and under 14, to be brought up in any honeſt labour and occupation, till ſuch woman child come to the age of 15 years or be married, and ſuch man child to the age of 18, if the maſter ſo long live.

By the 5 & 6 Ed. 6. c. 2. Yearly, one holiday in whitſun-week, in every city, borough, and town corporate, the mayor, bailiffs, or other head officers, and in every other pariſh of the country, the parſon, vicar, or curate, and the churchwardens, having in a book as well all the names of the inhabitants and houſholders, as alſo the names of all ſuch impotent, aged, and needy perſons, as being within their city, town corporate, or pariſh, are not able to live of themſelves or by their own labour, ſhall openly in the church, and quietly after divine ſervice, call the ſaid houſholders and inhabitants together; among whom, the mayor and two of his brethren in every city, the bailiffs or other head officers in boroughs and towns corporate, the parſon vicar or curate and churchwardens in every other pa-

riſh, ſhall elect, nominate, and appoint two able perſons or more, to be gatherers and collectors of the charitable alms of all the reſidue of the people, for the relief of the poor.

Which collectors, the ſunday next after their election, when the people are at the church, and hath heard god's holy word, ſhall gently aſk and demand of every man and woman, what they of their charity will be contented to give weekly, toward the relief of the poor; and the ſame to be written in the ſaid book.

And the ſaid gatherers, ſo being elected and choſen, ſhall juſtly gather, and truly diſtribute, the ſame charitable alms weekly (by themſelves or their aſſigns) to the ſaid poor and impotent perſons, without fraud or covin, favour or affection; and after ſuch ſort, that the more impotent may have the more help, and ſuch as can get part of their living to have the leſs; and by the diſcretion of the collectors, to be put in ſuch labour as they be fit and able to do; but none to go or ſit openly a begging.

And no perſon ſo elected to be gatherer as aforeſaid, ſhall refuſe the ſaid office, but ſhall juſtly execute the ſame, by the ſpace of one whole year next enſuing; on pain of 20ſh.

And they ſhall account quarterly to the ſaid mayors, bailiffs, or other head officers; or to the ſaid parſon, vicar, curate, and churchwardens reſpectively; at which account, ſuch of the pariſh as will, may be preſent. And when they go out of their office, they ſhall deliver up all ſurpluſage in their hands. And if they refuſe to account within eight days, the biſhop of the dioceſe or ordinary ſhall compel them by cenſures of the

church to account before ſuch perſons as he ſhall appoint.

And if any perſon, being able to further this charitable work, do obſtinately and frowardly refuſe to give towards the help of the poor, or do wilfully diſcourage others from ſo charitable a deed; the parſon, vicar, or curate, and church-wardens, of the pariſh where he dwelleth, ſhall gently exhort him; and if he will not be ſo perſuaded, then on certificate of ſuch parſon, vicar, or curate, to the biſhop of the dioceſe, the biſhop ſhall ſend for him, to induce and perſuade him by charitable ways and means, and ſo according to his diſcretion to take order for the reformation thereof.

By the 1 & 2 P. & M. c. 5. The collectors ſhall be choſen as aforeſaid, on ſome one holiday in the chriſtmaſs.

And perſons refuſing the office ſhall forfeit 40 s.

And if it ſhall chance any pariſh to have in it more poor than they are able to relieve; two juſtices, on examination thereof, may grant unto ſo many of the ſaid poor folks as by their diſcretion they ſhall think good, a licence under the ſeal appointed for the limit, to go abroad to beg and receive alms out of their reſpective pariſhes, in ſuch towns, pariſhes, and places, as ſhall be named in the ſaid licence, be it in one hundred or more in the ſaid county. Or if it be adjoining to another county; the juſtices there may give licence in ſuch other county.

And in cities and towns corporate wherein there are divers pariſhes, ſome of which are wealthy, and others needy; the mayors and other head officers ſhall move the pariſhioners of ſuch wealthy pariſh, to contribute towards the relief of the poor within ſuch other pariſh where need is.

And all poor folks licenſed to beg out of the limits of any city or town corporate, ſhall wear both on the breaſt and back of their outermoſt garment, ſome notable badge or token, to be aſſigned to them by the head officer with the aſſent of two juſtices.

By the 5 El. c. 3. Every parſon, vicar, curate, or miniſter, of every pariſh within this realm, ſhall yearly for evermore, on the ſunday before midſummer day, in the pulpit, or ſome other convenient place in the church, give knowledge and warning at the end of ſome of the morning ſervice, to the pariſhioners then and there preſent, to prepare themſelves, on the ſunday then next following, to come to the church, and there to chuſe collectors and gatherers for the poor.

And if any perſon being choſen ſhall refuſe the ſaid office, he ſhall forfeit 10l.

And if the ſaid collectors, or any of them, ſhall refuſe to account as aforeſaid, within eight days next after requeſt made to them for the ſame; then the biſhop of the dioceſe, or ordinary of the place, chancellors, or their commiſſaries, together with a juſtice, and one of the churchwardens, ſhall have power to commit them to ward, until they ſhall make their ſaid accounts, before ſuch perſons,

perſons, as the ſaid biſhop or other ordinary and juſtice ſhall appoint, and make payment of the ſums wherewith they ſhall be charged upon ſuch account.

And if any perſon, being able to further this charitable work, do obſtinately and frowardly refuſe ſo reaſonably to give towards the help and relief of the poor, or do wilfully diſcourage other from ſo charitable a deed; the miniſter and churchwardens ſhall gently exhort him: and if he will not be ſo perſuaded, then on certificate of the miniſter to the biſhop of the dioceſe, or ordinary of the place, chancellor, commiſſary, or guardian of the ſpiritualties, the ſaid biſhop or other ordinary as aforeſaid ſhall ſend for him, to induce or perſuade him by charitable means and ways to extend his charity to the poor, as in this act is well meant and intended. And if the perſon ſo ſent for, of his froward wilful mind, ſhall obſtinately refuſe to give weekly to the relief of the poor, according to his ability; the ſaid biſhop or other ordinary ſhall bind him by recognizance in the ſum of 10l, to appear at the next ſeſſions of the place where he inhabiteth, and not to depart without leave of the court; and if he refuſeth to be bound, ſhall commit him till he ſhall become bound. And at the ſaid ſeſſions, the juſtices there, if he do appear before them, ſhall charitably and gently perſuade and move him; and if he will not be perſuaded, it ſhall be lawful for the ſaid juſtices, with the churchwardens or one of them, to ſeſs, tax, and limit upon every ſuch obſtinate perſon ſo refuſing, according to their good diſcretions, what ſum the ſaid obſtinate perſon ſhall pay weekly towards the

relief

relief of the poor within the pariſh where he dwells. And if he ſhall refuſe to pay the ſame, the ſaid juſtices or two of them ſhall, on complaint and certificate of the ſaid churchwardens, commit him to gaol until he ſhall pay the ſaid ſum ſo appointed, taxed, and limited.

Provided always, that the curate, miniſter, or reader, together with the wardens of every chapel of eaſe, and alſo the collectors, and all others to whom it ſhall appertain by virtue of this act, ſhall do and be liable in all reſpects with regard to the relief of the poor, in like manner as the vicar, curate, churchwardens, and collectors of every pariſh ought to do; and not be compellable to reſort to their pariſh church for the ſame only purpoſe.

By the 14 El. c. 5. Foraſmuch as charity would, that poor, aged, and impotent people ſhould have convenient habitations and abiding places to ſettle themſelves upon, to the end that they ſhould not hereafter beg or wander about; it is therefore enacted, that the juſtices of the peace of all and every the ſhires within England and Wales, within the limits of their commiſſions; and all other juſtices of the peace, mayors, ſheriffs, bailiffs, and other officers of all and every city, borough, riding, and franchiſe within this realm, whereof they be juſtices of the peace, within the limits of their authority; ſhall, within every of their ſeveral diviſions and authorities, make inquiry of all aged, poor, impotent, and decayed perſons, born within their ſaid diviſions and limits, or which were there dwelling within

three

three years next before, which be compelled to live by alms; and enter their names in a book.

And when their number by that means ſhall be known, the ſaid juſtices ſhall appoint within every the ſaid diviſions, meet and convenient places by their diſcretions, to ſettle the ſame poor people for their habitations and abidings; if the pariſh, within which they ſhall be found, ſhall not, or will not provide for them.

And (having regard to the number) ſhall ſet down, what portion the weekly charge, towards the relief and ſuſtentation of the ſaid poor people, will amount unto, within every the ſaid ſeveral diviſions.

And that done, they ſhall tax and aſſeſs all and every the inhabitants, dwelling in every city, borough, town, village, hamlet, and place known, within the ſaid limits and diviſions, to ſuch weekly charge as every of them ſhall weekly contribute towards the relief of the ſaid poor people; and ſhall enter their names in the ſaid book, together with their taxation.

And ſhall alſo, within every their ſaid diviſions and limits, appoint collectors, for one whole year, of the ſaid weekly portion; who ſhall collect the ſame, and make delivery thereof to the ſaid poor people, according to the diſcretion of the ſaid juſtices.

And ſhall alſo appoint the overſeer of the ſaid poor people by their diſcretions, to continue alſo for one whole year. And if they do refuſe to be overſeers, every of them ſo refuſing ſhall forfeit 10s.

And

And the mayor of the city of London, and the mayor, ſheriffs, bailiffs, and other head officers of every other city, borough, or town corporate, and the conſtables or tithingmen of the ſeveral hundreds within all and every the ſaid ſhires in England and Wales, in all and every ſuch abiding places within their hundreds, limits, and precincts, as ſhall be appointed to ſettle the poor people in, ſhall once a month make ſearch of all the aged, impotent, and lame perſons, within the precinct of their juriſdictions; and all ſuch as they ſhall find, not being born within that diviſion, nor dwelling within the ſaid three years (except leproſe people, and bedred people), ſhall cauſe to be conveyed, on horſeback, in cart, or otherwiſe, to the next conſtable; and ſo from conſtable to conſtable, till they be brought to the place where they were born, or moſt converſant by the ſpace of three years next before; and there to be put in the abiding place, or one of the abiding places appointed for the habitation of the poor people of that country.

And if any of the ſaid poor people, on the appointment of the ſaid juſtices, refuſe to be beſtowed in any of the ſaid abiding places, but covet ſtill to hold on their trade of begging; or after they be once beſtowed there, do depart and beg; they ſhall be puniſhed as rogues and vagabonds.

Collectors ſhall account half yearly, to two juſtices dwelling next to the ſaid abiding places, and deliver up the ſurpluſage; which if they ſhall not do, within 14 days after requeſt to them therefore made, the ſaid juſtices, or one of them, ſhall commit him till he do.

And

And if any perſon, being able to further this charitable work, will obſtinately refuſe to give towards the help and relief of the ſaid poor people, or do wilfully diſcourage other from ſo charitable a deed; he ſhall be brought before two juſtices, to ſhew the cauſe of ſuch refuſal or diſcouragement, and to abide ſuch order therein as the ſaid juſtices ſhall appoint: and if he refuſe ſo to do, they ſhall commit him to gaol till he be contented with their ſaid order, and do perform the ſame.

Provided always, that the juſtices, out of the ſurplus of the ſaid collections, (the poor and impotent being firſt ſatisfied and provided for,) ſhall, by their diſcretions, in ſuch convenient places within their reſpective ſhires as they ſhall think meet, place and ſettle to work the rogues and vagabonds that ſhall be diſpoſed to work, born within their ſaid counties, or there abiding for the moſt part within the ſaid three years; there to be holden to work by the overſight of the ſaid overſeers, to get their livings, and to be ſuſtained only upon their labour and travel.

And if any beggar's child, being above the age of 5 years, and under 14, ſhall be liked of by any ſubject of this realm of honeſt calling, who ſhall be willing to take the ſaid child into ſervice; the ſaid ſubject ſhall, by order of the ſeſſions, have the ſaid child bound with him; if it be a man child, till the age of 24; if a woman child, till the age of 18.

And the juſtices, at eaſter ſeſſions yearly, ſhall appoint new collectors, and new overſeers; and otherwiſe take order for the due execution of this act.

Provided alſo, that foraſmuch as it is thought, that the inhabitants of divers counties, cities, and towns within this realm, be not able to relieve the poor, lame, and impotent perſons, with money to be collected in form aforeſaid; and that it were over great a burden to the collectors, to gather meat, drink, corn, or other things for their relief, to be employed as aforeſaid; it is therefore enacted, that the juſtices in ſeſſions, within any the counties, cities, or towns of this realm, where collection of money cannot preſently be had as this act directeth, may grant licence to ſuch and ſo many of the ſaid poor, or to any other for them, to aſk and gather, within ſuch other town, pariſh, or pariſhes, of the ſaid county, as the ſaid juſtices ſhall name, the charitable devotion and alms, at the houſes of the inhabitants; ſo that it be within the towns and pariſhes within the diviſions of the ſaid juſtices that ſhall ſo give them licence: And the inhabitants of every ſuch pariſh, to which ſuch poor ſhall be ſo appointed, ſhall be coacted and bound by virtue of this act, under ſuch pain as to the ſaid juſtices ſhall ſeem convenient, to relieve the ſaid poor in ſuch ſort, as the ſaid juſtices ſhall appoint.

And if it happen any city or town corporate to have more poor than they are able to relieve; and the ſame is a county of itſelf, or ſtanding in one county and adjoining to another: in ſuch caſe, on certificate of the mayor or other head officer to the juſtices of ſuch adjoining county; they ſhall, in their ſeſſions, give licence, and follow the order above remembred.

Alſo,

Alſo, be it provided, that if any perſon ſhall find himſelf grieved with any taxation ſet upon him by virtue of this act; it ſhall be lawful for him at the next general ſeſſions of the peace to be holden within the ſame ſhire, to make complaint thereof to the juſtices of the bench, and to be eaſed of his exceſſive charge, by the diſcretion of the whole bench, or the moſt of them.

Provided alſo, that no diſeaſed, or impotent poor perſon, living on alms, ſhall repair to the city of Bath, or town of Buckſtone, to the baths there, for eaſe of their grief; unleſs they be licenſed ſo to do by two juſtices, and be provided for by the inhabitants from whence they came, of ſuch relief towards their maintenance, as ſhall be neceſſary for the time of their abode, and return home again: on pain of being uſed as vagabonds.

Finally, it is provided, that the juſtices within any county of this realm, ſhall not intromit or enter into any city, borough, place, or town corporate, having juſtices of its own, for the execution of any thing contained within this act, for any matter or cauſe ariſing within the precincts of ſuch city, borough, place, or town corporate; but the juſtices there ſhall proceed, as the juſtices elſewhere may do within the reſpective counties.

By the 18 El. c. 3. For ſome better explanation, and needful addition to the aforegoing ſtatute, 14 El. c. 5. be it ordained, declared, and enacted; Firſt, concerning baſtards, begotten and born out of lawful matrimony (an offence againſt

againſt god's law and man's law), the ſaid baſtards being now left to be kept at the charges of the pariſh where they be born, to the great burden of the ſame pariſh, and in defrauding of relief of the impotent and aged true poor of the ſame pariſh, and to the evil example and encouragement of lewd life; that two juſtices in or next unto the limits where the pariſh church is, within which pariſh ſuch baſtard ſhall be born (upon examination of the cauſe and circumſtance) ſhall and may by their diſcretion take order, as well for the puniſhment of the mother and reputed father, as alſo for the better relief of every ſuch pariſh in part or in all; and ſhall and may by like diſcretion take order for the keeping of every ſuch baſtard child, by charging ſuch mother or reputed father with the payment of money weekly, or other ſuſtentation for the relief of ſuch child, in ſuch wiſe as they ſhall think meet and convenient. And if after the ſame order by them ſubſcribed under their hands, ſuch mother or reputed father, upon notice thereof, ſhall not for their part obſerve and perform the ſaid order; they ſhall be committed to the common gaol, there to remain without bail or mainpriſe, except they ſhall put in ſufficient ſurety to perform the ſaid order, or elſe perſonally to appear at the next general ſeſſions of the peace to be holden in that county where ſuch order ſhall be taken, and alſo to abide ſuch order as the ſaid juſtices, or the more part of them, then and there ſhall take in that behalf (if they then and there ſhall take any), and that if at the ſaid ſeſſions the ſaid juſtices ſhall take no other order, then to abide

and

and perform the order before made as is above-ſaid.

Alſo, to the intent youth may be accuſtomed and brought up in labour, and then not like to grow to be idle roges; and to the intent alſo that ſuch as be already grown up in idleneſs, and ſo roges at this preſent, may not have any juſt excuſe in ſaying that they cannot get any ſervice or work; and that other poor and needy perſons, being willing to labour, may be ſet on work; it is ordained, that within every city and town corporate by appointment of the mayor or other head officer, and in every other market town or other place where the juſtices in their general ſeſſions yearly after eaſter ſhall think meet, ſhall be provided (of all the inhabitants to be taxed, levied, and gathered) a competent ſtock of wool, hemp, flax, iron, or other ſtuff, as the country is moſt meet for. The ſame to be committed to the cuſtody of ſuch perſons, as by the ſaid officers or magiſtrates ſhall be appointed.

Which perſons ſo appointed ſhall have power (by the advice of them who do appoint them) to diſpoſe, order, and give rules, for the diviſion and manner of working of the ſaid ſtock; who ſhall be called the collectors and governors of the poor.

Which collectors and governors, from time to time (as cauſe requireth) ſhall of the ſame ſtock deliver to ſuch poor and needy perſons, a competent portion to be wrought into yarn, or other matter, within ſuch time and in ſuch ſort, as in their diſcretions ſhall be limited. And the ſame afterwards being wrought, to be from time to time delivered to the ſaid collectors and gover-

nors; for which they ſhall make payment to them which work the ſame, according to the deſert of the work; and of new deliver more to be wrought. And ſo from time to time to deliver unwrought, and receive the ſame again wrought, as often as cauſe ſhall require. Which hemp, wool, flax, or other ſtuff wrought, ſhall be ſold by the ſaid collectors and governors, either at ſome market or other place; and with the money coming of the ſale, ſhall buy more ſtuff, in ſuch wiſe as the ſtock ſhall not be decayed in value.

And if any ſuch perſon, able to do any ſuch work, ſhall refuſe to work, or ſhall go abroad begging, or live idly, or taking ſuch work ſhall ſpoil or imbeſil the ſame, in ſuch wiſe that after monition given, the miniſter and churchwardens of the pariſh, and the ſaid collectors and governors, ſhall think the ſaid perſon not meet to have any more work delivered out of the ſame ſtock; then, upon certificate thereof made under their hands, the ſaid perſon, being brought by one of the ſaid collectors and governors, to ſuch perſon as ſhall in that county have the overſight and government of one of the houſes of correction hereafter mentioned in this act, in convenient apparel meet for ſuch a body to wear, ſhall, from ſuch town, place, or pariſh, be received into ſuch houſe of correction, there to be ſtraitly kept, as well in diet as in work, and alſo puniſhed from time to time, as to the ſaid perſons, having the overſight and government of the ſaid houſe of correction, ſhall be appointed, as hereafter in this act is declared.

And,

And, further, be it enacted, that within every county of this realm, one, two, or more abiding houſes, or places convenient, in ſome market town or other place, by purchaſe, leaſe, building, or otherwiſe, by the appointment of the juſtices in their ſaid general ſeſſions (of the inhabitants within their ſeveral authorities, to be taxed, levied, and gathered) ſhall be provided, and called the houſe or houſes of correction; and alſo ſtock, ſtore, and implements, to be in like ſort provided, for ſetting on work and puniſhing, not only of thoſe which by the collectors and governors of the poor for cauſes aforeſaid to the ſaid houſes of correction ſhall be brought, but alſo of ſuch as be inhabitants in no pariſh, or ſhall be taken as rogues, or once puniſhed as rogues, and by reaſon of the uncertainty of their birth, or of their dwelling by the ſpace of three years, or for any other cauſe, ought to be abiding and kept within the ſame county.

And the ſaid juſtices ſhall appoint perſons which ſhall be overſeers of every ſuch houſe of correction, and ſhall be called the cenſors and wardens of the houſes of correction, and have the rule and government thereof, according to ſuch orders as by the ſaid juſtices ſhall be preſcribed. And ſhall alſo appoint others, for the gathering of ſuch money, as ſhall be taxed upon any perſons, towards the maintenance of the ſaid houſes of correction; which ſhall be called the collectors for the houſes of correction.

And becauſe it is to be hoped, that many well diſpoſed perſons, underſtanding the good ſucceſs which will grow by ſetting people on work, and avoiding of idleneſs, will from time

to time give to the ſuſtentation and maintenance of the ſame good purpoſe and intent; and for their better encouragement to the ſame; —— it is enacted, that it ſhall be lawful for any perſon, during the ſpace of 20 years next enſuing, to give lands, tenements, and hereditaments, for the purpoſes aforeſaid, without any licence of mortmain.

And whereas by the ſaid former act, no pain is limited for any impotent perſon, which having a competent allowance provided for him within his pariſh, ſhall notwithſtanding without licence wander abroad loitering and begging; it is enacted, that every ſuch perſon ſhall for his firſt offence be whipped, and ſo returned home again unto his pariſh; and if he ſhall eftſoons offend, being provided for as aforeſaid, he ſhall ſuffer in all reſpects as a rogue and vagabond.

By the 35 El. c. 4. Foraſmuch as it is agreeable with chriſtian charity, policy, and the honour of our nation, that ſuch as have adventured their lives and loſt their limbs, or ſhall hereafter adventure their lives and loſe their limbs, or diſable their bodies, in the defence and ſervice of her majeſty and the ſtate, ſhould at their return be relieved and rewarded, to the end that they may reap the fruits of their good deſervings, and other may be encouraged to perform the like endeavours; it is enacted, that every pariſh ſhall be charged to pay weekly ſuch a ſum towards their relief as the juſtices in ſeſſions ſhall appoint; ſo as no pariſh be rated above 6 d nor under 1 d weekly; and ſo as the ſum total in any county, where

where there are above 50 pariſhes, amount not above the rate of 2 d for every pariſh.

By the 39 El. c. 3. Be it enacted by the authority of this preſent parliament, that the churchwardens of every pariſh, and four ſubſtantial houſholders there, being ſubſidy men, or for want of ſubſidy men four other ſubſtantial houſholders of the ſaid pariſh, who ſhall be nominated yearly in eaſter week, under the hand and ſeal of two or more juſtices, whereof one to be of the quorum, dwelling in or near the ſaid pariſh, ſhall be called overſeers of the poor of the ſame pariſh.

And they, or the greater part of them, ſhall take order from time to time, by and with the conſent of two or more ſuch juſtices, for ſetting to work the children of all ſuch whoſe parents ſhall not by the ſaid perſons be thought able to keep and maintain their children; and alſo all ſuch perſons, married or unmarried, as having no means to maintain them, uſe no ordinary and daily trade of life to get their living by.

And alſo to raiſe weekly or otherwiſe (by taxation of every inhabitant, and every occupier of lands in the ſaid pariſh, in ſuch competent ſums as they ſhall think fit) a convenient ſtock of flax, hemp, wool, thread, iron, and other neceſſary ware and ſtuff, to ſet the poor on work; and alſo competent ſums, for and towards the neceſſary relief of the lame, impotent, old, blind, and ſuch other among them being poor, and not able to work; and alſo for the putting out of ſuch children to be apprentices: To be gathered out of the ſame pariſh, according to the ability of

the ſaid pariſh. And to do and execute all other things as well for the diſpoſing of the ſaid ſtock, as otherwiſe concerning the premiſſes, as to them ſhall ſeem convenient.

Which ſaid churchwardens and overſeers ſo to be nominated, or ſuch of them as ſhall not be let by ſickneſs or other juſt excuſe to be allowed by two ſuch juſtices, ſhall meet together at the leaſt once every month in the church of the ſaid pariſh, upon the ſunday in the afternoon, after divine ſervice; there to conſider of ſome good courſe to be taken, and of ſome meet orders to be ſet down in the premiſſes.

And ſhall, within four days after the end of their year, and after other overſeers nominated as aforeſaid, make and yield up to ſuch two juſtices, a true and perfect account, of all ſums of money by them received, or rated and ſeſſed and not received; and alſo of ſuch ſtock as ſhall be in their hands, or in the hands of any of the poor to work; and of all other things concerning their ſaid office; and ſuch ſums of money as ſhall be in their hands, ſhall pay and deliver over to the ſaid churchwardens and overſeers, newly nominated and appointed as aforeſaid: upon pain, that every one of them, abſenting themſelves without lawful cauſe as aforeſaid from ſuch monthly meeting, or being negligent in their office or in the execution of the orders aforeſaid made by the aſſent of the ſaid juſtices, to forfeit for every ſuch default 20s.

And be it alſo enacted, that if the ſaid juſtices do perceive, that the inhabitants of any pariſh are not able to levy among themſelves ſufficient ſums of money for the purpoſes aforeſaid; that

then the ſaid juſtices ſhall and may tax, rate, and aſſeſs as aforeſaid, any other of other pariſhes, or out of any pariſh within the hundred where the ſaid pariſh is, to pay ſuch ſum and ſums of money to the churchwardens and overſeers of the ſaid poor pariſh, for the ſaid purpoſes, as the ſaid juſtices ſhall think fit, according to the intent of this law. And if the ſaid hundred ſhall not be thought to the ſaid juſtices able and fit to relieve the ſaid ſeveral pariſhes not able to provide for themſelves as aforeſaid; then the juſtices, at their general quarter ſeſſions, ſhall rate and aſſeſs as aforeſaid any other of other pariſhes, or out of any pariſh within the ſaid county, for the purpoſes aforeſaid, as in their diſcretion ſhall ſeem fit.

And that it ſhall be lawful for the ſaid churchwardens and overſeers, or any of them, by warrant from any two ſuch juſtices, to levy as well the ſaid ſums of money of every one that ſhall refuſe to contribute according as they ſhall be aſſeſſed, by diſtreſs and ſale of the offender's goods, as the ſums of money or ſtock which ſhall be behind upon any account to be made as aforeſaid, rendering to the party the overplus; and in defect of ſuch diſtreſs, it ſhall be lawful for any two ſuch juſtices, to commit him to priſon, there to remain without bail, till payment of the ſaid ſum or ſtock.

And the ſaid juſtices, or any one of them, to ſend to the houſe of correction, ſuch as ſhall not employ themſelves to work, being appointed thereunto as aforeſaid.

And alſo any two ſuch juſtices to commit to priſon every one of the ſaid churchwardens and overſeers, which ſhall refuſe to account; there to remain without bail, till he have made a true account, and ſatisfied and paid ſo much as upon the ſaid account ſhall be remaining in his hands.

And be it further enacted, that it ſhall be lawful for the ſaid churchwardens and overſeers, by the aſſent of any two juſtices aforeſaid, to bind any ſuch children as aforeſaid to be apprentices, where they ſhall ſee convenient; till ſuch manchild ſhall come to the age of 24 years, and ſuch womanchild till the age of 21. The ſame to be as effectual, as if ſuch child were of full age, and by indenture of covenant bound him or her ſelf.

And to the intent that neceſſary places of habitation may more conveniently be provided for ſuch poor impotent people; it is enacted, that it ſhall be lawful for the ſaid churchwardens and overſeers, by the leave of the lord of the manor whereof any waſte or common in their pariſh is or ſhall be parcel, and upon agreement before with him made in writing under his hand and ſeal; or otherwiſe, according to any order to be ſet down by the juſtices in ſeſſions, by like leave and agreement of the ſaid lord in writing under his hand and ſeal, to erect, build, and ſet up, in fit and convenient places of habitation, in ſuch waſte or common, at the general charges of the pariſh, or otherwiſe of the hundred or county as aforeſaid, to be taxed, rated, and gathered, in manner before expreſſed, convenient houſes of dwelling for the ſaid impotent poor, and alſo to

place

place inmates, or more families than one, in one cottage or houſe.

Provided always, that if any perſon ſhall find himſelf grieved with any ſeſs or tax, or other act done by the ſaid churchwardens and other perſons, or by the ſaid juſtices; it ſhall be lawful for the juſtices at their general quarter ſeſſions, to take ſuch order therein as to them ſhall be thought convenient, and the ſame to bind all parties.

And be it further enacted, that the parents or children of every poor, old, blind, lame, and impotent perſon, or other poor perſon not able to work, being of ſufficient ability, ſhall at their own charges relieve and maintain every ſuch poor perſon, in that manner, and according to that rate, as by the juſtices at their general quarter ſeſſions ſhall be aſſeſſed; on pain to forfeit 20s for every month that they ſhall fail therein.

And it is further hereby enacted, that the mayors, bailiffs, or other head officers, of every corporate town, being juſtices of the peace, ſhall have the ſame authority by virtue of this act, within the limits and precincts of their corporations, as well out of ſeſſions, as at their ſeſſions, as is herein limited and appointed to any of the juſtices of the county, for all the uſes and purpoſes in this act preſcribed: and no other juſtice to enter or meddle there.

And be it alſo enacted, that if it ſhall happen any pariſh to extend it ſelf into more counties than one; or part to lie within the liberties of any city or town corporate, and part without; then, as well the juſtices of every county, as alſo the head officers of ſuch city or town corporate, ſhall deal and intermeddle only in ſo much of the

ſaid

ſaid pariſh as lieth within their liberty, and not any further.

And further be it enacted, that no perſon whatſoever ſhall go wandring abroad and beg, in any place whatſoever, by licence or without; upon pain to be eſteemed, taken, and puniſhed as a rogue. Provided, that this ſhall not extend to any poor people, which ſhall aſk relief of victuals only, in the ſame pariſh where ſuch poor people do dwell; ſo the ſame be in ſuch time only, and according to ſuch order and direction, as ſhall be made by the churchwardens and overſeers of ſuch pariſh.

And all penalties and forfeitures before mentioned in this act, ſhall be employed to the uſe of the poor of the ſame pariſh, and towards a ſtock and habitation for them, and other neceſſary uſes and relief; and ſhall be levied by the churchwardens and overſeers, or one of them, by warrant from two ſuch juſtices, by diſtreſs and ſale; or, in defect thereof, to commit the offender to priſon, till the ſaid forfeitures ſhall be paid.

Next follow the clauſes for levying the money for relief of the poor priſoners of the king's bench and marſhalſea; which being altered by the 12 G. 2. c. 29. and put thereby into the general county rate, are here omitted.

Finally, foraſmuch as all begging is forbidden by this preſent act; it is provided nevertheleſs, that every ſoldier being diſcharged of his ſervice, or otherwiſe lawfully licenſed to paſs into his country, and not having wherewith to relieve himſelf in his travels homewards; and every ſeafaring man landing from ſea, not having where-

with

with to relieve himſelf in his travels homewards; having a teſtimonial under the hand of a juſtice of or near the place where he landed or was diſcharged, ſetting down therein the time and place, where and when he landed or was diſcharged, and the place of his dwelling or birth unto which he is to paſs, and a convenient time therein to be limited for his paſſage, ſhall and may, without incurring the penalty of this act, in the uſual ways, directly, and in his time limited, aſk and receive ſuch relief as ſhall be neceſſary in and for his paſſage.

By the 39 El. c. 5. Whereas the power given by the 18 El. c. 3. to erect hoſpitals, or other abiding and working houſes for the poor, hath not had its due effect, by reaſon that no perſon can erect or incorporate any ſuch houſe without ſpecial licence from the crown by letters patents under the great ſeal; it is therefore enacted, that any perſon, during the ſpace of 20 years next enſuing, may erect, found, and eſtabliſh any ſuch houſe without ſuch licence.

By the 39 El. c. 21. The ſums for the relief of ſoldiers and mariners are enlarged; ſo as they do not exceed 8d nor be leſs than 2d weekly for any pariſh; and ſo as the ſum total in any county, where there are not above 50 pariſhes, amount not above the rate of 4d for every pariſh.

Next follows the famous ſtatute of the 43 El. c. 2. which re-enacts, verbatim, for the moſt part, the foregoing ſtatute of the 39 El. c. 3.

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The material alterations which it makes, are as follows.

The churchwardens of every pariſh, and four, three, or two ſubſtantial houſholders there, as ſhall be thought meet, having reſpect to the proportion and greatneſs of the pariſh, to be nominated yearly in eaſter week, or within one month after eaſter, under the hand and ſeal of two or more juſtices in the ſame county, whereof one to be of the quorum, dwelling in or near the ſame pariſh, or diviſion where the ſame pariſh doth lie, ſhall be called overſeers of the poor of the ſame pariſh.

The rate ſhall be made by taxation of every inhabitant, parſon, vicar, and other, and of every occupier of lands, houſes, tithes impropriate, propriations of tithes, coal mines, or ſaleable underwoods.

And where in the former act it is ſaid, that the juſtices ſhall ſend to the houſe of correction ſuch as ſhall not employ themſelves to work; it is here expreſſed, that the juſtices ſhall ſend them to the houſe of correction, or common gaol. (But what they ſhall do in the gaol, is not ſpecified. And it ſeemeth a little incongruous to ſend them thither. The houſe of correction is the proper place of puniſhment; where labour is alſo provided for them.)

Poor apprentices may be bound, the man child to the age of 24, the woman child to the age of 21 or the time of her marriage.

To the clauſe for erecting cottages, it is added, that the ſaid cottages and places for inmates ſhall not at any time after be uſed or employed for any other habitation, but only for impotent

impotent and poor of the ſame pariſh, that ſhall be there placed from time to time by the church-wardens and overſeers.

Where in the former act it is ſaid, that parents or children, being of ability, ſhall maintain ſuch poor perſons reſpectively; it is here expreſſed, that the father and grandfather, and the mother and grandmother, and the children, of every ſuch poor perſon ſhall maintain them.

The clauſes relating to the total prohibition of wandring and begging are omitted (for what reaſon doth not appear).

And there is a proviſion for the iſland of Foulneſſe; that it ſhall maintain its poor within it ſelf, altho' it is not a pariſh, but the lands therein lie in divers pariſhes out of the ſaid iſland.

And a clauſe impowering officers, ſued for any thing done in the execution of this act, to plead the general iſſue; and, in caſe they recover, giving them treble coſts.

By the 43 El. c. 3. The ſums for relief of ſoldiers and mariners are increaſed; ſo as not to exceed 10d nor be leſs than 2d for any pariſh weekly; and ſo as the ſum total in any county where there are above 50 pariſhes, do not exceed the rate of 6d for each pariſh.

By the 7 J. c. 4. further power is given for the erecting of houſes of correction.

And becauſe great charge ariſeth upon many places by reaſon of baſtardy, beſides the great diſhonour of almighty god; it is enacted, that every lewd woman, which ſhall have any baſtard

which

which may be chargeable to the pariſh, the juſtices ſhall commit her to the houſe of correction for one year; for the ſecond offence, till ſhe can find ſureties for her good behaviour, not to offend ſo again.

And for that many wilful people, finding that they (having children) have ſome hope to have relief from the pariſh where they dwell; and being able to labour, and thereby to relieve themſelves and their families, do nevertheleſs run away out of their pariſhes, and leave their families upon the pariſh; it is enacted, that all ſuch perſons ſo running away, ſhall be puniſhed as incorrigible rogues; and if they threaten to run away, they ſhall be ſent to the houſe of correction (unleſs they can put in ſureties for the diſcharge of the pariſh), there to be dealt with as ſturdy and wandering rogues.

By the 3 C. c. 4. All juſtices of the peace within their ſeveral limits and precincts, and in their ſeveral ſeſſions, may do and execute all things concerning that part of the ſtatute of the 18 El. c. 3. which concerneth baſtards begotten and born out of lawful matrimony, that by juſtices of the peace in the ſeveral counties are by the ſaid ſtatute limited to be done.

By the 13 & 14 C. 2. c. 12. Whereas by reaſon of ſome defects in the law, poor people are not reſtrained from going from one pariſh to another, and therefore do endeavour to ſettle themſelves in thoſe pariſhes where there is the beſt ſtock, the largeſt commons or waſtes to build cottages, and the moſt woods for them to burn

burn and deſtroy, and when they have conſumed it, then to another pariſh, and at laſt become rogues and vagabonds; to the great diſcouragement of pariſhes to provide ſtocks, where it is liable to be devoured by ſtrangers: Therefore it is enacted, that it ſhall de lawful, on complaint by the churchwardens or overſeers to one juſtice, within forty days after any ſuch perſon coming ſo to ſettle as aforeſaid, in any tenement under the yearly value of 10l, for two juſtices (whereof one to be of the quorum) of the diviſion where any perſon that is likely to be chargeable to the pariſh ſhall come, to inhabit, by their warrant to remove and convey him, to ſuch pariſh where he was laſt legally ſettled, either as a native, houſholder, ſojourner, apprentice, or ſervant, for the ſpace of forty days at the leaſt; unleſs he give ſufficient ſecurity for the diſcharge of the ſaid pariſh, to be allowed by the ſaid juſtices. Provided, that perſons aggrieved may appeal to the next ſeſſions.

But this not to extend to perſons going to work in harveſt, having proper certificates.

And if ſuch perſon ſhall refuſe to go, or ſhall return of his own accord to the pariſh from whence he was removed; he ſhall be ſent to the houſe of correction, there to be puniſhed as a vagabond. And if the churchwardens and overſeers of the pariſh to which he is removed, ſhall refuſe to receive him; any juſtice of that diviſion may bind them to the aſſizes or ſeſſions, there to be indicted for the contempt.

And whereas the putative fathers and lewd mothers of baſtard children run away out of the pariſh, and ſometimes out of the county, and leave

leave the ſaid baſtard children upon the charge of the pariſh where they are born, altho' ſuch putative father and mother have eſtates ſufficient to diſcharge ſuch pariſh; it ſhall be lawful for the churchwardens and overſeers to ſeize ſo much of the goods, and receive ſo much of the rents of the lands of ſuch putative father or lewd mother, as ſhall be ordered by two juſtices, towards the diſcharge of the pariſh, to be confirmed at the ſeſſions, for the bringing up and providing for ſuch baſtard child; and the ſeſſions may order the goods to be ſold, and the rents of the lands to be applied for that purpoſe.

And whereas the inhabitants of the counties of Lancaſhire, Cheſhire, Derbyſhire, Yorkſhire, Northumberland, Durham, Cumberland, Weſtmerland, and many other counties in England and Wales, by reaſon of the largeneſs of the pariſhes within the ſame, have not, or cannot reap the benefit of the act of the 43 El. c. 2. it is enacted, that all and every the poor, needy, impotent and lame perſons, within every townſhip or village within the ſeveral counties aforeſaid, ſhall from and after the paſſing of this act, be maintained and ſet on work, within the reſpective townſhip and village wherein he ſhall inhabit, or wherein he was laſt lawfully ſettled, according to the intent and meaning of this act. And for that purpoſe, there ſhall be yearly choſen and appointed two or more overſeers within every of the ſaid townſhips or villages.

By the 1 J. 2. c. 17. Foraſmuch as ſuch poor perſons, at their firſt coming to a pariſh, do commonly conceal themſelves; it is enacted,

that the forty days continuance of ſuch a perſon in a pariſh, intended by the ſaid act to make a ſettlement, ſhall be accounted from the time of his delivery of notice in writing, of the houſe of his abode, and the number of his family, to one of the churchwardens or overſeers of the pariſh to which he ſhall ſo remove.

By the 3 W. c. 11. Foraſmuch as the two laſt acts are ſomewhat defective and doubtful; for ſupplying and explaining the ſame, it is enacted, that the forty days continuance of ſuch perſon in a pariſh or town, intended by the ſaid acts to make a ſettlement, ſhall be accounted from the publication of the ſaid notice in the church or chapel, on the next lord's day, immediately after divine ſervice, by the churchwarden or overſeer to whom it is delivered; who ſhall publiſh, or cauſe the ſame to be publiſhed accordingly.

Provided always, that if any perſon who ſhall come to inhabit in any town or pariſh, ſhall for himſelf and on his own account, execute any publick annual office or charge in the ſaid town or pariſh, during one whole year; or ſhall be charged with and pay his ſhare towards the publick taxes or levies of the ſaid town or pariſh; he ſhall be adjudged to have a legal ſettlement in the ſame, tho' no ſuch notice in writing be delivered and publiſhed.

And further, if any unmarried perſon, not having child or children, ſhall be lawfully hired into any pariſh or town for one year; ſuch ſervice ſhall be adjudged a good ſettlement therein, tho' no ſuch notice be delivered and publiſhed.

And if any perſon ſhall be bound apprentice by indenture, and inhabit in any town or pariſh; ſuch binding and inhabitation ſhall be adjudged a good ſettlement, tho' no ſuch notice be delivered and publiſhed.

Officers not receiving any perſon ſent by order of two juſtices as aforeſaid, ſhall forfeit 5 l.

And whereas many inconveniences do daily ariſe, in cities, towns corporate, and pariſhes, where the inhabitants are very numerous, by reaſon of the unlimited power of the churchwardens and overſeers, who do frequently upon frivolous pretences (but chiefly for their own private ends) give relief to what perſons and number they think fit; and ſuch perſons, being entred into the collection bill, do become after that a great charge to the pariſh, notwithſtanding the occaſion of their receiving collection oftentimes ceaſes, by which means the rates for the poor are daily increaſed, contrary to the true intent of the ſtatute of the 43 El. c. 2. For remedying of which, and preventing the like abuſes for the future, it is enacted, that a book ſhall be kept, wherein the names of all perſons who receive collection ſhall be regiſtred, the time when they were admitted, and the occaſion: which ſhall be called over yearly, and new liſts made; and no others ſhall be allowed to receive collection, but by authority of the juſtices. And in caſe of miſpending the publick money, any pariſhioners may be witneſſes againſt ſuch officers, other than ſuch as receive alms or any penſion out of ſuch collections.

By the 8 & 9 W. c. 30. Foraſmuch as many poor perſons, chargeable to the pariſh, townſhip, or place, where they live, merely for want of work, would, in any other place where ſufficient employment is to be had, maintain themſelves and families, without being burdenſome to any place; but not being able to give ſuch ſecurity, as may be expected and required upon their coming to ſettle themſelves in any other place; and the certificates that have been uſually given in ſuch caſes having been oftentimes conſtrued into a notice in writing, they are for the moſt part confined to live in their own pariſhes, townſhips, or places, and not permitted to inhabit elſewhere, tho' their labour is wanted in many other places, where the increaſe of manufactures would employ more hands; it is enacted, that if any perſon ſhall bring a certificate to any place, he may there continue until he ſhall actually become chargeable.

And to the end that the money raiſed only for the relief of ſuch as are impotent and poor, may not be miſapplied and conſumed by the idle, ſturdy, and diſorderly beggars; every perſon put upon the collection, ſhall upon the ſhoulder of the right ſleeve upon the uppermoſt garment, wear a badge of a large roman P, together with the firſt letter of the name of the pariſh or place where he inhabits, cut in red or blue cloth. And officers relieving any not having ſuch badge, ſhall forfeit 20s.

And whereas ſome doubts have ariſen touching the ſettlement of unmarried perſons, not having child or children, lawfully hired into any pariſh

or town for one year; it is declared and enacted, that no ſuch perſon ſo hired as aforeſaid, ſhall be adjudged to have a good ſettlement, unleſs he ſhall continue and abide in the ſame ſervice during the ſpace of one whole year.

And where any poor children ſhall be appointed to be bound apprentices purſuant to the act of the 43 El. the perſons to whom they are appointed ſhall receive and provide for them; on pain of forfeiting 10l.

By the 9 & 10 W. c. 11. Whereas ſome doubts have ariſen, by what acts a perſon coming to inhabit under a certificate as mentioned in the ſtatute aforegoing may obtain a ſettlement; it is declared, that no perſon coming into any pariſh by ſuch certificate, ſhall be adjudged to have procured a legal ſettlement therein, unleſs he ſhall really and bona fide take a leaſe of a tenement of 10l a year; or execute ſome annual office in ſuch pariſh, being legally placed in ſuch office.

By the 12 An. ſt. 1. c. 18. Whereas perſons bringing certificates frequently take apprentices bound by indenture, and hire and keep ſervants by the year, who thereby gain ſettlements, and become a great burden to the reſpective pariſhes or places; tho' their maſters coming with certificates, have no ſettlements there: it is enacted, that if any perſon ſhall be an apprentice by indenture, or a hired ſervant, to any perſon reſiding under a certificate, ſuch apprenticeſhip or ſervice ſhall not gain a ſettlement.

By

By the 5 G. c. 8. Where parents run away, and leave their wives and children upon the charge of the parish; the churchwardens and overseers, by order of the justices, may seize their effects.

By the 9 G. c. 7. Whereas persons apply to the justices, without the knowledge of the parish officers, and thereby upon untrue suggestions, and sometimes upon false or frivolous pretences, have obtained relief; which hath greatly contributed to the increase of the parish rates: it is enacted, that no justice shall order relief to any poor person, without oath made of the cause; and that such person had applied for, and been refused relief; and until the overseers have been summoned to shew cause. And such person, to whom relief is ordered, shall be entred in the parish book. And the officers shall not bring to the account of the parish, any money given to any poor persons not registred.

And for the greater ease of parishes in the relief of the poor, the overseers may purchase or hire houses in their own parish, and contract with any person for the lodging, keeping, and employing their poor. And where any parish or township shall be too small to purchase or hire such house for the poor of their own parish only; two or more may join. And the overseers, where such house shall be hired or purchased, may, by agreement, take-in the poor of any other parish or place.

And no person shall gain a settlement by virtue of any *purchase* of an estate, whereof the consi-

deration doth not amount to the ſum of 30 l bona fide paid, for any further time than he ſhall inhabit in ſuch eſtate.

By the 12 G. 2. c. 29. The charges of relieving poor priſoners in the common gaol, in the king's bench and marſhalſea priſons, and in the houſes of correction, which before were raiſed by ſeparate collections, are put into the general county rate.

By the 17 G. 2. c. 3. Whereas great inconveniences ariſe, by reaſon of the unlimited power of the overſeers, who frequently on frivolous pretences, and for private ends, make unjuſt and illegal rates, in a ſecret and clandeſtine manner, contrary to the true intent of the ſtatute of the 43 El. For remedy whereof, and preventing the like abuſes for the future, it is enacted, that the overſeers ſhall give notice in the church, of every poor rate allowed by the juſtices, the next ſunday after ſuch allowance; and no rate ſhall be allowed ſufficient, ſo as to collect the ſame, unleſs ſuch notice have been given. And they ſhall permit any of the inhabitants to inſpect the ſame, paying one ſhilling; and give copies, on paying at the rate of 6d for every 24 names.

By the 17 G. 2. c. 38. Whereas by reaſon of ſome defects in the act of the 43 El. the rate for relief of the poor is liable to be miſapplied; it is enacted, that the overſeers ſhall yearly, within 14 days after new ones ſhall be appointed, deliver to their ſucceſſors, a true account, to be entred in a book, and ſigned by them, of all ſums by

by them received, or rated and aſſeſſed and not received; and of all materials in their hands, or in the hands of any of the poor to be wrought; and of all ſums paid by them; and of all other things concerning their office; and the ſame to be verified by them upon oath before a juſtice; and ſhall deliver over the money and materials in their hands: on pain of being committed to gaol by two juſtices, till they ſhall make ſuch account and delivery.

By the 2 G. 3. c. 22. Whereas the keeping regular, uniform, and annual regiſters, of all pariſh poor infants under four years of age, within the bills of mortality, may be a means of preſerving the lives of ſuch infants; it is enacted, that the churchwardens and overſeers, within the ſaid limits, ſhall keep books, and enter therein, all infants under the age of four years, who ſhall be brought to any workhouſe, hoſpital-houſe, or other houſe or place provided for the maintenance of the poor within the reſpective pariſhes, with all circumſtances relating to them; the ſame to be renewed and continued yearly: and laid before the veſtry, or other pariſh meetings, every month, to be inſpected by them.

[There are many other regulations, in ſeveral acts of parliament, relating to removals, appeals, certificates, and ſuch like; which, not falling within the general deſign of this collection, are, for brevity ſake, omitted.]

CHAPTER THE FIFTH.

Obſervations on the aforeſaid ſtatutes.

AND thus, having inveſtigated the riſe and progreſs of the laws, ſo far as they relate to our preſent purpoſe; it may be permitted, by way of relaxation and amuſement, to indulge in certain obſervations from thence, affording matter of curioſity, rather than of real uſe. After which, we ſhall proceed to inquiries of more important conſideration.

I. AND the firſt thing clearly obſervable from what hath been laid down, is this: *That the ſtatute of the* 43 Eliz. *was not the firſt compulſive law for maintenance of the poor.* It hath been generally ſuppoſed, that the ſaid ſtatute eſtabliſhed an intirely new plan. And from the known abilities of *Cecil* and *Walſingham* and other great men of that age, arguments have been framed in favour of the excellence of that ſcheme, and of the difficulty of amending the ſame, or propoſing a better. It is confeſſedly difficult ſo to do; as appears, in that the wiſdom and experience of ſucceeding ages, for near 200 years, have not been able to effect it. But the matter lies ſtill deeper: For that ſtatute was not a ſudden unpremeditated project of queen Elizabeth's miniſters, but had been the work of ages before, dictated by neceſſity and experience.

And

And it is curious to obſerve the progreſs, by what natural ſteps and advances the compulſory maintenance became eſtabliſhed. Firſt, the poor were reſtrained from begging at large, and were confined to beg within certain diſtricts. Next, the ſeveral hundreds, towns corporate, pariſhes, hamlets, or other like diviſions, were required to ſuſtain them with ſuch charitable and voluntary alms, as that none of them of neceſſity might be compelled to go openly in begging. And the churchwardens, or other ſubſtantial inhabitants, were to make collections for them, with boxes on ſundays, and otherwiſe by their diſcretions. And the miniſter was to take all opportunities to exhort and ſtir up the people to be liberal and bountiful. Next, houſes were to be provided for them by the devotion of good people, and materials to ſet them on ſuch work as they were able to perform. Then, the miniſter, after the goſpel every ſunday, was ſpecially to exhort the pariſhioners to a liberal contribution. Next, the collectors for the poor, on a certain ſunday in every year, immediately after divine ſervice, were to take down in writing, what every perſon was willing to give weekly for the enſuing year; and if any ſhould be obſtinate and refuſe to give, the miniſter was gently to exhort him; if ſtill he refuſed, the miniſter was to certify ſuch refuſal to the biſhop of the dioceſe, and the biſhop was to ſend for and exhort him in like manner: If he ſtood out againſt the biſhop's exhortation; then the biſhop was to certify the ſame to the juſtices in ſeſſions, and bind him over to appear there: And the juſtices, at the ſaid ſeſſions, were again gently to move

and perſuade him; and, finally, if he would not be perſuaded, then they were to aſſeſs him what they thought reaſonable towards the relief of the poor. And this brought on the general aſſeſſment in the fourteenth year of queen Elizabeth.

II. The next thing obſervable is, another vulgar error, affirming, *That the poor, during the times of popery, were maintained chiefly by the* RELIGIOUS HOUSES. Their hoſpitality was to the rich. They were great inns. They entertained thoſe bountifully, who could be bountiful to them again. The poor received ſcraps at their gates, and other donations ſometimes; but this was not the chief proviſion for the poor, even in thoſe days.

III. Another thing very remarkable is, *that almoſt every propoſal which hath been made for the reformation of the poor laws, hath been tried in former ages, and found ineffectual:* As will appear, when thoſe ſeveral propoſals come to be conſidered.

IV. Another thing obſervable is, the antiquity of SETTLEMENTS. It hath been often affirmed, that there was no law concerning ſettlements till the ſtatute of the 13 & 14 *C.* 2. But this notion, it appears, is not grounded upon fact. And the progreſs thereof was as follows: Firſt, the poor were to *abide in the cities and towns where they then were*; if thoſe cities or towns could not or would not maintain them, then they were to draw themſelves to other towns *within*

the hundred, or to the towns *where they were born*; next, they were to abide in the hundred *where they laſt dwelt*, or were *beſt known*, or were *born*; then, in the place where they were *born*, or made their laſt abode *by the ſpace of three years*, or (as it is otherwiſe expreſſed) where they were *moſt converſant*, or *had their abiding for the moſt part*, within the ſaid three years. And this continued for a long time. In the reign of king James the firſt, they were to be ſent to the place where they laſt dwelt by the ſpace of *one* year; and if that could not be known, then to the place of their *birth*. Finally, by the 13 & 14 *C.* 2. *c.* 12. the place of a perſon's ſettlement was to be, where he laſt dwelt for the ſpace of *forty days*, either as a native, houſholder, ſojourner, apprentice, or ſervant.

So that there appear to have been two kinds of ſettlements almoſt all along; by birth, or by inhabitancy. Birth was the firſt ſettlement; for they could not obtain another till they had inhabited for a certain time, at firſt for three years, then for one year, and laſt of all for forty days.

And this confutes certain *dicta* of learned men; affirming, that the firſt day a man came to any place he was a ſtranger, the ſecond a ſojourner, and the third an inhabitant: Whereas it would have been much nearer the truth, inſtead of the third *day*, to have ſaid the third *year*.

The ſtatutes concerning ſettlements, ſubſequent to the 13 & 14 *C.* 2. are all reſtrictive of the method eſtabliſhed thereby, of obtaining ſettlements by inhabitancy of forty days. Which eaſy method of acquiring ſettlements, appears

to have been introductory of many frauds. And therefore it became neceſſary to ordain, that the ſaid forty days ſhould be reckoned, not from the time of coming into a pariſh, but from the delivering notice thereof in writing; and after that, from the time of publication of ſuch notice in the church. And hence proceeded the other reſtrictions about certificate perſons, ſervants, apprentices, and ſuch like. From all which it follows, that the ſtatute of *C.* 2. jumped too far at once, namely, from one whole year to forty days: Which hath been the occaſion of much wrangling and contention.

And as the particularities about ſettlements have by degrees become more and more minute; ſo have the places or diſtricts, within which the ſettlement was to be. As, firſt, within the city, town (corporate), or hundred; next, within the pariſh; and laſt of all, the hamlet or vill. Which hath been another cauſe of multiplying controverſies. For where the diſpute is between two pariſhes or townſhips, there may be no queſtion at all perhaps, but the ſettlement is within the hundred.

V. Hereby alſo another common notion is refuted, concerning REMOVALS. It hath been generally underſtood, that removals were firſt ordained by the 13 & 14 *C.* 2. and that the removals which had been from the forty third of Elizabeth to that time, were only by I do not know what *conſtruction of law.* We ſee, the poor were firſt required to remove themſelves, they were to *go, reſt, and abide*; then a *penalty* was ordained if they did not, they were to be

puniſhed

puniſhed as vagabonds; then, they were to be *ſworn* to go; and in Edward the ſixth's time, they were to be *conveyed*.

VI. Another thing ariſing on the conſtruction of the aforeſaid ſtatutes, is concerning BASTARD children.—As to the clauſe of the 18 *Eliz. c.* 3. which expreſſes, that the ſaid children were left to be kept *at the charge of the pariſh where they were born*; this is clearly explained by what hath been obſerved: for that was then their ſettlement; and they could have no other, until they ſhould have reſided ſomewhere for three years.

Alſo, the much litigated point, whether the ſeſſions can proceed originally in the caſe of baſtardy, will hereby receive a clear ſolution. The 18 *Eliz. c.* 3. was only explanatory of, and ſupplementary to, the 14 *Eliz. c.* 5. which ſtatutes taken together enact (amongſt other) theſe four things: 1. That the juſtices within the ſeveral counties, and alſo the juſtices within cities, boroughs, and towns corporate, within their reſpective limits, ſhall take order by a weekly taxation of all and every the inhabitants for relief of the poor. 2. That in eaſe of the ſeveral pariſhes, with reſpect to baſtard children, two juſtices in or next unto the limits where the pariſh church is, within which pariſh ſuch baſtard ſhall be born, ſhall take order for the keeping ſuch baſtard child, by charging the mother or reputed father, with payment of money weekly, or other ſuſtentation for the relief of ſuch child. 3. That if any perſon is aggrieved with any ſuch taxation, he may appeal to the next general ſeſſions to be holden within the ſhire. 4. With a proviſo, that

that the county juſtices ſhall not intromit, or enter into any city, borough, or town corporate, having juſtices of its own, for the execution hereof, for any matter or cauſe ariſing within the precincts of ſuch city, borough, or town corporate; but the juſtices there ſhall proceed, as the juſtices elſewhere may do within the reſpective counties.——Now both the ſaid ſtatutes were ſuffered to expire, except only ſo much as is contained in the ſecond particular abovementioned, rendring the mother and reputed father of baſtard children liable to maintain them, which is yet in force. Therefore the clauſe of appealing, and the power of juſtices in corporations, was gone. Upon which account, the ſtatute of the 3 *C. c.* 4. which continued the aforeſaid ſecond clauſe concerning baſtard children, enacteth, that *all juſtices of the peace within their ſeveral limits and precincts, and in their ſeveral ſeſſions, may do and execute all things concerning that part of the ſtatute of the* 18 *Eliz. c.* 3. *which concerneth baſtards begotten and born out of lawful matrimony, that by juſtices in the ſeveral counties are by the ſaid ſtatute limited to be done.* —— So that the power of proceeding originally in the ſeſſions cannot hereby be ſupported; but the juſtices, whether of the counties at large, or of towns corporate or other franchiſes, out of their ſeſſions, are to charge the mother and reputed father; and if any perſon is aggrieved, he may appeal to the ſeſſions: juſt in the ſame manner, as if the aboveſaid four clauſes were all ſtill in force.

VII. The

VII. The next thing that occurs, is concerning the ſubdividing of pariſhes into *townſhips* or *villages*, by the ſtatute of the 13 & 14 *C.* 2. There is an inconvenience in this, as it goes out of the way of all the former ſtatutes. The *churchwardens* are joint overſeers of the poor, with the others ſpecially appointed. They are to meet in the church on ſundays, to conſider of proper courſes to be taken in the execution of their office. Collections are made in the church at the offertory, for relief of the poor. And the whole buſineſs all along proceeded as a parochial concern, under the ſpecial direction of the miniſter and churchwardens. Now the head of a townſhip or village is the conſtable; and there are many townſhips in a pariſh wherein there is no churchwarden. And in that caſe, it was found neceſſary, by the 17 *G.* 2. *c.* 38. to enact, that in townſhips or other places where there are no churchwardens, the overſeers alone may act. But if we look back ſo far as the ſtatute of the 5 *Eliz. c.* 3. we ſhall find a much more appoſite diviſion, into *chapelries*; for that would ſtill keep the matter in the eccleſiaſtical courſe, of chapelwardens and overſeers. The clauſe is this: "Provided always, that the curate, miniſter, or "reader, together with the warden, of every "chapel of eaſe, and alſo the collectors, and all "other to whom it ſhall appertain by virtue of "this act, ſhall do and be liable in all reſpects "with regard to the relief of the poor, in like "manner as the vicar, curate, churchwardens, "and collectors of every pariſh ought to do; "and not be compellable to reſort to their pariſh

"church

" church, for the ſame only purpoſe." —— From hence it may ſeem, that upon the enacting of a new law, the makers thereof ſometimes only look up to the ſtatute immediately before, and do not inveſtigate the whole progreſs of the law in that particular.

VIII. Hence we may underſtand, what is meant by the uſual clauſe in the preſent poor laws, by the juſtices of the DIVISION.—By the 22 *H.* 8. *c.* 12. the juſtices, for the better execution of the laws relating to the poor, were to *ſubdivide* themſelves, and to take order reſpectively, within their proper *diviſions*. — So, *removals* are to be made, by warrant of two juſtices of the *diviſion*, where any perſon that is likely to be chargeable to the pariſh ſhall come to inhabit. — The *overſeers* are to be appointed by two juſtices dwelling *in or near* the pariſh; that is, for the ſake of convenience, and as they are ſuppoſed beſt to know the characters and circumſtances of perſons within their own neighbourhood.— Orders of *baſtardy* are to be made, by two juſtices *in or next unto the limits where the pariſh church is, within which pariſh the baſtard ſhall be born*; by which deſignation, and meaſuring (as it were) from the pariſh church, it ſeemeth that no other juſtices can in that caſe intermeddle.

IX. Hence we may obſerve alſo, the origin of the law, as it ſtands at this day, for making the *hundred* contributory, in caſe of the inſufficiency of any of the pariſhes within the ſame hundred. The hundred was the original place of ſettlement, to which the poor were to reſort.

There

There they were to abide, *without begging out of the hundred.* The overplus of the collections of wealthy pariſhes, was to be diſtributed, in aid of other poor pariſhes *within the hundred.* The poor were to be licenſed to beg *within one hundred or more* in the ſame county. And, finally, if the juſtices ſhould perceive, that the inhabitants of any pariſh were not able to make ſufficient proviſion within themſelves; they were to aſſeſs any other of other pariſhes, or out of any pariſh *within the hundred*, in aid of ſuch poor pariſh: And if the hundred ſhould not be thought ſufficient; the juſtices in ſeſſions were to aſſeſs any other of other pariſhes, or out of any pariſh within the *county.* And ſo it ſtill continues.

So that the ſubdiviſion of the juſtices ſeems to reſolve it ſelf into the reſpective hundreds. And where the matter went out of the hundred, it was to be ordered by the juſtices of the county at large, in their general or quarter ſeſſions.

In cities, boroughs, and towns corporate, in like manner, the ſeveral pariſhes were to be aiding and aſſiſting each other, under the direction of their own proper juſtices.

X. Another thing obſervable is, the progreſs of the office of OVERSEER OF THE POOR.—The *churchwardens* were the firſt and original overſeers; and they continue overſeers ſtill; the churchwardens being, *eo nomine*, by act of parliament, overſeers of the poor. For the management of the poor was at firſt ſolely an eccleſiaſtical matter, and the ſame continues ſtill connected in ſome degree with eccleſiaſtical af-

fairs.——In aid of the churchwardens, *collectors* for the poor were next appointed; who were accountable to the churchwardens and other principal inhabitants, for the alms collected by them. ——Next, beſides the *collectors*, was appointed alſo an *overſeer*. The buſineſs of the collectors ſeems to have been principally to collect; and of the overſeer, to diſtribute: the one, to perform the laborious taſk; and the other, as ſuppoſed of ſuperior judgment, to direct. This was, by the ſtatute of the 14 *Eliz.* And then ſeems to have come in the clauſe in charity briefs, which is yet not altered; whereby the briefs are directed *to the collectors for the poor and their overſeers.*—Next, the offices were conjoined, under the general appellation of *collectors and governors of the poor*.——Next, the churchwardens and four ſubſtantial houſholders, being *ſubſidy men*, and for want of ſubſidy men, four other *ſubſtantial houſholders*, were to be overſeers of the poor.——Laſt of all, it became ſettled, that the churchwardens, and four, three, or two *ſubſtantial houſholders*, having reſpect to the greatneſs of the pariſh, ſhall be overſeers of the poor.

Reſtricting the number, by the laſt act, probably was, for the ſake of convenience; that more ſhould not be troubled, where fewer could do the buſineſs. Which alſo might be the reaſon of joining the two offices of *collectors* for the poor and their *overſeers*, in one perſon; and that fit perſons might be choſen, it is therefore required, that they ſhall be ſubſtantial houſholders.

XI. It

XI. It is curious alſo to obſerve the hiſtory of BEGGING. —— By the 23 Ed. 3. *None, under the colour of pity or alms, was to give any thing to ſuch as might labour; upon pain of impriſonment.*

By the 19 H. 7. c. 12. No perſons were to *beg out of their own city, town, hundred, or place.*

By the 22 H. 8. c. 12. The juſtices, under the common ſeal of the diviſion, might licenſe perſons to *beg, within ſuch hundred, city, town, pariſh, or other limits as they ſhould appoint; if they exceeded their limits, they were to be ſet in the ſtocks, and ſworn to return.* And vagrants, after having been puniſhed, were to have a paſs limiting the time within which they were to go to their ſettlement; within which time they might *lawfully beg by the way.* And perſons delivered out of gaol, had liberty to *beg for their fees, by licence of their keeper for ſix weeks, and by letter from the clerk of the peace.*

By the 27 H. 8. c. 25. Two or three times in every week, certain of the poor people in every pariſh, within cities and towns corporate, by the aſſignment of the mayor, governor, or conſtable, were to *collect broken meats and fragments, and the reffuſe drink of every houſholder,* to be diſtributed evenly among the poor people. ——And for the avoiding of all ſuch inconveniences and infections, as oftentimes chance by common and open *doles*; no perſon was to make any ſuch common or open dole, on pain to forfeit ten times as much.

By the 1 Ed. 6. c. 3. *Leprous* and bedred people might remain in the houſes appointed for ſuch perſons, and not be compelled to repair to their ſettlements; and might for their better relief, appoint their *proctors*, *to gather alms* within four miles diſtance from any of the ſaid houſes.

By the 5 & 6 Ed. 6. c. 21. No *pedlar*, *tinker*, or *petty chapman*, was to go out of the place where he dwelt, and exerciſe ſuch buſineſs; but only ſuch as were *licenſed by two juſtices*, within ſuch circuit, as they ſhould aſſign.

By the 2 & 3 P. & M. Perſons *licenſed to beg*, were to wear upon the breaſt and back of their outermoſt garment, ſome notable *badge* or token, to be aſſigned by the juſtices.

By the 14 Eliz. c. 5. Perſons delivered out of *gaols*, might *beg for their fees*, with licence of two juſtices.

By the 39 Eliz. c. 3. No perſon whatſoever was to go wandring abroad and beg, by licence, or without. Provided, that perſons might *aſk relief of victuals only*, *in the pariſh where they dwelt*. And except ſoldiers and ſeafaring men, with proper teſtimonials.

Finally, by the 17 G. 2. c. 5. Perſons *begging within their own pariſh*, are to be deemed idle and diſorderly perſons, and ſent to the houſe of correction.

—— The *firſt* thing here obſervable is, that except in the very firſt of theſe acts, in Edward the third's time, there is no adequate penalty on perſons giving any thing to beggars; and the reaſon was, becauſe begging was not prohibited, but on the contrary was permitted, encouraged, and injoined in certain caſes.

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In the *next* place, we may obſerve the foundation of that pernicious practice, the law whereof hath been long ſince aboliſhed, the cauſe having ceaſed by the introduction of the compulſory maintenance,—of peſtering the kingdom with itinerant *paſſes*. "Permit ſuch a one to paſs to "ſuch a place, and relieve him with neceſſaries "as to you ſhall ſeem meet." Of which there are printed forms in almoſt every corporation; and every tradeſman or handicraftſman that has the honour to be advanced to the mayoralty, is proud of letting the world know it, by ſubſcribing his name to them. Of theſe, the forms are fetched out of ſome old books, which in their day were right and proper. Or they are brought down by tradition, without conſulting any books at all, or knowing in any reaſonable degree what is the law of the kingdom. I have ſeen a *tinker*'s licence, ſolemnly ſigned and ſealed by juſtices of the peace, founded upon an act of parliament repealed above a hundred and fifty years before.——The validity of theſe paſſports is no more than this: An act of parliament ſays, ſuch a perſon ſhall be taken up as a rogue and vagabond. A juſtice of the peace ſays, Permit him to paſs: That is, with a non-obſtante to the ſaid act of parliament. Kings have been ſometimes cenſured for ſetting themſelves above the law; but juſtices of the peace have been ſuffered to paſs unnoticed.——But theſe are not the only things that deceive the multitude. The very ſhadows of them, forged and counterfeit paſſes, will nonplus a petty conſtable, and raiſe contributions throughout a whole county; eſpecially when authenticated (an't pleaſe you) by ſome

neighbouring juſtice. It is ſurpriſing, with what order and regularity this trade of ſtrolling is carried on amongſt that ſort of people. They ſubdivide themſelves (which is a ſhadow of the ancient legal method by the juſtices) into diſtricts; and appear conſtantly in their departments at the ſtated ſeaſons. They meet at all great fairs. They know one another's haunts and lodging places. There they receive and give intelligence, and thereby keep up a correſpondence. They know, in the whole country, who will be gull'd by them; who will ſtrip themſelves half naked, to ſupply the place of that cloathing, which they left perhaps under the laſt hedge. They know likewiſe, who will cauſe them to be puniſhed and conveyed to their place of ſettlement, and therefore never come near ſuch perſons; for this diſconcerts their whole plan of operations, and makes them falſify (poor creatures) their parole of honour, of being at the place of deſtination at the time appointed.

Another inſtance of adhering to ancient forms, is, a practice which continues yet in ſome corporations, of the head officers appointing ſuch and ſuch perſons to beg on certain days weekly within their limits; in purſuance (as it ſeemeth) of the above ſtatute of the 27 H. 8. As if they intended to guard againſt that trite opprobrium of the uncertainty of the law, by being conſtant to themſelves; and if the law will alter, it ſhall not be their fault.

What is above expreſſed, concerning the houſes of *lepers*, ſeems to indicate, that that diſtemper which is ſo often mentioned in the old and new teſtament, is not limited to times

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and places, but prevails more in ſome ages, and in ſome countries, than in others. It may be conſidered, whether the change of food (as that is almoſt as variable as cloathing) may cauſe the alteration. The *Jews* were tied down by their religion, more than any other nation, to the ſame kinds of food; in which caſe, diſeaſes amongſt them perhaps might be more uniform.

Badging of the poor, we ſee, is much more ancient than the ſtatute of the 8 & 9 *W.* The notion of it ſeems to have ſprung from the aforeſaid military inſtitution; when the great lords diſtinguiſhed their followers with peculiar enſigns and tokens. Which practice is in ſome ſort preſerved ſtill in ſome counties; where the ſheriff attends the judges of aſſize in their circuit, with as large a number as he can procure. This is purely feudal.

Why the clauſe againſt common and open *doles* ſhould not be revived, perhaps no ſufficient cauſe can be aſſigned. This practice ſtill prevails in the country, particularly at funerals. It was founded in ſuperſtition; as much as to ſay, that the giving of thoſe alms would haſten the ſoul out of purgatory. A funeral in the country is a kind of fair for beggars; promotes their correſpondence; encourages idleneſs, for many a perſon will travel three or four miles upon ſuch an occaſion for two pence, that could have earned ſixpence in the time in a lawful occupation; and ſpreads contagion, as in caſe of the ſmall pox, or other infectious diſtemper.

XII. It is affecting to humanity, to obſerve the various methods that have been invented, for the *puniſhment* of vagrants; none of all which wrought the deſired effect. — It hath been ſaid, that a good law will execute it ſelf. Certainly, this nation hath very great need of ſuch laws; which would diminiſh the force of that reflection which hath been caſt upon us, that we have the beſt laws, and the worſt executed, of any civilized country. This part of our hiſtory looks like the hiſtory of the ſavages in America. Almoſt all ſeverities have been exerciſed againſt vagrants, except ſcalping. The truth is, the laws againſt vagrants began, in the turbulent times of the great barons; whoſe attendants, when out of their ſervice and livery, were no better than outlaws. And as one ſeverity fell ſhort, it ſeemed naturally to follow, that a greater was neceſſary.—— They were to be bound to the *good behaviour*; and for want of ſureties (which often would be the caſe) were to be ſent to gaol.—Then they were to be put in the *ſtocks*, and kept there till they found ſureties to return to their place of ſettlement.—Then they were to be ſet in the ſtocks *for three days and three nights, and to have no other ſuſtenance but bread and water.*—But this being ſo ſevere, that perſons would not apprehend them, therefore it was mitigated to *one day and one night.*—Then they were to be carried to ſome market town or other place, and there to be *beaten with whips till their bodies were bloody*: For a ſecond offence; to be *whipped*, and put upon the *pillory*, and have *one ear cut off*: For the third offence; to be *whipped*, put upon the *pillory*, and have the *other*

ear

ear cut off.—Next, they were to be *whipped*, and to have the *upper part of the griſtle of the right ear clean cut off:* For the ſecond offence; to be guilty of *felony* (but within clergy).—Then they were to be *marked with a hot iron in the breaſt with the letter* V, *and adjudged to be ſlaves to the perſon apprehending them, giving them only bread and water, and ſuch reffuſe of meat and drink as he ſhould think fit; and cauſing them to work by beating, chaining, or otherwiſe, in ſuch work and labour (how vile ſoever) as he ſhould put them unto:* If they ran away; they were to be *marked on the forehead, or ball of the cheek, with the letter* S, *and adjudged to be the ſaid maſter's ſlaves for ever:* If they again ran away; they were to be adjudged guilty of *felony*. And they might be ſold, or deviſed by will, as other goods and chattels.—Next, they were to be *grievouſly whipped, and burnt thro' the griſtle of the right ear with a hot iron of the compaſs of an inch about*; for the ſecond offence, to be guilty of *felony*; and for the third offence, *felony without benefit of clergy.*—Then, they were to be *ſtripped naked from the middle upwards, and openly whipped till their bodies were bloody*; or might be ſent to *gaol*; or *baniſhed out of the realm*; or otherwiſe *adjudged perpetually to the gallies of this realm.*—Then, they were to be *branded in the left ſhoulder with a hot iron of the breadth of a ſhilling with the letter* R, *ſo as that the letter might be ſeen and remain for a perpetual mark on them during life.*—After that, by the 12 An. they were to be *publickly whipt*; or elſe *ſent to the houſe of correction, and there whipt and kept to hard labour:* or the juſtices in ſeſſions might *tranſport* them.——And finally, by the 17 G. 2. c. 5. they are to be *publickly whipt*,

or ſent to the *houſe of correction*, or ſent into his *majeſty's ſervice by ſea or land*, or *tranſported*.

From all which premiſſes, the obvious concluſion ſeems to be, that puniſhment alone is not ſufficient. Therefore the remedy muſt be ſought elſewhere.

Whipping, we may obſerve, in the vagrant acts of late years, is only ſpecified thus — *to be publickly whipped*: The form and manner of it ſeeming to be left to the diſcretion of the magiſtrate. But this diſcretion ſeemeth beſt directed by the more explicit proviſions of former laws; — as, by the 39 El. c. 4. *to be ſtripped naked from the middle upwards, and be openly whipped till his body be bloody*; — more anciently, by the 22 H. 8. c. 12. *to be carried to ſome market town or other place, and there to be tied to the end of a cart naked, and be beaten with whips throughout ſuch market town or other place, till his body be bloody by reaſon of ſuch whipping*. —— Hence we may obſerve the origin of the common expreſſion, that ſuch a perſon deſerves to be *carted*, or to be *tied to the end of a cart*, and ſuch like.

Here alſo it is apparent, that the notion of *ſlavery* was not unknown to our laws, ſo early as the reign of king Edward the ſixth; which was before we had any colonies in America. And there ſeems to have been no queſtion in thoſe days, whether a chriſtian man might be made a ſlave.

XIII. The method of *conveying* vagrants, hath been likewiſe various. — Firſt, they were to be put in the ſtocks, till they found ſurety to *return*

of

of themſelves. — Then, they were to be *ſworn to return*, and to have a paſs given to them, ſpecifying their puniſhment, the place to which they were to go, and in what time; and in every place where they exceeded the limits of their paſs, they were to be again taken and whipped. —And at the end of every ten miles, they were to repair to the next conſtable in their way; who, on ſight of the paſs, was to furniſh them with meat, drink, and lodging, for one night only, or for one meal. — Next, they were to be delivered to the conſtable where they were taken, and by him be delivered to the next conſtable; and ſo *from conſtable to conſtable*, till they came to the place to which they were to be ſent. — Then they were to be ſent *from pariſh to pariſh*. —Then *from county to county*.—Then *from houſe of correction to houſe of correction*.— Then again, finally, *from county to county*.

Here wants no new method to be invented for the manner of conveying.—By changing ſo often in the manner of puniſhment, and of conveying, it appears that they found ſomething was ſtill wrong. But they did not hit upon what was right.

XIV. With reſpect to SOLDIERS diſbanded, or SEAMEN landing from ſea or having been ſhipwrecked; we may obſerve, the proviſion for their return home by paſſes, and licence to beg by the way, is of very early date. And this was very agreeable to the practice of thoſe times, when the poor were ſubſiſted ſolely by voluntary alms. And theſe proviſions have been continued from time to time, in relation to ſoldiers and

ſeamen,

ſeamen, whilſt the laws concerning the other poor have been totally altered. Which hath opened wide the door, to one of the worſt ſorts of common begging.

The ſtatute abovementioned of the 39 Eliz. c. 17. making impoſtors in this kind felons without benefit of clergy, ſeems (in practice at leaſt) to be underſtood as repealed, or expired, or (however) obſolete; altho' undoubtedly it is yet in force.

And here, by the way, a key is offered, to explain a palpable inaccuracy or miſtake in the ſaid ſtatute of the 39 Eliz. c. 17. which ſays, "if any ſoldier or mariner coming from the ſeas, "ſhall not at the time of his landing, or in his "travel to the place whereunto he is to repair, "going the direct way, he may reſort to a ju- "ſtice, and make known to him his poverty; "which juſtice may licenſe him to paſs the next "direct way to the place where he is to repair, "limiting to him ſo much time only as ſhall "be neceſſary for his travel thither; and in ſuch "caſe, purſuing the form of his licence, he "may for his neceſſary relief in his travel, aſk "and take the relief, that any perſon ſhall wil- "lingly give him". There is no other clauſe in any act of parliament now in force, whereby juſtices of the peace have power to licenſe any perſons to beg; and this here is plainly deficient and imperfect in the ſenſe. In order to rectify it, and to ſhew what the act really meant, the propereſt method is to have recourſe to former ſtatutes where the like clauſe was inſerted. And there we ſhall find, that the ſentence originally did run thus: "If any ſoldier or mariner,

"coming

" coming from the ſeas, ſhall not at the time " of his landing, or in his travel to the place " whereunto he is to repair, going the direct " way, *have wherewith to relieve himſelf in his* " *travels homewards*, he may repair to a juſtice", and ſo on.

XV. The vagrant acts of late years have diſtinguiſhed the offenders into three kinds; *idle and diſorderly perſons*, *rogues and vagabonds*, and *incorrigible rogues*; and have particularly defined each of theſe different ſorts. In the former acts, the deſcriptions were more general; and conſequently, more latitude was given to the diſcretion of the juſtices. With reſpect to *idle and diſorderly perſons*, it was thus variouſly enacted: — The conſtables ſhall apprehend *idle perſons living ſuſpiciouſly*.——If any perſon, able to labour, be vagrant, and *can give no reckoning how he lawfully gets his living*; the conſtable ſhall apprehend him, and bring him to a juſtice.—— And by an ordinance of Cromwell, in the year 1656; Whereas divers *lewd and diſſolute perſons*, *live at very high rates and great expences*, *having no viſible eſtate*, *profeſſion*, *or calling*, *agreeable thereunto*, to maintain themſelves in their licentious, looſe, and ungodly practices; and do make it their trade and livelihood to cheat, cozen, and deceive; it is enacted, that a juſtice of the peace ſhall have power to ſend for them, and require of them ſufficient ſureties, as well for their appearance at the next ſeſſions, as for their good abearing.

And

And in almoſt all the books concerning the office of a juſtice of the peace, offenders of this denomination are ſet forth as perſons who may be bound to the good behaviour; and there are precedents of commitments to the houſe of correction of perſons deſcribed in this looſe manner; as if all theſe ancient ſtatutes, and even that ordinance of Cromwell, were ſtill in force. For where precedents once get into any edition of a book, they ſeldom get out again, let the law alter as it may.—Therefore juſtices of the peace will do well to be cautious, and diſtinguiſh in all ſuch like caſes, between what the law once was, and what the law now is.

XVI. Minstrels ſeem to have been of ancient merry account, agreeable to the ſocial and chearful ſpirit of the Engliſh nation. In one of the ſumptuary laws of Edward the fourth, reſtraining exceſs in apparel, minſtrels are ſpecially excepted. By the 14 *El. c.* 5. all common players in interludes, and minſtrels, not belonging to any baron of this realm or perſon of greater degree, wandring abroad, and not having licence of two juſtices, were to be deemed rogues and vagabonds: Provided, that this ſhould not prejudice any right or privilege of John Dutton of Dutton in the county of Cheſter, eſquire, his heirs or aſſigns.

The ſtory of Dutton is well known; claiming by grant a power to licenſe minſtrels within the county, and city of the county, of Cheſter. And this, we ſee, was agreeable to the power which the barons and great men had in general, of retaining minſtrels in their houſholds; or two

juſtices

juſtices might licenſe them to wander abroad. In the ſubſequent ſtatutes, this licenſing by juſtices was left out. And afterwards, as the puritanical ſpirit prevailed, open war ſeems to have been proclaimed againſt all muſick and merry meetings. Till at laſt, by one of Cromwell's ordinances in the year 1656, it was enacted, that if any perſon or perſons, commonly called fidlers or minſtrels, ſhall be taken playing, fidling, and making muſick, in any inn, alehouſe, or tavern; or ſhall be taken proffering themſelves, or deſiring, or intreating any perſons to hear them to play or make muſick in any the places aforeſaid; every ſuch perſon ſhall be adjudged a rogue, vagabond, and ſturdy beggar.——They would cut throats; but could not bear the ſin of merriment.

XVII. It is amuſing to obſerve, in the aforegoing ancient ſtatutes, certain *quaint expreſſions*, as they appear to us now, indicating, that what the language of the age of Edward the third is to us at this time, ours will appear to poſterity three or four hundred years hence.

In the rating of wages, it is ſet forth, how much by the day ſhall be taken by *tilers, and other coverers of fern and ſtraw, and their* "*knaves*".——The Saxon *knapa*, or *knafa*, ſignifies a *ſervant*. And the thatchers to this day have an inſtrument that holds their ſtraw, which they call a *knape*. What is obſervable here is, the generous notions entertained by our anceſtors, with reſpect to an action baſe and ignoble. They would not ſuppoſe it to belong to a freeman, but appropriated it to the inferior rank of

people. A *knaviſh* action was ſuch, as was fit only for one of the meaner ſervants. A *villain* was a degree lower than the thatcher's ſervant; for he was the drudge of his lord, not even ſuſceptible of property in many caſes, but was himſelf of the goods and chattels of his maſter. Therefore an offence, accompanied with extraordinary aggravation, was termed *villainous*. As much as to ſay, iniquity degrades a man, and ranks him among the vulgar.—So a man who was devoid of *courage*, and conſequently unfit for the military profeſſion, was denominated a *cow-herd* (for that, moſt probably, is the genuine etymology of what we now call *coward*). —On the other hand, theſe inferior perſons were not behind hand with the great men (for there never wanted humour even amongſt the common people): If a man was half an idiot, or remarkably deformed in body, they would ſtyle him *My Lord*. And by way of ridicule of their jovialneſs and hoſpitality, when a man was in liquor, they would call him *as drunk as a lord*.—Theſe and many other like expreſſions and cuſtoms, which have come down to our days, were originally feudal, having relation to the military inſtitution, and the diſtinction betwixt lord and vaſſal.

And in many of the aforeſaid ancient laws, reſpect is had to this ſame military eſtabliſhment. —As to *ſervants*; the lords were to be preferred before others in their bondmen, or their land tenants, ſo that they retained no more than were neceſſary for them.—The reaſon for *rating of wages* is alledged to be, for that ſervants, unleſs they might have double or treble wages, with-

drew themſelves to ſerve great men and other.—*Vagrants* are ſtigmatized with the appellation of *ſtrong beggars*, *valiant beggars*, perſons *whole and mighty in body*; that is, ſuch as had been retainers to the great lords, who when out of their livery and ſervice, wandered abroad, committing ſpoil and outrage.

Theſe conſiderations preſent to us a very material difference between the ſpirit of the ancient and preſent laws. The object of the legiſlature in former ages, was to prevent enormities; the preſent laws are calculated to encourage induſtry. Anciently, the *maintenance* of the poor was principally intended; their *employment*, at preſent, merits equally our regard. From which alteration of circumſtances, it will follow, that one and the ſame law may not be equally applicable at all times; that a proviſion which was proper for the time, may not be now effectual; or perhaps, a law, good in itſelf, which might not be altogether ſuitable for the times in which it was made, may be more beneficial afterwards.

XVIII. RATING OF THE WAGES of ſervants, artificers, and labourers, is alſo (as we ſee) of very ancient date. So early as the reign of Edward the third, when their numbers were reduced by the peſtilence, they were required nevertheleſs, not to take more wages than had been uſually taken. Afterwards, in the ſame king's reign, and by many other ſtatutes in the reigns of the following kings, as the value of money or proviſions altered, particular ſums for each were limited. As for inſtance, by one of the laws of Edward the third, tilers were to have

3d a day, and their knaves 1½d, without meat or drink. In the reign of Richard the ſecond, a bailiff of huſbandry was to have 13s 4d a year, and his cloathing once a year; maſter hine 10s; ſhepherd 10s; oxherd 6s 8d; cowherd 6s 8d; and ſo of the reſt. In the reign of Hen. 6. the wages of a bailiff of huſbandry was not to exceed 1l 3s 4d, and cloathing of the price of 5s, with meat and drink: Chief hind, carter, or chief ſhepherd 20s, cloathing 4s; woman ſervant 10s, cloathing 4s; and the reſt in proportion. Finally, by the 5 Eliz. c. 4. the juſtices were to fix the price of wages according to the dearneſs of victuals; and ſo the law ſtill continues: Which yet never has been effectual, and is not now put in execution perhaps in any one county in the kingdom. By the experience of above 400 years, it ſeems time to lay aſide all endeavours to bring under ſtrict regulations, what in its own nature ſeems incapable of minute limitation: As thereby it leaves no room for induſtry or ingenuity; for if all perſons, in the ſame kind of work, were to receive equal wages, there would be no emulation.

Here it is obſervable, what ſcarcity of artificers there muſt have been, in proportion to ſervants and labourers. In Richard the ſecond's time, the wages of the maſter hind, or other like ſuperior ſervant (as we have ſeen), was 10s a year, with meat and drink, and cloathing once a year: The cloathing was valued at about 4s: So that the whole year's wages amounted to 14s. A maſter carpenter, tiler, or other ſuch like workman had (with meat and drink) about 2d a day, which by the year would amount to

21 12s 0d. So the ſervants of the ſaid artificers, whoſe ſervice conſiſted barely in labour, without any requiſite knowledge of the trade (or, as they called it, of the craft, or myſtery), had but half as much as their maſters. When the wage was 3d, we find the meat and drink for a day was eſtimated at three halfpence.

The *cloathing* of a ſervant, ſo late as Henry the ſixth's time, being eſtimated only at 4s a year, argues that cloth was not generally of ſo much price in ancient time, as hath been ſometimes ſuppoſed. Where in one of the ſtatutes of Edward the third, it is limited, that *people of handicraft and yomen ſhall not take nor wear cloth of a higher price for their veſture or hoſing, than within* 40s *the whole cloth*; it is not meant, that their whole cloathing ſhall not exceed 40s price, or ſhall not be made of cloth above 40s a yard; but that ſuch their apparel ſhall not conſiſt of cloth above the value of 40s for the whole piece or web; which web was limited in length, breadth, and weight; and at that time, the cloth of aſſize (as they called it) was, according to the difference of the ſorts, to be 26 or 28 yards long, and ſix quarters or ſix quarters and a half broad. So that where the whole cloth was valued at 40s, the ſame was at the rate of about ſeventeen or eighteen pence a yard.

Note, money in Edward the third's time was in weight juſt thrice as much as it is now; twenty ſhillings then being a real pound weight: ſince which time, it hath gradually decreaſed, ſo as that ſixty ſhillings now are required to make a pound. Therefore wages at 3d a day in thoſe times, was equal to our 9d; excluſive

of the difference in the value of proviſions and other neceſſaries.

And here it is obſervable, upon the ſubject of cloathing, how the reſtrictions as to the goodneſs or quantity of cloth in their garments, vaniſhed by degrees, as manufactures increaſed; until at length in queen Elizabeth's reign, the current received a contrary direction, and wearing of the manufactures was enjoined: concerning which, the firſt act that hath occurred, is that of the 13 El. c. 19. by which it is required, that every perſon above the age of ſix years (except maidens, ladies, and gentlewomen; and lords, knights, and gentlemen of 20 marks a year) ſhall wear upon the ſabbath and holiday, upon their head, one cap of wool knit, thicked, and dreſſed in England; on pain of 3s 4d. The form of which cap may be ſeen in ſome of the pictures of thoſe days.

And here, curioſity will ſuggeſt certain reflections upon that noble ſubject of *painting*. Why are perſons pictured in Grecian or Roman habits, or in ſuch habits as never were worn in any age? Would it not be infinitely more entertaining, to ſee every perſon drawn in his own proper dreſs? It would be a work becoming the pencil of a ſkilful artiſt, from ſuch paintings as may be yet found, from hiſtory, from acts of parliament and other ſumptuary laws, to exhibit a ſeries of perſons (of both ſexes) in the habits of their reſpective ages at proper intervals.

XIX. The laws prohibitory of GAMING, ſeem at firſt to have been intended for the encouragement of the military profeſſion, particularly that

the

the people might be at leiſure for the exerciſe of the long bow, for which our anceſtors were famed throughout Europe. And the high conſtable, to this day, in ſome places, iſſues his warrants to the petty conſtables, requiring them, amongſt their preſentments to be made at the aſſizes, to give an account how their butts are kept up. Shooting for the prize of a ſilver arrow, is a relick of the ſaid cuſtom. And to the ſame may be attributed perhaps the planting of yews in church-yards of ancient time; of which the beſt bows were made.

The ſame prohibitions of gaming are now continued, for the encouragement of trade and manufacture.

Curioſity, in this branch, would ſuggeſt, that thoſe gentlemen who oblige the world with diſſertations on theſe intricate and intereſting ſubjects, would be pleaſed to inform their readers of the riſe and progreſs of the ſeveral arts; with particular deſcriptions of ſuch as ſeem to be now in a great meaſure out of uſe; leſt in time they ſhould be forgotten, and poſterity might not know what is meant by ſeveral expreſſions in our ſtatute books; ſuch as, of old, *cloſh*, *kailes*, *half-bowl*, *hand-in and hand-out*, *logating*, *quekborde*; and, in the preſent age, *ſkittles*, *miſſiſſipi*, *ace of hearts*, *baſſet*, *faro*, *paſſage*, *roly poly*, *punting*, and other technical and ſignificant terms.—Particularly, *cards*, one would ſuppoſe, might come in towards the latter end of the reign of king Edward the fourth, or beginning of the reign of king Henry the ſeventh; for they are not mentioned amongſt the other games, till the ſtatute of the 11 H. 7. c. 2. and after that, they are never

omitted. It is pity the inventor ſhould be buried in oblivion, for want of a ſuitable hiſtorian to record him.

CHAPTER THE SIXTH.

Account of the ſeveral ſchemes for reforming the poor laws.

HAVING indulged enough in ſpeculation and amuſement, it is time to apply to more ſerious buſineſs. Something in the poor laws is wrong; which the wiſdom of parliament for ages hath not been able to ſet right. Many private perſons alſo have endeavoured to lend their helping hand. There have been many propoſals publiſhed from time to time, to offer remedies; which propoſals have not been accepted, or have not ſucceeded. The truth is, they generally take it for granted, that the ſtatute of the 43 Eliz. was the firſt compulſory ſtatute; and in conſequence thereof, they propoſe expedients, which indeed had occurred to the legiſlature long before. The firſt of them bears the reſpectable name of the lord chief juſtice Hale. He propoſes to have general workhouſes, for one, two, or more pariſhes, according to their largeneſs or other convenience; with maſters to attend and direct them.—But becauſe almoſt all the ſubſequent ſchemes that have been offered, look up to this as their great pattern;

and as nothing that this author hath delivered is tedious to the reader; I will inſert his propoſal at length, in his own words.

I.

Lord Hale's Plan.

A Due care for the relief of the poor is an act,

Firſt, of great piety towards almighty god, who requires it of us. He hath left the poor as his pupils, and the rich as his ſtewards to provide for them. It is one of thoſe great tributes that he juſtly requires from the reſt of mankind; which becauſe they cannot pay to him, he hath ſcattered the poor amongſt them, as his ſubſtitutes and receivers.

Secondly, It is an act of greateſt humanity among men. Mercy and benignity is due to the very beaſts that ſerve us; much more, to thoſe that are partakers of the ſame common nature with us.

Thirdly, It is an act of great civil prudence and political wiſdom: For poverty in it ſelf is apt to emaſculate the minds of men, or at leaſt it makes men tumultuous and unquiet. Where there are many very poor, the rich cannot long or ſafely continue ſuch. Neceſſity renders men of phlegmatic and dull natures ſtupid and indiſciplinable, and men of more fiery or active conſtitutions rapacious and deſperate.

At this day, it ſeems to me, that the Engliſh nation is more deficient in their prudent provi-

ſion for the poor, than any other cultivated and chriſtian ſtate; at leaſt that have ſo many opportunities and advantages to ſupply them.

In ſome other countries, a beggar is a rare ſight. Thoſe that are unable to maintain themſelves by age or impotency are relieved. And thoſe that are able to ſupply their wants by their labour, are furniſhed with employments ſuitable to their condition. And by this means, there is not only a good and orderly education, and a decent face of the publick; but the more populous the ſtate or country is, the richer and the more wealthy it is.

But with us in England, for want of a due regulation of things, the more populous we are, the poorer we are; ſo *that* wherein the ſtrength and wealth of a kingdom conſiſts, renders us the weaker and the poorer.

And which is yet worſe, poor families which daily multiply in the kingdom, for want of a due order for their employment in an honeſt courſe of life, whereby they may gain ſubſiſtence for them and their children, do unavoidably bring up their children either in a trade of begging, or ſtealing, or ſuch other idle courſe, which again they propagate over to their children; and ſo there is a ſucceſſive multiplication of hurtful or at leaſt unprofitable people, neither capable of diſcipline nor beneficial employment.

It is true, we have very ſevere laws againſt begging, the very giver being in ſome caſes ſubject to a penalty, by the ſtatute of the 1 James, c. 7. But it takes little effect. And indeed, as the caſe ſtands with us, it is no reaſon it ſhould. For what man that is of ability, can have the

conſcience

conſcience to deny an alms, or to bring a wanderer to puniſhment, when he cannot chuſe but know, that there is not that due courſe provided, or at leaſt uſed, that perſons neceſſitous, and able to work, may have it. Indeed, were there a clear means practiſed for the employing of poor perſons, it were an uncharitable action to relieve them in a courſe of idleneſs. But when I do not know that there is ſuch a proviſion, I dare not deny my relief; becauſe I know not whether without it he may be ſtarved with hunger, without his own default.

We have alſo very ſevere laws againſt theft, poſſibly more ſevere than moſt other nations, yea, and than the offence in it ſelf ſimply conſidered deſerves. And there is little to be ſaid in defence of the ſeverity of the law herein, but the multitude of the offenders, and the deſign of the law rather to terrify than to puniſh, *ut metus in omnes, pæna in paucos perveniat.* But it is moſt apparent, that the law is fruſtrated of its deſign therein. For altho' more ſuffer at one ſeſſions at Newgate, for ſtealing, and breaking of houſes, and picking of pockets, and ſuch other larcenies out of the protection of clergy, than ſuffer in ſome other countries for all offences in three years, yet the gaols are never the emptier. Neceſſity, and poverty, and want of a due proviſion for the employment of indigent perſons, and the cuſtom of a looſe and idle life, daily ſupply with advantage the number of thoſe who are taken off by the ſentence of the law. And doubtleſs, as the multitude of poor and neceſſitous and uneducated perſons increaſes, the

multitude

multitude of malefactors will increaſe, notwithſtanding the examples of ſeverity.

So that upon the whole account, the prudence of prevention, as it is more chriſtian, ſo it will be more effectual than the prudence of remedy. The prevention of poverty, idleneſs, and a looſe and diſorderly education, even of poor children, would do more good to this kingdom, than all the gibbets, and cauterizations, and whipping poſts, and gaols in the kingdom; and would render theſe kinds of diſcipline leſs neceſſary, and leſs frequent.

But hitherto I am in generals, which rarely proſper into action or conviction. I therefore ſhall conſider principally theſe things:

1. *What proviſions there are already ſettled, by the laws in force, for the relief and employment of the poor.*

2. *Wherein the defects are, in relation to thoſe laws or proviſions, and the conſequences thereof.*

3. *What may be thought a convenient ſupply of thoſe defects, and the conſequences of ſuch ſupplies.*

§. 1. *Touching*

§. 1. *Touching the laws at preſent in force for the relief and employment of the poor.*

THE laws relating to the poor are of two kinds; firſt, ſuch as concern the relief of the aged, and impotent, that are not able by their labour to maintain themſelves; ſecondly, ſuch as concern the employment and ſetting on work of ſuch as are able. And this latter, as ſhall be ſhewn, is the more comprehenſive and beneficial charity, altho' both are neceſſary and become us, both as *men*, and as *chriſtians* much more.

Touching the *former* of theſe, to wit, the *relief of the impotent poor*, the laws of England have provided a double remedy: Firſt, by giving great encouragement to *voluntary* undertakings of good and liberal minds in this kind; and ſecondly, by *compulſary* means upon all.

Touching the former branch; the ſtatute of the 39 Eliz. c. 5. hath given a great encouragement to ſuch as ſhall erect hoſpitals, houſes of correction, and *maiſons de dieu*. And the ſtatutes of the 39 Eliz. c. 6. and 43 Eliz. c. 4. have taken ſpecial care for the due employment of gifts to charitable uſes. And certainly ſuch voluntary aſſignations argue an excellent and charitable mind in thoſe that ſhall ſo voluntarily give; and the ſtatutes have given a fair encouragement to the charities of men in this kind. But this proviſion doth but little in order to relief. For ſuch hoſpitals for the moſt part, extend but to a few aged perſons, limited to ſome particular town, unleſs it be in the large hoſpitals

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in London, where there is ſome proviſion more extenſive in reſpect both of number and age, as St Thomas's hoſpital, Chriſt-Church hoſpital, and ſome others. But beſides this, thoſe are but voluntary and not compulſary. Altho' there may be ſome that may be charitably minded, yet for the moſt part men are backward in works of charity. Self love, covetouſneſs, diſtruſt of the truth and providence of god, keep moſt men from overflowing charity, or building or endowing hoſpitals.

Therefore there was a *compulſary* laid upon men, for the relief of the poor within their reſpective pariſhes, to wit, the ſtatute of the 43 Eliz. c. 2. being the firſt compulſary law that I remember of that kind. And indeed it now became neceſſary to be done by a compulſary means, which before that time was left more arbitrary; becauſe the kingdom became then much more populous than in former time, and with it the poor alſo greatly increaſed; and beſides, many of thoſe methods of their voluntary relief was then much abated. Which ſtatute enables the churchwardens and overſeers to do theſe things:

1. To take order for ſetting to work the children of thoſe whoſe parents are not able to maintain their children.

2. To take order to ſet thoſe to work, who having no means to maintain themſelves, uſe no ordinary trade. But provides not ſufficient compulſaries to make them work.

3. To raiſe weekly by taxation, a convenient ſtock of flax, hemp, and other materials, to ſet the poor on work: But no means at the firſt, before the return of the manufacture, to pay them

them wages, in expreſs words; but is ſupplied by the latter general clauſe——*and to do and execute all other things, as well for the diſpoſing of the ſaid ſtock, or otherwiſe concerning the premiſſes, as to them ſhall ſeem convenient.*

4. To raiſe competent ſums of money, for the impotent poor not able to work.

5. Alſo for the putting of poor children apprentices; but no compulſary for any to receive them. †

Among all theſe proviſions, the 4th concerns the relief of the poor by taxation, and contributions to ſuch as are impotent. The four other particulars concern the employment of ſuch as are able to work, which is far the greater number. And altho' the relief of the impotent poor ſeems to be a charity of more immediate exigence, yet the employment of the poor is a charity of greater extent, and of very great and important conſequence to the publick wealth, and peace of the kingdom, and alſo to the benefit and advantage of the poor.

I therefore come to that *ſecond* buſineſs relating to the poor; namely, the *ſetting the poor on work.* ——The laws that concern that buſineſs of the *employment* of the poor, are of two kinds; *viz.* that which contains a compulſary means of providing work for the poor, which is the ſtatute of the 43d of Elizabeth; and ſecondly thoſe laws which are in ſome kind compulſary to force

† But afterwards, by the 8 & 9 W. c. 30. power was given to the juſtices to compel perſons to receive them.

perſons

perſons to work. And theſe again are of two kinds:

Firſt, Thoſe that concern children and the binding of them apprentices; to wit, the clauſe of the ſtatute of the 43 Eliz. c. 2. before mentioned, and the ſtatute of the 7 J. c. 3. which makes fair proviſion for the raiſing of money to bind them, and directs the manner of its employment; but, as before is obſerved, hath not any ſufficient compulſary for perſons to take them, and perchance it might be fit to have ſome ſuch qualifications in that compulſary, which might not leave it too arbitrary in the juſtices of peace to compel whom they pleaſe, to take whom they pleaſe. But this is not the buſineſs I drive at; perchance the general proviſion which I deſign may make this at leaſt not ſo frequently neceſſary.

Secondly, In reference to rogues, vagabonds, and idle and diſorderly perſons, the ſtatute of the 7 J. c. 4. gives power to the juſtices of peace to ſend them to the houſe of correction, which they are thereby required to cauſe to be erected; and gives power to the maſter of ſuch houſe of correction to keep them to work. But even in this particular there are defects: 1. It is not general for all perſons, but at moſt idle and diſorderly perſons. 2. That deſcription is very uncertain in reference to ſuch perſons, and leaves the juſtices either two great or too little power. 3. For want of a convenient ſtock to be raiſed for ſuch houſes of correction, and advantageous ways for ſuch work; it either leaves ſuch as are ſent, without an employment; or renders their employment ungrateful, in reſpect of the ſmall-

neſs

neſs of the wages; and rather makes people hate employment as a hell, than to entertain it as a means of a comfortable ſupport. Which tho' it may be well enough as a puniſhment for diſorderly perſons that refuſe to work, yet it is not applicable to thoſe that are only idle, it may be, becauſe they have no work. 4. It is a difficult thing to determine who ſhall be ſaid to be an idle perſon: It is a reaſonable anſwer to that, to ſay, they are idle for want of ſuch work as they are able to do, or for want of ſuch wages as might give them a reaſonable ſupport. For there is no power given, nor is it reaſonable it ſhould, to compel perſons to ſet them on work, or to ſet them on work at convenient wages. 5. And laſtly, It is not univerſal. Many perſons are not within that law, which would work if they might, or if they might at reaſonable rates whereby they might live. There is need therefore, of ſome ſuch proviſion that might be as ample as the occaſion; and without which indeed, all the laws already made are weak and ineffectual to their ends, and the generality of the poor left deſtitute of a convenient ſupport and proviſion.

§. 2. *Wherein the defects of thoſe laws are, and the conſequences thereof.*

UPON the conſideration of the ſtatutes for the poor, the only ſtatute that provides univerſally, is that of the 43 Eliz. which generally makes two proviſions:

Firſt,

Firſt, for the *impotent* poor, that are not able to work. And it is true, it is a good and effectual proviſion for ſuch, if duly executed. But, as I ſaid before, the plaiſter is not ſo large as the ſore. There are many poor that are able to work if they had it, and had it at reaſonable wages, whereby they might ſupport themſelves and their families, which oftentimes are many. Theſe are not within the proviſion of the law. And if they come for exhibitions, they are denied, or at leaſt have but very ſmall, and ſuch as cannot ſupport them and their families. And indeed if they ſhould have ſufficient exhibition for the ſupport of them and their families, the pariſhes where they live were not able to ſupply them in a proportion anſwerable to their neceſſities, or anſwerable to that ſupply which a full employment would afford them. For inſtance, a poor man and his wife, tho' able to work, may have four children, two of them poſſibly able to work, two not able. The father and the mother are not able to maintain themſelves and their family, in meat, drink, cloathing, and houſe rent, under 10s a week; and ſo much they might probably get, if employed. This amounts to 26l a year. If there were forty ſuch families in a great pariſh, and they lived upon this exhibition, collected by rates; it would ariſe to above 800l a year: which in many pariſhes exceeds the yearly value of their lands or rents. Yet when theſe perſons are kept on work, thus much muſt be gotten by them; and without a ſupply equivalent to this, they muſt live by begging, or ſtealing, or ſtarve.

Therefore, the *ſecond* proviſion is, for thoſe poor that are *able to work*. And in reference to them, the ſtatute gives power to raiſe ſtocks, by rating the pariſhioners, and ſetting the poor on work.

The defects of this proviſion are,

Firſt, in the *execution* of the law already made. For let any man look over moſt of the populous pariſhes in England, indeed there are rates made for the relief of the impotent poor; and it may be the ſame relief is alſo given in a narrow meaſure unto ſome others, that have great families, and upon this they live miſerably and at beſt from hand to mouth, and if they cannot get work to make out their livelihood, they and their children ſet up a trade of begging at beſt. But it is rare to ſee any proviſion of a ſtock, in any pariſh, for the relief of the poor. And the reaſons are principally theſe: 1. The generality of people that are able, are yet unwilling to exceed the preſent neceſſary charge. They do chuſe to live for an hour, rather than project for the future. And altho', poſſibly, trebling their exhibition in one groſs ſum at the beginning of the year, to raiſe a ſtock, might in all probability render their future yearly payments for ſeven years together leſs by half or two thirds, than what muſt be without it; yet they had rather continue on their yearly payments, year after year, tho' it exhauſt them in time, and make the poor nothing the better at the year's end. 2. Becauſe thoſe places, where there are moſt poor, conſiſt for the moſt part of tradeſmen, whoſe eſtates lie principally in their ſtocks, which they will not endure to be ſearched into to make

them contributary to raiſe any conſiderable ſtock for the poor, nor indeed ſo much as to the ordinary contributions. But they lay all the rates to the poor upon the rents of lands and houſes; which alone, without the help of the ſtocks, are not able to raiſe a ſtock for the poor; altho' it is very plain, that ſtocks are as well by law rateable as lands, both to the relief, and raiſing a ſtock for the poor. 3. Becauſe the churchwardens and overſeers, to whom this power is given, are inhabitants of the ſame pariſh, and are either unwilling to charge themſelves, or diſpleaſe their neighbours in charging more than they needs muſt towards the poor. And altho' it were to be wiſhed, and hoped, that the juſtices of peace would be forwardly to inforce them if they might, tho' it may concern them alſo in point of preſent profit; yet if they would do any thing herein, they are not impowered to compel the churchwardens and overſeers to do it; who moſt certainly will never go about it, to burden (as they think) themſelves, and diſpleaſe their neighbours, unleſs ſome compulſary power were not only lodged by law, but alſo executed in ſome that may have a power over them to inforce it; or to do it, if they do it not; and to do it effectually, if they do it either partially, or too ſparingly. 4. Becauſe people do not conſider the inconvenience that will in time grow to themſelves by this neglect, and the benefit that would accrue to them by putting it in practice if they would but have a little patience.

The ſecond defect is in the *law it ſelf*; which is, 1. That there is no power in the juſtices of peace, or ſome ſuperintendent power, to compel

pel the raiſing of a ſtock, where the churchwardens and overſeers neglect it. 2. The act chargeth every pariſh apart, where it may be they are able to do little towards it; neither would it be ſo effectual, as if three, four, five, or more contiguous pariſhes did contribute towards the raiſing of a ſtock, proportionable to their poor reſpectively. 3. There is no power for hiring or erecting a common houſe or place for their common workhouſe; which may be in ſome reſpects, and upon ſome occaſions, uſeful and neceſſary, as ſhall be ſhewn. †

§. 3. *The remedy propounded.*

THE REMEDIES are,

1. That the juſtices of the peace, at the quarter ſeſſions, do ſet out and diſtribute the pariſhes in their ſeveral counties into ſeveral diviſions; in each of which there may be a workhouſe, for the common uſe of the reſpective diviſions wherein they are reſpectively placed, to wit, one, two, three, four, five, or ſix pariſhes to a workhouſe, according to the greatneſs or ſmallneſs, and accommodation of the ſeveral pariſhes.

2. That at that ſeſſions, the churchwardens and overſeers of the poor of the reſpective pariſhes, bring in their ſeveral rates for the relief of their reſpective poor, upon oath. And that the ſaid juſtices do aſſeſs three, four, or five yearly payments, to be levied and collected at

† This power was afterwards given by the ſtatute of the 9 G. c. 7.

one or two entire ſums, within the time prefixed by them, for the raiſing a ſtock, to ſet the poor within thoſe precincts on work, and to build or procure a convenient workhouſe for employing the poor (if need be) in it, and for lodging materials, and for inſtructing children in the trade or work.

3. That there be yearly choſen by the ſaid juſtices a maſter for each workhouſe, with a convenient ſalary out of the ſaid ſtock or the produce thereof, to continue for three years; and two overſeers, to ſee the iſſuing and return of the ſaid ſtock, and to take the accounts quarterly or monthly of the maſter as they ſhall think fit.

4. That the ſtock be delivered to the overſeers, and by them iſſued to the maſter, as there ſhall be occaſion; and that they alſo, from time to time, receive the produce of the ſaid ſtock, and the accounts for the ſame.

5. That at the end of every year, the maſter and overſeers give up their accounts to the two next juſtices of the peace, at times by them prefixed, and publickly notified to the inhabitants of each precinct, to the end that they may take any exceptions to ſuch accounts, if there be cauſe.

6. That the maſter and overſeers of every reſpective workhouſe, ſtand and be incorporate, by the name of maſter and overſeers of their reſpective precincts, and capable to take in ſucceſſion by will or otherwiſe, lands, goods, or money, or other legacies or gifts, for the benefit of the poor within their reſpective precincts.

7. That

7. That they alſo be accountable, as well to their reſpective ſucceſſors, as to the juſtices of the peace at their quarter ſeſſions; for the benefit, and produce, and employment, of ſuch gifts and bequeſts.

8. That they be diſabled to grant any lands to them given or bequeathed, for any longer term than one year, and at an improved rent.

9. That if any perſon that is able to work, and not able to maintain himſelf, ſhall refuſe to do ſo; he may be forced thereto, by warrant of two juſtices of peace, by impriſonment, and moderate correction in ſuch workhouſe.

10. If any perſon employed by the maſter, ſhall imbezil, or wilfully prejudice or ſpoil his work; he ſhall, upon complaint, and proof thereof by the party grieved, to any juſtice of peace, and by warrant from him, receive impriſonment or moderate correction, by warrant of ſuch juſtice.

—— Theſe be the heads of that proviſion, I could wiſh for the ſetting the poor on work; which is but an eſſay, and may receive alterations or additions upon conſideration.

The BENEFITS that would come by this method, would be very many and great. I ſhall ſet down ſome of them that occur to me:

1. By incorporating of theſe workhouſes, which are the beſt kind of hoſpitals, charitable minded perſons would have as it were a pillar whereunto to faſten their charity; which would prevent many difficulties in the faithful adminiſtration thereof, and would invite benefactors.

2. Whereas hoſpitals provide for ſome few poor impotent people; this would prevent poverty, and in a little tract of time bring up hundreds to be able to gain their livelihoods.

3. Whereas in that ſtate that things are, our populouſneſs, which is the greateſt bleſſing a kingdom can have, becomes the burden of the kingdom, by breeding up whole races and families, and ſucceſſive generations, in a mere trade of idleneſs, thieving, begging, and a barbarous kind of life, which muſt in time prodigiouſly increaſe and overgrow the whole face of the kingdom, and eat out the heart of it; this courſe, within one ſeven years, alters the whole ſtate of this diſorder, and brings people and their children after them into a regular, orderly, and induſtrious courſe of life, which will be as natural to them, as now idleneſs, and begging, and thieving is.

For no perſon will have need to beg or ſteal; becauſe he may gain his living better by working.

And no man will be ſo vain, and indeed hurtful to the publick, as to give to ſuch as beg, and thereby to encourage them, when he is ſure they may gain their living by working. And all the laws againſt vagrants, beggars, and wanderers, will be then effectually put in execution, when we may be ſure they may be employed if they will: But till that, the interdicting and puniſhing of the beggars and givers, ſeems to me a moſt unreaſonable piece of imprudence, as well as uncharitableneſs.

4. By this means, the wealth of the nation will be increaſed, manufactures advanced, and every

every body put into a capacity of eating his own bread. For upon what imaginable account can we think, that we ſhould not be as able to improve our populouſneſs to our wealth, as well as Holland, and Flanders, and Barbadoes, if we had but their induſtry and orderly management? If it be ſaid, their diſpoſition is more induſtrious than ours: It is true, in that condition that matters are ordered; but if we had the ſame induſtrious education, we ſhould have the ſame induſtrious diſpoſition. A man that has been bred up in the trade of begging, will never, unleſs compelled, fall to induſtry: And on the other ſide, it is a wonderful neceſſity indeed, that ſhall bring one, bred up in civility and induſtry, to beg; as is eaſily obſervable in many poor places and families.

And were there no other benefit to the kingdom in general, nor to the particular places where ſuch workhouſes ſhall be ſettled, but this; altho' the ſtock were wholly loſt in four years, it would be an abundant recompence, by the accuſtoming the poor ſort to a civil and induſtrious courſe of life, whereby they would ſoon become, not only not burdenſome, but profitable to the kingdom and the places where they live.

5. By this means, there would ſoon be an improvement of the ſeveral manufactures of the kingdom, both for the neceſſary conſumption of the kingdom, and for exportation; whereby our trade outward would exceed our trade inward. Which outward trade is the baſis and foundation of all our trade inward. And the exceſs and overbalance of our trade outward to our trade inward, is the only means, not only to keep our money at home, but to gain an in-

creaſe of money, and ſo advanceth the true intrinſic wealth of the kingdom. For as, on the one hand, if our trade outward exceed our trade inward, the exceſs muſt of neceſſity be returned in money or bullion; ſo, if our trade inward exceed our trade outward, the exceſs muſt be made good from hence in money. Which muſt needs inſenſibly impoveriſh the kingdom; and experience makes us know it to be true.

Now the advance of our manufactures would be by this means plainly evident. The woollen manufactures of cloth, the ſtaple commodity of this kingdom, would be more; and theſe other woollen manufactures, as kerſeys, ſerges, baize, which tho' now confined to ſeveral parts of the kingdom, as Devonſhire, Norfolk, Colcheſter, would be by this means diffuſed over the whole kingdom; and thoſe places, which have little of woollen manufacture, as Lincolnſhire, Northamptonſhire, and other counties, would ſoon fall into it. So likewiſe, knitting of ſtockings, caps, waiſtcoats, and the like. Alſo our linen manufactures, as linen cloth, laces of all ſorts, nets, ſails, and the like, would become native, and ſupply the want of the kingdom, and prevent the neceſſity of importation of linen cloth from Holland and France, of laces from Flanders. And as this trade is in ſome degree uſed in Lancaſhire, Leiceſterſhire, and ſome other places; ſo it would be communicated to other places of the kingdom. And it is very conſiderable, the numbers of poor that would be by this means employed, in dreſſing of hemp and flax, ſpinning, weaving, whitening, and the like. And if any ſhall ſay, we want the materials, and we

want

want thoſe that ſhould inſtruct the poor in the ordering of them; the anſwer is at hand: If once the manufacture were begun to be put into a method by this way, all men would quickly ſow hemp and flax in ſome parcels of their tillage; and poſſibly ſome lands that were not ſo fit for other tillage would be employed in this. Two acres of hemp and flax in every pariſh would employ multitudes; which now people neglect to ſow, becauſe they have no way to vent or employ it. And for inſtructors, when once the alarm is abroad of ſuch a deſign, it will draw over workmen from other foreign parts. And by this means we gained, or at leaſt recovered, the ſkill of making woollen cloth, from other parts; as appears by undeniable evidence.

And if it ſhall be ſaid, that this will defraud and ſtraiten us of labourers in our woollen manufactures; there can be no fear of that. For we have poor enough to be employed in both. And it is moſt certain, that the populouſneſs of the kingdom ſtill increaſeth, notwithſtanding its great exhauſtings by wars, and plagues, and foreign plantations; and conſequently the poor will be proportionably increaſed. So that we may reaſonably ſuppoſe, that in one ſeven years, by the bleſſing of god, the very offspring that will be able and fit to work, of poor families, will be more than double to what they are now; which will continually increaſe in a kind of geometrical progreſſion, whereby there will be enough for double the employment that is now for them.

6. By the means of theſe workhouſes, there will be an opportunity for one or two perſons,

ſkilled in any manufacture, to inſtruct twenty in the trades, by common reſort, meeting, and daily reſidence of children and young people there; and there may be opportunity, to teach children to *read*, without any interruption in the employments of them that are able to teach them, or of them that are able to work.

7. By this means, the yearly contributions for the neceſſary relief of poor perſons that are able to work, and their families, and thoſe kinds of contributions which in time will be impoſſible to ſupport the poor, will be changed into a ſupply every way more eaſy for them that are to pay, tho' at firſt it may require a more liberal aſſiſtance for the raiſing of the ſtocks, and every way more beneficial and advantageous for the poor; firſt, becauſe they will hereby be educated and inured to a way of civility and induſtry. Secondly, they will gain a trade, which will go along with them as the conſtant ſupport of their lives. Thirdly, the wages that they will gain will be a greater and better ſupport, than they can have by any contributions that are able to be aſſeſſed for them. For they may be able to gain two, three, four, five, and ſix ſhillings a week, for every perſon able to work; which is five times more than their weekly or yearly contributions do or can amount unto, without exhauſting more than the revenues of the pariſhes wherein theſe poor are in many places.

And this ſhall be demonſtrated to the eye of any that will conſider this inſtance, which I have exactly tried, and examined, and found to be true:

The

The ordinary proceſs, and time, and charge of making a common coarſe medley cloth of our Glouceſterſhire wool, at this day, is as follows.

In every ſuch cloth, of about 32 yards long, there are 90 pounds of wool, which coſt at this day, at 12d a pound, 4l. 10s. viz. ordinary in a grey cloth.

	l	ſ	d
54 lb of Abb 34 lb of Warp 2 lb of mixture } ——	4	10	0
The charge of making this cloth:			
Parting and picking — —	0	3	0
Colouring —— — —	0	16	0
Breaking and ſpinning the Abb, at two pence farthing per lb —	1	7	9
Breaking and ſpinning the Warp, at 5d per lb — — —	0	18	6
Cards and oyl —— — —	1	0	0
Weaving, ſpooling, and warping	1	1	3
Milling and burling —— —	0	12	0
Shearing and dreſſing ——	0	18	0
Drawing —— ——	0	1	6
Carriage and factorage ——	0	7	0
So the whole charge comes to	11	15	0
Out of which, deducting the materials of wool, and cards, and oyl	5	10	0
There remains entirely for the expence of work —— —	6	5	0

It is true at this day, this cloth yields not above 12l to be ſold; which is only 5s profit; but when trade is quicker, it may yield 13l or more.

The

The people that are employed in bringing about this cloth to be ready, are fourteen; viz. three weavers and ſpoolers, two breakers, ſix ſpinners, one fuller and burler, one ſheerman, one parter and picker. The weavers ſupply the office of ſpooler and warper.

Theſe will bring about the firſt cloth in about two months ſpace. But being continued in a conſtant track, the cloth will be brought about in three weeks time; for all the other workmen are at work, and fit the cloth for the weaver in that ſpace that he is weaving the firſt cloth.

Conſequently, this one loom, thus employed all the year round, allowing two months to the firſt cloth, and three weeks to every other, will make fourteen returns the firſt year of cloth ready for ſale, and ſixteen returns every year after.

Conſequently, that which this yields for bare wages to theſe fourteen poor workmen for the firſt year is eighty ſeven pounds ten ſhillings, and for the following years is ninety ſeven pounds. And by this computation it is eaſy to ſee, what every workman can gain a week being full employed.

About one hundred pounds ſtock will for ever keep this loom's work going, and maintain theſe fourteen workmen; and conſequently a ſtock of four hundred pounds will keep on foot four looms work, and keep on work fifty ſix perſons; and be able to abide the ordinary delays of ſale incident to the markets.

But if it could be ſuppoſed, that the cloth could be ſold as ſoon as made (which is not, I confeſs, reaſonably to be expected) then a ſtock

of

of four and twenty pounds would by its continual return provide materials, and pay the workmen for one loom's work in perpetuity. But becauſe the returns by ſale cannot be as ſpeedy as the work is done, the ſtock muſt be near 100l to abide the delay of a month, two, three, four, or more, in point of ſale, and likewiſe to buy wool ſeaſonably for work.

And by this it appears, that altho' one hundred pounds ſtock, by its ſixteen returns, yields but an inconſiderable advantage to the maſter at five ſhillings per cloth, to wit, but four pounds in the year; yet it yields a conſiderable advantage to the poor workers, *viz.* near one hundred pounds per annum. And conſequently a ſtock of four hundred pounds yields near four hundred pounds per annum.

And conſequently, theſe fifty ſix poor people, that are kept on work with this ſtock of four hundred pounds, could not live better, if the pariſh were at the yearly penſion of four hundred pounds per annum to relieve them; nor indeed ſo well, conſidering they are by this means kept in a way of employment and honeſt induſtry. And yet without ſome ſupply, either by wages, or contribution; theſe fifty ſix poor people, being deſtitute of wages or contributions, to this value or near it, muſt live by ſtealing or begging, or ſtarve.

And let it be alſo conſidered, that this ſtock thus raiſed and ſet going, maintains it ſelf by a perpetual circulation and viciſſitude; without any conſiderable help by any farther ſupply; and yet perpetually countervails a contribution of near four hundred pounds per annum, for the relief of theſe fifty ſix poor perſons.

By

By all which it will appear, that the advantage of a ſtock employed, and once ſet on foot, doth countervail a great contribution, and indeed greater than can be raiſed and yearly continued by moſt places, and will at leaſt in time render thoſe yearly conſtant contributions lower and leſs needful.

8. But yet farther: By this means there will be a reaſonable gage ſet to wages of workmen. It is not unknown, how that ſome covetous maſters in hard times, if they are well ſtocked and of abilities, will ſet on work many poor, but they muſt take ſuch wages as they are not able to live upon, and that alſo many times paid in corn, wool, cheeſe, and other things, at rates high enough. And indeed if they will work upon theſe terms, they may; but if not, they n them off, or not employ them; and thereupon, the poor workmen, not being able to live without work, and having no place to reſort to for any, are under a neceſſity of working to them at inconſiderable rates. And ſuch maſters make greater advantage by this means, when trade is low, than when it is open. But by this means there would be a refuge for the poor to be employed at reaſonable wages. And the reaſon is evident; becauſe this being but an expedient, not ſo much for gain to the maſter, as for employment for the poor; as long as the ſtock makes but good it ſelf, or be managed without conſiderable loſs, it attains its end, and therefore may give competent wages. But on the other hand, the trading maſter looks for his profit; and if his ſtock turns not to him for gain, he gives over, or reduces the workmen to inconſi-

derable wages, that his own gain may be the greater. And altho' it may be, there be ſome honeſt minded and charitable maſters, that will be content for ſome time to employ their ſtock tho' without gain; yet they are but rare to be found, and ſuch as commonly hold not out long unleſs they find profit, tho' perchance they ſuffer no loſs.

———Thus far this very judicious and ſenſible author. He then proceeds to anſwer ſome objections that might be made againſt this propoſal; which being of no great weight, are here omitted. And he concludes thus:

And thus I have haſtily and curſorily gone thro' the method, reaſons, and objections of this propoſal; which, I am ſure, if it can be brought to a due accompliſhment, is,

1. A work of great humanity, and ſuch as we owe to thoſe of our own nature as we are men. The wiſe God did tell his ancient people, that the poor ſhould be always among them; which was, firſt, to exerciſe their liberality and charity in ſupplying the wants of ſome, by the abundance of others; and, ſecondly, to exerciſe their diſcretion and induſtry, to think of and ſet on foot ſuch means as might put them in a courſe of honeſt employment, and encourage them in it. They that are rich are ſtewards of their wealth, and they that are wiſe, are ſtewards of their wiſdom, unto that great maſter of the family of heaven and earth, to whom they muſt give an account of both; and one, I am ſure, of the beſt accounts they can give of both is, to employ them in the reformation and relief of thoſe, that want both, or either. Am I my brother's

brother's keeper—was the anſwer of one of the worſt of men.

2. A work that as well becomes a chriſtian as any; chriſtianity recommending charity, as one of the principal chriſtian virtues. And indeed the ill proviſion for the poor in England, is one of the greateſt reproaches to us in relation to our chriſtian profeſſion.

3. A work for a good Engliſh man. The want of a due proviſion for education and relief of the poor in a way of induſtry, is that which fills the gaols with malefactors, and fills the kingdom with idle and unprofitable perſons, that conſume the ſtock of the kingdom without improving it, and that will daily increaſe even to a deſolation in time. And this error in the firſt concoction is never remediable but by gibbets and whipping. But there muſt be a ſound, prudent, and reſolved method, for an induſtrious education of the poor; and that will give better remedy againſt theſe corruptions, than the after gain of penalties can.

II.

Sir JOSIAH CHILD's ſcheme.

THE next ſcheme is that of Sir *Joſiah Child*; who propoſes to aboliſh all ſettlements, and receive every poor perſon that comes, under the direction of ſocieties to be inſtituted, within large diſtricts.

In

In his diſcourſe upon trade, written in the reign of king Charles the ſecond, in the chapter "Concerning the relief and employment of the "poor", his words are theſe:

In the diſcourſe of this ſubject, I ſhall firſt aſſert ſome particulars, which I think are agreed by common conſent; and from thence take occaſion to proceed to what is more doubtful.

1. That our poor in England have always been in a moſt ſad and wretched condition, ſome famiſhed for want of bread, others ſtarved with cold and nakedneſs, and many whole families in all the out-parts of cities and great towns, commonly remain in a languiſhing, naſty, and uſeleſs condition, uncomfortable to themſelves, and unprofitable to the kingdom,——this is confeſſed and lamented by all men.

2. That the children of our poor, bred up in beggary and idleneſs, do by that means become unhealthy, and more than ordinarily ſubject to loathſome diſeaſes, of which very many die in their tender age; and if any of them do arrive to years and ſtrength, they are, by their idle habits contracted in their youth, rendred for ever after indiſpoſed to labour, and ſerve but to ſtock the kingdom with thieves and beggars.

3. That if our impotent poor were provided for, and thoſe of both ſexes and all ages that can do any work of any kind employed; it would redound ſome hundreds of thouſands of pounds *per annum* to the publick advantage.

4. That it is our duty to god and nature, ſo to provide for, and employ the poor.

5. That by ſo doing, one of the great ſins, for which this land ought to mourn, would be removed.

6. That our forefathers had pious intentions towards this good work, as appears by many ſtatutes made by them to this purpoſe.

7. That there are places in the world, wherein the poor are ſo provided for and employed; as in Holland, Hamborough, New England, and others, and (as I am informed) now in the city of Paris.

Thus far we all agree. The

1ſt Queſtion then that naturally occurs is, How comes it to paſs, that in England we do not, nor ever did, comfortably maintain and employ our poor?

The common anſwers to this queſtion, are two: Firſt, That our laws to this purpoſe are as good as any in the world, but we fail in the execution. Secondly, That formerly, in the days of our pious anceſtors the work was done; but now charity is decreaſed, and that is the reaſon we ſee the poor ſo neglected as now they are.

In both which anſwers, I humbly conceive, the effect is miſtaken for the cauſe. For tho' it cannot be denied, but there has been, and is, a great failure in the execution of thoſe ſtatutes which relate to the poor; yet, I ſay, the cauſe of that failure has been occaſioned, by defect of the laws themſelves.

For otherwiſe, what is the reaſon, that in our late times of confuſion and alteration, wherein almoſt every party in the nation, at one time or other took their turn at the helm, and all had

had that compaſs, thoſe laws, to ſteer by; that none of them could, or ever did, conduct the poor into a harbour of ſecurity to them, and profit to the kingdom; that is, none ſufficiently maintained the impotent, and employed the indigent amongſt us. And if this was never done in any age, nor by any ſort of men whatſoever in this kingdom, who had the uſe of thoſe laws now force; it ſeems to me a very ſtrong argument, that it never could, nor ever will be done by thoſe laws, and that conſequently the defect lies in the laws themſelves, not in the men, that is, thoſe that ſhould put them in execution.

As to the ſecond anſwer to the aforeſaid queſtion, wherein want of charity is aſſigned for another cauſe why the poor are now ſo much neglected; I think it is a ſcandalous ungrounded accuſation of our cotemporaries. For moſt that I converſe with, are not ſo much troubled to part with their money, as how to place it, that it may do good, and no hurt to the kingdom. For if they give to the beggars in the ſtreets, or at their doors; they fear they may do hurt, by encouraging that lazy unprofitable kind of life. And if they give more than their proportions in their reſpective pariſhes; that, they ſay, is but giving to the rich: for the poor are not ſet on work thereby, nor have the more given them; but only their rich neighbours pay the leſs. And of what was given in churches to the viſited poor †, and to ſuch as were impoveriſh-

† i, e. as it ſeemeth, viſited by the plague in 1665.

ed by the fire; we have heard of ſo many and great abuſes of that kind of charity, that moſt men are under ſad diſcouragements in relation thereto.

I write not this to divert any man from works of charity in any kind. He that gives to any in want, does well; but he that gives to employ and educate the poor, ſo as to render them uſeful to the kingdom, in my judgment does better.

But, to prove that the want of charity that now is, and always has been, in relation to the poor, proceeds from a defect in our laws; aſk any charitable minded man, as he goes along the ſtreets of London, viewing the poor, to wit, boys, girls, men and women of all ages, and many in good health and able in body,——why he and others do not take care for the ſetting thoſe poor creatures on work? Will he not readily anſwer, that he wiſhes heartily it could be done, tho' it coſt him a great part of his eſtate; but he is but one man, and can do nothing towards it; giving them money, as hath been ſaid, being but to bring them into a liking and continuance in that way. The

2*d Queſtion* then is, Wherein lies the defect of our preſent laws relating to the poor? I anſwer, that there may be many; but I ſhall here take notice of one only, which I think to be fundamental, and which unaltered, the poor in England can never well be provided for, or employed; and that when the ſaid fundamental error is well amended, it is almoſt impoſſible they ſhould lack either work or maintenance.

The ſaid radical error I eſteem to be, the leaving it to the care of every pariſh to maintain their own poor only. Upon which follows the ſhifting off, ſending or whipping back, the poor wanderers to the place of their birth, or laſt abode; the practice of which I have ſeen many years in London, to ſignify as much as ever it will ſignify, which is juſt nothing of good to the kingdom in general, or the poor of it in particular, tho' it be ſometimes by accident to ſome of them a puniſhment without effect; I ſay without effect, becauſe it reforms not the party, nor diſpoſes the minds of others to obedience, which are the true ends of all puniſhment.

As for inſtance, a poor ſilly perſon, that will not work, or that no body will employ in the country, comes up to London to ſet up the trade of begging. Such a perſon probably may beg up and down the ſtreets ſeven years, it may be ſeven and twenty, before any body aſks why ſhe does ſo. And if at length ſhe has the ill hap in ſome pariſh, to meet with a more vigilant beadle than one in twenty of them are; all he does, is but to lead her the length of five or ſix houſes into another pariſh, and then concludes, as his maſters the pariſhioners do, that he has done the part of a moſt diligent officer. But ſuppoſe he ſhould yet go further to the end of his line, which is the end of the law, and the perfect execution of his office; that is, ſuppoſe he ſhould carry this poor wretch to a juſtice of the peace, and he ſhould order the delinquent to be whipt and ſent from pariſh to pariſh, to the place of her birth or laſt abode, which not one juſtice in twenty, thro' pity or other cauſe, will do; even

this is a great charge upon the country, and yet the buſineſs of the nation itſelf wholly undone. For no ſooner does the delinquent arrive at the place aſſigned, but for ſhame or idleneſs ſhe preſently deſerts it, and wanders directly back, or ſome other way, hoping for better fortune; whilſt the pariſh to which ſhe is ſent, knowing her to be lazy, and perhaps of worſe qualities, is as willing to be rid of her, as ſhe is to be gone from thence.

But if it be retorted upon me, that by my own confeſſion, much of this miſchief happens by the ill execution of the laws; I ſay, better execution than you have ſeen, you muſt not expect; and there never was a good law made that was not well executed, the fault of the law cauſing a failure of execution; it being natural to all men to uſe the remedy next at hand, and reſt ſatisfied with ſhifting the evil from their own doors; which in regard they can ſo eaſily do, by threatning or thruſting a poor body out of the verge of their own pariſh, it is unreaſonable and in vain to hope that it ever will be otherwiſe.

As for the laws againſt inmates, and empowering the pariſhioners to take ſecurity before they ſuffer any poor perſon to inhabit amongſt them; it may be they were prudent conſtitutions at the times they were made, and before England was a place of trade, and may be ſo ſtill in ſome countries; but I am ſure in cities and great towns of trade they are altogether improper, and contrary to the practice of other cities and trading towns abroad; the riches of a city, as of a nation, conſiſting in the multitude of inhabitants;

and if ſo, you muſt allow inmates, or have a city of cottages. And if a right courſe be taken for the ſuſtentation of the poor, and ſetting them on work; you need invent no ſtratagems to keep them out, but rather to bring them in. For the reſort of poor to a city or nation well managed, is in effect the conflux of riches to that city or nation. And therefore the ſubtle Dutch receive, and relieve or employ all that come to them, not enquiring what nation, much leſs what pariſh they are of. The

3d Queſtion is, If the defect be in our laws, how ſhall we find a remedy that may be rational and conſiſtent? This, I confeſs, is a hard and difficult queſtion; it is one of the *ardua regni*, and may very well deſerve the moſt deliberate conſideration of our wiſeſt counſellors. And if a whole ſeſſion of parliament were employed on this ſingular concern, I think it would be time ſpent as much to the glory of God and good of this nation, as in any thing that noble and worthy patriots can be engaged in. ——But ſeeing I have adventured thus far, I ſhall humbly proceed to offer ſome general propoſals, that have a tendency towards the effecting this great work; which being ſeriouſly thought of, and debated by wiſer men, may be capable of ſuch melioration as may render them in a great meaſure effectual to the kingdom in general; altho' at preſent, to prevent that common objection, that great mutations are dangerous, I ſhall only propoſe them to be experimented in that part of the kingdom, which is the vital part of our body politick; which being once made ſound, the cure of the reſt will not be difficult.

1. Then, I propoſe, that the cities of London and Weſtminſter, and borough of Southwark, and all other places within the bills of mortality, may by act of parliament be aſſociated into one province or line of communication for relief of the poor.

2. That there be one aſſembly of men, and ſuch as they ſhall from time to time appoint and depute, intruſted with the care for, and treaſure of all the poor, within the ſaid pale or line of communication.

3. That the ſaid aſſembly be incorporated by act of parliament, with perpetual ſucceſſion, by the name of fathers of the poor, or ſome other honourable and ſignificant title.

4. That all conſtables, churchwardens, overſeers, or other officers, in all pariſhes within the ſaid line, be ſubordinate and accountable to the ſaid fathers of the poor, and their deputies, for and in all things relating to the poor.

5. That the ſaid fathers of the poor may have liberty to aſſeſs, and receive into common treaſury, for relief of their poor, ſo much money from every pariſh, as they yearly paid to that purpoſe any of the three years preceeding this conſtitution, and to compel the payment of it, but not of more.

6. That the ſaid fathers of the poor and their deputies, may have very large and ſufficient power in all things relating to the poor, and particularly to have and receive the charitable benevolence of all perſons, once every lord's day, in every pariſh church, and in any other meeting of pious chriſtians, and at any other time or times which they ſhall think fit.

7. That

7. That the ſaid fathers of the poor, and ſuch as they ſhall authorize, may have power to purchaſe lands, erect and endow workhouſes, hoſpitals, and houſes of correction, and to exerciſe all other powers relating to the poor, that any number of juſtices of the peace now may do, in their quarter ſeſſions or otherwiſe.

8. That the ſaid fathers of the poor may have power to ſend ſuch poor beyond the ſeas, as they ſhall think fit into his majeſty's plantations, taking ſecurity for their comfortable maintenance during their ſervice, and for their freedom afterwards.

9. That the ſaid fathers of the poor may have power to erect petty banks and lumbards for the benefit of the poor, if they ſhould find it convenient; and alſo to receive the one half of what is paid at all the doors of playhouſes, and have the patent for farthings; and to do whatever elſe his majeſty and the parliament ſhall think fit to recommend to them, or leave to their diſcretion.

10. That the treaſure that ſhall be collected for this purpoſe be accounted ſacred, and that it be felony to miſapply, conceal, lend, or convert it to any other uſe or purpoſe whatſoever.

11. That there be no oaths, or other teſts, impoſed upon the ſaid fathers of the poor, at their admiſſion, to ſhut out the diſſenters.

12. That the ſaid fathers of the poor may conſtantly wear ſome honourable medal, beſides the green ſtaff which is now uſed in London to ſuch like purpoſes, to denote their authority and office, at all times, and in all places.

13. That

13. That the ſaid fathers of the poor may have liberty to admit into their ſociety, and into all powers and privileges equal with them, any perſons that are willing to ſerve god, their king, and country, in this pious and publick work; the perſons deſiring to be ſo admitted, paying at their admiſſion 100l or more, into the poor's treaſury, as a demonſtration of the ſincerity of their intentions to labour in and cultivate this moſt religious vineyard.

14. That the ſaid fathers of the poor, beſides the authority now exerciſed by juſtices of the peace, may have ſome leſs limited powers given them, in relation to the puniſhment of their own, and of pariſh officers, by pecuniary mulcts for the poor's benefit, in caſe of neglect.

15. That the ſaid fathers of the poor may have freedom to ſet the poor on work, about whatſoever manufacture they think fit, with a *non-obſtante* to all patents that have been or ſhall be granted to any private perſon or perſons for the ſole manufacture of any commodity.

16. That all vacancies, by reaſon of death, of any of the ſaid fathers of the poor, be perpetually ſupplied by election of the ſurvivors.

The *4th Queſtion* is, Who ſhall be the perſons intruſted with ſo great a work, and ſuch exceſs of power? This is a queſtion likewiſe of ſome difficulty, and the more in regard of our differences in religion. But I ſhall anſwer it as well as I can.

In general, I ſay, they muſt be ſuch as the people muſt have ample ſatisfaction in, or elſe the whole deſign will be loſt. For if the univerſality of the people be not ſatisfied with the perſons,

perſons, they will never part with their money; but if they be well ſatisfied therein, they will be miraculouſly charitable.——This begets a

5th Queſtion, What ſort of men the people will be beſt ſatisfied with?——I anſwer, I think in none ſo well, as ſuch only as a common hall of the liverymen of London ſhall make choice of. It being evident by the experience of many ages, that the ſeveral corporations in London are the beſt adminiſtrators of what is left to charitable uſes, that have ever been in this kingdom; which is manifeſt in the regular, juſt, and prudent management of the London hoſpitals.

But here it may be objected, that country gentlemen, who have power in places of their reſidence, and pay out of their large eſtates conſiderable ſums towards the maintenance of their poor within the afore-limited precincts, may be juſtly offended if they likewiſe have not a ſhare in the diſtribution of what ſhall be raiſed to that purpoſe.——I anſwer, The force of this objection may be much taken off, if the city be obliged to chuſe but a certain number out of the city, as ſuppoſe ſeventy for London, ten out of Southwark for that borough, twenty for Weſtminſter: This would beſt ſatisfy the people, and I think do the work. But if it be thought too much for the city to have the choice of any more than their own ſeventy, the juſtices of peace in their quarter ſeſſions may appoint their own number of perſons to aſſiſt for their reſpective juriſdictions, and ſo to ſupply vacancies in caſe of death or otherwiſe. But all muſt be conjunctive, but one body politick, or the work will never be done.

The

The *6th Queſtion* is, What will be the advantage to the kingdom in general, and to the poor in particular, that will accrue by ſuch a ſociety of men, more than is enjoyed by the laws at preſent?——I anſwer, Innumerable and unſpeakble are the benefits to this kingdom that will ariſe, from the conſultations and debates of ſuch a wiſe and honeſt council, who being men ſo elected as aforeſaid, will certainly conſcientiouſly ſtudy and labour to diſcharge their truſt in this ſervice of god, their king, and country.

The poor, of what quality ſoever, as ſoon as they are met with, will be immediately relieved, or ſet on work, where they are found; without hurrying them from place to place, and torturing their bodies to no purpoſe.

Charitable minded men will know certainly, where to diſpoſe of their charity; ſo as it may be employed to right purpoſes.

Houſekeepers will be freed from the intolerable incumbrance of beggars at their doors.

The plantations will be regularly ſupplied with ſervants, and thoſe that are ſent thither well provided for.

The ſaid aſſembly will doubtleſs appoint ſome of their own members to viſit and relieve ſuch as are ſick, as often as there ſhall be occaſion; together with poor labouring families both in city and ſuburbs.

Poor children will be inſtructed in learning and arts, and thereby rendred ſerviceable to their country; and many other worthy acts done for the publick good, by the joint deliberation of ſo many prudent and pious men, aſſiſted with

ſuch a power and purſe, more than can be foreſeen or expreſſed by a private perſon.

The *7th Queſtion* may be, What ſhall all the poor of theſe cities and countries, being very numerous, be employed about?—The queſtion will be anſwered beſt by the ſaid aſſembly themſelves, when they have met and conſulted together; who cannot be preſumed deficient of invention to ſet all the poor on work; eſpecially ſince they may eaſily have admirable precedents from the practice of Holland in this particular, and have already very good ones of their own, in the orders of their hoſpitals of Chriſt-Church and Bridewell in London.——The girls may be employed in mending the cloaths of the aged, in carding, ſpinning, and other linen manufactures, and many in ſewing linen for the Exchange, or any houſekeepers that will put out linen to the matrons that have the government of them. The boys, in picking oakum, making pins, raſping wood, making hangings, or any other manufacture of any kind; which whether it turns to preſent profit or not, is not much material; the great buſineſs of the nation being firſt but to keep the poor from begging and ſtarving, and enuring ſuch as are able to labour and diſcipline, that they may be hereafter uſeful members to the kingdom. But to conclude, I ſay the wiſeſt man living by himſelf cannot propoſe or imagine ſuch excellent ways and methods as will be invented by the united wiſdom of ſo grave an aſſembly.

If it be here objected to the whole purpoſe of this treatiſe, that this work may as well be done in diſtinct pariſhes, if all pariſhes were obliged

obliged to build workhouſes, and employ their poor therein, as Dorcheſter and ſome others have done with good ſucceſs:——I anſwer, that ſuch attempts have been made in many places to my knowledge, with very good intents and ſtrenuous endeavours; but all that ever I heard of, proved vain and ineffectual, except that ſingle inſtance of the town of Dorcheſter; which yet ſignifies nothing in relation to the kingdom in general, becauſe all other places cannot do the like: Nor does the town of Dorcheſter entertain any but their own poor only, and whip away all others; whereas that which I deſign is, to propoſe ſuch a foundation, as ſhall be large, wiſe, honeſt, and rich enough, to maintain and employ all poor that come within the pale of their communication, without inquiring where they were born, or laſt inhabited; which I dare affirm, with ſubmiſſion, that nothing but a national, or at leaſt ſuch a provincial purſe can ſo well do; nor any perſons in this kingdom, but ſuch only as ſhall be picked out by popular election, for the reaſon before alledged, *viz.* that in my opinion three fourths at leaſt of the ſtock muſt iſſue from the charity of the people; as I doubt not but it will, to a greater proportion, if they be ſatisfied in the managers of it; but if otherwiſe, not the fortieth, I might ſay, not the hundredth part.

III.

III.

Mr CARY's.

THE next propoſal that hath occurred, is in an "Eſſay towards regulating the "trade, and employing the poor of this king-"dom". Written about the year 1700. By John Cary, Eſquire.

Having gone thro' the ſtate of the nation with reſpect to its trade; he proceeds to conſider it with reſpect to the poor, as follows:

"It cannot but ſeem ſtrange, that this king-dom, which ſo much abounds in product and manufactures, beſides the employment given in navigation, ſhould want work for any of its people. The Dutch, who have little of the two former, and do not exceed us in the latter, ſuffer no beggars. Whereas we, whoſe wealth conſiſts in the labour of our inhabitants, ſeem to en-courage them in an idle way of living, contrary to their own and the nation's intereſt.

The curſe under which man firſt fell, was labour; that by the ſweat of his brow he ſhould eat his bread. This is a ſtate of happineſs, if compared to that which attends idleneſs. He that walks the ſtreets of London, and obſerves the fatigues uſed by the beggars to make them-ſelves ſeem objects of charity, muſt conclude, that they take more pains than an honeſt man doth at his trade, and yet ſeem not to get bread to eat. Beggary is now become an art or myſtery,

myſtery, to which children are brought up from their cradles. Any thing that may move compaſſion is made a livelihood; a ſore leg or arm, or for want thereof, a pretended one. The tricks and devices I have obſerved to be uſed by theſe people, have often made me think, that thoſe parts, if better employed, might be made uſeful to the nation.

Here I will conſider,

1. What hath been the cauſe of this miſchief of idleneſs, and how it hath crept in upon us.

2. What muſt be done, to reſtrain its going farther.

3. What methods are proper to be uſed, in order to make a proviſion for thoſe who are paſt their labour.

As to the Firſt; we ſhall find, that it hath proceeded, partly from the abuſe of thoſe laws we have, and partly from want of better.——Licences for alehouſes, were at firſt granted for good ends, not to draw men aſide from their labour by games and ſports, but to ſupport and refreſh them under it. Whereas alehouſes are now encouraged, to promote the income of exciſe; not conſidering withal, that the labour of each man, if well employed, whilſt he ſits in an alehouſe, would be worth much more to the nation, than the exciſe he pays.

But above all, our laws to ſet the poor at work are ſhort and defective, tending rather to maintain them ſo, than to raiſe them to a better way of living. 'Tis true, thoſe laws deſign well; but conſiſting only in generals, and not reducing things to practicable methods, they

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fall ſhort of anſwering their ends, and thereby render the poor more bold, when they know the pariſh officers are bound, either to provide them work, or to give them maintenance.

Now, if we delighted more in the encouraging our manufactures, our poor might be better employed; and then it would be a ſhame, for any perſon capable of labour, to live idle. Which leads me to the

Second conſideration, What muſt be done to reſtrain this habit of idleneſs from going farther. ——Here I find, that nothing but good laws can do it; ſuch as may provide work for thoſe who are willing, and force them to work that are able. And for this uſe I think workhouſes very expedient; but they muſt be founded on ſuch principles, as may employ the poor; for which they muſt be fitted, and the poor for them. Wherein employments muſt be provided for all ſorts of people; who muſt alſo be compelled to go thither when ſent, and the workhouſes to receive them. And the materials which ſeem moſt proper for them, are ſimples; ſuch as wool, hemp, cotton, and the like, which may either be ſent in by the manufacturers, or be bought up on a ſtock raiſed for that end. Theſe will employ great numbers, of both ſexes, and all ages; either by beating and fitting the hemp, or by dreſſing and ſpinning the flax, or by carding and ſpinning the wool and cotton, of different fineneſſes. And if a reward was given to that perſon who ſhould ſpin the fineſt thread of either, as they do in Ireland for their linen, to be adjudged yearly, and paid by the county, or by any other manner as ſhall be thought fit; it

would very much promote induſtry and ingenuity, whilſt every one being ſtirred up by ambition, and hopes of profit, would endeavour to exceed the reſt: By which means we ſhould alſo grow more excellent in our manufactures.

Nor ſhould theſe houſes hinder any who deſire to work at home, or the manufacturers from employing them; the deſign being to provide places for thoſe who care not to work any where, and to make the pariſh officers more induſtrious to find them out, when they know whither to ſend them; by which means, they would be better able to maintain the impotent.

It ſeems alſo convenient, that theſe workhouſes, when ſettled in cities and great towns, ſhould not only be parochial, but one or more in each place, as will beſt ſuit it. Which would prevent the poor being ſent from pariſh to pariſh, and provided for no where. And when once the poor ſhall come by uſe to be in love with labour, it will be ſtrange to ſee an idle perſon.

There are other things which will employ the poor beſides our manufactures, and are alſo equally beneficial to the nation; ſuch as navigation, huſbandry, and handicrafts. Here, if theſe or ſuch like rules were obſerved, they might be made more advantageous to all.

As firſt, let the juſtices have power to aſſign youth to artificers, huſbandry, manufacturers, and mariners, and to bind them apprentices for a time certain, at ſuch ages as they ſhall think them fit to go on thoſe employments; who ſhould be alſo obliged to receive them.

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And as for thoſe of elder years, who will rather beg than work; let them be forced to ſerve the king in his fleet, or the merchants on board their ſhips: The ſea is very good to cure ſore legs and arms, eſpecially ſuch as are counterfeits; againſt which, the capſtern, with the taunts of the ſailors, is a certain remedy.

Let maſters of ſhips be obliged to carry with them ſome landmen every voyage; which will increaſe our ſeamen. And let the juſtices have power to force them to receive ſuch as are willing to enter themſelves, and to ſettle the rates of their wages.

Let young people be prohibited from hawking about the ſtreets, and from ſinging ballads; if theſe things be allowed, they are fitter for age.

Stage plays, lotteries, and gaming houſes, ſhould be ſtrictly looked after. Youth, in this age of idleneſs and luxury, being not only drawn aſide by them, but alſo more willing to put themſelves on ſuch eaſy ways of living, than on labour.

Theſe and ſuch like methods, being improved by the wiſdom of parliament, may tend, not only to the introducing a habit of virtue amongſt us, but alſo to the making multitudes of people ſerviceable, who are now uſeleſs to the nation; there being ſcarce any one, who is not capable of doing ſomething towards his maintenance; and what his labour doth fall ſhort, muſt be made up by charity; but as things now are, no man knows where it is rightly placed; by which means, thoſe who are truly objects do not partake thereof. And let it be conſidered, that if

every perſon did by his labour add one half-penny a day to the publick; it would bring in ſeven millions ſix hundred and four thouſand one hundred and ſixty ſix pounds thirteen ſhillings and four pence a year (accounting ten millions of people to be in the kingdom); ſo vaſt a ſum may be raiſed from a multitude, if every one adds a little.

The third conſideration is, what methods muſt be uſed to provide for thoſe, who either are not able to work, or whoſe labour cannot ſupport their charge. —— Here I take almſhouſes to be good gifts, where they are deſigned to relieve old age, or educate youth; not to maintain idle beggars, or eaſe rich pariſhes; but to provide for thoſe, who have been bred up in careful employments, tho' not able to ſtem the current of croſs fortunes.

Another way to provide for thoſe who are true objects of charity is, by taking care that the poor rates be made with more equality in cities and great towns; where the greateſt number of poor, uſually reſiding together in the ſuburbs, or out-pariſhes, are very ſerviceable by their labour to the rich, in carrying on their trades; yet when age, ſickneſs, or a numerous family, make them deſire relief, their chief dependence muſt be on people but one ſtep above their own conditions. By which means theſe out-pariſhes are more burdened in their payments, than the in-pariſhes are, tho' much richer.

And that a better proviſion may be made for the relief of ſailors in particular; let a ſmall deduction be made from the freights of ſhips,

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and from ſeamens wages, to be collected by a ſociety of honeſt men in every ſea port. This, with what additions might be made by the gifts of worthy benefactors, would be ſufficient to raiſe a fund, to maintain them in their old age, who in their youths were our walls and bulwarks. But it muſt be ſettled by law, and no man left at his liberty whether he will pay or no. Theſe are generally the moſt laborious people that we have; I do not mean thoſe ſcoundrel fellows, who often creep in under that name; but the true ſailor, who can turn his hand to any thing rather than begging."

From theſe, and ſuch like conſiderations (the author ſays) an act of parliament for eſtabliſhing a workhouſe in the city of Briſtol, was drawn up and paſſed in the 7 & 8 *Will. & Mary*; which act he inſerts at large; and is formed pretty much upon the plan propoſed by Sir Joſiah Child, for the cities of London and Weſtminſter, and other places within the bills of mortality. And from this, other acts, for many other places, have taken their frame. And this act at Briſtol, Mr. Cary ſays, had very good ſucceſs; inſomuch that there was not a common beggar, or diſorderly vagrant, to be ſeen in the ſtreets; but charity was given in its proper place and manner; the magiſtrates were freed from the daily trouble which they had ſuſtained from the poor; and the pariſhes were diſcharged from the invidious fatigues of ſettlements.

" But becauſe this act (as the author proceeds) was adapted only for cities and great towns, and cannot be a model for the counties at large; I will here ſubjoin ſuch methods as

may be proper to carry on this charitable deſign throughout the whole kingdom, if power be given by ſome publick act of parliament for all places to incorporate who are willing, and to build, or otherwiſe provide hoſpitals, work-houſes, and houſes of correction, for the better maintaining and employing their poor, under the management of guardians who ſhall be a body politick or corporate; which in the counties muſt be, by uniting one or more hundreds. Theſe guardians to conſiſt of all the juſtices of the peace inhabiting within the ſeveral pariſhes thus united; together with a number of inhabitants choſen out of each pariſh, in proportion to the ſum of money it ſhall pay. Which choice to be made every year, or once in two years, when one half of thoſe that were firſt choſen muſt go out, and the remainder to ſtay in to inſtruct thoſe who were laſt choſen; the electors to be freeholders of ſo much a year; and on the death of any guardian, another to be choſen in his room, by the pariſh for which he ſerved.

That the guardians being thus ſettled, they ſhall have power to chuſe a governor, deputy governor, treaſurer, and aſſiſtants, yearly; and to hold courts, and make by-laws, and have a common ſeal; to order aſſeſſments to be made and levied; to ſummon the inhabitants to anſwer to matters relating to the corporation; to compel all people who ſeek for relief, to dwell in their hoſpitals and workhouſes, if they ſee fit; to take in young people of both ſexes, and breed them up to work, whom they ſhall alſo be obliged to teach to read and write, and what

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elſe ſhall be thought neceſſary, and then to bind them out apprentices; to provide for the aged and impotent; to aſſiſt thoſe whoſe labours will not maintain their families; to apprehend rogues, vagabonds, and beggars, and cauſe them to be ſet on work; to inflict reaſonable correction, where they ſee it neceſſary; to entertain proper officers, and pay them out of the ſtock; with a clauſe to ſecure them from vexatious ſuits."

IV.

Mr HAY's.

THE next ſcheme is one intitled "Remarks "on the laws relating to the poor, with "propoſals for their better relief and employ-"ment", firſt publiſhed in the year 1735. It appears to have been written by Mr *Hay*, a member of the houſe of commons; and has many things in it worthy of obſervation. His propoſals were reduced into the form of an act of parliament, which was brought into the houſe Mar. 11. 1735; but it did not paſs.

The ſubſtance of the bill was this:

Each county to be laid out into one or more *diſtricts* by the quarter ſeſſions.

Twelve perſons reſiding in each diſtrict, of a certain eſtate in land, to be *guardians* of the diſtrict. Liſts of the perſons ſo qualified, reſiding within the diſtrict, to be returned to the quarter ſeſſions, like thoſe of perſons qualified to ſerve on juries; and the names of the guardians to be

drawn like thoſe of jurymen. Six annually to go out of office, the firſt year by lot; and ever after, the ſix who had been longeſt in office; and ſix new ones to be choſen in the ſame manner.——Benefactors to be guardians for a time, in proportion to the ſum given.

The guardians to be a *corporation*, capable of taking benefactions; to appoint officers; and make by-laws, to be approved by the juſtices of aſſize.

To purchaſe lands in fee, near the middle of the diſtrict, with a certain number of acres; and thereon to *build houſes* for the uſe of the poor: the charges of the purchaſe and building to be paid by money to be given by parliament.

To *furniſh* the houſes, and provide *ſtock* to ſet the poor on work: This to be effected, by money to be given by charitable perſons; and what more is wanting, by a rate on the ſeveral pariſhes.

The *work to be continued* by a rate, over and above what the charities ſhall ſupply; for which purpoſe of charity, the overſeers (under the direction of the guardians) to ſet up boxes in all places of divine worſhip.

After the houſe is finiſhed and furniſhed, guardians to give notice to the overſeers, to *bring in the poor* of their reſpective pariſhes; which they ſhall do within a month. And for ever after, to convey thither all impotent poor, baſtards, and foundling children, wanting relief; as alſo all the children above three, of ſuch married perſons who deſire it, and will make oath that they are not worth above 5l, beſides their goods and apparel. And never,

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for the future, to relieve any perſon out of the houſe, except on ſudden and emergent occaſions, as peſtilential diſtempers, ſickneſs, accident, or infirmity, which might endanger the life or health of the perſon in removing to the workhouſe; and during the continuance of ſuch occaſions only. —— And the juſtices in ſeſſions to ſettle the allowance by the mile, for conveying the poor to the workhouſe.

And every perſon to be deemed legally *ſettled* in any pariſh or place, where he continued a year without being chargeable; and if he gained no ſuch ſettlement, then at the place of his birth; and if not born in the kingdom, then where he ſhould happen to want relief.

It muſt be obſerved, that ſeveral of theſe regulations varied from Mr Hay's plan; being propoſed by others, contrary to his opinion.

Particularly, he would not have the *guardians* choſen by lot, nor by freeholders only (as Mr Cary propoſed); but by the occupiers of the land, that is, of all who pay towards the rate.

And he would have all notion of *parochial ſettlement* aboliſhed. It is certain, he ſays, that the obligation on each pariſh to maintain its own poor, and in conſequence of that, a diſtinct intereſt, are the roots from which every evil relating to the poor hath ſprung; and which muſt ever grow up, till they are eradicated. Every pariſh is in a ſtate of expenſive war with all the reſt of the nation; regards the poor of all other places as aliens; and cares not what becomes of them; if it can but baniſh them from its own ſociety: No good therefore is ever to be expected till parochial

parochial intereſt is deſtroyed; till the poor are taken out of the hands of the overſeers, and put under the management of perſons wiſer and more diſintereſted; and till they be ſet on work on a national, or at leaſt a provincial fund, to ariſe from benefactions and the labour of the poor, as far as they will go; and what more is wanting, to be levied by an equal tax. The rate, he ſays, muſt be equal throughout a county; or elſe the cure will not be compleat.

Therefore, he thinks, the *county* to be the propereſt diſtrict. The *buildings* in each diſtrict, he would have to be, a hoſpital, a houſe of correction, and a workhouſe; and to be, if not contiguous, yet not far diſtant; that perſons may be commodiouſly removed from one to the other, as occaſion requires. The *benefit* of theſe large diſtricts, he ſays, will be; that there will be a wiſer and more regular management, from the united counſels of the moſt conſiderable perſons in them, who will always compoſe the corporation; and the expence will be naturally leſs; for when great numbers of poor are together in one place, their proviſions, as well as the materials for their work, will be bought in larger quantities together, and conſequently cheaper; one common kitchen, one common hall will ſerve; fewer fires, and fewer officers; all which, and many more articles, muſt neceſſarily be multiplied, if they are diſperſed into many different habitations. And as the expence of their maintenance will be leſs, the product of their labour will be greater; ſince ſeveral manufactures cannot be carried on to advantage, but by great numbers of hands together in one place.

V.

Mr Alcock's.

THE next is; "Obſervations on the defects "of the poor laws, and on the cauſes and "conſequences of the great increaſe and burden "of the poor, with a propoſal for redreſſing "theſe grievances". By Thomas Alcock, M. A. Printed in the year 1752.——This author argues againſt the compulſory method of relief, and thinks it better to bring back the poor to be maintained by voluntary charity, as (it is ſuppoſed) they were before the ſtatute of the 43 Eliz. Or if that may not be; then he propoſes a workhouſe to be erected in every hundred; to conſiſt of three parts, one for the impotent and alſo for the able and induſtrious poor, the ſecond for the ſick, and the third for the vagrant and idle poor: to be built and furniſhed at the expence of the ſeveral pariſhes, in proportion to what they paid at a medium for maintaining their poor the laſt four years. The overſeers of the reſpective pariſhes to be governors thereof annually by rotation. And all perſons that beg or aſk relief, to be ſent to this houſe, and immediately admitted, on an order ſigned by the overſeers of the reſpective pariſhes. And no money, but what paſſed thro' this houſe, to be charged to the pariſh by the overſeers.

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With regard to the management of the Dutch in this reſpect, he ſays, "The Dutch, one would think, would be troubled with a great number of poor, as their country is ſo populous, and of ſo ſmall extent, and doth not afford bread-corn for a tenth of the inhabitants, nor any native commodities to export, or native materials to work up into manufactures, whereby the poor might have employment; and yet we are aſſured, a beggar is rarely to be ſeen among them. Their manner of taking care of the poor is, by all that have ſeen it, commended, and deſerves to be imitated. According to the account of an ingenious modern writer, their firſt care is to provide proper materials and inſtruments for labour, and ſet thoſe, that are able, to work; thoſe that are not able, are taken care of in hoſpitals. And thoſe idle vagrants that are able and not willing to work, are taken up and ſent to the raſp-houſe, or other places of labour and correction, and forced to earn their bread before they eat it. For the maintenance of theſe hoſpitals, where all the impotent poor are kept, (beſides what is given towards them by well-diſpoſed people, and part of the revenues of ſome ſecularized monaſteries,) they impoſe ſeveral little taxes; as, a penny upon every one that paſſes thro' the gate after candle-light; upon appointments at taverns and other places, where they have boxes to put in forfeitures for the uſe of the poor; nay, at every bargain, ſomething is reſerved for the ſame uſe. To which muſt be added, what is collected in churches, and weekly by the hoſpital officers from the inhabitants at their doors. But here is

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no aſſeſſment or compulſion; every one gives as his circumſtances enable, or charitable diſpoſition inclines him. He puts his alms with his own hand into a long purſe or bag which the collector holds out to him; ſo that God only and himſelf are privy to his alms. But the greateſt relief which the poor have, comes from a quarter one could leaſt expect, and yet that can beſt ſpare it: The playhouſes, mountebanks, and muſick booths, pay the third penny; and in ſome cities, as Amſterdam, half the money received. At the playhouſe in Amſterdam, which does not take in a week ſo much as one of our playhouſes ſometimes in a night, 'tis reckoned above 6000l yearly is collected for the uſe of the poor. In that city alone, there are near twenty one thouſand maintained yearly. The gaſt-houſe, or hoſpital, deſerves particular notice: There is no need of recommending: The door ſtands open to all comers: The Dutch aſk no queſtions, but receive every one there for god's ſake; even young women, who have had a misfortune, are well looked after; the children put out to nurſe, and the mother is no more troubled with them: This they do, not to encourage libertiniſm, but to prevent murders. The hoſpital children are ſo tender in the eye of the government, that when any of them have occaſion to travel, the publick track-ſkuyts, or paſſage boats, are obliged to carry them gratis. There is another hoſpital, where all poor travellers, without diſtinction, are lodged and entertained for three nights, but no longer. There is alſo in moſt towns, a ſociety of burghers or tradeſmen, who engage to ſup-

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port one another, on their happening to fail in the world: the fund for this is raiſed inſenſibly, by each member's paying a trifle weekly".—— Which laſt proviſion obtains in many parts of England with good effect.

VI.

A Scheme, intitled, "Conſiderations on ſe-"veral propoſals, lately made, for the "better maintenance of the poor". By an anonymous author.

This appears to have been written about the ſame time with Mr Alcock's plan; and is by no means a contemptible production, altho' the author hath not thought fit to affix his name to it. He contends for the ſufficiency of the preſent laws as to the main; and lays the fault principally upon the execution. He argues againſt leaving the poor to be ſupported by random charity, for this (amongſt other reaſons); that the ſyſtem of being maintained by voluntary contributions, having been broken by a diſuſe of now near 200 years, before it could get into any right train again, thouſands would periſh, trade would greatly ſuffer, and ſuch confuſion would ariſe as is not eaſily foreſeen. He thinks the diviſions are full large enough already; becauſe a great multitude is better to be governed, and in every reſpect more eaſily to be provided for, by being divided into many ſubordinate parts, than in great and unwieldy numbers. And obſerves, that the nation was better governed, and affairs

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in general better regulated, when the counties were divided into hundreds, and the hundreds into decennaries; when every man of the decennary was anſwerable for the reſt, and no man might depart from his dwelling without the conſent of his fellow pledges.

He propoſes, that the counties be divided by the juſtices in ſeſſions into as many ſmaller diſtricts as they ſhall think proper. That the petty conſtables viſit weekly the houſes in their reſpective conſtablewicks, and ſet down the names of all the inhabitants and lodgers, with their trades and ways of life, and whether their behaviour be orderly, and their children decently provided for, and ſet on work; and return the ſame once a month to the high conſtables. That the high conſtables make a return monthly, at a ſpecial ſeſſions of the diviſion to be held for that purpoſe; therein ſetting forth, the names of the inhabitants and lodgers; the number of publick houſes, and the behaviour of the alehouſekeepers; and whether gaming of any ſort, or other diſorders, are practiſed in thoſe houſes; the number of poor in each pariſh ſhould alſo be expreſſed, and an account how they are relieved, and how employed; and what workhouſes are already in each diviſion, and what more are wanted; and the like. That the juſtices of theſe ſpecial ſeſſions be allowed half a guinea a day, to be paid by the county treaſurer; high conſtable, on the monthly returns, 5s a day; petty conſtable, 2s 6d weekly, for viſiting every week, and making the return once a month.

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In all this, there will be no innovation (he obſerves) upon our conſtitution; but a nearer approach to the ſpirit and meaning of it, and almoſt all in the old forms: That in the execution of this plan, the expences will not be great; but, on the contrary, the general ſavings to the publick will be immenſe, if by this means the poor can be well employed, and the idle and profligate reſtrained.

VII.

The earl of HILLSBOROUGH's.

THE next were two ſchemes, drawn up each in the form of an act of parliament, by two very able perſons, viz. the right honourable the earl of Hillſborough, and the late Sir Richard Lloyd: Printed in the year 1753. But neither of them paſſed into a law.

That of the earl of Hillſborough repeals all the poor laws, and re-enacts (with ſome alterations) the clauſes about appointing overſeers, the manner of levying the rate, the ordering of baſtard children, binding out apprentices, rendring parents and children mutually liable to maintain each other; but deſtroys the whole notion of ſettlements and removals: And propoſes, — That in every county there ſhall be one corporation, conſiſting of ſuch perſons who ſhall ſubſcribe and pay annually not leſs than 5 l, towards the relief of the poor of ſuch county; who ſhall be called governors of the poor; and who may purchaſe lands; make by-

laws; appoint officers, with ſalaries, as clerk, and treaſurer; and alſo a ſteward to ſuperintend and direct the whole oeconomy, to provide diet, apparel, materials and implements of work, utenſils, and furniture, to ſell the produce of the work, and to inforce the obſervation of rules made for order and decency; and may alſo appoint an apothecary; and a maſter for the boys, and a matron to inſtruct the girls in arts and manufacture.

That in every county there be one or more hoſpitals erected, with convenient ground thereto adjoining, and furniſhed with materials and implements for work. Perſons to be admitted into ſuch hoſpital to be, the children of parents not able to maintain them, all expoſed and deſerted children, diſeaſed perſons not able to work or provide medicines; idiots, lunaticks, lame, old, blind, and other perſons, having no means to maintain themſelves, and not able to maintain themſelves by their labour (and no other kind of poor whatſoever). And none to be admitted but upon the recommendation of a governor. In ſuch hoſpital, to be three diſtinct apartments; for the children, the aged, and the diſeaſed: and the boys and girls to lodge and work apart from each other.

Phyſicians and ſurgeons who ſhall attend, to be governors without ſubſcription or payment of any ſum.

Alſo the miniſter of the pariſh where the hoſpital ſhall be, who ſhall viſit the ſick and inſtruct the poor there in religion, to be a governor without ſubſcribing. And if he be unable or unwil-

ling to perform the office, the governors may appoint a chaplain.

Infants to be tended by ſuch of the aged, as the ſteward ſhall appoint; children taught to work, and to read; and as many as are able, to attend divine ſervice in the church on ſundays.

Rewards to be given to the induſtrious; diſorders puniſhed: and other particular regulations, judicious, ſenſible, and humane.

Charges of the building, furniture, and materials, to be paid out of the contributions, and out of ſuch money as may be granted for that purpoſe by parliament, and further out of an aſſeſſment for two years of 3d in the pound each year. And for maintaining the poor admitted into the ſaid hoſpitals, an aſſeſſment to be laid yearly of 6d in the pound: And the profits of any work that may by done in ſaid hoſpitals to be alſo added to the revenue of the ſaid hoſpitals, and applied towards the ſuſtentation thereof.

Beſides this, the churchwardens and overſeers to make collections in the church on ſundays, and from houſe to houſe at certain times, and diſtribute the ſame, together with other ſpecial benefactions, to ſuch as ſhall have moſt need, according to their ſeveral neceſſities.

Alſo the overſeers, with leave of the lord of the manor, may incloſe and improve commons, not exceeding ten acres a year, for the uſe and benefit of the poor.

All vagrants, idle and diſorderly perſons, and perſons able to work (and having no means to maintain

maintain themſelves otherwiſe than by their labour, and refuſing to work), to be ſent to the houſe of correction of the place where they ſhall be apprehended, there to be kept to hard labour, for ſuch time and in ſuch manner as ſhall be thought proper.

VIII.

Sir RICHARD LLOYD's.

THIS ſcheme reciting, that whereas the education of the children of the poor cannot be ſo well effected, nor the poor be ſo comfortably nor at ſo eaſy a price maintained, in ſmall numbers, and within diſtinct families, as in large and well ordered houſes ſet apart for that purpoſe; therefore propoſes, that the juſtices in ſeſſions ſhall ſet out the county into ſo many diſtricts as they ſhall think proper; and the juſtices, and other perſons of conſiderable eſtate, to be choſen in like manner as jurors, ſhall be guardians of the poor within the reſpective diſtricts; and perſons contributing a certain ſum, to be additional guardians; the ſame to be a body corporate, make by-laws, and appoint committees; and to appoint a treaſurer, and other officers and ſervants, with convenient ſalaries. The ſaid guardians to purchaſe land, and thereon to build a *houſe of induſtry*, and other convenient buildings, for lodging and employing the poor within ſuch diſtrict; and to provide furniture and materials for work. The expence of the land, buildings, and furniture, to

be defrayed by a lottery, and by voluntary contributions, and (if need be further) by an aſſeſſment. The charges for the relief and employment of the poor afterwards, from time to time, to be raiſed by an aſſeſſment on the ſeveral pariſhes, in proportion to the number of poor they ſend to the ſaid houſe.—— The reſt of the poor laws, generally, to ſtand as they are.

So that the overſeers hereby are not obliged to ſend all their poor to ſuch houſe, but only to pay for thoſe they do ſend; others, not ſo fit to be removed thither, as in caſe of ſickneſs, or otherwiſe, wanting only occaſional relief, may be ſuſtained at home out of the poor rate as before. In lord Hillſborough's ſcheme, this kind of relief on ſudden emergencies, or accidental cauſe, ſeems to reſt upon voluntary contributions only.

IX.

Mr FIELDING's.

THE next is that of the late Henry Fielding, eſquire, intitled "A propoſal for "making an effectual proviſion for the poor, "for amending their morals, and for rendring "them uſeful members of the ſociety." To which is annexed a plan of the buildings propoſed. Printed in the year 1753.

This diſcourſe abounds with that ſtrong ſenſe and energy of expreſſion, of which that author was happily poſſeſſed. It ſeems intended as ſupplementary to the two laſt mentioned ſchemes.

—— Speaking of the neceſſity of ſome regulation, he ſays,— " That the poor are a very great burden, and even a nuſance to the kingdom; that the laws for relieving their diſtreſſes, and reſtraining their vices, have not anſwered their purpoſes; and that they are at preſent very ill provided for, and much worſe governed; are truths, which every man will acknowledge. Every perſon, who hath any property, muſt feel the weight of that tax, which is levied for the uſe of the poor; and every perſon, who hath any underſtanding, muſt ſee how abſurdly it is applied. So very uſeleſs indeed is this heavy tax, and ſo wretched its diſpoſition, that it is a queſtion whether the poor or rich are actually more diſſatisfied, or have indeed greater reaſon to be diſſatisfied; ſince the plunder of the one ſerves ſo little to the real advantage of the other: For while a million yearly is raiſed among the rich, many of the poor are ſtarved; many more languiſh in want and miſery; of the reſt, numbers are found begging or pilfering in the ſtreets to day, and to morrow are locked up in gaols and Bridewells. If we were to make a progreſs thro' the outſkirts of the metropolis, and look into the habitations of the poor; we ſhould there behold ſuch pictures of human miſery, as muſt move the compaſſion of every heart that deſerves the name of human. What indeed muſt be his compoſition, who could ſee whole families in want of every neceſſary of life, oppreſſed with hunger, cold, nakedneſs, and filth, and with diſeaſes, the certain conſequence of all theſe? The *ſufferings* indeed of the poor are leſs known, than their *miſdeeds*; and therefore we are leſs apt

to pity them. They ſtarve, and freeze, and rot, among themſelves; but they beg, and ſteal, and rob among their betters. There is not a pariſh in the liberty of Weſtminſter, which doth not raiſe thouſands annually for the poor; and there is not a ſtreet in that liberty, which doth not ſwarm all day with beggars, and all night with thieves."

He propoſes a plan for the county of Middleſex; which, if ſucceſsful, might be followed in other counties. For, he thinks, no diviſion leſs than a whole county, would ſo well anſwer the intention.

That there be a large building erected, conſiſting of three ſeveral courts; the two outermoſt of the ſaid courts to be called the *county houſe*, and the innermoſt court to be called the *county houſe of correction*; with a chapel, and offices.

That both the ſaid houſes ſhall be ſo contrived, that the men and women may be kept entirely ſeparate from each other.

That the ſaid *county houſe* ſhall conſiſt, of lodgings for the officers, of lodging rooms for the labourers, of working rooms for the labourers, of an infirmary, of a chapel, and of ſeveral large ſtore rooms, with cellarage.

That the ſaid *county houſe of correction* ſhall conſiſt, of lodgings for the officers, of lodging rooms for the priſoners, of working rooms for the priſoners, of an infirmary, of a faſting room, of ſeveral cells or dungeons, of a large room with iron grates which ſhall be contiguous to and look into the end of the chapel.

Speaking of the *faſting room*, he obſerves, that ſcarce any will be committed to this houſe of correction, who would not by the law as it now ſtands have been committed to Bridewell, where the allowance is no more than a penny loaf a day, with water. To be confined therefore with ſuch ſuſtenance for twenty four hours, cannot be well thought a ſevere puniſhment. The particular reaſon, he ſays, why he inſerts it here, is, that the party, before he be let looſe among the other priſoners, ſhould be perfectly cool; which is ſeldom the caſe, when profligate perſons are brought before the juſtice, and by him committed to the houſe of correction. And if at the expiration of that term, the priſoner ſhould ſtill retain any ſigns of outrageous reprobacy; it will be much more proper to confine him by himſelf, than to ſuffer him to reinfect thoſe who may poſſibly have made ſome advancement in their cure. And indeed there can be no more effectual means of bringing moſt abandoned profligates to reaſon and order, than thoſe of ſolitude and faſting; which latter eſpecially is often as uſeful to a diſeaſed mind, as to a diſtempered body. To ſay truth, this is a very wholſome puniſhment, and is not liable to thoſe ill conſequences which are produced by puniſhments attended with ſhame. For by once inflicting ſhame on a criminal, we for ever remove that fear of it, which is one very ſtrong preſervative againſt doing evil. Indeed, however this may have been admitted into the puniſhments of all countries, it ſeems (he ſays) to contain in it no leſs abſurdity, than that of

taking away from the party all ſenſe of honour, in order to make him a good man.

He further propoſes, that there ſhall be likewiſe built one houſe for the governor, one for the deputy governor, one for the chaplain, one for the treaſurer, and one other for the receiver general of the ſaid houſe; and that likewiſe there ſhall be built on each ſide of the county houſe, nine houſes for providing the labourers and priſoners with the neceſſaries of life.

That the working rooms in the county houſe, be furniſhed with all kinds of implements and tools, for carrying on ſuch manufactures as ſhall from time to time be introduced into the ſaid houſe.

That the working rooms in the county houſe of correction, be provided with implements for beating hemp, chopping rags, and for other of the hardeſt and vileſt labour.

That the governors, and all other officers of the ſaid houſes, be choſen by ballot.

With directions, about the hours of prayer; of work; of reſt; of recreation; orders concerning the ſick; the dead; and many other particulars.

X.

Mr Cooper's.

THE laſt that I ſhall take notice of, is in a treatiſe, intitled, "Definitions and axi-" oms relative to charity, charitable inſtitutions, " and the poor laws": By Samuel Cooper, M.A. late fellow of Magdalen college, Cambridge. Written in the year 1763.——This author, obſerving that county houſes would be too large, and parochial houſes too ſmall, propoſes, That in every large hundred, or, where the hundreds are ſmall, in every two or three hundreds united together, there ſhould be a building erected, which ſhould contain an infirmary for the ſick, and ſuch poor as are unable to work; a work-houſe for thoſe who are able; and a houſe of correction for thoſe who are not willing: And that theſe houſes ſhould be under the management of the gentlemen and clergy in their reſpective hundreds.

And this, he ſays, is not a mere ſpeculative notion, but has experience on its ſide; having been put in execution with good effect, in the two ſmall hundreds of *Colneis* and *Carlford*, incorporated by an act in the 29 *G.* 2. intitled, " An act for the better relief and employment " of the poor, in the hundreds of *Colneis* and " *Carlford*, in the county of *Suffolk*". By means of this, he ſays, the poor in theſe hundreds are much better maintained, are happier in themſelves,

ſelves, and more uſeful to the publick, than in any other part of the kingdom; and, by the account which has been publiſhed, it appears, that this ſcheme will very conſiderably leſſen the preſent expence; for, from eaſter 1758, to michaelmaſs 1762, notwithſtanding ſome very extraordinary expences attending the firſt inſtitution of it in theſe hundreds (the contributions being the ſame with what the ſeveral pariſhes had paid, upon an average, for the laſt ſeven years) a ſaving has been already made of above two thouſand pounds; and, in a few years, the debt contracted for its firſt inſtitution will be cleared, and then the rates will not be above half of what they are at preſent.

CHAPTER THE SEVENTH.

Other regulations propoſed.

THUS hath the wiſdom of the nation in parliament, and of individuals, been employed for ages, in providing properly for the poor, and yet they are not properly provided for. Which conſideration may be enough to diſcourage any perſon from attempting it, and to induce an opinion that it is indeed impoſſible. However, if it ſhall appear, that there are any material defects in the law as it now ſtands; by remedying thoſe defects, ſome good may accrue. One objection to which ſeveral of the ſchemes

that

that have been propoſed, ſeem to be liable, is, that they aimed at too much at once. To repeal all the preſent laws relating to the poor; to aboliſh the whole doctrine of ſettlements; to be at a certain expence in erecting workhouſes, with an uncertain proſpect of their ſucceſs; theſe, and other like propoſals, tho' they may poſſibly be good in themſelves, yet ſeem to put too much to the hazard; ſince it may happen, in an unexperimented caſe, that the remedy may be worſe than the diſeaſe. Therefore, let the preſent laws ſtand, as to the main. Only let TWO particulars be rectified, until time and experience ſhall ſuggeſt further alterations.

ONE of the ſaid particulars is this: In the whole ſeries of legiſlation above ſpecified, it appears, that no ſufficient proviſion hath been made, to prevent the nuſance of *common begging*. Till this ſhall be done, all other regulations of the wiſeſt legiſlature upon earth will be vain and fruitleſs. It ſignifies nothing, to provide for the maintenance and employment of thoſe, who can maintain themſelves without labour, and without being ſubject to controul. One would think it in ſpeculation the eaſieſt matter in the world to aboliſh this enormity; but if we reflect how it has been in practice, we ſhall be apt to think of it quite otherwiſe. The Dutch, we ſee, are commended, for their excellent inſtitution, concerning the maintenance and employment of their poor; inſomuch that a beggar in Holland is a rare ſight: But what is deemed to be the effect, is in reality the cauſe. They will not ſuffer them to beg; and therefore it is, that their other regulations take place. And the reaſon why it is not ſo in

England

England, hath happened thus: The makers of the ſtatute of the 43 *Eliz.* proceeded in the track of the former laws. And the ſubſequent ſtatutes followed in the ſame courſe. Now, begging, by the ancient laws, was not totally prohibited; on the contrary, in many inſtances, it was permitted and enjoined. And this was neceſſary in the ſtate of things at that time. Whilſt there was no compulſion, there could be no maintenance of the poor but from voluntary charity. And they who lived by alms, were allowed to aſk it, or others were to aſk it for them. And when, by all the means that could be invented, alms would not anſwer the purpoſe; then came in the compulſory method, which ſuperſeded the other, and was croſſed rather than forwarded by it; and from that inconſiſtence, the compulſive laws to this day have not their deſired effect.

How deep rooted this principle was in ancient times, appears from hence, that it ſtill ſubſiſts, altho' the cauſe hath long ſince vaniſhed. It was rivetted by all the ties of religion and duty. It was made an eccleſiaſtical concern, and the whole hierarchy was engaged in the execution. The *miniſter* was to exhort his pariſhioners, in the moſt ſolemn offices of devotion, and at the making of their wills, to be liberal and bountiful. The *churchwardens* were to make collections for them in the church (and hence came, very naturally, the parochial ſettlement): And the churchwardens have ſtill annexed to their office that of overſeer of the poor: So, the meetings for regulating matters concerning the poor, are to be held in the church. If the miniſter and churchwardens could not perſuade the pariſhioners,

oners, then the *biſhop* was to exhort and induce them. *Hermits* were allowed to beg about the country, by licence of the ordinary. *Pilgrims* were licenſed to wander, and beg by the way, to render their devotions at the ſhrines of dead men. The *univerſities* ſent out their begging *ſcholars*. And above all, the *religious houſes* ſent abroad their *friers mendicant*, who ſwarmed about the kingdom, preaching, and idling, and begging; inſomuch that it may be doubted, whether the religious, by means of theſe people, did not receive more alms, upon the whole, than they diſtributed. —— Hence *almſgiving*, to this day, among the vulgar, hath engroſſed the name of *charity*; that great and comprehenſive virtue, of which almſgiving at the moſt is but a ſmall part; for a man may give all his goods to feed the poor, and yet not have charity.

Even the lord chief juſtice Hale, long after the compulſory laws were in force, gave countenance to this irregularity; with great humanity indeed, and from a ſenſe of the inſufficiency or ill execution of thoſe laws. "What man (ſays he) "that is of ability, can have the conſcience "to deny an alms, when he cannot chuſe but "know, that there is not that due courſe pro- "vided, or at leaſt uſed, that perſons neceſſitous "and able to work may have it: Indeed, were "there a clear means practiſed for the employing "of poor perſons, it were an uncharitable action "to relieve them in a courſe of idleneſs. But "when I do not know, whether there is ſuch "a proviſion, I dare not deny my relief; becauſe "I know not whether without it he may be "ſtarved with hunger, without his own default."

It

It is a misfortune, that moſt of this author's writings were not publiſhed till after his death, and had not received his laſt corrections; inſomuch that he ordered by his will that none of them ſhould be publiſhed. However, happy it is for the publick, that that direction is overruled. Nevertheleſs, if he had lived to put the laſt hand to the above tract, he would have judged probably, upon mature conſideration, that in a country governed by laws, the preſumption is in favour of the law, and not of him who violates the law; and, there being ſo many ways wherein a perſon of the moſt benevolent diſpoſition may beſtow all his charity, with an undoubted aſſurance of its being well employed,—that it is more prudent to lay it out where he is ſure it will do good, than where he is not ſure but it may do hurt. This kind of charity is indeed no other, than to ſet up private judgment againſt the publick law. The legiſlature have provided for the poor in one way, but we think that is not ſo good, and therefore we will have a way of our own. And it fares accordingly. The laws are broken thro' like cobwebs. The worſt and moſt abandoned of the people are ſuſtained by the efforts of well meant but very ill judged charity; whilſt the modeſt, humble, virtuous, and really neceſſitous poor are neglected. Therefore let private judgment, or rather weakneſs and obſtinacy, give way, at leaſt for a time; and let it be tried what the laws can do.

But, how ſhall begging be reſtrained? which by a kind of preſcriptive claim, hath ſo long been accuſtomed to triumph above the laws. All ſorts of ſeverities, it appears, have been en-

acted againſt vagrants; and yet they wander ſtill. Nevertheleſs, one would hope, the diſeaſe is not paſt all remedy. If it is, let us ceaſe the unequal contention, and ſubmiſſively give up our fortunes to the next man that comes with a paſs, and tells us a juſtice of peace has ſo ordered it.—But let beggars and vagrants be doing. There is one infallible way to put an end to all this, and the eaſieſt in the world, which conſiſts merely in a non-feiſance:—*Give them nothing.* If none were to give, none would beg. And the whole myſtery and craft would be at an end in a fortnight. Let the laws continue, if you pleaſe, to apprehend and puniſh the mendicants; but let ſomething alſo be done effectually, againſt thoſe who encourage them. If the principal is puniſhed, it is not reaſonable the acceſſary ſhould go free. In order to which, let all who relieve a common beggar, be ſubject to a penalty.

It doth not appear, for what reaſon the clauſe in former vagrant acts is now repealed, whereby a rogue and vagabond, for want of other ſettlement, was to be ſent to the place where he laſt paſſed unapprehended. If this were revived, and ſomewhat enlarged, it ſeemeth that it might have good effect. As ſuppoſe it ſhould be enacted, that a rogue and vagabond, upon his being apprehended and carried before a juſtice, ſhould only be examined of the pariſh, townſhip, or place, where he was laſt relieved before his being apprehended; and that the juſtice ſhall remove him, as a vagrant, to ſuch pariſh, townſhip, or place, there to be maintained and provided for, until the ſaid pariſh, townſhip, or place, ſhall find him another ſettlement, and cauſe him to be removed

removed thither by order of two juſtices, as other poor perſons are to be removed to their ſettlements; which if they ſhall not do, or ſhall ſuffer him to eſcape and go at large, then the ſettlement to be abſolutely binding upon them. ——The difficulties that may be brought upon a pariſh by this expedient, is the very reaſon why it is propoſed: From that zeal and activity which is exerted every where, to prevent that odious, abominable, dreadful thing, called a *ſettlement*, there can be no doubt of any failure in the execution.

In the mean time, the pariſh or place ought to have a remedy over, againſt the particular perſon or perſons by whom the charge was brought. And this, in order to make the example more notorious, ſhould be upon application (after proper notice) to the general or quarter ſeſſions. And the juſtices there ſhould have power, to order ſatisfaction to be made to the pariſh officers, out of the goods and chattels of the perſon or perſons who harboured or relieved ſuch vagabond; and for want of diſtreſs, to ſend them to the houſe of correction.

In like manner, the juſtices might have power to order thoſe who relieve perſons, not being rogues and vagabonds, but *idle and diſorderly perſons*, that wander and beg in the pariſhes to which they belong,——to be aſſeſſed *double* (for inſtance) of their uſual aſſeſſment to the poor rate, for a limited time; in order to draw off by degrees the exuberance of their liberality. And indeed, if ſuch perſons were but compelled to give, what they obſtinately do give without compulſion; the trade of begging would ſoon ceaſe, for want of the neceſſary reſources.

To

To render the aforeſaid proviſions more effectual, and to take away all foundation of abuſe and fraud; a regulation ſhould be made about the paſſes of *ſoldiers* diſbanded, and *ſailors* ſhipwrecked or otherwiſe landed at a diſtance from their habitation. Let theſe by no means be permitted to paſs themſelves, and thereby be tolerated to wander about the country, and learn the ſcience of begging, and at the ſame time encourage impoſtors to go about under like pretences. Theſe ſhould be conveyed from the place of diſcharge, or of their landing reſpectively, not in the capacity of vagrants, but in the way and manner by which vagrants are conveyed, from county to county, and to be decently maintained, and treated with humanity, according to the merit of their ſeveral profeſſions.

In like manner *travellers*, *labourers*, *harveſt workers*, and the like, ſhould be ſuſtained and conveyed, if by ſickneſs or other accident they ſhall become deſtitute of other proviſion.

So alſo, ſoldiers *wives*, with their *children*, ought to conveyed to the huſband or father, if within the realm; if not, then to their lawful place of ſettlement: but by no means to be ſuffered to ſtroll and beg about the country.

Perſons having *no ſettlement*, ought to be ſent to ſome workhouſe or other place where they ſhall be apprehended; and ſuſtained, not at the expence of ſuch pariſh or place, nor of the county, (to prevent colluſion,) but of the publick, to be paid out of ſome ſuch rate as the land tax.

So much for the extirpation of common begging. Other means, and better probably, may be ſuggeſted. But the thing it ſelf is neceſſary, if ever we intend, that any regulations for the employment and better ordering of the poor ſhould be effectual. And certainly it is not impoſſible. It is indeed a diſgrace, a ſhame and reproach, to an imperial kingdom, —— to a people, conquerors of nations, lords of the ocean, renowned for their proweſs to the utmoſt extremities of the globe, —— to be laid under contribution by an infamous banditti! Which puts one in mind of certain generals, who have ſubdued mighty hoſts in the field, and (to borrow the aforeſaid feudal expreſſion) have been *cow'd* at home by their wives.

Supposing, now, begging to be reſtrained; humanity, religion, compaſſion, virtue, honour, decency, love to our brethren, the very frame of our compoſition, and bowels of our nature, call loudly upon us, for ſome better regulation, to feed the hungry, —— to cloath the naked, —— to ſuſtain the impotent, —— to employ the laborious, —— to encourage the induſtrious, —— to inſtruct the ignorant, —— to reclaim the vicious, —— and puniſh the incorrigible.

And this leads to the other fundamental defect propoſed to be taken notice of in our preſent poor laws; and that is, That the whole in a great meaſure, (and in practice, indeed, altogether,) is left to the management of thoſe annual officers called *overſeers of the poor*. It is true, the law provides that they ſhall be ſubſtantial

tial houſholders. But many a man may be a ſubſtantial houſholder, who is not fit to be an overſeer of the poor. And, in fact, the office goes by rotation from one houſholder to another; ſome perhaps tenants at rack rent, whoſe leaſe expires the next year; others, ignorant and unexperienced; others, not willing to charge themſelves, or to diſoblige their neighbours; and all of them wanting to get over the office, with as little trouble to themſelves as poſſible; and if any, wiſer than the reſt, projects any thing for the common good, his office expires at the end of the year, and his labour is fruſtrate. And, in practice, the office of an overſeer of the poor ſeems to be underſtood to be this: To keep an extraordinary look-out, to prevent perſons coming to inhabit without certificates, and to fly to the juſtices to remove them; and if a man brings a certificate, then to caution all the inhabitants not to let him a farm of 10 l a year, and to take care to keep him out of all pariſh offices; to warn them, if they will hire *ſervants*, to hire them half yearly, or by the month, by the week, or by the day, rather than by any way that ſhall give them a ſettlement; or if they do hire them for a year, then to endeavour to pick a quarrel with them before the year's end, and ſo to get rid of them: To maintain their poor as cheap as poſſibly they can at all events; not to lay out two pence in proſpect of any future good, but only to ſerve the preſent neceſſity: To bargain with ſome ſturdy perſon to take them by the lump, who yet is not intended to take them, but to hang over them *in terrorem* if they ſhall complain to the juſtices for want of maintenance:

To ſend them out into the country a begging (for why cannot they go, as well as others they will mention, who are leſs able in body? and the feebler they are, the more profitable will be their peregrination): To bind out poor children apprentices, no matter to whom, or to what trade, but to take eſpecial care that the maſter live in another pariſh: To move heaven and earth if any diſpute happens about a ſettlement; and in that particular, to invert the general rule, and ſtick at no expence: To pull down cottages: To drive out as many inhabitants, and admit as few, as poſſibly they can; that is, to depopulate the pariſh in order to leſſen the poor rate: To be generous indeed, ſometimes, in giving a portion, with the mother of a baſtard child, to the reputed father, on condition that he will marry her; or with a poor widow (for why ſhould ſhe be deprived of the comforts of matrimony?) —— always provided, that the huſband is ſettled elſewhere: Or if a poor man, with a large family, appears to be induſtrious, they will charitably aſſiſt him in taking a farm in ſome neighbouring pariſh, and give him 10l to pay his firſt year's rent with: And if any of their poor has a mercantile genius, they will purchaſe for him a box, with pins, needles, laces, buckles, and ſuch like wares, and ſend him abroad in the quality of a petty chapman; with the profits whereof, and a moderate knack at ſtealing, he can decently ſupport himſelf, and educate his children in the ſame induſtrious way. —— But to ſee that the poor ſhall reſort to church, and bring their children there to be inſtructed; to contract with a maſter, that he ſhall procure his apprentice at

proper times to be taught to read or write; to provide a ſtock of materials to ſet the poor on work; to ſee the aged and impotent comfortably ſuſtained; the ſick healed; and all of them cloathed with neatneſs and decency: Theſe, and ſuch like, it is to be feared, are not ſo generally regarded, as the laws intended, and the neceſſity of the caſe requires.

The remedy in this caſe is not to aboliſh the office altogether. Let the overſeers of the poor continue. But let there be a general *ſuperintendent* over a certain number of pariſhes, as the juſtices in ſeſſions ſhall find moſt convenient. Let the overſeers collect the poor rate, but let them be under the direction of their ſuperior as to the diſpoſal of it. This is not any new imagination: for it occurred to the wiſdom of parliament (as we have ſeen) in the ſtatute of the 14 *Eliz. c.* 5. After *collectors* for the poor were appointed, then was to be appointed the *overſeer* of the poor. And their ſeveral offices are diſtinguiſhed in their title: the former were to *collect*; the latter was to *overſee*, that is, to direct the maintenance and provide employment. Theſe offices were afterwards united, under the name of *collectors and governors of the poor*; and after that, as they ſtill continue, under the general name of *overſeers of the poor*. And this ſeems to be the particular reaſon, why they are required to be *ſubſtantial houſholders*; as thereby ſuppoſed to be more capable of executing the ſeveral branches of the office. And this might do very well in thoſe days. For the *maintenance* of the poor was the thing principally intended. Their *employment* was but a ſecondary conſidera-

tion, and came in long after the regulations for their maintenance. And the reaſon is; trade and manufacture were then little attended to. There was in very deed little or no employment for the poor. And therefore tho' the ſpecial office of *overſeer*, which was then thought of and eſtabliſhed, did not continue, but was ſunk in the other office of *collector*; that is no reaſon, conſidering the great difference in the circumſtances of the times, why it ought not now to be reſtored in its intire vigour. Here is now work for all the poor, if they were ten times as many as they are; here are more poor now to be provided for, becauſe we are become much more populous; here is ſcope to make the poor exceeding uſeful, and to render their lives comfortable and eaſy.

But this is not to be done by the preſent churchwardens and overſeers, not one in twenty of whom is adequate to the performance; and if he were, the ſhort duration of his office would not admit it. Therefore let there be a *general overſeer*, within each *hundred* (for inſtance), for that ſeems the moſt appoſite diviſion; or if a hundred ſhall be too large, there may be two or more within ſuch hundred.

The ſaid overſeer ſhould be, not a perſon of the moſt eminent rank and dignity; for it is not to be ſuppoſed that ſuch perſons will ſufficiently attend. He ſhould not be of the loweſt rank, leſt ſomething of authority ſhould be wanting. In general, a perſon about the degree of a *high conſtable* ſeemeth the moſt proper; and the high conſtable himſelf, in ſome hundreds, perhaps might be appointed, with a reaſonable addition

to

to his ſalary: For it is eſſential to the execution, that ſuch perſons have ſalaries. People may talk as much as they pleaſe, about ſerving the publick for nothing. Many publick ſpirited men, no doubt, there are in the nation; perhaps there were never more than in this preſent age. But this ſort of men is not always the moſt active; and it is certain the buſineſs of the world is done by another ſort of people. From the higheſt ſubject to the loweſt, no man chuſes to ſerve for nothing. Nor is it reaſonable they ſhould. Therefore this overſeer muſt be paid. And that ſhould be according to the extent of his office. Each pariſh or townſhip under his juriſdiction, ſhould be required to pay ſo much in the pound according to their poor rate.

His buſineſs ſhould be, to require the church-wardens and overſeers within his diſtrict, to bring him an account in writing, and renew the ſame from time to time, of all the poor within their reſpective pariſhes; diſtinguiſhing therein their ages, ability of body, diſpoſition of mind, trade or other employment, and what they are moſt apt and fit for; and from thence take his meaſures for their relief and employment. And particularly, to provide work, according to the manufactures of the ſeveral places, or to ſet up ſome eaſy manufacture if there ſhall chance to be none. And to this purpoſe, the direction of the ſtatute of the 18 *El. c.* 3. is ſo very appoſite, that it may be proper here to repeat it. For tho' it failed at that time, probably becauſe manufacture was then but in its early infancy, that is no reaſon why it may not be put in practice now with better effect. " To the intent that

" youth may be accuſtomed and brought up in
" labour, and then not like to grow to be idle
" rogues; and to the intent alſo that ſuch as be
" already grown up in idleneſs, and ſo rogues
" at this preſent, may not have any juſt excuſe
" in ſaying that they cannot get any ſervice or
" work; and that other poor and needy perſons,
" being willing to labour, may be ſet on work;
" it is ordained, that within every city and town
" corporate, by appointment of the mayor or
" other head officer, and in every other market
" town or other place where the juſtices in their
" general ſeſſions yearly after eaſter ſhall think
" meet, ſhall be provided (of all the inhabitants
" to be taxed, levied, and gathered) a compe-
" tent ſtock of wool, hemp, flax, iron, or other
" ſtuff, as the country is moſt meet for. The
" ſame to be committed to the cuſtody of ſuch
" perſons, as by the ſaid officers or magiſtrates
" ſhall be appointed. Which perſons ſo ap-
" pointed ſhall have power (by the advice of
" them who do appoint them) to diſpoſe, order,
" and give rules, for the diviſion and manner of
" working of the ſaid ſtock; who ſhall be called
" the collectors and governors of the poor.
" Which collectors and governors from time to
" time (as cauſe requireth) ſhall of the ſame
" ſtock deliver to ſuch poor and needy perſons,
" a competent portion to be wrought into yarn,
" or other matter, within ſuch time, and in ſuch
" ſort, as in their diſcretions ſhall be limited.
" And the ſame afterwards being wrought, to
" be from time to time delivered to the ſaid
" collectors and governors; for which they ſhall
" make payment to them which work the ſame,

" according

" according to the desert of the work; and of
" new deliver more to be wrought. And so
" from time to time to deliver unwrought, and
" receive the same again wrought, as often as
" cause shall require. Which hemp, wool, flax,
" or other stuff wrought, shall be sold by the
" said collectors and governors, either at some
" market or other place; and with the money
" coming of the sale, they shall buy more stuff,
" in such wise as the stock shall not be decayed
" in value. And if any such person, able to do
" any such work, shall refuse to work, or shall
" go abroad begging, or live idly, or taking
" such work shall spoil or embezil the same, in
" such wise that after monition given, the mi-
" nister and churchwardens of the parish, and
" the said collectors and governors, shall think
" the said person not meet to have any more
" work delivered out of the same stock; then,
" upon certificate thereof made under their hands,
" the said person, being brought by one of
" the said collectors and governors, to such per-
" son as shall in that county have the oversight
" and government of one of the houses of cor-
" rection, in convenient apparel meet for such a
" body to wear, shall, from such town, place,
" or parish, be received into such house of cor-
" rection, there to be straitly kept, as well in
" diet as in work, and also punished from time
" to time, as to the said person, having the over-
" sight and government of the said house of cor-
" rection, shall be appointed."

To this it may be added, that for the encouragement of industry, the overseers (always under the direction of the superintendent) shall according

ding

ding to the neceſſities and infirmities of the ſeveral perſons, give to ſome double the market price of ſuch a piece of work, to others one half more, to others one fourth, ſo as that the more they work, the better will their maintenance be. And the overſeers ſtill to make up the deficiency out of the poor rate. And it is better for the pariſh upon the whole, to give two ſhillings a week above the market price to a family for work done; than one ſhilling a week, and ſuffer them to be idle. For thereby a ſpirit of induſtry will be encouraged, and their children will be brought up to be good for ſomething. And the overſeers might give ſmall premiums to children who ſhould do the beſt work; as a new wheel, a pair of new ſhoes, a new bible, or the like.

An example will explain my meaning.

The form of the return to be made to the general overſeer, ſhould be thus:

Pariſh of A.

1 { James Wilſon, aged 57 years; labourer, able in body.
Sarah his wife, aged 45; able alſo.
John their ſon, aged 12; ſtout and luſty.
Sarah their daughter, aged 9; d°.
Elizabeth their daughter, aged 7.
William their ſon, aged 4.
George their ſon, aged 3 months.

For this family, it might be ordered as follows: If the father, by reaſon of his age, is not ſo able as ſome others, for daily labour, and conſequently not

not ſo likely to get employment; the overſeers are to hire him out to thoſe that will give the moſt wages, tho' it be under the common price of labourers, and make it up to him ſo much by the day, as with their other ſupports may reaſonably maintain them. The mother is ſuppoſed to be chiefly employed in tending the younger children. But as ſhe may have ſome vacant time, and the elder children may be able to aſſiſt her and alſo to do ſome other kind of ſervice; we will ſuppoſe the manufacture of knitting ſtockings to be carried on in that place; then let them have one, two, or more pairs to knit by the week; and where the common price of knitting is 12d a pair, let them have fourteen pence, ſixteen pence, or eighteen pence, as their induſtry may deſerve, or their neceſſities require. The eldeſt ſon to be put out apprentice as ſoon as may be, or hired to be a ſervant in huſbandry. The eldeſt daughter likewiſe, ſo ſoon as any will take her; or ſomething may be given with her the firſt year, to a good maſter.

So another family:

2 { James Harriſon, aged 27; able to work, but not willing.
Mary his wife, aged 25; can knit and ſpin.
Sarah their daughter, aged 3.

If the father will not do ſuch work as he is able for, let him be ſent to the houſe of correction. And let the mother have work provided, to maintain her ſelf and daughter.

If

If a perſon is able to do nothing, and has no relations that can or will do any thing towards aſſiſting him; for ſuch perſons a place ſhould be provided, by hiring a houſe, or contracting with ſome ſubſtantial perſon, for keeping all ſuch, in a decent and comfortable manner.

If a man has occaſional loſſes, or ſickneſs; or is overburdened with young children; or with a little aſſiſtance towards ſtocking a farm, or renting a houſe, may be likely to do well; a temporary relief might be applied accordingly.

Sometimes, where a perſon is loth to bring himſelf upon the pariſh, and an immediate ſum of money would be of great ſervice to him, which he may be able to pay afterwards; the ſame may be lent to him, with or without intereſt, as the occaſion ſhall be.

And in all caſes, the particular reaſon of any ſupply given to the poor ought to be ſet down; that when the cauſe ceaſes, or other courſe is taken with regard to ſuch poor perſons, the ſaid ſupply may be withdrawn.

All this to be directed by the general overſeer, under the inſpection of the juſtices. For which purpoſe, the juſtices might ſubdivide, as heretofore, into hundreds; and hold monthly ſeſſions. At which ſeſſions, the churchwardens and overſeers to bring in their liſts as aforeſaid, and give an account how matters proceed, according to the directions given to them, and to receive further orders. And perſons thinking themſelves aggrieved by any thing done at the ſubdiviſion meetings, to have liberty to appeal to the general quarter ſeſſions.

But

But how ſhall theſe meetings be kept up? It muſt be confeſſed, here is a difficulty. The juſtices are required to have monthly ſeſſions about the *highways* too; and theſe are ſcarce any where regularly obſerved. And here it is neceſſary to repeat the obſervation made juſt now. When men ſpeak of ſerving the publick, at their own conſiderable expence, and without any reward, or ſo much as thanks, for their labour; they mean, no doubt, as they ſay; and ſome will perſevere: But is it not evident in experience, that they who profeſs the moſt of that kind, are the leaſt diligent in attending? Do not the juſtices, on an alehouſe licence day, flock in from all quarters? At a militia meeting, or a highway meeting, few or none will attend. And what is the reaſon? Not publick ſpirit, to be ſure, or a deſire to ſerve their country for nothing †. And whilſt men are men, it will not be otherwiſe, let us imagine in ſpeculation what we pleaſe. The majority of mankind will do, what the majority have always done. Therefore if we intend to reduce any ſcheme of this kind into real practice, we muſt alleviate the expence to the juſtices. Let thoſe who attend the monthly ſeſſions be allowed half a guinea a day

† Every body knows how ſlowly the *militia* ſcheme advanced, until pay was appointed to the clerks of the meetings and of the regiments or battalions; whereby they became induſtrious to procure meetings and put the acts in motion. And it is eaſy to predict the decay of that ſervice, whilſt the officers, as at preſent (all above the degree of lieutenants), ſhall have no pay allowed to them at the times of their annual exerciſe.

(as offered in one of the propoſals abovementioned), to be paid out of the county rate. If any has a mind to ſerve for nothing, he may nevertheleſs; for compulſion in this caſe would be abſurd. The expence indeed is trifling, and the advantages will far more than counterbalance it. For the buſineſs of the ſaid meetings may be extended to the purpoſes of the highways likewiſe, and alſo of the militia upon occaſion; and ſo the other buſineſs of a ſpecial ſeſſions, as filiation of baſtard children, removal of poor perſons, recovering of poor rates and other taxes and aſſeſſments, complaints of maſters, ſervants, apprentices, and a hundred other particulars. For the parties concerned would always know where to have the juſtices together to apply to. And in like manner, perſons who wanted apprentices or ſervants, would reſort thither, to receive ſuch, by conſent of the juſtices, as may be under the overſeers care.

SUPPOSING now theſe two points to be gained, *viz.* a total prohibition of *begging*, and a *general overſeer* within certain diſtricts; it might be proper to leave the reſt of the poor laws as they are; eſpecially, as going further might tend to perplex; and by the help of theſe two regulations alone, it might be tried (which never yet hath been tried effectually) what the preſent poor laws can do.

As the laws now ſtand, the poor may be maintained and ordered, in ſeparate families; or in a general workhouſe within a townſhip or pariſh; or two or more townſhips or pariſhes may join; the churchwardens and overſeers may purchaſe

chaſe houſes, may hire houſes, may build houſes, may contract with perſons having houſes of their own fit for the purpoſe of lodging, keeping, and employing the poor.

By the 43 El. c. 2. The churchwardens and overſeers ſhall take order for ſetting to work the children of all ſuch whoſe parents are not able to maintain them;——and for ſetting to work all ſuch perſons, married or unmarried, having no means to maintain them, and uſing no ordinary and daily trade;——and for the neceſſary relief of the lame, impotent, old, blind, and ſuch other among them being poor, and not able to work.——And the juſtices ſhall ſend to the houſe of correction or gaol, ſuch as ſhall not employ themſelves to work, being appointed thereunto as aforeſaid.

By the 3 C. c. 4. They may ſet up any trade, miſtery, or occupation, for ſetting on work, and better relief of the poor.

By the 33 El. c. 2. They may, with leave of the lord of the manor, erect upon the waſtes, fit and convenient places of habitation for the poor, at the charge of the pariſh, or otherwiſe of the hundred, or county; and may place more than one family in any ſuch houſe, notwithſtanding the laws againſt cottages.

By the 9 G. c. 7. They may purchaſe or hire any houſe in the ſame pariſh, and contract with any perſon for keeping, maintaining, and employing the poor there:—— And where any pariſh or townſhip ſhall be too ſmall, two or more may unite for the purpoſes aforeſaid.

In ſhort, the poor muſt be ſomewhere. And it may be ſtill left diſcretionary, in which of theſe

ways they ſhall be ordered; for one method may be more convenient in one place, and another more convenient in another place.

In cities, boroughs, and towns corporate, that have excluſive privileges of trade, and eſpecially that have juſtices of the peace of their own, the regulations of the poor ought to be ſtill kept ſeparate, as it ſeemeth, within the limits of the juriſdiction of thoſe juſtices. In many of theſe towns, workhouſes have been already eſtabliſhed, with good effect. Theſe may continue as they are. But whether a general erection of ſuch houſes may be recommended, ſeemeth to be ſomewhat doubtful from facts; for as ſome have been ſucceſsful, ſo others have failed. This may be owing to their good or bad management.

In the city of *Briſtol*, according to Mr. Cary's account, the workhouſe eſtabliſhed by virtue of the act of parliament abovementioned, proſpered exceedingly. The author of the "Conſidera-"rations" above quoted, gives an account of two that had been erected on the plan of that of Briſtol, by ſpecial acts of parliament, which did not ſucced, to wit, at *Sudbury*, and at *Colcheſter*; and were made uſe of, he ſays, whilſt they ſubſiſted, for party jobs, and private views, and were the occaſion of much expence and diſorder and confuſion. Perhaps a *maritime* trading town, as Briſtol, may be more commodious for ſuch an eſtabliſhment, than in the inland countries, eſpecially if in ſuch place there ſhall be no conſiderable trade or manufacture. In the ſea port towns generally, they ſeldom have too many hands, and

are

are ready to employ all that come, without examining minutely into their place of ſettlement.

Several of the propoſals, as we have ſeen, aim at a general COUNTY workhouſe. Others extend further ſtill, as to the two great cities of *London* and *Weſtminſter* and the other places within the *bills of mortality*. As to theſe laſt, the propoſal may be feiſible, perhaps, within that circle, which contains in it more wealth, publick ſpirit, and charitable diſpoſition, than any other ſpot of the ſame extent in the known world. But even there, the ſcheme poſſibly may be too comprehenſive.

However, ſome regulations within that diſtrict, it is too evident, are extremely needful. It is a moſt affecting ſcene, to a heart tinctured with the leaſt degree of ſenſibility, to walk thro' the ſtreets of London and Weſtminſter, and there to behold the utmoſt affluence and ſplendor, on the one hand; and the extremeſt wretchedneſs, on the other, that human nature is ſuſceptible of in a free country. And this, not for want of compaſſion and benevolence.

The truth is, charity, being croſſed and interrupted by the compulſory laws, which bring the general poor upon the pariſh, breaks forth in particular proviſions for the ſick, wounded, and otherwiſe diſeaſed; for lunaticks; for foundling children; for lying-in women; and in many other like inſtances. But amongſt all theſe inſtitutions (which is ſomewhat wonderful) a ſociety hath never been formed, for viſiting and providing employment for the induſtrious poor. This great and moſt uſeful work is left to the churchwardens and overſeers, who ſet about it as a

taſk and impoſition, without any intention or conſideration at all of the publick good.

But, in general, the objections againſt county workhouſes, or for other very large diſtricts, ſeem to require peculiar attention. There is ſomething of unwieldineſs in the proſpect. A vaſt expence of building. A crowded inhabitancy. A charge and trouble in removing the poor to and from ſuch houſes, at ſo great a diſtance as it ſometimes will be.

One objection ſeems to be, particularly, with regard to *health*. To which purpoſe, it is very conſiderable, what Mr Hanway obſerves, in his "Conſiderations on the ſalutary deſign of the "act of the 2 G. 3. c. 22. for regiſtring all pa-"riſh poor infants within the bills of mortality, "under four years of age": Which act, reciting, that whereas the keeping regular, uniform, and annual regiſters of ſuch infants, may be a means of preſerving their lives, therefore enacts, that ſuch regiſter ſhall be kept of all poor infants under that age, in any of the workhouſes within that diſtrict, and directs in what manner the ſaid regiſter ſhall be made, and to whom, and when, to be produced from time to time. —— He ſeems to intimate, that pariſh officers had made a merit of ſaving money to the pariſh, underſtood to be at the expence of the lives of ſuch infants. He ſpeaks ſtrongly, and with great goodneſs of heart, againſt the unhealthineſs in general of pariſh workhouſes, occaſioned by the unwholſome and corrupted air, particularly within the two great cities of London and Weſtminſter; and thinks it almoſt impoſſible for any children to live there: "Pariſh officers, ſays he, may

may amuſe themſelves till doomſday; but, to attempt to nouriſh an infant in a workhouſe, where a number of adults are congregated, or where a number of nurſes are aſſembled in one room, and conſequently the air become putrid, be theſe nurſes ever ſuch proper perſons, I will pronounce, from the moſt intimate knowledge of the ſubject, is but a ſmall remove from ſlaughter, *for the child muſt die*". —— "I have heard it declared, ſays he, in publick court, of one very important pariſh, which in fourteen years did not preſerve a ſingle child; and I have ſeen the accounts of another, which acknowledged, that out of fifty three, being the whole number received in five years, not one was kept alive".

And from the conſideration, that at beſt, within the bills of mortality, one half of the people that are born die within the age of two years, and that in the country they do not generally bury above thirteen in a hundred under two years old, he takes occaſion to wiſh, that the governors of the workhouſes, and all other people who can afford it, living in narrow ſtreets or ſmoaky places, would ſend their children into the country to be nurſed: "Medical gentlemen, he adds, can beſt aſſign the cauſe, why the burning of coals to keep 800,000 people warm, and dreſs their food, impregnates the air with too much ſulphur for infants to breathe freely, and how it cuts the tender thread of their lives."

"If reaſon and conſtant experience (as he goes on) concur in proving, that nothing but mortality can enſue from children being kept in town; if to this we add, that the price of nurſing

is really cheaper in the country, than in or about the town; then there can, upon this compariſon, be but *one* reaſon why theſe infants are detained in town; and *that* reaſon, chriſtianity and humanity ſhudder ſo much at the thought of, that I will not repeat or mention it again.——There is a time for all things: and tho' I do not expect the reign of the ſaints on earth, I do moſt ſolemnly declare, that I hope for the ſame humanity hereafter in pariſh officers, as among other men; and tho' I am ſenſible, office is generally apt to harden mens hearts, it can never deſtroy a ſenſibility of human miſery in *his* breaſt who deſerves the name of a *man.* —— I have heard, that a *Chineſe*, according to their laws, may caſt his new born child into the river. On the other hand, the *Portugueſe* have a notion of honour, that if a *murderer* takes refuge in their houſe, they are bound to protect him. *We* live in a country, where our *laws* teach us, that to deſtroy a child under any circumſtances is murder, and a crime puniſhable with death: And by our *religion* we believe, that he who is *all-mighty* is *all-merciful*, and that the *ſon of God himſelf*, teaching *us* to be *merciful*, ſuffered death, in his human nature, in *mercy and compaſſion to mankind.* —— Now for my own part, I cannot diſcover any great difference, between withholding from an infant ſuch air, aliment, and neceſſaries of life, as experience leads me to believe are abſolutely neceſſary to his preſervation; and throwing him, like a kitten, into a pond. The eaſier the death, the leſs cruel. And if it can enter into the heart of man, out of a romantic principle of honour, to imagine he is bound to protect a

murderer,

murderer, for no better reaſon than his aſking protection; the natural rectitude of the heart will ſurely lead us to protect the *innocent*, when they ſue for mercy, and as it were intreat us to prevent their deſtruction".

And finally, ſpeaking of the project of county workhouſes, he ſays, this conſideration is yet perhaps very remote, and ſeems to require more thought than has been yet employed about it, by thoſe legiſlators whoſe publick ſpirit and humanity lead them to contemplate this object.

To this conſideration of *unhealthfulneſs*, where many people are ſhut up together within the ſame walls; ſomewhat may be added, concerning the *expence* and probable *utility* of it. We have ſeen what is the *Dutch* method with regard to their poor; let us attend next to our neighbours the *French*. The ingenious and intelligent author of the "Police of France" (which appears to have been written about the year 1753) tells us, that the precarious charity of the monaſtic orders, and their pretended care of the poor, having been intirely ineffectual for relieving the poor, and preventing the diſorders of ſtrolling beggars; a general hoſpital was ſet on foot in the city of Paris, in the year 1656; conſiſting of ſeveral departments, for poor boys, and alſo for girls, to be brought up and inſtructed; for vagabonds and ſturdy beggars, to be put to hard labour; for other criminals, to be confined; for madmen; for foundling children; for the ſick and maimed. Towards the maintenance of theſe, are aſſigned all the rights, profits, and revenues appertaining to ſeveral other charities; and charity boxes alſo to be fixed up, and collections

made for them in all churches and publick places; every community is to ſend an annual gift to this charity; on every contract made with the government, the contractor is to advance a certain ſum; they are to have a ſhare of all forfeitures for miſdemeanors, and of all goods confiſcated; perſons admitted to offices, or to their freedom in any of the companies, are to pay a certain rate; they have alſo appropriated to them a certain duty on hackney coaches; and a ſhare of the profits each night from the playhouſes and other publick diverſions; and part of the duties of proviſions brought into the city; and ſeveral of their own proviſions duty free.

Afterwards, in the year 1662, the like eſtabliſhments were injoined in all the great cities and towns throughout the kingdom; wherein all the poor that were natives or had lived for the ſpace of one year in thoſe diſtricts [where we may obſerve, by the way, that the ſettlement in France is juſt the ſame as it was in England before the ſtatute of Charles the ſecond] were to be confined, and prevented from wandring into other parts. "And this ſeems (he ſays) at preſent to be the general ſyſtem in France, for the maintenance of their poor: Concerning which, (as he proceeds,) I have been more particular in making my enquiries, upon being informed, that ſeveral treatiſes have lately been publiſhed in London, recommending ſuch a general method of maintaining our poor, as preferable to the proviſions which our ancient laws had eſtabliſhed by parochial aſſeſſments. Whereas, at the ſame time, many repreſentations, projects, and memorials have lately been offered to the French miniſtry,

miniſtry, propoſing on the other hand, that their poor might be maintained, as in England, by parochial aſſeſſments. And there is a general complaint of the increaſe of vagrants, and the multiplicity of poor unprovided for, notwithſtanding thoſe eſtabliſhments. So that I cannot but obſerve, that the *police* of every country is beſt regulated, when the execution of it is divided into ſeparate and diſtinct departments. For beſides the difficulty of directing and governing ſo large an inſtitution, and the preventing it from being converted into a private job; we muſt conſider the fatal objection to ſuch a plan, ariſes from the numbers to be contained therein being unlimited, whilſt there can be only a limited revenue to ſupport them. And this accounts for the ſwarm of beggars, which infeſt the ſtreets of Paris, notwithſtanding the rigorous methods of enforcing their laws; for as their hoſpital can hold only a certain number, it is ſuſpected, that as faſt as the magiſtrates ſend a crowd of vagrants to be admitted at one door, the adminiſtrators let out as many at another."

He reckons that there are 12000 perſons, or more, in the ſaid ſeveral departments of the hoſpital at Paris; and that their maintenance, including the charges of ſalaries and wages, amounts, at the loweſt computation, to ſixpence a day for each perſon, over and above the produce of their labour.

Beſides all this, ſeveral of the ſchemes propoſed, we may obſerve, ſeem to annihilate all *family connexions*, except that of one great family under one head. The men are propoſed to be

kept apart; ſo likewiſe the women; ſo that there will be a *populus virorum*, and a *populus mulierum*; which, no doubt, would leſſen the number of poor, both by hindring thoſe who are already married from propagating their kind, and diſcouraging all other poor perſons, or perſons of ſmall or even of middling fortune, from marrying; for who would enter into the ſtate of wedlock, when he does not know but in the uncertainty of human affairs, he may fall into poverty, and the conſequence of that poverty will be a divorce and ſeparation from his wife and children, ſo as that they are to have no future intercourſe and communication. This indeed, with the help of the late marriage act, may cooperate, to reduce the number of people, in a reaſonable time, perhaps one third; and ſo, by degrees, more and more. But it remains to be conſidered, whether depopulating a country is of advantage to it. Suppoſe, in a country, there was but one inhabitant: Such country would be but of little worth. Suppoſe there were two: That would be ſomething better. Suppoſe there were three, or three hundred, or three millions, properly employed; would not that be ſo much the better ſtill? —— I have mentioned the late *marriage act*. Amongſt the nobility, and people of fortune, perhaps it may be uſeful. Amongſt the poorer ſort, the utility of it is not ſo apparent. —— But, in the name of goodneſs, if it is a beneficial law, why is it not ſuffered to have its whole effect? It is aſtoniſhing, and what poſterity will never believe, that their forefathers made a law, that people in England ſhould not marry but under ſuch and ſuch circumſtances; but if they

they would go into Scotland, they might marry as they pleaſed. Inſomuch, that it became faſhionable to take a tour into Scotland to be married; and it was almoſt a reproach to a young lady to have been married, and not to have been thought worth ſtealing. As if it were an honour to a noble family, that the heir can make out his title to the inheritance by virtue of a Scotch marriage, ſolemnized probably by an alehouſe-keeper, in a very ridiculous manner; and that he can be able to boaſt, tho' not born, yet that he was begotten, on the other ſide of the Tweed.

But ſuppoſing a *workhouſe* intended to be built, for any county or other large diſtrict; and advertiſements iſſued, for workmen to deliver in their reſpective plans. It is great odds, but in order to ſhew their abſurd ſkill in architecture, they will produce to you models fitter for a royal palace. —— It is a humble habitation for the poor that is wanted: And it is a kind of inſult upon poverty, to go about to lodge poor people in a ſuperb edifice. Let the poor themſelves be conſulted, and they will chuſe houſes like unto thoſe they formerly inhabited. And it is humbly ſubmitted, whether inſtead of one large building to contain one immenſe family, it would not be much preferable, to build ſeveral ſmall houſes contiguous, ſo as to receive ſeparate families; with rooms or apartments therein, ſome more ſome fewer, ſome larger others ſmaller, according to the number and circumſtances of a man's family that may be brought to be lodged there. Several reaſons offer to recommend this form:

form: As, 1. This way ſeems to be the leaſt expenſive. 2. It need not to be done all at once; but one or two ſuch fabricks may be ſet up in a year, and thereby trial made, with little charge, how the project is likely to ſucceed. Others may ſtill be added, if need be, until the houſes ſhall make up even a ſmall town. So, houſes may be built for the governor, for general places of manufacture, and the like, as practice and experience ſhall dictate. 3. The poor will deſire this method, infinitely before the other; and, conſequently, will ſet about their labour with more alacrity. 4. The connubial ſtate will not be infringed; nor, conſequently, the nation thereby depopulated. 5. The health of individuals will be conſulted, and infectious diſtempers not ſo certainly propagated. 6. It is equally applicable to a ſmall as to a large community; to a county, to a hundred, to one or two pariſhes, or to a ſmall townſhip. 7. If after trial, it ſhall appear that the project of erecting workhouſes ſhall be ineffectual to the end propoſed, or ſome better courſe in future times ſhall be ſuggeſted; theſe buildings, nevertheleſs, will not be without their uſe; for, being in the form of other houſes in the neighbourhood, they may eaſily be converted to other purpoſes: But thoſe other enormous buildings will not be ſo evidently uſeful in any other way.

As to SETTLEMENTS; theſe likewiſe, by the propoſed alterations, need not to be diſturbed. It has been the work of an age, to aſcertain the law concerning them. If it ſhould be thought neceſſary to meddle with theſe; it ſeemeth that the

the notion of aboliſhing all kinds of ſettlement whatſoever, would carry the matter much too far; and is impracticable, whilſt the preſent method of ordering the poor in any wiſe ſubſiſts. Even upon the county ſcheme; inſtead of the parochial, there muſt be a county ſettlement; otherwiſe there would be infinite frauds between the counties, in ſhifting off uſeleſs or incorrigible people, out of one county into another.—— It muſt be owned, the ſtatute of the 13 & 14 C. 2. hath exceeded, perhaps, the due bounds. If alterations ſhould be thought requiſite, it is ſubmitted, whether it might not be reaſonable to reduce the ſettlement to where it was before that ſtatute, to wit, to the place of birth, or of inhabitancy for one or more years. For ſo long as this was the plain ſimple ſettlement, there were very few diſputes in the courts of law about ſettlements. It was the eaſy method of obtaining a ſettlement by a reſidency of forty days, that brought pariſhes into a ſtate of war againſt the poor, and againſt one another; and cauſed the ſubſequent reſtrictive ſtatutes to be made, all which would fall of courſe, by reducing the ſettlement to its ancient (and indeed moſt natural) ſtandard.

One good effect of this would be, that it would aboliſh CERTIFICATES; by taking away the cauſe of requiring, granting, or denying them. There is indeed ſomewhat of hardſhip in this matter of certificates, by putting it in the power of a pariſh officer, to impriſon a man (as it were) for life; however inconvenient it may be to him, to continue in that place where he has

had the misfortune to acquire what is called a ſettlement; or whatever advantages he may propoſe to himſelf by living elſewhere. For in that caſe there would be no danger of ſettling himſelf, his wife, children, and apprentices, by an inhabitancy of forty days. In like manner, the diſputes about hiring and ſervice, about being aſſeſſed to and paying of pariſh rates, about ſerving of offices, about renting of 10l a year, about purchaſes, in ſhort, about ninety nine diſputes in a hundred concerning ſettlements, would be at reſt.——But theſe are matters not eſſential to any thing that hath been above propoſed; and are only ſuggeſted as ſubjects of future conſideration.

If it may be reaſonable, to advance further ſtill in ſpeculation, perhaps a time may come, when it ſhall be thought convenient to *reduce all the poor laws into one.* The laws concerning the poor may not improperly be compared to their apparel. Where a flaw is obſerved, a patch is provided for it. Upon that, another. And ſo on, till the original coat is loſt amidſt a variety of patch-work. And more labour and materials are expended (beſides the clumſineſs and motley figure) than would have made an intire new ſuit.

And not only with reſpect to the poor, but the caſe is the ſame in almoſt all other inſtances, eſpecially in thoſe of greateſt moment, and moſt ordinary occurrence. As for inſtance, in the matter of the HIGHWAYS; there are five and thirty acts of parliament now in force for making

king of good roads; for which attention to the eaſe and convenience of travelling and conveying of manufactures, a foreigner very probably would highly applaud us, and conclude that we are the beſt regulated nation upon earth, and that all our roads in particular are like bowling greens. But how would he be amazed, if he ſhould travel into the country, and ſee what ſuch roads theſe five and thirty acts of parliament have produced. The roads, if poſſible, are worſe clouted and patched than the acts themſelves are. It is incredible what confuſion there is amongſt all theſe acts, unleſs a man would lay them together, and attentively compare them. In order to reduce any ſubject of this kind into a regular ſyſtem, and to make new proviſions as occaſion may require; it is neceſſary firſt of all, by laying all the ſtatutes upon that ſubject together, to know what the law really is at preſent; and then it may be uſeful likewiſe to inquire, what laws have been upon the ſame ſubject that are now expired or repealed, and for what reaſons they have been unſucceſsful: in like manner as is above ſet forth with reſpect to the poor laws. For otherwiſe it may happen, that an act of parliament may be made, to enact what is the law already, or to propoſe an expedient which has been already exploded.

And for the mechanical part of ſuch a production, perhaps the method ſhould be this: In one column to ſet forth all the ſtatutes, and parts of ſtatutes, in their order of time, that have been made with regard to that ſubject; diſtinguiſhing therein, what is now actually in force: Then, in the oppoſite column, to ſet forth the propoſed

alterations. So that at one view, any perſon may have a diſtinct comprehenſion of the whole, and be enabled to make his own obſervations with clearneſs and preciſion.

Notwithſtanding the many acts about the highways, ſomething confeſſedly is ſtill wanting. One expedient there is, that hath never been tried. And the importance of the event may juſtify hazarding the experiment. In order to ſet the *poor* laws agoing, a general overſeer is propoſed as above. Why may not the very ſame perſon be alſo a *general ſurveyor* of the highways within the ſame diſtrict? There is juſt the ſame objection againſt the common ſurveyors of the highways, as againſt the overſeers of the poor. They are only annual; they know not how to make a road; the people will not obey them, but chuſe to travel on from generation to generation in mire and dirt, rather than be at ſix days labour in a year, to render their paſſage more commodious.

The office of this general ſurveyor ſhould be, to require an account from the ſeveral ſurveyors, of the ſtate and condition of their reſpective roads, the quantity, quality, the place where, whether the road is much or little frequented, the names of all the people liable to work, and in what manner, that is, whether they are chargeable to find carriages, or to find men only, or one man, as the caſe may be.

Then, under the direction of the juſtices at the ſpecial ſeſſions, he ſhould order the ſurveyors to call forth their men, or ſo many of them as ſhall be thought neceſſary at one time, at ſuch place, and on ſuch days as ſhall be appointed;

and

and himself to attend, and lay out the work, and inspect the performance, and cause the penalties to be levied upon defaulters.——This is the way to experiment fairly what the laws can do. To say, that the laws themselves are deficient in other respects, may be very true, but it is more than any man knows; because the whole force thereof hath never been exerted, nor ever will be, under the care of those spiritless, ignorant, lazy, sauntering people, called surveyors of the highways.

But after all: Supposing these superintendent officers to be necessary or useful with respect both to the poor, and to the highways; difficulties may arise about the persons who shall have power to appoint them.

It hath been objected against justices of the peace, that they have too much power already. Be it so. These officers, nevertheless, must be appointed by somebody. The justices, in their collective capacity at least, when a considerable number of gentlemen of honour and fortune are assembled at their general sessions, I think, have not been much blamed for an undue exertion of their power. Indeed, if we consider, what a multiplicity of causes, of crimes and offences, is brought under the jurisdiction of these justices, and is every session of parliament increasing; there may be reason to apprehend, that the office at length will be overset, and that a sufficient number of gentlemen will not be found, able and willing to act. But so long as the laws give unto them authority and jurisdiction, and they are willing to exercise it; it may seem reasonable, for the more ready and chearful execution, that they

they have power to appoint their own officers. I never heard of any abuſe of power in their appointing *high conſtables:* And that is ſo nearly ſimilar to the preſent caſe, that the very high conſtables themſelves (as was obſerved before) may be very proper officers for the purpoſes abovementioned.

But ſuppoſing them not to be appointed by the juſtices, but by ſome other, of *ſuperior* or *inferior* ſtation. *Above* them, ſuppoſe the *crown:* This, probably, will not be aſſented to. Suppoſe the *cuſtos rotulorum:* It cannot be preſumed that he knows who is fitteſt in the country for ſuch an employment, better than they who converſe among the people, and are aided by experience and obſervation. But may not the *people* chuſe for themſelves? That is the very thing to be guarded againſt. For, who will they chuſe? Juſt ſuch as themſelves, that will let them go on in their ancient courſe, and fruſtrate the very purpoſe they are intended to ſerve. Suppoſe an aſſeſſment were laid for repair of the highways, and the ſurveyor having collected the money, had power given to him (as hath been propoſed) to employ, and to pay, ſuch perſon as he thought moſt able, for laying out the road, and hiring labourers to work. Who, think you, would his wiſdom employ? A man juſt as wiſe as himſelf. Perhaps his own ſon, for the ſake of the reward; or his father, as having had more experience, who would execute the work with like effect, as when he himſelf in ſome former year had been ſurveyor.

But to return. —— If we may extend our views ſtill further; What is there that gentlemen more deſire, for their innocent recreation and amuſement, than the preſervation of the GAME? Why might not the ſame perſon ſtill, have it in his inſtructions, to cauſe poachers to be brought to condign puniſhment? as he would have large opportunities to obtain knowledge of offences of that kind: and where it is a man's particular office and buſineſs, the odium of an informer is taken off; for he is then obliged and required to perform his duty, on pain of forfeiting his office.

In this caſe likewiſe, whatever the laws about the game may be deficient in, it is not their want of number: but plainly the want of ſome intermediate perſon between the juſtices and the offenders, to put the laws in action; which whilſt they are ſuffered to ſleep, are worſe than if there were no laws at all, for then the people would be deprived of that exquiſite ſatisfaction which they ſeem to take in violating the laws, and which prompts them to it, when profit and peace and liberty and reputation draw the contrary way.

CHAPTER THE EIGHTH.

Defects in other branches of the office of juſtices of the peace.

THERE are many other particulars in the juſtice of peace' law, which ſeem to want amendment, whenever it ſhall be thought a proper time to go about it. Such, for inſtance, (to take them in alphabetical order) are theſe that follow.

Alehouſes.

The ſeveral ſorts of *licences* for publick houſe keepers, are interſperſed among the ſtatutes in great confuſion, and (in practice at leaſt) ſeem to be generally miſunderſtood: and conſequently, the common printed forms from the ſtamp office ſeem to be erroneous. As the laws ſtand, a licence from the officers of exciſe alone, for retailing *ſpirituous liquors*, is not ſufficient; but the perſons ought previouſly to be licenſed alſo by the juſtices of the peace to ſell ſpirituous liquors (2 G. 2. c. 28. ſ. 11. 9 G. 2. c. 23. ſ. 14. 16 G. 2. c. 8. ſ. 11.). And there may be very good reaſon for this: Becauſe the juſtices are more able to judge of the fitneſs of ſuch perſons; the officers of exciſe being oftentimes mere ſtrangers to the parties. And therefore the ale licence

licence ought to run " to keep a common ale-" houſe or victualling houſe, and to utter and " ſell therein victuals, beer, ale, and *other ex-*" *ciſable liquors*" (or in ſome other ſuch like form). Or elſe the laws ought to be altered in this particular. For the law and the licence ought not to run counter to each other.

So alſo it is abſurd, in the licence of an ancient alehouſekeeper, to inſert a clauſe ſetting forth that he *hath produced a certificate that he is of good fame and of ſober life and converſation.* For if he was licenſed the year before, ſuch certificate is not required.

The power given to the juſtices in ſeſſions (by the ſtatute 8 El. c. 9.) to rate the prices of *coopers veſſels* to be ſold for ale and beer to be uttered therein, is never put in practice, nor probably can be; for unleſs the workmen can have ſuch price as they think reaſonable for making them, they will not make them at all: beſides that it deſtroys all endeavour of excelling, when the price of the work, be it better or worſe, is fixed beforehand. This is a ſpecies of the general law for rating of wages; which always hath been, and always will be impracticable: And therefore it were better that all ſuch laws were abrogated; ſince by breaking them with impunity, people may be induced to have leſs regard for others which are of more importance.

So the ſtatute againſt ſelling of wine, ale, beer, or other liquors, *in veſſels of plate*, may require conſideration, whether it ought not to be repealed, or otherwiſe inforced, and carried into execution. Thoſe wretches, who will venture their lives for ſtealing a ſilver tankard out

of an alehouſe, would be loth to run the riſk, if they knew that all the plate in the houſe was forfeited, and they might have it for ſuing for.

The ſtatute for aſcertaining the meaſure of ale quarts and pints *according to the ſtandard*, is ſeldom put in execution; nor would it ſignify much ſo to do: for if the retailers were reſtricted in quantity, they would make the liquor ſo much the worſe in quality, or elſe advance the price. And by letting this ſtatute ſtand, the alehouſe-keepers (not obſerving it) are deprived of the privilege which they had at the common law, of detaining goods of their gueſts for the reckoning, and are left to the tedious and difficult way of bringing actions for every trifling debt.

Apprentices.

All the clauſes in the ſtatute of the 5 El. c. 4. limiting the *eſtate and quality* of perſons to be bound apprentices, as that their parents ſhall be worth 40s a year, and the like, and alſo ſpecifying who may or may not take ſuch apprentices; however uſeful they might be in the infancy of manufacture, are certainly of no kind of uſe now, and therefore ought not to incumber the ſtatute book; and particularly, theſe and all ſuch like obſolete laws, ought not to continue as a dead weight upon the office of a juſtice of the peace, which is loaded enough in all reaſon with ſtatutes of real benefit.——And in general, there is great need of a reviſal or repeal of abundance of penal laws, which tho' not put in execution, yet hang over the ſubject as a ſnare, and may be put in

execution

execution at any time; inſomuch that every man, almoſt every day of his life, incurs the penalty of one or other of them, whilſt he thinketh probably of no ſuch matter.

And there ſeems to be no ſufficient clear proviſion, what ſhall be done with an apprentice upon the *maſter's dying*, which is a caſe that muſt needs often happen.

Aſſizes.

The conſtable's preſentments at the aſſizes, are matters of mere form, and ſcarce ever regarded, and in ſome counties cauſe an expence of 6s or more for each pariſh at every aſſizes; and anſwering no ſufficient purpoſe, they had better be laid aſide.

Baſtards.

Limiting the filiation of a baſtard child, to the *two next juſtices*, altho' generally it may be convenient, yet it is not univerſally ſo. It may happen, that one or both of the juſtices may refuſe to act; and it would be tedious and troubleſome for the pariſh to go about to compel them. Or they may differ in opinion, and there is no mean to force them to be both of a mind, for they are not to be ſhut up as jurymen until they can agree. And in that caſe, there will be a failure of juſtice. This inconvenience might be avoided, by changing only one word in the act, inſtead of *next*, to ſay *near* unto the limits;

for this latter is a word of relation, and will extend until ſo many ſhall be found who will act or can agree; ſtill keeping up the ſpirit and intent of the act, and not calling-in one further off, when a nearer can be had; and ſtill reſerving power by information to proceed againſt a juſtice, who ſhall obſtinately refuſe to perform his office.

Bridges.

That clauſe in the ſtatute of 12 G. 2. c. 29. which enacts, that no money ſhall be applied to the repair of county bridges, till preſentment be made by the grand jury at the aſſizes or ſeſſions, of the inſufficiency or want of reparation, carries the matter evidently too far: for tho' it may be reaſonable, that the high conſtables, or other ſurveyors of bridges, and alſo the juſtices, ſhould be reſtrained from bringing a charge upon the county in ſuch matters at their own will and pleaſure, and perhaps only for the private convenience of individuals; yet in caſes of emergency, and of ſmall expence, as for inſtance, under the charge of 40s, it might be reaſonable that the ſurveyors had power to contract; leſt before the aſſizes or ſeſſions the breach be made worſe, or the bridge be broken down. And in this laſt caſe, the juſtices ſhould have power immediately to meet and order the rebuilding with all convenient ſpeed; for why ſhould the publick be incommoded upon this account, three months longer, as it may happen, than otherwiſe would be neceſſary?——And where only a ſmall

repair

repair is wanted, the expence conſequent upon an indictment, is more than the charge it ſelf of the repair.

Clerk of the peace.

The fees of the clerk of the peace are not aſcertained by any ſtatute, except only in ſome few particular inſtances. It might be very uſeful, by an act to require a table of the ſaid fees to be drawn up in every county, and the ſeveral items thereof to be allowed or otherwiſe diſallowed by the juſtices, and the ſame finally ſettled by the judges of aſſize. In which table ought alſo to be ſet forth, how and by whom the ſame ſhall be paid. As for inſtance, in caſe of judgment given on appeal from an order of removal, that the ſame be paid by thoſe againſt whom ſuch judgment ſhall be given; and ſo in all other cauſes *betwixt party and party*, that he who is in the wrong ſhall pay the fees. In like manner, the *ſheriff*'s fees ought to be aſcertained, ſo far as he is ſubſervient to the juſtices of the peace.

And as in *civil* cauſes, ſo alſo in *criminal*, wherein the *king* is party, it ought to appear particularly what is due, and by whom to be paid, eſpecially in caſe where the party accuſed ſhall be acquitted. As if a man be indicted for an aſſault, and upon traverſe of the indictment ſhall be found not guilty; it ſeems very hard, that he ſhall pay 7 or 8 l court fees, when it is found that he was in no fault. It is more reaſonable, that the falſe accuſer, that is, the proſecutor,

ſhould pay the ſame: (which, by the way, woud alſo prevent vexatious proſecutions.)

Where the king is the *ſole party*, as in all orders of the court *ex officio*; it may be conſidered, who ſhall pay in that caſe. Mr Crompton ſays, nothing is due. If any thing ſhall be allowed, ſome fund ſhould be eſtabliſhed or directed for the payment of it; for there is no law at preſent that charges it upon the county rate.

Poor people petitioning for maintenance, and the like, ſeem intitled to be admitted in the ſtricteſt ſenſe *in forma pauperis*; but if the overſeers, againſt whom they complain, ſhall be found in default, then they ought to pay the fees of the petition and order thereupon.

To be inforced to bring *actions* for ſuch fees, would be troubleſome and endleſs. *Indictment* ſeemeth the moſt appoſite remedy for matters pertaining to a court of record. Or if a perſon is in cuſtody, or appears upon his recognizance for the peace or good behaviour or the like; it might be proper that the court ſhould have power to detain him until his fees ſhall be paid.

Conſtable.

Every ſeſſion of parliament brings an additional trouble upon the petty conſtable, in executing the warrants of the juſtices; and, generally, he has no reward for his pains.

The legiſlature, indeed, in ſome inſtances, have conſidered the hardſhip of his caſe; by ordering

ordering payment to him, for carrying offenders to the gaol or houſe of correction, and for diſtraining of goods in execution of a conviction before the juſtices: and there is juſt the ſame reaſon that he ſhould be paid for the other particulars of his office. As for inſtance, in caſes between party and party, as between maſters and ſervants, or common informers and offenders about killing the game, and the like, he ought not to be taken from his family and buſineſs without ſome recompence, as ſuppoſe at the rate of half a crown a day for himſelf and horſe; to be paid in the firſt inſtance by the party applying, but to be impoſed finally, by order of the juſtice, upon the perſon who ſhall be found in fault; or to be paid out of the penalty. So in cauſes at the ſuit of the king, not being felony, as for the peace or good behaviour, aſſaults, riots, and the like; to be paid in like manner on delivery of the warrant to him by the proſecutor, but to be reimburſed by the perſon or perſons accuſed, if they ſhall be found guilty. In caſes of petty larceny and other felonies; to be paid, as at preſent for carrying him to gaol, ſo alſo by the like reaſon for apprehending and carrying him before the juſtice.

Conviction.

It is no reflection upon the juſtices to ſay, that there is not one of them in ten who knows how to draw up a conviction in form, without a ſpecial precedent before him in every particular caſe; which is not to be expected. Even the greateſt lawyers

lawyers have found it difficult enough, to guard a conviction, ſo that other lawyers could not break into it. Therefore it ſeemeth deſirable, that as the legiſlature have relaxed the rigour of this ſtrict formality in ſome inſtances, by appointing a brief and ſummary form of conviction, ſo they would do it in others; to the end that when a juſtice hath with much trouble performed his duty, he may not have the whole laid open and diſannulled, for want of the proper technical terms in expreſſing it.

Diſtreſs.

In diſtreſſes for rent, the juſtices of the peace have juriſdiction given to them in certain inſtances; as particularly, where the premiſſes are deſerted by the tenant, without leaving ſufficient diſtreſs, there the juſtices are to put the landlord into poſſeſſion.

There is another caſe, which very frequently occurs, where the tenant holds over after the expiration of his leaſe, or after having given notice or agreed to quit. The remedy by requiring ſuch perſons to pay double rent, is ſomewhat abſurd; for they are generally ſuch as are not able to pay the ſingle rent. And they will put the landlord to the expence of an ejectment; and before that can be carried into execution, eſpecially in thoſe counties where the aſſizes are held but once a year, they will have carried off one year's crop. Why might not two juſtices have power given to them, to put the landlord in ſuch caſe into poſſeſſion? reſerving to the tenant, if he

he thinks himſelf aggrieved, power of appealing to the general quarter ſeſſions; and with power to the ſeſſions to award coſts to him, if the order of the two juſtices for amoving him ſhall be quaſhed upon the merits.

There is another difficulty, in making diſtreſſes, as well for rent, as in execution of the warrant of a juſtice of the peace to levy a penalty or forfeiture or other ſum due (as for ſervants wages, for inſtance), that there ſeems to be no power to open locks or doors; ſo that it is in the power of the perſon whoſe goods are to be diſtrained, with a very moderate caution, to weary out the landlord or conſtable, and make the diſtraining exceeding difficult. Where power is given to diſtrain, it ſeemeth reaſonable that power ſhould be given to come at the goods.

Evidence.

It hath been queſtioned, how far juſtices of the peace have power to compel witneſſes to appear and give evidence in matters depending before them. And in ſeveral late acts of parliament, giving juriſdiction to juſtices of the peace to hear and determine certain offences, there are ſpecial clauſes impowering the juſtices to ſummon witneſſes; and if they ſhall refuſe to appear, then to iſſue warrants to bring the witneſſes before them, and on their appearance, impowering the juſtices to compel them to give evidence. Which ſeems to imply, that the legiſlature judged theſe proviſions neceſſary: and the neceſſity of a

general law hath been ſuggeſted, to extend the ſaid proviſions to all other caſes.

That ſuch a law is expedient, there can be no doubt; whether it is neceſſary, is a ſubject of very ſerious conſideration. To hear and determine without witneſſes, or (which is the ſame thing) without a power to compel witneſſes to appear and give evidence, is a very imperfect juriſdiction, and a moſt precarious and (as it may be) iniquitous method of deciding controverſies.

Diſtinctions have been attempted between caſes *civil* and *criminal*, and between *ſome* criminal caſes and *others*, as between *felony* and crimes *inferior*. In caſes of *felony*, it ſeems to be allowed, that a juſtice may compel witneſſes to come before him, and to be examined upon oath, and to bind them over to appear and give teſtimony at the trial. And, in practice, if a juſtice ſhould commit a felon to gaol, and tell the judge of aſſize, that there are witneſſes who could prove the fact, but they are not willing to come; it is eaſy to conjecture what the judge would ſay to him.

But betwixt felonies and other miſdemeanors, or betwixt criminal and civil cauſes, no poſitive law hath made any diſtinction. And even in this caſe of felony, there may be great difficulties; as for inſtance, it would be very hard, for a man who lives in Cornwall (as the caſe might be) to be bound over, on pain of being committed for his refuſal, to give evidence at the aſſizes in Cumberland, againſt a man for ſtealing to the value of eighteen pence. —— It may be ſaid, publick juſtice requires it. Perhaps it may.

may. But if we purſue that argument thro' its conſequences, it will take in all the other caſes.

It may be proper therefore to inquire how this matter ſtands.

The office of juſtices of the peace is by act of parliament. Where an act gives them power to hear and determine an offence, with a ſpecial direction in what manner they ſhall proceed; they muſt purſue ſuch direction in the execution of that power. Where it gives them a power, without any ſpecial direction for the manner of execution; this is not to ſay, they may do it by their own wills arbitrarily; nor yet is it intended that they ſhall not do it at all: But how then is it to be done? Even thus, as it ſeemeth; in the ſame manner of proceeding as in other like caſes; that is, as the ſame offences would have been heard and determined in the courts of common law: namely, that they ſhall ſummon the party accuſed, ſhall ſend for witneſſes, ſhall examine ſuch witneſſes (and no other) as are competent witneſſes at the common law, ſhall give judgment, and award execution in like manner as thoſe courts would have done.

The adminiſtring of an *oath* to witneſſes by juſtices of the peace, is not a power given generally by any law; but in particular acts of parliament ſuch power is ſpecially expreſſed, as by ſaying that the juſtices ſhall convict an offender upon the oath of one or more credible witneſſes [*which oath the ſaid juſtices are hereby impowered to adminiſter*;] which ſeemeth to imply, that where ſuch power is not ſpecially given, they ſhall not have it. But from the neceſſity of

the thing, the contrary doctrine hath been allowed to prevail; that in all caſes where the juſtices have power to hear and determine, they ſhall have power to uſe the ordinary means of information, and conſequently may adminiſter an oath. And this is in favour of the ſubject; that no man ſhall be convicted but upon the oath of his accuſers: and it would be moſt pernicious if it were otherwiſe. And therefore ſuch words in an act of parliament, being ſuperfluous, had better be omitted.

It is curious to obſerve the riſe and progreſs of this office of juſtices of the peace.

Anciently, the peace was preſerved by *conſervators*, choſen by the freeholders of the county. There were other conſervators by virtue of their office, as the ſheriff, coroner, and high and petty conſtables.

In the beginning of the reign of Edward the third, the appointment of conſervators of the peace was transferred from the people to the crown; which was an important alteration in the conſtitution in favour of the crown. But theſe new conſervators, at the firſt, had no more authority than the former conſervators had at the common law, which was, as their name imports, to preſerve the peace, to exert their own authority, and to command the help of others, to arreſt and pacify all ſuch who in their preſence, and within their juriſdiction and limits, ſhould go about to break the peace; but they had no power to take cognizance of breaches of the peace in their abſence, nor had they power to puniſh any breach of the peace in their preſence,

but

but only to reſtrain the offenders, and compel them to find ſureties to keep the peace. And this is the very ſame authority, that to this day the petty conſtable hath power to exerciſe within his vill, the high conſtable within his hundred, and the ſheriff within his county. And thus the juſtices are ſtill conſervators of the peace.

But before the end of that king's reign, they had another office ſuper-added, which is of much greater authority, namely, that of *hearing and determining*. And in every ſucceeding king's reign, cauſes more and more, have been, and ſtill continue to be brought under the juriſdiction of theſe juſtices.

In all the ancient ſtatutes, where an offence is made cognizable before the juſtices, it is only expreſſed, that *the juſtices of the peace ſhall have power to hear and determine.*

In conſequence of this, they proceeded in the ſame courſe as other juriſdictions then eſtabliſhed; they received information of offences; they ſent out their precepts to convene the parties; and it is obſervable, that there is not one act of parliament, which requires the *conſtable*, or any other to be ſubſervient to them in executing their precepts. Nevertheleſs, as the conſtable was the head of the pledge, and was required by his office to have every man within his diſtrict forthcoming to ſtand to the law; the juſtices found this man the proper and neceſſary officer to execute their warrants, and the practice hath continued uncontrouled to this day. If the conſtable was a party, or otherwiſe inſufficient, then the direction was to the high conſtable; and above that, eſpecially from the general ſeſſions, to the ſheriff

ſheriff (at which court the ſheriff is particularly required to be attendant); if the ſheriff was incompetent, as being intereſted, or the like, then to the coroners.

But here, it muſt be owned, there ſeems to have been an encroachment. They found the courts poſſeſſed, it is true, of a power to convene the parties; otherwiſe there could have been no hearing and determining. But this was not by apprehending the body of the perſon accuſed, and dragging him before the court; and indeed there was the leſs need of this, becauſe the whole decennary was bound for his appearance. Neither did they lay hold of the perſons of the witneſſes. But the proceſs was, as it is at this day in the other courts of record (and indeed is ſtill preſerved by the juſtices in their general or quarter ſeſſions): Upon a charge againſt a man, delivered in by 12 men upon their oaths, called the grand jury, if it was for felony, the firſt proceſs was a *capias*, or warrant to apprehend him; but if it was only for a miſdemeanor, or offence againſt a penal ſtatute, not being felony, the firſt proceſs was only a *venire* or ſummons for the party to appear; if upon the ſummons he did not appear, and had lands whereby he might be diſtrained, the next proceſs was a *diſtringas*, and ſo a diſtreſs infinite until he ſhould appear: So tender hath the law always been, of a man's perſonal liberty. But if the ſheriff's return to the diſtringas was, that he had nothing whereby he might be diſtrained; then the court iſſued a capias or warrant to apprehend him. And the proceſs againſt witneſſes was a *ſubpœna*, or ſummons to appear under a penalty.

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In conformity to this, where an offence is cognizable before the juſtices out of ſeſſions, in a ſummary way, and the trial by jury is diſpenſed with; it ſeems, that the ſubject ought at leaſt to have the ſame advantages in other reſpects, as in a trial by jury: and conſequently, there ought to be a charge againſt him upon oath; then he ſhould be ſummoned to appear, and not apprehended immediately (unleſs in caſe of felony, for there the firſt proceſs was a *capias*); and have all the other advantages allowed to him by the common law, where the ſame are not expreſsly taken away by ſtatute. But as the method of *diſtreſs* is indeed troubleſome and endleſs; and proceeding againſt the witneſſes, by indictment, or otherwiſe, for their contempt in not appearing, would be expenſive, and certainly ineffectual for hearing and determining that particular cauſe; therefore the juſtices, as it ſeemeth, for the ſake of convenience, have altered the courſe of proceeding in this reſpect, which only the law ought to have done.

Indeed, this ſame matter of trial by jury, ſeems to have gone off by degrees, and imperceptibly, in the times of ignorance and an unſettled conſtitution, without any expreſs authority by any general law to aboliſh it. Crimes and miſdemeanors in the ſeſſions are ſtill determined by jury. And out of ſeſſions, for a long time, nothing elſe ſeems to have been thought of. Thus, where in the ſtatute of 13 H. 4. c. 7. for riots, routs, and unlawful aſſemblies, it is enacted, that the juſtices (out of their general ſeſſions) ſhall inquire thereof, and hear and determine *according to the law of the land*, this was underſtood to be

by a jury; and ſo was the practice; and the ſtatute of 19 H. 7. c. 13. gives particular directions about the ſummoning of ſuch jury. So in like manner, the ſtatute of forcible entry, 8 H. 6. c. 9. requires that the juſtices ſhall inquire thereof *by the people of the county*, and *upon the finding of the jury* ſhall reſtore the party diſſeiſed to his poſſeſſion.

The aforeſaid ſummary method of proceeding, by apprehending perſons immediately, charged only with miſdemeanors, hath perplexed and ſet at variance two no leſs perſons, than the lord chief juſtice Coke, and the lord chief juſtice Hale. My lord Coke ſays, (even in caſe of felony, 4 *Inſt.* 177.) "I hold the reſolution of the court, in "14 H. 8. to be law, that a juſtice of the peace "cannot make a warrant to take a man for fe-"lony, unleſs he be indicted thereof, and that "this muſt be done in open ſeſſions. For the "juſtice himſelf cannot arreſt one for felony, "unleſs he himſelf ſuſpect him (as any other "man may); and by the ſame reaſon, he cannot "make warrant to another."

On the contrary, lord Hale ſays, generally, (1 H. H. 579. 2 H. H. 110.) that juſtices of the peace may iſſue their warrants, for apprehending perſons charged with crimes within the cognizance of the ſeſſions, and bind them over to appear at the ſeſſions; and this, tho' the offender be not yet indicted: and that a juſtice, on oath made of a felony committed, and that the perſon making the ſaid oath ſuſpects ſuch a man, and ſhews the cauſe of his ſuſpicion, may iſſue his warrant to apprehend him; and ſo the conſtant practice hath obtained; and if the law were

otherwiſe

otherwiſe (as lord Coke hath delivered it) malefactors would eſcape unexamined and undiſcovered. And if there were no other reaſon (he ſays) to prove it than this, it were ſufficient, namely, that the juſtice may commit him to gaol, that is brought before him for ſuch ſuſpicion, or may bail him, as appears by the ſtatutes of 1 R. 3. c. 3. 3 H. 7. c. 3. and 1 & 2 P. & M. c. 10. and therefore *a fortiori* he may make a warrant to convene or bring them before him to examine the cauſe of the ſuſpicion.

The one ſeems to ſpeak of what was the ſtrict law; the other, of the practice which had prevailed againſt it. And Mr ſerjeant Hawkins, by way of moderator between theſe two very learned lawyers (2 Haw. 84.) ſays, "It ſeems "probable, that the practice of juſtices of the "peace in relation to this matter is now become "a law, and that any juſtice of the peace may "juſtify the granting of a warrant for the arreſt "of any perſon upon ſtrong grounds of ſuſpi-"cion for a felony or other miſdemeanor, be-"fore any indictment hath been found againſt "him. Yet inaſmuch as juſtices of the peace "claim this power rather by connivance than "any expreſs warrant of law, and ſince the un-"due execution of it may prove highly prejudi-"cial to the reputation as well as liberty of the "party; a juſtice of the peace cannot well be "too tender in his proceedings of this kind, and "ſeems to be puniſhable, not only at the ſuit "of the king, but alſo of the party grieved, if "he grant any ſuch warrant groundleſsly and "maliciouſly, without ſuch a probable cauſe,

" as might induce a candid and impartial man " to ſuſpect the party to be guilty."

Whilſt the decennaries ſubſiſted, there was no need of any previous apprehending of the offender. The whole decennary were his pledges or bail, and if they had him not forthcoming, were anſwerable for his offence, the puniſhment whereof was in thoſe days pecuniary.

As to ſummoning *witneſſes* particularly, by juſtices of the peace, or otherwiſe compelling them to appear; this ſeemeth almoſt intirely to reſt upon what was the practice at common law in like caſes: for very few acts of parliament have interfered, and thoſe not general, but only in particular inſtances.

At firſt, the juſtices aſſigned by the king in every county were but few, as two, three, four, or ſix. And the cauſes brought under their cognizance, were to be heard by them in their ſeſſions only. And therefore particular directions were given for holding their ſeſſions regularly, four times in the year.

In proceſs of time, power was given to juſtices out of ſeſſions: as in caſe of riots, and forcible entries as abovementioned; being matters which required immediate relief, and would not admit of delay till the quarter ſeſſions. But ſtill a ſeſſions was to be held ſpecially for that purpoſe; which ſhould proceed in the ſame manner as the general quarter ſeſſions.

In ſeveral caſes afterwards, the finding of a *grand jury* appears to have been diſpenſed with. As by the ſtatute of 25 H. 8. c. 13. about how many ſheep a man may keep, it is ſaid, the juſtices may inquire as well by the oaths of 12 men,

as

as by *information of any of the king's ſubjects.* By the 5 & 6 Ed. 6. c. 14. about ingroſſers; the juſtices in ſeſſions may inquire by inquiſition, preſentment, bill, or information, or by examination of witneſſes, by their diſcretion, and make proceſs thereon, *as tho' the party were indicted before them by inquiſition, or by verdict of* 12 *men or more.* By the 5 El. c. 13. a juſtice's own view of a highway out of repair, ſhall be of the ſame force, *as if found by the oath of* 12 *men.* —— But ſtill the party was to have the benefit of a traverſe jury.

In ſome particular caſes of ſmall moment, power was given to one or more juſtices out of ſeſſions, to hear and determine ſummarily; the cauſe being deemed not of ſo much importance as to call the country together about it. So in the ſtatute of labourers, 2 H. 5. c. 4. the juſtices were to examine them upon their oaths, and might puniſh them *as tho' they were convict by inqueſt.* And, generally, where power is given to the juſtices to convict upon the oath of one or more witneſſes, or the like; this hath been generally underſtood to ſuperſede the neceſſity of a jury. Eſpecially, where theſe looſe words [*by their diſcretion*] have been added. But this doth by no means confer any unlimited power; for no man's diſcretion may exceed the bounds of law.

In the mean time, never a ſyllable appears concerning the proceſs againſt witneſſes. The firſt inſtance that hath occurred, is ſo late as the reign of king Edward the ſixth. In the ſtatute of the 1 Ed. 6. c. 1. againſt ſpeaking unreverently of the ſacrament, it is ordered, that

the juſtices in ſeſſions ſhall try the offenders by verdict of 12 men; and that previouſly, three juſtices may bind over the accuſers, and *others whom the accuſers ſhall declare to have knowledge of the offence* to appear before the juſtices at the day of trial. This ſeems to imply, that without this ſpecial deſignation, they had not power to bind over the witneſſes; the courſe of the ſeſſions being indeed by proceſs of ſubpœna.

Another inſtance, at a great diſtance again, is in the ſtatute of 22 C. 2. c. 7. concerning the burning of houſes, hay, corn, and the like; which enacts, that three juſtices may inquire by twelve men, and may *iſſue warrants to cauſe witneſſes to appear and give evidence, and if they refuſe on ſummons to appear, or to give evidence, the ſaid juſtices ſhall commit them till they ſubmit to be examined.*

Another inſtance is in the ſmall tithe act, of the 7 & 8 W. c. 6. It is there ſaid, that the juſtices ſhall adjudge the caſe, upon the proofs, evidences, and teſtimonies *produced before them*: which ſeems to imply, that they ſhould not have power to compel witneſſes, but only examine ſuch as ſhould voluntarily appear.

There is another inſtance in the ſame year, with reſpect to the exciſe laws. By the 12 C. 2. c. 23, 24. The commiſſioners of exciſe, juſtices of the peace, ſubcommiſſioners, and commiſſioners for appeals, are required to *ſummon the party accuſed*; but nothing is ſaid about witneſſes till the ſtatute of the 7 & 8 W. c. 30. which enacts, that the commiſſioners and juſtices may *ſummon witneſſes to appear before them, and give evidence*; and if any ſhall neglect or refuſe,

he

he ſhall forfeit 10l.——But for this there is a particular reaſon: for tho' the juſtices, as judges of record, may have power to ſummon witneſſes; yet the commiſſioners of exciſe, without ſuch ſpecial deſignation could not have ſuch power. So in like manner, the commiſſioners of the land tax, deputy lieutenants of the militia, truſtees of turnpike roads, and the like, not being judges of record, have not *eo nomine* the ſame powers that are incident to courts of record: and therefore where it is intended that they ſhall have ſuch powers, the ſame muſt be given by ſpecial words. Therefore the clauſe in the militia act, that the deputy lieutenants ſhall have power to adminiſter an oath; or in the land tax, window, or road acts, that the commiſſioners or truſtees ſhall have power to compel the conſtables to execute their precepts, are not words of courſe, but are eſpecially neceſſary in order to confer thoſe powers.—Therefore this argument from the commiſſioners of exciſe doth not conclude to juſtices of the peace.

In the reign of queen Anne, there is an inſtance, in the ſtatute of the 1 An. ſt. 2. c. 18, concerning abuſes in the woollen and other manufactures; and another in the button act of the 8 An. c. 6. In both which acts, it is directed, that two juſtices may determine offences, and in order thereunto may *ſummon witneſſes and examine them upon oath*; and ſo alſo may the ſeſſions upon appeal againſt the order of the two juſtices. Which acts, ſo far as they prove any thing, conclude againſt the power of the ſeſſions, as well as of the juſtices out of ſeſſions.

In ſome few acts of late years, there are particular directions about ſummoning of witneſſes, or compelling them to appear and give evidence: But are ſtill only in ſpecial inſtances, and do not extend to the hundredth part of offences cognizable before juſtices of the peace. So that if the juſtices have not a general power, theſe inſtances will not help them, except in the particular caſes they are applied to.

Therefore, ſo far as one may preſume to conclude from the premiſſes, the moſt conſtitutional method of proceeding ſeemeth to be regularly thus: Firſt, with reſpect to the perſon accuſed. Even in caſe of *felony*, the ſeſſions originally had no power to iſſue a capias to apprehend a man, until a charge appeared againſt him upon the oath of 12 men; for that was the method by which, as a court, they came to the knowledge of the offence. Nevertheleſs, by the ancient common law, any perſon might upon his own knowledge or reaſonable ſuſpicion of felony, apprehend the perſon ſuſpected, and carry him to gaol; and conſequently, every juſtice of the peace, in his private capacity, might do the like. But the ſaid juſtices having power given to them by the commiſſion of the peace over felonies (amongſt other things), it naturally followed, that what they might perſonally do before, they ſhould now iſſue their warrants to the peace officers to execute, namely, to bring the perſons before them, to be by them committed to gaol, or elſe to find ſureties for their appearance. And this power, ſeveral acts of parliament do ſuppoſe, and encourage.

In caſe of miſdemeanors *not being felony*; the firſt proceſs was not a capias, but a ſummons. Therefore in ſuch caſe, for the ſeſſions to iſſue (I do not know what kind of proceſs, called) a *bench warrant*, to apprehend a perſon indicted, ſeems not warranted by ancient practice. Much leſs, as it ſeemeth, could a private juſtice, out of ſeſſions, iſſue a warrant to apprehend ſuch perſon, charged with an offence which he had not power to hear and determine, and of which the ſaid perſon was not yet indicted. Cuſtom and long practice ſeem to have made the law in this particular, and not the law to have eſtabliſhed the cuſtom.

As to *witneſſes*; the proceſs, in all caſes, was a ſubpœna or ſummons, and not a capias or warrant to apprehend them.

But what if a witneſs ſhall not appear? There is the difficulty. Lord Hale ſays, in caſe of felony, the juſtices who take the examination of the perſon accuſed, and the information of the witneſſes, may at that time, or at any time after, and before the trial, bind over the witneſſes to appear, and in caſe of their refuſal either to come or to be bound over, may commit them for their contempt in ſuch refuſal; and this (he ſays) is virtually included within their commiſſion, and by neceſſary conſequence upon the ſtatute of 1 & 2 P. & M. c. 13. (2 Hale's Hiſt. 282.)

In the caſe of being *bound over*, they ſhall forfeit their recognizance; but that makes nothing of ſatisfaction to the publick juſtice, or to the party injured.

If a witneſs has been *ſubpœnaed* from the ſeſſions; it ſeemeth that he may be indicted for his contempt in not appearing, and thereupon fined and impriſoned.

So alſo, if a juſtice, out of ſeſſions, may lawfully iſſue a *ſummons*; the party diſobeying may in like manner be indicted.

But ſtill all this prevails nothing to the merits and juſtice of the cauſe; and therefore what is wanting is, a power to compel them to come.

So that, upon the whole, an act declaring or expreſſing what power the juſtices have, or ſhall have, in requiring the attendance of witneſſes, in all matters depending before them, in or out of ſeſſions, ſeems very deſirable. A *ſummons*, in the firſt place, ſeemeth moſt reaſonable; with a penalty for diſobeying the ſummons. After that, a *warrant*. And a proper penalty, if being before the juſtice, they ſhall refuſe to give evidence. And there ſhould be a power to allow them *reaſonable charges*, to be paid by the party who ſhall be found in the fault, if it is betwixt party and party, to be levied by diſtreſs; otherwiſe, out of the county rate, as it is now in ſome caſes at the ſeſſions with reſpect to felony.

At the ſame time it might be expreſſed, what power a juſtice out of ſeſſions ſhall have, with reſpect to crimes only cognizable in ſeſſions; in order to have all things ready for a hearing there. So alſo in matters cognizable before the juſtices out of ſeſſions; what ſhall be the proceſs againſt the perſon accuſed, that is, in what caſe a ſummons, and in what caſe a warrant: and the diſtinction ſeemeth to be, where a man's perſon is

liable, and where it is not; if it is immediately liable, there to ſend a warrant; where it is not immediately liable, but only eventually, as for want of diſtreſs, or the like, then to ſend a warrant or ſummons as circumſtances ſhall be; where the perſon is not at all liable, but only a pecuniary ſum is required, as for ſervants wages, or the like, then to ſend a ſummons only, and not a warrant.

And tho' it is a good general rule, that perſons *intereſted* ought not to be admitted as evidence in any cauſe, yet there ſeemeth a neceſſity for a clauſe in ſome act of parliament to relax the rigour of this maxim in ſome inſtances, eſpecially where a whole pariſh is concerned, as in caſe of *appeals* of divers kinds. As for inſtance, on appeal againſt a poor rate, or land tax, it is almoſt impoſſible that there can be any witneſſes of the value of the land, but what are intereſted. So on an appeal againſt an order of removal of a poor perſon; tho' there may be an agreement between the landlord and tenant that the landlord ſhall pay the taxes, yet the tenant is generally not allowed to give evidence with reſpect to the ſettlement, becauſe he is *liable* to be taxed, for the agreement betwixt him and the landlord cannot alter the courſe of the law. Therefore it ſeemeth requiſite that pariſhioners in ſuch caſes might be admitted to give evidence; eſpecially as their credibility ſtill would be left to the diſcretion of the court.

Exciſe.

The ſtatutes relating to the duties of exciſe, are confuſed beyond imagination. They are about 130 in number; ſome of them extremely long, and treating of many different ſubjects at once. And there have been ſo many alterations, that I believe any man that ſhall try the experiment will find, that it is exceeding difficult, if not altogether impoſſible, preciſely to determine, what are the real duties payable in many inſtances.

As for example, with regard to *ſpirituous liquors* made in Great Britain:

By the 12 C. 2. c. 23. For every gallon of ſtrong water or aqua vitæ, made and ſold in this kingdom, ſhall be paid a duty of — 1 d

By the 12 C. 2. c. 24. For every gallon of ſtrong water or aqua vitæ, an additional duty of — — — — — — — 1 d

For every gallon of ſpirits made of wine or cyder imported — — — — — 2 d

By the 22 & 23 C. 2. c 5. For every gallon of ſtrong water or aqua vitæ — — 1 d

For every gallon of low wines of the firſt extraction made of imported wine or cyder or other materials imported — — — — 2 d

By the 2 W. ſeſſ. 2. c. 9. For every gallon of low wines or ſpirits of the firſt extraction, made from any foreign or imported materials,

terials, or any mixture with foreign materials — — — — — — — — 8d

—— from brewers waſh or tilts, or from any ſort of Engliſh materials, other than from drink brewed from malted corn, or from cyder or perry — — — — — — — — 12d

—— made only from drink brewed of malted corn — — — — — — — 1d

—— from cyder or perry or any mixture therewith — — — — — — — — 3d

By the 7 & 8 W. c. 30. For every gallon of low wines or ſpirits of the firſt extraction, made from any foreign or imported materials, or any mixture therewith — — — — 8d

—— from brewers waſh or tilts — — 12d

—— from drink made of malted corn — 1d

—— from any other Engliſh materials — 3d

By the 10 & 11 W. c. 21. 4d a gallon, part of the duty of 8d impoſed by the 7 & 8 W. c. 30. on ſpirits of the firſt extraction made from foreign or imported materials or any mixture therewith, ſhall ceaſe.

And half of the duty of 3d a gallon impoſed by the ſaid act on ſpirits of the firſt extraction made from any Engliſh materials other than drink made of malted corn or from brewers waſh or tilts, ſhall ceaſe.

By the 12 & 13 W. c. 11. For every gallon of low wines or ſpirits of the firſt extraction, made from any foreign or imported materials or mixture therewith — — — 4d

—— from drink or waſh made from any ſort of malt or corn (other than brewers waſh or tilts) — — — — — — — — 1d

—— from brewers waſh or tilts or mixture therewith — — — — — — — — 1d

—— from

—— from any other ſort of Engliſh materials or mixture therewith — — — — 1 d ½

By the 4 An. c. 12. For every gallon of low wines or ſpirits of the firſt extraction, made from foreign or imported materials or mixture therewith — — — — — 2 d

By the 8 An. c. 7. For every gallon of ſtrong waters or aqua vitæ — — — 1 d
For every gallon of ſpirits made of wine or cyder imported — — — — — 2 d

By the 2 G. 2. c. 17. For every gallon of mixed or compounded waters or ſpirits called gin, geneva, juniper water, or any compoſitions of any other ingredients with brandy, low wines, or ſpirits — — — — 4 s

By the 6 G. 2. c. 17. The duties impoſed by the 2 G. 2. c. 17. are repealed.

By the 16 G. 2. c. 8. For every gallon of low wines or ſpirits of the firſt extraction, made from any foreign or imported materials or mixture therewith — — — — 6 d
—— from drink or waſh made from any ſort of malt or corn (other than brewers waſh or tilts) — —— —— — 1 d
—— from brewers waſh or tilts or mixture therewith — — —— 1 d
—— from any other ſort of Engliſh materials or mixture therewith — — 1 d ½
For every gallon of ſpirits made from wine or cyder imported — — — 6 d
For every gallon of ſtrong waters or aqua vitæ made of any other materials —— 3 d

By the 24 G. 2. c. 40. For every gallon of low wines or ſpirits of the firſt extraction,

made

made from any ſort of malt or corn, or from brewers waſh or tilts or mixture therewith 1d ½

For every gallon of ſtrong waters or aqua vitæ made of any the ſaid materials — 4d ½

For every gallon of low wines or ſpirits of the firſt extraction, made from cyder or any ſort of Britiſh materials, except thoſe before mentioned, or any mixture therewith — 1d ¾

For every gallon of ſpirits made from cyder or any ſort of Britiſh materials, except thoſe before mentioned —— —— 3d ½

By the 33 G. 2. c. 9. For every gallon of low wines or ſpirits of the firſt extraction, made from drink or waſh made from any ſort of malt or corn, or from brewers waſh or tilts, or mixture therewith —— 5d

For every gallon of ſtrong waters or aqua vitæ made of any the ſaid materials — 1s 3d

For every gallon of low wines or ſpirits of the firſt extraction, made from any foreign or imported materials or mixture therewith 1s 3d

For every gallon of ſpirits made from any foreign or imported materials or mixture therewith —— —— — 8d

For every gallon of low wines or ſpirits of the firſt extraction, made from cyder, or any ſort of Britiſh materials, except thoſe before mentioned, or mixture therewith — 6d ¾

For every gallon of ſpirits made from cyder or any ſort of Britiſh materials, except thoſe before mentioned — — —— 1s 1d ¾

By the 2 G. 3. c. 5. For every gallon of low wines or ſpirits of the firſt extraction, made from drink or waſh made from any ſort of malt or corn, or from brewers waſh or tilts or mixture therewith —— —— 1d

For

For every gallon of ſtrong waters or aqua vitæ made of any the ſaid materials — 3d

For every gallon of low wines or ſpirits of the firſt extraction made from any foreign or imported materials, or mixture therewith 3d

For every gallon of ſpirits made from any foreign or imported materials, or mixture therewith —— —— —— 2d

For every gallon of low wines or ſpirits of the firſt extraction, made from cyder or any ſort of Britiſh materials (except thoſe before mentioned) or mixture therewith —— 1d ¼

For every gallon of ſpirits made from cyder or any kind of Britiſh materials (except thoſe before mentioned) —— —— 2d

Now let any gager employed in the exciſe, or any other perſon whatſoever, take theſe clauſes thus brought together from the ſeveral acts, and tell me plainly and clearly, what is the ſum total of the duty payable in any one of theſe inſtances; or let two juſtices take them, and convict a perſon if they can, for not paying the proper duty. I would aſk in particular, what is the duty payable for a gallon of ſpirits or ſtrong waters, made, not from foreign materials, but from materials mixed with foreign materials. I have noted above, which of the acts obſerve that diſtinction, and which do not. And certainly, in a caſe ſo penal, it ſhall not be underſtood by innuendo or implication, that ſpirits made of materials, partly foreign, but of which the greater part may be home materials, are ſpirits made of foreign materials.

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In ſhort, what is wanted with reſpect to the revenue of exciſe, ſeems to be this: To detach all and every the particulars under the management of the commiſſioners of exciſe, from the numberleſs acts wherein they are interſperſed: To ſet forth, in few words, what are the ſeveral duties to be paid; and, in a regular order, the manner of charging, levying, and collecting them: And ſo, to methodize, and reduce all the exciſe laws (as might eaſily be done) into a ſmall pocket volume; whereby, both the gager, and the perſons whoſe houſes or other places are to be ſurveyed, might be enabled at one view to apprehend their whole duty.

One thing there is in thoſe laws, which ſeemeth to be too ſevere. There is no appeal (except in ſome particular inſtances) from a conviction of the juſtices, to the quarter ſeſſions. Which, conſidering the largeneſs of the penalties oftentimes, and the ſpiritedneſs of the proſecution, is not conſonant to the equity and mildneſs of the Engliſh laws.

And in moſt of the caſes wherein an appeal is given, there is no direction how the penalties ſhall be levied on the order being confirmed. The juſtices who made the order have filed it of courſe in the ſeſſions, before the court could proceed upon it; and they cannot take it back from off the file: neither is it expreſſed, that the ſeſſions ſhall carry the order into execution by cauſing the penalties to be levied.

Game.

There is great reaſon to reviſe the game laws, and to reduce them into ſome order and compaſs. One of the principal acts, *viz.* the 5 An. c. 14. about carriers and others having game in their poſſeſſion, and inflicting the penalty of 5l on perſons killing game not being qualified, is neither grammar nor common ſenſe, and is a diſgrace to the ſtatute book. If an action were brought againſt a juſtice, for convicting ſuch carrier or other perſon upon that act, it might be difficult to ſupport his juriſdiction; unleſs it were allowed, in caſes penal, to conſtrue an act by *equity*, into a ſenſe which *legally* it will not bear; and to gueſs at its meaning, when it ſelf expreſſes no meaning; in order to deprive the ſubject of his goods or of his liberty.

In the caſe of *deer ſtealing*, where the penalties are very large, an appeal to the ſeſſions, where the cauſe might be reheard upon the merits, ſeemeth much more deſirable, than to remove the conviction into a ſuperior court, there only to try, whether it is drawn up ſtrictly in point of form.

And it ſeems high time to repeal the very ſevere laws againſt deſtroying of *hawks*: for the current now takes a contrary courſe, and rewards rather than puniſhments ought to be appointed; for theſe are now the greateſt poachers. In like manner, the laws againſt deſtroying *herons*, and their *eggs*, and the *eggs* of other *wild fowl*, ought to be mitigated at leaſt; for as the law now ſtands,

ſtands, it is impriſonment for a year to take or deſtroy the ſaid eggs from or in the neſt, or other place where they ſhall chance to be laid. All which was intended to preſerve and encourage the breed of theſe fowl for the diverſion of hawking. —— And there is a further additional penalty of one penny for each egg; half to the king, and half to him that will ſue for the ſame. Which in theſe our days, conſidering the uſual expence of a law ſuit, ſeemeth ſomewhat ridiculous.

The laws to prevent *ſalmon* (one of the moſt beneficial commodities to this kingdom) from being taken or hindred in paſſing up to ſpawn, are partial, extending only to certain rivers by name, and particularly not to any of the rivers in the moſt northern counties, where abundance of ſalmon ſpawn is miſerably deſtroyed. —— Nor are the laws in general for regulation of the fiſheries, adequate to the importance of the object.

Hawkers and pedlars.

There ſeems to be a difficulty in aſcertaining the duties to be paid by hawkers and pedlars.— By the 8 & 9 W. c. 25. it is enacted as follows: viz. "From June the 24th, 1697, to June the 25th, "1698, ſhall be paid by every hawker, pedlar, "petty chapman, or any other trading perſon, "going from town to town, or to other mens "houſes, and travelling either on foot, or with "horſe, horſes, or otherwiſe, carrying to ſell, or "expoſing to ſale, any goods, wares, or mer-

" chandizes, a duty of 41; and every perſon ſo " travelling with a horſe, aſs, or mule, or other " beaſt, bearing or drawing burden, ſhall pay " the ſum of 41, from the ſaid 24th day of June, " 1697, to the 25th day of June, 1698, *for each* " *horſe, aſs, or mule, or other beaſt, bearing or* " *drawing burden, he or ſhe ſhall ſo travel with,* " over and above the ſaid firſt mentioned duty " of 41.——And licences ſhall be made out to " every ſuch hawker, pedlar, petty chapman, " or other trading perſon, for him or her ſelf, " or for him or her ſelf with *one or more horſes,* " *aſſes, mules, or other beaſts, which he or ſhe* " *ſhall travel with, as the caſe ſhall require.*"

This act expired at the end of the year. But the ſame is re-enacted (mutatis mutandis) by the 9 & 10 W. c. 27. Only in this latter act, there ſeems to have been a miſtake. Hereby it is enacted, that " from June the 24th, 1698, to " June the 24th, 1701," (viz. for three years, and the ſame duties afterwards were made perpetual) " ſhall be paid by every hawker, pedlar, " petty chapman, or any other trading perſon, " going from town to town, or to other mens " houſes, and travelling either on foot, or with " horſe, horſes, or otherwiſe, carrying to ſell, or " expoſing to ſale, any goods, wares, or mer- " chandizes, a duty of 41 *for each year*; and " that every perſon ſo travelling with a horſe, " aſs, or mule, or other beaſt, bearing or draw- " ing burden, ſhall pay the ſum of 41 *for each* " *year he or ſhe ſhall ſo travel with,* over and " above the ſaid firſt mentioned duty of 41."— The ſenſe here is manifeſtly imperfect; and from the tenor of the foregoing act, it ſeemeth that the

the words in the latter part of the ſentence ought to run thus: viz. that "every perſon ſo tra-"velling with a horſe, aſs, or mule, or other "beaſt, bearing or drawing burden, ſhall pay "the ſum of 4l *for each year* [for each horſe, "aſs, or mule, or other beaſt, bearing or draw-"ing burden] *he or ſhe ſhall ſo travel with.*"— A duty of 4l for *each* horſe, aſs, mule, or other beaſt, bearing or drawing burden, ſeems to be intended, but is ungrammatically expreſſed; the words within the brackets having been dropped (as it ſeemeth) in the tranſcript. For ſo the act goes on, as did the former act, making a difference between travelling with one horſe, aſs, mule, or beaſt of burden, and with more; expreſſing, that "licences ſhall be made out to "every ſuch hawker, pedlar, petty chapman, "or other trading perſon, for him or her ſelf, "or for him or her ſelf with *one or more* horſes, "aſſes, mules, or other beaſts, which he or ſhe "ſhall travel with, *as the caſe ſhall require.*"

Highways.

Something hath been ſaid upon this head already.——In a diſcourſe publiſhed in the year 1763, by John Hawkins, eſquire, one of his majeſty's juſtices of the peace for the county of Middleſex, intitled, "Obſervations on the "ſtate of the highways, and on the laws for "amending and keeping them in repair," there are ſeveral things worthy of obſervation. Particularly, That the juſtices in their ſpecial ſeſſions ſhall appoint, for every pariſh or other like

diſtrict, an *aſſiſtant ſurveyor*, with a ſalary, to direct and order the ſtatute labour: That *ten* days ſhall be appointed yearly, for the amendment of the highways; on which days, the ſeveral perſons liable ſhall attend in the following proportions: *viz.* Perſons occupying two ploughlands, to ſend their draughts on all the ſaid ten days; if but one ploughland, then the ſaid draughts for five days only; and thoſe who are not to ſend draughts, to be charged as follows,

Perſons occupying 40l a year,	days
to ſend a labourer	10
35l a year	9
30l	8
25l	7
20l	6
15l	5
12l	4
9l	3
6l	2
3l	1

And every other inhabitant, cottager, and labourer, one day.

Perſons keeping coaches, chariots, and the like, to be charged annual ſums, over and above their ſtatute labour, inaſmuch as they have the greateſt benefit of good roads; but ſeem not to be included, as ſuch, within the ſtatute of *Philip and Mary*, becauſe there were but few coaches or other ſuch carriages at that time.

—— As to the *quantity of labour* to be furniſhed by each on the ſeveral days of working, it ſeemeth reaſonable that every man ſhould go with the ſtrength he has. If he keeps a draught, to go with that; if a ſingle horſe and cart, the like;

like; and with able-bodied men, in proportion to the number of ſuch perſons that he keeps.

As to what hath been propoſed, about *aboliſhing the ſtatute labour* altogether, and laying an aſſeſſment in lieu thereof; it muſt be owned, this is more likely to do the buſineſs, nor can the people reaſonably object, ſince they have ſhewn that they are not able or not willing to make the road themſelves. But then the diſpoſal of the money (as it ſeemeth) ought not to be in their power; for if it is, very probably the matter will be left juſt where it was; for they will either not lay it out, or lay it out to no purpoſe. But there muſt be a perſon, in like manner as the ſurveyors upon turnpike roads, to ſet out the road, and let the ſame publickly to thoſe who will take it loweſt at ſo much a rood (for inſtance) and to limit the undertakers both as to the breadth, thickneſs or depth, goodneſs of the materials, and every other particular, expreſsly and minutely; otherwiſe the work will be ſlubbered over and ſleighted, and the roads will be bad ſtill. — And it would be leſs invidious, if the aſſeſſment ſhould be laid upon the landlord, and not upon the rack rent tenants; for then it would more certainly be raiſed, and employed for the purpoſe intended; and in the event it comes much to the ſame thing, for it muſt fall upon the landlord at laſt, ſince his eſtate will let for ſo much the leſs as that charge ſhall amount to.

There ſeems to be a defect in the law, with regard to the appointment of ſurveyors: The conſtables, churchwardens, ſurveyors of the highways, and other inhabitants, are to meet yearly on the 26th of December, unleſs it happen to be

ſunday, and then on the 27th, and make a liſt of the names of a competent number of perſons, qualified to ſerve the office of ſurveyor; out of which liſt, the juſtices are to chuſe ſuch perſons as they think requiſite. The law makes no proviſion for their appointment, if ſuch liſt is not returned. There is indeed a penalty on the conſtables, churchwardens, and ſurveyors, for not returning ſuch liſt; but that does not remedy the matter, ſo as to cauſe ſurveyors for that year to be appointed.

Jurors.

There is a difficulty in returning liſts of jurors, where a freeholder lives in one conſtablewick, and his freehold lies in another conſtablewick perhaps in a remote part of the county. It ſeemeth by the ſeveral ſtatutes, that he can only be returned in the conſtablewick where he *inhabits*; and if his freehold lies elſewhere, the conſtable poſſibly may leave him out of his liſt, as not knowing of ſuch freehold; being directed by the ſtatute, for his information, to the poor or land tax bills of his own diſtrict. It ſeemeth more appoſite, that the conſtable where the freehold lies, ſhould return the name of the owner, and his place of abode.

And as *copyhold* tenants are made liable to ſerve; there is the ſame reaſon for taking in the owners of lands holden by other *cuſtomary* tenure.

Juſtices.

It frequently happens, that where a thing is appointed to be done by two juſtices, as (for inſtance) the making an order of removal of a poor perſon, great inconvenience ariſes, both to the parties, and to the juſtices, where the juſtices (as is often the caſe) live at a great diſtance from each other, in attending the juſtices to know when it will be agreeable to them to meet (which perhaps may be never); or if a meeting is appointed, accidents will happen of ſickneſs, weather, buſineſs, or the like, which will diſappoint that meeting; and this, it is to be feared, cauſes the juſtices ſometimes, abſurdly and ridiculouſly enough, and with great danger to themſelves of being called to an account for it in a ſuperior court, to adjudge the ſettlement when they are twenty miles aſunder, by one of them taking the examination, and certifying to the other, who ſets his hand to the order of removal without further ceremony. In theſe, and many other ſuch like caſes, as in making orders of baſtardy, levying highway penalties, levying the poor rates, —— it might be reaſonable to give power to one juſtice to proceed by himſelf alone (always reſerving an appeal to the general or quarter ſeſſions); or rather this will direct to the uſefulneſs and convenience of the aforeſaid monthly ſeſſions.

Land tax.

This title indeed does not properly belong to the justices of the peace, as such; but as all or most of the justices are generally commissioners of the land tax, this may be considered amongst the other matters cognizable by the justices of the peace.——By the first land tax act, in the *3 & 4 W. & M.* the commissioners at their first meeting were to issue precepts for persons to come before them at a second meeting, in order to receive instructions in what manner to lay the assessment; which assessment the said persons were to bring in at the third meeting of the commissioners, to be allowed and signed by them; and at the fourth meeting, appeals against the assessment were to be heard and determined. And all this was very proper and necessary at the first laying on of such a tax. But after 70 years practice, it seemeth that one of these meetings may now be very well spared; that is, that the commissioners, at their first meeting, shall be required to issue precepts for the last collectors to be assessors, and bring in their assessments made in like manner as in the former year, to the commissioners at their second meeting to be signed. And so at the third meeting appeals may be determined.

London.

There are many acts of parliament, relating particularly to the places within the bills of mortality, which compaſs includes a very conſiderable part of the kingdom. It is a thing much to be deſired, that ſome perſon would undertake to collect and digeſt all theſe acts; and from theſe again might be ſelected thoſe eſpecially which relate to the office of a juſtice of the peace; which being large, and not of much conſequence to the reſt of the kingdom, are not proper to be fully treated of in books concerning the office of juſtices of the peace in general.

Poor.

In what is laid down in the foregoing diſcourſe concerning *ſettlements*, it was not thought fit to deſcend to the *minutiæ* or particularities thereof; but only to draw the outlines, as it were, of a reformation thereof; and thoſe leſſer matters would fall in of courſe. — One of which is, that at preſent there is not the ſame meaſure of juſtice between the two kingdoms of England and Scotland. If an Engliſhman goes into Scotland, he gains no ſettlement there; if a Scotchman comes into England, it ſeems to be agreed that he may gain a ſettlement here; and, coming without a certificate, he may gain a ſettlement ſooner than an Engliſhman can. And he cannot be removed into Scotland, on his being likely

ly to become chargeable, nor until he ſhall be actually chargeable. But if the doctrine of certificates were aboliſhed, as is above propoſed, and every perſon allowed to continue in any place (as he may do now with a certificate) until he ſhall be compelled to aſk relief; all would be put upon the ſame footing in that reſpect, and the benefit of a certificate would be obtained without its diſadvantages. —— There is another great inconvenience in the borders of the two kingdoms, that if a man commits an offence, as in the caſe of getting a baſtard child, or a breach of the peace, and the like, and flies or eſcapes into the other kingdom, he cannot be there apprehended.

In like manner, as the laws now ſtand, a determination of that much litigated point, what ſhall be ſuch a hiring and ſervice as to gain a ſettlement, would be very expedient: But if the ſettlement were reduced to its original ſtandard, as is above propoſed; this, and all other ſuch like artificial refinements, would fall of courſe.

There is a difficulty with regard to an order for *relief* of a poor perſon, which cannot be better apprehended than from the following account of a real fact, by a gentleman acting in the commiſſion of the peace: —— "A very poor man, "who was in an ill ſtate of health, and had a "wife and three children, came to me for re- "lief, which he ſaid he had applied to the over- "ſeer of the poor of his pariſh for, and had "been refuſed. This he farther proved on the "oath of a credible witneſs. In conſequence "of this, I ſent a ſummons to the overſeer of "the poor to appear to ſhew cauſe why relief

" ſhould not be allowed him. The overſeer at-
" tended, and ſaid, the pariſh was of opinion
" that the man's ſettlement was not in their pa-
" riſh. As I ſuſpected a diſpoſition in the pa-
" riſh not to relieve the man, I propoſed to the
" overſeer, that his examination ſhould be taken
" as to his ſettlement, as the means of ſaving
" further trouble about him. This was accord-
" ingly done, and the man's ſettlement was in-
" diſputably in that pariſh. On this I ordered
" the overſeer to allow him five ſhillings, which
" he promiſed me he would pay to him as ſoon
" as he got home. The next day the poor man
" came again, and ſaid, the overſeer by the ad-
" vice of the pariſhioners would not pay him
" the five ſhillings, and this he proved by a cre-
" dible witneſs. On this I ſent a warrant, di-
" rected to the conſtable of that liberty, to
" bring the overſeer before me. The conſtable
" ſent it back to me, and ſaid the overſeer was
" ill and could not come. I ſent a ſervant to
" inquire into the truth of this; and it appear-
" ed that the overſeer was that very day in good
" health, and abroad in his farm at work. On
" this I directed a warrant to the high conſtable,
" to bring both overſeer and conſtable before
" me, to anſwer for their contempt, and to be-
" come bound with ſufficient ſureties for their
" appearance to anſwer to ſuch bills of indict-
" ment as ſhould be exhibited againſt them for
" the ſame, or otherwiſe that I would commit
" them. The high conſtable brought them.
" When they came, they allowed the man to
" be a real object of relief, that the relief I
" ordered was moderate, that they believed the

" man's

" man's ſettlement was with them; but ſaid, " they and the pariſh were determined to pay " no relief. In the mean time, during this te- " dious proceſs, the poor man was ſtarving".— And after obſerving upon the diſagreeableneſs, and difficulty, and inſufficiency for the relief of the poor perſon, of bringing ſuch offenders to juſtice; he propoſes, firſt, that in caſe of the inability of a churchwarden or overſeer to attend (for in many places one perſon ſerves both the offices of churchwarden and overſeer, in other places there is only an overſeer and no churchwarden) the juſtices ſhould have power to ſummon any ſubſtantial houſholder, and in ſuch caſe the overſeer to be liable as if he himſelf had perſonally appeared: Secondly, That in caſe of diſobedience to the order by the churchwarden or overſeer, the juſtice ſhould have power (which certainly is moſt reaſonable) to levy by diſtreſs the ſum ordered, and as much more by way of puniſhment as the juſtice ſhall think reaſonable not exceeding 10 s, to be paid to ſuch poor perſon, over and above all charges attending the diſtreſs.——" This (he juſtly concludes) would " be an effectual way of remedying a diſa- " greeable evil; and make the magiſtrate's office " eaſier to him, *without adding to his power*".

There is a further inconvenience to a poor perſon, that a juſtice cannot order relief to him, until oath ſhall be made before the juſtice, that ſuch poor perſon hath applied to a veſtry or other publick meeting, or to two of the overſeers, and been by them refuſed. A veſtry or other publick meeting may not be held for a long time; two

over-

overſeers (living at a diſtance) may be difficult to be found, or in the fulneſs of their importance may refuſe to the poor perſon admittance to their preſence; and in ſome townſhips there is but one overſeer, and in that caſe there muſt unavoidably be a defect of juſtice. The remedy might be, that application to one overſeer ſhould be ſufficient; or at his dwelling houſe, if he himſelf ſhall not be to be found.

In like manner, if an overſeer ſhould refuſe to obey an order of maintenance made by the *ſeſſions*; power ſhould be given to a juſtice out of ſeſſions, on ſight of the order, and proof of the contempt, to levy the ſum ordered by diſtreſs.

In caſe of removing poor perſons to the work-houſe, a power (as it ſeemeth) ſhould be given to the overſeers, to take with them their cloaths, bedding, tools of their trade, or other effects: Theſe they often make away to their relations. So when they die, it ſeemeth reaſonable, that the overſeers ſhould have power to diſpoſe of their cloaths, and other effects, in aid of the pariſh for their funeral and other expences.

By the 43 El. the juſtices have power to ſend to the houſe of correction ſuch as ſhall not employ themſelves to work, being appointed thereunto by the ſaid juſtices: But this doth not ſeem to extend to a man's wife and children, whilſt they are under his power. Therefore a clauſe might be proper, giving authority to the juſtices to ſend them likewiſe to the houſe of correction, where they ſhall be found to be wilfully in fault.

Process.

It seemeth, for the executing a *summons*, where the person to be summoned happens to be, or is designedly, out of the way; that a copy thereof left at his dwelling house, or other usual place of abode, or with his wife, child, or servant, should be enacted to be effectual, as if personally served upon himself.

Servants.

There are abundance of statutes regulating matters, between masters and their workmen in several kinds of manufacture, not differing so much in substance, or in their several circumstances, but that they might easily be reduced into one general act.

And the statute of the 20 G. 2. c. 29. is extremely inconvenient for the recovery of the wages of servants or labourers, by allowing the space of one and twenty days after the order for payment thereof, before distress can be made. Which gives the master time to make away with his effects; and particularly in the case of harvest workers, and artificers having finished their work and removing to a distant part,—to be obliged to wait three weeks, and possibly not receive their wages at last, is troublesome and vexatious, and makes many poor labourers go home without their wages, or accept an iniquitous composition. Therefore the distress ought

to

to be immediate, upon refuſal to pay according to the order.

And by the ſaid act, the puniſhment of a ſervant miſbehaving, is to be either by commitment to the houſe of correction, or otherwiſe by abating part of his wages, or by diſcharging him. It ſeemeth that it ought to be by all or any of theſe ways; for one of them ſingly is often not adequate to the offence.

Soldiers.

There have been diſputes, eſpecially whilſt the militia were on foot, and under the ſame regulations as the other forces, how far a ſoldier may be apprehended by warrant of a juſtice of the peace, on a charge againſt him for having begotten a child born or likely to be born a *baſtard*; and be committed to gaol for want of ſureties to indemnify the pariſh, or to abide the order of maintenance by the juſtices. This depends on the expreſſion in the acts of parliament, that they ſhall not be taken out of the ſervice but for ſome *criminal* matter. The queſtion is, what the law calls *criminal*; and that is, in oppoſition to *civil* matters. *Criminal* ſeems to intend an offence of a *publick* nature, for which a man may be proſecuted at the ſuit of the king, and on conviction fined or otherwiſe ſubjected to corporal puniſhment; or if it is on a warrant for the peace or good behaviour, then he may be committed ſummarily to priſon until he ſhall find ſureties. *Civil*, implies an offence of a *private* nature, be-

twixt party and party, and not where the king is party.

It hath been the practice, it muſt be owned, ever ſince *Dalton*'s time, to bind the reputed father of a baſtard child to the good behaviour; and if it is lawful to do that, it is lawful to take him out of the ſervice, and commit him to gaol if he ſhall not find ſureties. But the legality of that practice may be queſtioned.

Before the acts of parliament, giving cognizance to juſtices of the peace in caſes of baſtardy, this was ſolely an eccleſiaſtical offence, puniſhable in the ſpiritual court. The acts giving juriſdiction therein to juſtices of the peace, are for the indemnification of the pariſh, with regard to the maintenance of the baſtard child; on a ſuit merely civil, between the pariſh officers on the one hand, and the reputed father on the other: and to bind a man to the peace or good behaviour, on complaint of the pariſh officers, on a charge only of ſuch offence, of which perhaps afterwards he may be acquitted, or to indict, fine, and impriſon him for the ſaid offence at the ſuit of the king, if he ſhall be adjudged to be the reputed father, is a power given by no ſtatute; and therefore the puniſhment thereof as a crime properly belongs ſtill to the ſpiritual court.——But as this matter is allowed to admit of great doubt, an explanation thereof may be of uſe.

The penalty on the conſtables, for not providing *carriages*, is very incompetent; namely, 40s (at moſt) to the poor of their own pariſh: which, in effect, is no penalty at all, being only a relief of their neighbours in the poor tax, who will be ready enough to contribute, if thereby they

they may be ſpared in times of difficulty or danger; and the publick ſervice will be wholly fruſtrated. If there were no penalty at all appointed, then the party offending might be indicted, fined, and impriſoned, at the diſcretion of the court, for his contempt.

In the clauſe about *billeting*, it is directed, that the conſtables ſhall billet the ſoldiers (amongſt other places) in the houſes of perſons ſelling brandy or ſtrong waters by retail; except the houſes of diſtillers and ſhopkeepers, whoſe principal dealings ſhall be more in other goods than in brandy or ſtrong waters: which exception implies, that ſhopkeepers by licence may deal in brandy or ſtrong waters. But by two acts of parliament (viz. 16 G. 2. c. 8. and 17 G. 2. c. 17.) no licence ſhall be granted to any perſon to ſell by retail any ſpirituous liquors, except to ſuch perſons only who keep taverns, victualling houſes, inns, coffee-houſes, or ale-houſes: and if any perſon keeping ſuch houſe ſhall be licenſed, and afterwards, during the continuance of ſuch licence, ſhall exerciſe the trade of a diſtiller, grocer, or chandler, or keep a brandy ſhop for ſale of any ſpirituous liquors, the ſaid licence ſhall be void. —— Therefore, that the laws may be conſiſtent, the above exception in the clauſe about billeting ought to be omitted; as proceeding upon a ſuppoſition which has no foundation.

There is no direction, in the mutiny acts, how far the ſoldiers ſhall be obedient to the commands of the *civil magiſtrate*, in quelling of riots, and the like. Therefore the power exerciſed over

them in that reſpect, is not as they are ſoldiers, but as ſubjects, in common with the reſt of the people, from that duty which every man owes to the publick, in obedience to the orders of thoſe, whoſe office it is to preſerve the peace. And it is ſufficient that the laws regulating them as ſoldiers do not exempt them from this common charge. Nevertheleſs, as the commands of a ſuperior officer, and of the civil magiſtrate, may interfere; perhaps an explanation in this point, defining and clearly expreſſing their office and duty in this reſpect, might afford ſatisfaction, and prevent inconvenience.

There is another inſtance, which indeed is not owing to a defect of the law, but to an error in practice, of juſtices of the peace taking upon them to prolong the ſoldiers *furloughs*. An officer grants to one of his men leave of abſence (for inſtance) for a fortnight. The ſoldier goes to a juſtice of the peace, and he perhaps gives him leave to be abſent for a fortnight longer. But how does the juſtice know, that the ſoldier's ſervice will not be wanted before that time? Or who conſtituted him a judge in thoſe matters? Some other of the abſurd practices above noted, of juſtices of the peace, have been founded on what was once the law, only the practice hath not kept pace with the law; but this (ſo far as I have been able to diſcover) is founded on no law that ever exiſted.

Weights and meaſures.

There have been more acts of parliament for the uniformity of weights and meaſures, than about any other particular. Nothing is more univerſally deſired. Nothing would tend more to the eaſe and convenience of a trading nation. And nothing is worſe regulated in practice. The parliament have taken laudable pains for two or three years paſt, to eſtabliſh theſe matters on a proper foundation. And it is to be hoped, they will perſevere. Difficulties there are, particularly, that a new law in this kind would overturn the whole practice of the cuſtoms and exciſe. Therefore an act for that purpoſe ought to be made to take effect at a future day, as at the diſtance of a year or two years, that ſo the officers might be ſufficiently prepared. But the greateſt difficulty will be, as in other like caſes, to carry the law, when made, into general practice. We will ſuppoſe the juſtices of the peace conſtituted the judges in the caſe of offences. There will ſtill want ſome perſons, betwixt the juſtices and the offenders, whoſe buſineſs it ſhall be to examine the weights and meaſures, and procure information; whether the officers of exciſe ſhould be appointed to this duty; or, if they ſhould be objected to, ſurveyors of weights and meaſures might be ſpecially appointed; or this matter might be brought within the buſineſs of the ſpecial ſeſſions, as is above propoſed for the poor, the highways, and the reſt.—What hath been propoſed, that thoſe juſtices who do not

chuſe

chuſe to act under the commiſſion at large, may yet act in this inſtance, without ſuing out a dedimus, probably will not anſwer the purpoſe, becauſe (as it ſeemeth) few ſuch will be to be found.

Windows.

In like manner as was obſerved before of the land tax, one meeting here might be ſpared, by the commiſſioners iſſuing out their precepts at once, for the laſt collectors to be aſſeſſors, and bring in their aſſeſſments at a ſecond meeting; and ſo to have only one other meeting for the appeal. And theſe meetings (by the way) might very well be made to comport with the buſineſs ſtill of the monthly ſeſſions.

If one might preſume to obſerve a little upon the equity of this tax, it ſeemeth ſomewhat hard, that a perſon of ſmall fortune, perhaps with a large family, ſhould pay as much for his *houſe* yearly, as the richeſt man in the kingdom. And as to *windows* or lights, it is ſhocking to travel thro' the country, and behold every where the inhabitants in a great meaſure deprived of light. They build their houſes, not according to any model of Roman or Grecian architecture; but act-of-parliament houſes, with ſo much light only as they think the law allows them. For they are apt to perſuade themſelves, that theſe duties are intended as a tax upon day-light. And they may be the rather prompted perhaps to this imagination, from the practice of their ſuperiors; who ſeem to be very far gone in the notion of turning day

into

into night. Policy, probably, would ſuggeſt, that to begin to reckon at one window, and ſo on to ten incluſive, at 6d each, (and advancing, above that number, in the proportion as it is now,) would afford the people more light, and raiſe the government more money. For then there would not be ſo much ſtriving to reduce the windows to the number of ſeven; and there is no proportion between eight windows being charged eight ſhillings, and ſeven windows charged nothing. And reducing the number further would not advance the revenue; for it would only cauſe more windows ſtill to be ſtopped up, until there ſhould be no light but from the doors and chimnies.

THERE are many other particulars, no doubt, relating to, or connected with the office of a juſtice of the peace, that may want regulation; which every man's obſervation will ſuggeſt, that hath acted for any conſiderable time under the commiſſion of the peace. And if a general bill ſhould be brought into parliament, to rectify ſuch as ſhall ſeem moſt to require it; others would fall in of courſe, as almoſt all the members of both houſes are juſtices of the peace, and many of them have honoured the commiſſion with their perſonal ſervice. ———

POST-

POSTSCRIPT.

AN act ſeems to be wanting to enable juſtices to puniſh *drivers of poſt chaiſes*; who, in their return, are commonly aſleep within the chaiſes.

It would be more advantageous, if the act of the 20 G. 2. c. 19. were extended to all *ſervants* in general.

An act ſeems to be wanting to puniſh thoſe, who preſcribe, ſell, procure, or uſe medicines, purpoſely intended to cauſe *abortion*.

And another, to prevent *boneſires*, in any ſtreet, or other place in or near the highway.

THE END.

ERRATA.

Pag. 142. l. 30. for two, read *too*.
194. l. 19. for in ſaid, read *in the ſaid*.