

labourers shall continue at work ; besides many other heads of regulation ; for all which, it is better to refer your readers to that excellent compendium, Burn's Justice, or to the statute itself, than take up ^{tho'} their time, or my own, in recapitulating its contents.— One section, however, I must call forth to their notice : the wages of servants, labourers, and artificers, as well by the day as year, shall be limited, rated, and appointed, by the justices of the peace of the county, they having respect to the plenty, or scarcity, of the times, &c. : and this section is enforced by a penalty on the justices, for not attending at the time required by the act ; and also on the master for giving, and the servant for taking, more than such rated wages.— Sect. 15.

The wisdom and humanity of government, during this long and prosperous reign, engrafted, by degrees, some of the best moral principles of the Christian religion into the statute-law of the land. Our Saviour, in his conversations with his disciples, lays very great stress on the duty of giving to the poor, administering to the sick, and relieving the prisoner ; as may be seen in the 25th chapter of Matthew, and many other places in the New Testament : and the parliament of Elizabeth sanctioned that, which was before only a moral duty, by a law of the state ; for, by the 14th of Elizabeth, cap. 5. assessments are directed to be made of the parishioners of every parish, for the relief of the poor of the same parish ; and a provision is also made for the relief of the prisoners in common gaols. The mode, also, of treating that class, or description, of our fellow-creatures, called, by the law, vagabonds, seemed also much better understood than in former reigns ; but still was tinged with too much severity, against those members of society, who are guilty of a negative offence only,—that of want of industry ; which, in fact, punishes itself ; and is, with justice, punished by the municipal laws ; as it is certainly a crime, and so considered by one of the best writers on that subject this age has produced—

Beccaria ;

Beccaria; * who, in his excellent treatise, *Dei Delitti e delle Pene*, exactly describes those useless, and culpable, members of society, under the title of *oziosi*, whom we include by the word *vagabonds*; and indicates an opinion, that their offence to society is somewhat similar to that of men who are probably guilty of crimes, but against whom there is no certain positive proof. This statute of Elizabeth orders vagabonds to be grievously whipped, and burned through the gristle of the right ear, for the first offence, if above fourteen years of age, unless some creditable person will take them into service for a year; and, if of eighteen years of age, and he falls again into a roguish life, he shall suffer death as a felon, unless some creditable person will take him into service for two years; and, if he falls a third time into a roguish life, he shall be adjudged a felon.

Government, after experiencing the effects arising from what had been done in the fourteenth year of this reign, again took up the subject; and we find, in the eighteenth statute, the first idea of natural children being maintained at the expense of their mother, or reputed father, who appear before this time to have been maintained at the expense of the parish; or, at least, there was no positive law of the state enforcing the contrary. This statute also provides for the punishment of the father and mother; and has stood the test of time, being the rule for the conduct of magistrates at this day.

In this parliament, also, arose the first idea of providing a stock to set the poor at work. Indeed, it is scarcely credible, that legislators should, for centuries, have punished *idleness* and *vagabondry* so severely, and not have provided a certainty, that those members of society, who, from their situation, are strongly tempted to incur the crime, should have the means put in their power, by industry, of avoiding it.

* Beccaria dei Delitti e delle Pene, sect. 24.

Houses of industry are now mentioned, for the first time; and lands in socage are permitted, during twenty years, to be given towards their maintenance, and to provide stock for the poor to work up. But what principle could induce the parliament to prohibit building cottages, unless four acres of land were laid to each of them, it is impossible at this distance of time to tell; the history of that period taking no notice of the subject; and the preamble to the act itself stating only general inconvenience; yet such a regulation passed into a law, in 1589; together with a prohibition against more families, or households, than one, inhabiting the same cottage.

The parliament of this wise and happy æra were as progressive in improving the situation of the poor, and in laws replete with tenderness and humanity, affecting the lower classes of the state, as were the parliaments under the two preceding reigns retrogressive and deficient in those respects. In the thirty-fifth year of Elizabeth, we find them turning again their attention to husbandry, and repealing several former statutes affecting it; repealing, also, that part of the statute-law respecting vagabonds, which retained any unnecessary, and therefore improper, severity; regulating the management of those poor and impotent persons, who are compelled to live by alms; and enlarging the term, during which it should be lawful to give land towards the maintenance of houses of correction, or of the poor: and, after having tried, for four years, the effect of all the laws then in force, relative to this important department of the police, and having called, as it were, practical experience, in aid of theoretic legislation; we find, towards the end of the sixteenth century, and in the beginning of the thirty-ninth year of this reign, these various matters and important regulations taking somewhat the appearance of a code or system of laws, as they were contained in the first six and the seventeenth chapters of this session.

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A recapitulation of the heads of these several statutes would be tedious, and is unnecessary to the purpose of this tract; which is intended to inquire into the relative situation of the poor, in time past, and at present: but one circumstance, on the revival of the history of these statutes, strikes the mind strongly; that the 43d of Elizabeth, which is considered by many as the fountain and origin of the poor's rate, is in fact not so, but is the result of the collected wisdom, observation, and experience, of the same, or nearly the same, individual statemen; and those, men of acknowledged wisdom and prudence, attending to the same object, the general good of society, in this most important article of police, during the term of almost half a century.

Although some sensible and enlightened minds have appeared to doubt, whether this statute has, in its present consequences, brought upon that portion of society, which, by the law of the land, is subject to its influence, more good than evil; reasoning from the great burthen it imposes on the landed interest in particular; the knowledge also that in other countries no such law subsists; that until a certain æra it was not the law here; till when no collections, but such as are voluntary, were gathered for the poor; knowing withal, that misery and distress, arising from poverty, are the lot of too many; although such an immense revenue is raised for their relief: yet so great was the necessity of raising a certain revenue for them, and so gradually and strongly did such necessity enforce itself through the period which has just been subject to our attention, by a kind of divine right, on the conscience of the legislature, who disputed and yielded, step by step, to its powerful energy, during a long reign; which all our historians teach us to remember with reverence, for the wisdom and prudence so visibly prevalent throughout that age; this assertion may now be ventured, that a tax upon society, for the relief of the poor, was, in the age of Elizabeth, expedient and necessary; and that the regulations of the 43d statute of her reign were then the best modification

dification of such a tax, and well calculated to enforce habits of industry, and all those exertions to maintain themselves before they became a burthen upon their fellow-subjects, which fell within the scope of their power and ability: whether they are so now, and whether the present enormous burthen of the poor's rates arises from this statute being put in force, or from other causes, shall be the object of a subsequent investigation.

LETTER VII.

TO form an accurate judgement on any subject, it is necessary that the mind should have been as fully attentive to the design of each part and proportion in detail as to the spirit and effect of the whole; the fly on the dome of St. Paul's might, with equal reason, be supposed able to form a sensible and critical opinion of that magnificent fabric, as the mind of that man be conceived equal to form an adequate conception of the intent of the legislature in the statute alluded to, who has only read detached parts of it, or hastily, from the practice of modern days, formed a conception of the spirit and intentions which impressed the parliament when it became the law of the land, in the beginning of the last century.

It is necessary, therefore, in some part of this inquiry, to declare what was the intent of the legislature when they passed this act; and to point out the means made use of by them to enforce the execution of that intent; or, in other words, to explain the spirit of this humane and wise code.

In the execution of this task, reference shall be made to the statute itself, as divided by its sections, that the reader may examine, if he thinks proper, how far the following abridgment

is warranted by the words of the act itself; * which is here printed, as it cannot, I believe, be purchased singly, or unconnected with other matter; and Burn's Justice, which is in every body's hands,

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contains

* In consequence of some conversation with several gentlemen of the Royal and Antiquary Societies, who meet at a coffee-house in the Strand after those societies are broken up, and spend the evening together; I was induced, principally on the assertion of Mr. Godschell, (a worthy and very intelligent magistrate in the county of Surrey, who published, in 1787, a General Plan of Parochial and Provincial Police,) that Sir Edward Coke was the framer of the 43d Eliz. cap. 2, to search the Journals of the House of Lords and of the Commons of that time, but was not able either from them, or any other source of printed information in my power to search, to prove, with certainty, that we owe this act of parliament to the abilities of that great lawyer solely; that he, being at that time the Queen's attorney-general, might have perused and settled the act, is probable.

The Journals of the House of Commons unfortunately are imperfect at the period when this measure was in agitation in parliament, there being a chasm from the year 1580 to 1603.

In Sir Simon D'Ewe's Journal the following notices are found, 43d Eliz. 1601, November 5.

"Upon motion this day, a committee was appointed to consider of the statute for the relief of the poor, viz. Sir Robert Wroth, Mr. Phillips, Sir Edward Hobbie, Sir Francis Hastings, Sir George Moore, and others, who were appointed to meet on Thursday next in the Exchequer-Chamber, at two o'clock in the afternoon.

"December 10, P. M. The bill for the relief of the poor was read the second time, and committed to Mr. Comptroller, Sir Robert Wroth, Sir Francis D'Arcie, Mr. Francis Bacon, Mr. Lieutenant of the Tower, and others, who were appointed to meet to-morrow, in the afternoon, at two of the clock, in the Court of Words.

"December 11, P. M. Sir Robert Wroth, a committee in the bill for the relief of the poor, brought in the bill with amendments, and a proviso added by the committee.

"The provisos and amendments were read, and the bill ordered to be engrossed."

It appears that there was another bill brought into the House for avoiding idleness, and setting the poor to work. This was read the second time December 15, and, on the question for committing it for engrossing, was dashed.

JOURNALS OF THE HOUSE OF LORDS.

1601. December 16. 1^{ma} Vice lecta est Billa, "An Act for the Relief of the Poor."

December 17. 2^{da} Vice lecta est Billa, "An Act for the Relief of the Poor."

Exposit. Hodie: 3^a Vice lecta est Billa, "An Act for the Relief of the Poor."

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contains only detached parts of it; and it certainly is a statute which is intimately connected with the interests of all owners and occupiers

“ Anno quadragesimo tertio Regine Elizabethæ.

C A P. II.

“ An Act for the Relief of the Poor.

“ BE it enacted, by the authority of this present parliament, That the church-wardens of every parish, and four, three, or two, substantial householders there, as shall be thought meet, having respect to the proportion and greatness of the same parish and parishes, to be nominated yearly, in *Easter-week*, or within one month after *Easter*, under the hand and seal of two or more justices of the peace of 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: 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 of the peace as is aforesaid, for setting to work the children of all such whose parents shall not, by the said church-wardens and overseers, or the greater part of them, be thought able to keep and maintain their children; and also for setting to work all such persons, married or unmarried, having no means to maintain them, and 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, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, appropriations of tithes, coal-mines, or saleable underwoods, in the said parish, in such competent sum and sums of money 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 of money 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 same parish, and to do and execute all other things, as well for the disposing of the said stock as otherwise, concerning the premises, as to them shall seem convenient.

II. “ Which said church-wardens 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 of peace or more as is aforesaid, 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 order to be set down in the premises; 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 of peace as is aforesaid, a true and perfect account of all sums of money by them received, or rated and assessed and not received, and also of such stock as shall be in their hands, or in the hands

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occupiers of land and houses, and, in fact, with the best interests of the whole kingdom.

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of any of the poor to work, and of all other things concerning their said office; and such sum or sums of money as shall be in their hands, shall pay and deliver over to the said church-wardens 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 for the purpose aforesaid, or being negligent in their office, or in the execution of the orders aforesaid, being made by and with the assent of the said justices of peace, or any two of them before-mentioned, to forfeit, for every such default of absence or negligence, twenty shillings.

III. " And be it also enacted, That if the said justices of peace 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 two 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 church-wardens 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 of peace, at their general quarter-sessions, or the greater number of them, 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.

IV. " And that it shall be lawful, as well for the present as subsequent church-wardens and overseers, or any of them, by warrant from any two such justices of peace, as is aforesaid, to levy as well the said sums of money, and all arrearages, 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 parties the overplus: and, in defect of such distress, it shall be lawful for any such two justices of the peace to commit him or them to the common gaol of the county, there to remain, without bail or mainprize, until payment of the said sum, arrearages, and stock: and the said justices of peace, or any one of them, to send, to the house of correction or common gaol, such as shall not employ themselves to work, being appointed thereunto, as aforesaid: and also any such two justices of peace to commit to the said prison every one of the said church-wardens and overseers which shall refuse to account; there to remain, without bail or mainprize, until he have made a true account, and satisfied and paid so much as upon the said account shall be remaining in his hands.

V. " And

It is remarkable that the statute opens without any preamble whatever: most acts of our parliament, in the preamble, give a summary

V. "And be it further enacted, That it shall be lawful for the said church-wardens and overseers, or the greater part of them, by the assent of any two justices of the peace aforesaid, to bind any such children, as aforesaid, to be apprentices, where they shall see convenient, till such man-child shall come to the age of four-and-twenty years, and such woman-child to the age of one-and-twenty years, or the time of her marriage; the same to be as effectual to all purposes, 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; be it enacted by the authority aforesaid, That it shall and may be lawful for the said church-wardens and overseers, or the greater part of them, by the leave of the lord or lords of the manor, whereof any waste or common within their parish is or shall be parcel, and upon agreement before with him or them made, in writing, under the hands and seals of the said lord or lords, or otherwise, according to any order to be set down by the justices of peace of the said county, at their general quarter-sessions, or the greater part of them, by like leave and agreement of the said lord or lords, in writing, under his or their hands and seals, 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 inmates, or more families than one, in one cottage or house; one act made in the one-and-thirtieth year of her Majesty's reign, intituled, *An Act against the erecting and maintaining of Cottages*, or any thing therein contained to the contrary notwithstanding: which cottages and places for inmates shall not, at any time after, be used or employed to or for any other habitation, but only for impotent and poor of the same parish, that shall be there placed from time to time by the church-wardens and overseers of the poor of the same parish, or the most part of them, upon the pains and forfeitures contained in the said former act made in the said one-and-thirtieth year of her Majesty's reign.

VI. "Provided always, That if any person or persons shall find themselves grieved with any sels or tax, or other act done by the said church-wardens and other persons, or by the said justices of peace; that then it shall be lawful for the justices of the peace, at their general quarter-sessions, or the greater number of them, to make such order therein, as to them shall be thought convenient; and the same to conclude and bind all the said parties.

VII. "And be it further enacted, That the father and grandfather, and the mother and grandmother, and the children of every poor, old, blind, lame, and impotent, person, or other poor person notable to work, being of a sufficient ability, shall, at their own charges,

summary view of the evils intended by the legislature to be corrected, or the good which is expected to ensue from the regulations to

charges, relieve and maintain every such poor person in that manner, and according to that rate, as by the justices of peace of that county where such sufficient persons dwell, or the greater number of them, at their general quarter-sessions, shall be assessed; upon pain that every one of them, shall forfeit twenty shillings for every month which they shall fail therein.

VIII. " And be it further hereby enacted, That the mayors, bailiffs, or other head-officers, of every town and place, corporate and city, within this realm, being justice or justices of peace, shall have the same authority by virtue of this act, within the limits and precincts of their jurisdictions, as well out of sessions as at their sessions, if they hold any, as is herein limited, prescribed, and appointed, to justices of the peace of the county, or any two or more of them, or to the justices of peace, in their quarter-sessions, to do and execute for all the uses and purposes in this act prescribed, and no other justice or justices of peace to enter or meddle there: and that every alderman of the city of London, within his ward, shall and may do and execute, in every respect, so much as is appointed and allowed by this act to be done and executed by one or two justices of peace of any county within this realm.

IX. " And be it also enacted, That if it shall happen any parish to extend itself into more counties than one, or part to lie within the liberties of any city, town, or place corporate, and part without, that then as well the justices of peace of every county as also the head-officers of such city, town, or place corporate, shall deal and intermeddle only in so much of the said parish as lieth within their liberties, and not any further: and every of them respectively within their several limits, wards, and jurisdictions, to execute the ordinances before-mentioned concerning the nomination of overseers, the consent to binding apprentices, the giving warrant to levy taxations unpaid, the taking account of church-wardens and overseers, and the committing to prison such as refuse to account, or deny to pay the arrearages due upon their accounts; and yet, nevertheless, the said church-wardens and overseers, or the most part of them, of the said parishes that do extend into such several limits and jurisdictions, shall, without dividing themselves, duly execute their office in all places within the said parish, in all things to them belonging, and shall duly exhibit and make one account before the said head-officer of the town or place corporate, and one other before the said justices of peace, or any such two of them, as is aforesaid.

X. " And further be it enacted, by the authority aforesaid, That if, in any place within this realm, there happen to be hereafter no such nomination of overseers yearly, as is before appointed, that then every justice of peace of the county, dwelling within the division where such default of nomination shall happen, and every mayor, alderman, and head-

to be enforced; but here is no preamble, unless the title can be called one, which is in so many words, "An Act for the Relief of the

head-officer, of city, town, or place-corporate, where such default shall happen, shall lose and forfeit, for every such default, five pounds, to be employed towards the relief of the poor of the said parish, or place-corporate, and to be levied, as aforesaid, of their goods, by warrant from the general sessions of the peace of the said county, or of the same city, town, or place-corporate, if they keep sessions.

XI. "And be it also enacted, by the authority aforesaid, That all penalties and forfeitures before-mentioned in this act, to be forfeited by any person or persons, shall go and 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, as before in this act are mentioned and expressed: and shall be levied by the said church-wardens and overseers, or one of them, by warrant from any two such justices of peace, or mayor, alderman, or head-officer of city, town, or place-corporate, respectively, within their several limits, by distress and sale thereof, as aforesaid; or, in defect thereof, it shall be lawful for any two such justices of peace, and the said aldermen and head-officers, within their several limits, to commit the offender to the said prison, there to remain, without bail or mainprize, till the said forfeitures shall be satisfied and paid.

XII. "And be it further enacted, by the authority aforesaid, That the justices of peace of every county or place-corporate, or the more part of them, in their general sessions to be holden next after the feast of *Easter* next, and so, yearly, as often as they shall think meet, shall rate every parish to such a weekly sum of money as they shall think convenient; so as no parish be rated above the sum of six-pence, nor under the sum of a half-penny, weekly to be paid, and so as the total sum of such taxation of the parishes, in every county, amount not above the rate of two-pence for every parish within the said county; which sums so taxed shall be yearly assessed by the agreement of the parishioners within themselves, or, in default thereof, by the church-wardens and petty constables of the same parish, or the more part of them; or, in default of their agreement, by the order of such justice or justices of peace as shall dwell in the same parish, or (if none be there dwelling) in the parts next adjoining.

XIII. "And if any person shall refuse or neglect to pay any such portion of money so taxed, it shall be lawful for the said church-wardens and constables, or any of them, or, in their default, for any justice of peace of the said limit, to levy the same by distress and sale of the goods of the party so refusing or neglecting, rendering to the party the over-plus; and, in default of such distress, it shall be lawful to any justice of that limit to commit such person to the said prison, there to abide, without bail or mainprize, till he have paid the same.

XIV. "And

the Poor." The enacting part instantly commences. Industry, and principally early industry, is the first object under their con-

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templation :

XIV. " And be it also enacted, That the said justices of peace at their general quarter-sessions, to be holden at the time of such taxation, shall set down what competent sums of money shall be sent quarterly out of every county or place-corporate, for the relief of the poor prisoners of the King's Bench and Marshalsea, and also of such hospitals and alms-houses as shall be in the said county, and what sums of money shall be sent to every one of the said hospitals and alms-houses, so as there be sent out of every county, yearly, twenty shillings, at the least, to each of the said prisons of the King's Bench and Marshalsea ; which sums, ratably to be assessed upon every parish, the church-wardens of every parish shall truly collect, and pay over to the high-constables in whose division such parish shall be situate, from time to time, quarterly, ten days before the end of every quarter ; and every such constable, at every such quarter-sessions in such county, shall pay over the same to two such treasurers, or to one of them, as shall, by the more part of the justices of peace of the county, be elected to be the said treasurers, to be chosen by the justices of peace of the said county, city, or town, or place-corporate, or of others which were assessed and taxed at five pounds lands, or ten pounds goods, at the least, at the tax of subsidy next before the time of the said election to be made ; and the said treasurers so elected to continue for the space of one whole year in their office, and then to give up their charge, with a due account of their receipts and disbursements, at the quarter-sessions to be holden next after the feast of *Easter* in every year, to such others as shall, from year to year, in form aforesaid, successively be elected treasurers for the said county, city, town, or place-corporate ; which said treasurers, or one of them, shall pay over the same to the Lord-Chief-Justice of *England*, and Knight-Marshall for the time being, equally to be divided to the use aforesaid, taking their acquittance for the same, or, in default of the said chief-justice, to the next antientest justice of the King's Bench, as aforesaid : and, if any church-warden or high-constable, or his executors or administrators, shall fail to make payment in form above specified, then every church-warden, his executors or administrators, so offending, shall forfeit, for every time, the sum of ten shillings ; and every high-constable, his executors or administrators, shall forfeit, for every time, the sum of twenty shillings ; the same forfeitures, together with the sums behind, to be levied by the said treasurer and treasurers, by way of distress and sale of the goods, as aforesaid, in form aforesaid, and by them to be employed towards the charitable uses comprised in this act.

XV. " And be it further enacted, That all the surplusage of money, which shall be remaining in the said stock of any county, shall, by discretion of the more part of the justices of peace, in their quarter-sessions, be ordered, distributed, and bestowed, for the relief of the poor hospitals of that county, and of those that shall sustain losses by fire,
water,

temptation: the setting to work children, whose parents shall not be thought able to maintain them, and also the putting poor children

water, the sea, or other casualties, and to such other charitable purposes, for the relief of the poor, as to the more part of the said justices of peace shall seem convenient.

XVI. "And be it further enacted, That if any treasurer elected shall wilfully refuse to take upon him the said office of *treasurership*, or refuse to distribute and give relief, or to account, according to such form as shall be appointed by the more part of the said justices of peace; that then it shall be lawful for the justices of peace, in their quarter-sessions, or, in their default, for the justices of assize, at their assizes, to be holden in the same county, to fine the same treasurer by their discretion; the same fine not to be under three pounds, and to be levied by sale of his goods, and to be prosecuted by any two of the said justices of peace whom they shall authorize. Provided always, that this act shall not take effect until the feast of *Easter* next.

XVII. "And be it enacted, That the statute made in the nine-and-thirtieth year of her Majesty's reign, intituled, *An Act for the Relief of the Poor*, shall continue and stand in force until the feast of *Easter* next; and that all taxations heretofore imposed, and not paid, nor that shall be paid before the said feast of *Easter* next, and that all taxes hereafter, before the said feast, to be taxed by virtue of the said former act, which shall not be paid before the said feast of *Easter*, shall and may, after the said feast of *Easter*, be levied by the overseers, and other persons in this act, respectively appointed to levy taxations, by distress, and by such warrant, in every respect, as if they had been taxed and imposed by virtue of this act, and were not paid.

XVIII. "Provided always, That whereas the island of *Fowlness*, in the county of *Essex*, being environed with the sea, and having a chapel of ease for the inhabitants thereof, and yet the said island is no parish, but the lands in the same are situated within divers parishes far distant from the said island; be it therefore enacted, by the authority aforesaid, that the said justices of peace shall nominate and appoint inhabitants within the said island, to be overseers for the poor people dwelling within the said island; and that both they, the said justices, and the said overseers, shall have the same power and authority to all intents, considerations, and purposes, for the execution of the parts and articles of this act, and shall be subject to the same pains and forfeitures, and likewise that the inhabitants and occupiers of lands there shall be liable and chargeable to the same payments, charges, expenses, and orders, in such manner and form as if the same island were a parish; in consideration whereof, neither the said inhabitants, or occupiers of land, within the said island, shall not be compelled to contribute towards the relief of the poor of those parishes, wherein their houses or lands which they occupy within the said island are situated, for or by reason of their said habitation or occupings, other than for the relief of the poor people within the said island, neither yet shall the other inhabitants of the parishes, wherein such houses or lands are

children out apprentice; setting the idle, whether from choice or necessity, to work; for which purpose a sum was to be raised by assessment, to purchase a stock of flax, hemp, wool, thread, iron, and other necessary ware and stuff:—the next consideration was to raise a competent sum of money, by the same means, for the necessary relief of the lame, old, impotent, blind, and such others as are poor, *and not able to work.* Sect. 1.

This intent was to be carried into execution by the churchwardens and overseers; which last were yearly to be appointed by the neighbouring magistrates, whose particular duty in this act is declared to be, to give order, direct, and inspect, the proceedings of the churchwardens and overseers; and that this plan may, in all its

are situated, be compelled, by reason of their resiancy or dwelling, to contribute to the relief of the poor inhabitants within the said island.

XIX. "And be it further enacted, That if any action, or trespass, or other suit, shall happen to be attempted and brought against any person or persons, for taking of any distress, making of any sale, or any other thing doing, by authority of this present act, the defendant or defendants, in any such action or suit, shall and may either plead not guilty, or otherwise make avowry, cognisance, or justification, for the taking of the said distresses, making of sale, or other thing doing, by virtue of this act, alleging, in such avowry, cognisance, or justification, that the said distress, sale, trespass, or other thing, whereof the plaintiff or plaintiffs complained, was done by authority of this act, and according to the tenor, purport, and effect, of this act, without any expressing or rehearsal of any other matter or circumstance contained in this present act: to which avowry, cognisance, or justification, the plaintiff shall be admitted to reply, that the defendant did take the said distress, made the said sale, or did any other act or trespass supposed in his declaration, of his own wrong, without any such cause alleged by the said defendant; whereupon the issue in every such action shall be joined, to be tried by verdict of twelve men, and not otherwise, as is accustomed in other personal actions; and, upon the trial of that issue, the whole matter to be given on both parties in evidence, according to the very truth of the same; and, after such issue tried for the defendant, or nonsuit of the plaintiff after appearance, the same defendant to recover treble damages, by reason of his wrongful vexation in that behalf, with his costs also in that part sustained, and that to be assessed by the same jury, or writ to inquire of the damages, as the same shall require.

XX. "Provided always, That this act shall endure no longer than to the end of the next session of parliament. 3 Car. I. c. 4. *Continued until the end of the first session of the next parliament, and further continued by 16 Car. I. c. 4.*"

parts, be carried by the overseers, under the direction of the justices, into execution, they are ordered to meet on this business, at least once in the month, on a Sunday, after divine service in the church; and, within four days after the year is expired, yield up to two justices an account of all things concerning their office. Provision is also made in those instances where parishes may not be able among themselves to levy the necessary sums of money, by calling in aid other parishes. Sect. 1, 2, 3, 5, 6, 7.

That the expense for the relief of those who are poor, and not able to work, may be felt as little as possible by the community at large, parental and filial affection is compelled to do its duty before the public is burthened; and for that purpose grandfathers, fathers, and children, are reciprocally called forth to support each other if able. Sect. 7.

And, that necessary habitations may be provided for the poor and impotent, it is made lawful for the overseers, with leave of the lord of the manor, and under the control of the magistrates, to build convenient places of habitation on the waste, and to place inmates, or more families than one, in the same cottage or house; notwithstanding an act passed in the 30th year of the same reign, which has already been alluded to. Sect. 6.

Another object was, to raise a sum of money from every parish, by a weekly rate, not exceeding sixpence, or under two-pence, for the relief of the poor prisoners in the King's Bench and Marshalsea; and also such hospitals and alms-houses as shall be in each county; so as that there be sent out of every county yearly not less than twenty shillings to each of the said prisons; and the surplus-money shall, at the discretion of the justices of the peace, in their quarter-sessions, be distributed for the relief of the poor hospitals of the county; and of those who shall sustain losses by fire, water, the sea, or other casualties; and to such other purposes for the relief of the poor, as to the most part of the said justices shall seem convenient. Sect. 12, 13, 14, 15, 16.

The

The island of Fowness, in the county of Essex, being extra-parochial, it was thought necessary to include it by name; and the general regulations of the act are also extended to that island. Sect. 18.

The sanction by which the legislature has enforced their regulations principally rests in pecuniary penalties, to which all descriptions of persons, called on to the performance of any part of the act, are liable: these forfeitures rise from twenty shillings to five pounds, which is the penalty to which the magistrates are subject if they neglect to appoint overseers; and are directed to be applied in aid of the fund, which is ordered to be raised for the employment and relief of the poor. Sect. 2, 10, 11, 14, 16.

The summary mode of distress, by warrant, from two magistrates, enforces the payment of the assessments, and also of the penalties, except in the instances of the penalties incurred by the magistrates, and the treasurer of the county-stock, raised by virtue of Section 12, which are directed to be levied, by warrant, from general or quarter sessions. Sect. 4, 10, 13.

Imprisonment, in default of sufficient distress, is called in aid of the revenue thus to be raised for the benefit of the poor; and, also, as a punishment to those who shall not employ themselves, work being first found for them; and as a punishment to such overseers, as may refuse to give account; until their contumacy is overcome, and they have paid the arrears due. Sect. 4, 13.

An appeal is given to the quarter-sessions, to any person who shall find himself aggrieved by any cess or tax, or by any other act, done by the church-wardens, overseers, justices of the peace, or any other person. Sect. 6.

To enforce obedience in corporate towns and cities, the head-officers, within their jurisdictions, shall have the same authority as justices of the peace, within their respective counties; and, where parishes extend into two counties or liberties, the head-officers shall have

have authority only within their respective counties and liberties, and not farther. Sect. 8, 9.

It is declared at what time this act shall commence, and 39 Eliz. cap. 3. cease to be in force. Sect. 17.

Then follow directions for the defendant's plea, in any suit commenced against him on this statute; the replication of the plaintiff; the issue to be joined; and, on verdict for defendant, or non-suit of plaintiff, treble damages and costs are given; the whole calculated to come easily at the real fact, and to protect those, who are employed under the act, from being molested by vexatious suits; and the act itself is intended to be experimental only, and declared to endure no longer than to the end of the next session of parliament. Sect. 19, 20.

These few preceding paragraphs contain a summary of the contents of this statute,—the basis of all future regulations with respect to the poor, their employment, and relief; and, to use the words of that excellent writer on the laws and constitution of this kingdom, the late Judge Blackstone, “the farther any subsequent plans for maintaining the poor have departed from this institution, the more impracticable, and even pernicious, their visionary attempts have proved:” nor could any thing short of prophecy have foretold, in the beginning of the seventeenth century, that, in consequence of these wise and humane regulations, above 3,000,000*l.* would, towards the close of the eighteenth century, be raised in England and Wales, for the relief of the poor, exclusive of numerous hospitals, largely endowed; charity-schools; annual value of landed estates, given to charitable purposes; sums of money at interest in the funds; charities, supported by voluntary contribution; private charities; the income of the whole, probably, not short of 5,000,000*l.* a year; and, after all, so much misery and distress, arising from extreme poverty, would then remain among us.

It surely must be obvious to the meanest capacity, after the most trifling attention to the great purpose of the legislature, in this act of parliament, that the burthen of the poor's rates, which is, with so much reason, complained of, and the present distressed situation of so many of the poor, cannot arise from this statute being fully, and in every part of it, carried into strict execution, but from a practice totally the reverse.—Nor can it be asserted, with truth or reason, that any one regulation contained in it is impracticable in these times, or that any one is impolitic, or dangerous to be executed, either to the individual executing it, the poor, who are the objects of it, or the nation at large, who are interested in the consequences arising from it.—Those sections which relate to the raising a sum of money, by assessments on the occupiers, are, most certainly, executed with all strictness: but the first great purpose of the money so raised,—the purchasing stock to set to work those children whose parents are not able to maintain them, and, also, the idle, whether from choice or necessity, is too much neglected: although there is no doubt but the habit of early industry once obtained, by an application of some part of the money thus raised; and, by these means, the poor being insured to an industrious way of life; would, of itself, amply compensate the parishes for the purchase of a stock of materials; although the manufactures thus fabricated might not meet with a ready sale, at a price which will allow of a computation for much profit.

It is a well-known fact, that considerable sums are expended in every parish, in the purchase of articles for the clothing of the poor, which are bought of the retail shop-keeper, in the country, at a fair average of thirty per cent. more than the prime cost of the materials and fabric to the manufacturer: in this article, therefore, a very great saving may be made, by employing the hands of children now in idleness, or mischief, in such a manufactory, as might comfortably and neatly, although coarsely, clothe their relations and themselves, at a much cheaper rate, with clothing

thing which would wear much longer than what is now bought at the shops: in the mean time, the habit of industry would be obtained, and the first great object of this statute put in force, which now is almost generally neglected; and the clothing of the poor would form no inconsiderable source of consumption for those manufactures which might be produced by the early industry of their children.

L E T T E R VIII.

TO prove, in some degree, that the idea thrown out in the preceding letter is not founded in theory or vain speculation only, one experimental instance shall be given, too trifling, it is acknowledged, for the notice of the public, but much in point.

Having seen, in the summer of 1787, the good effects arising from the schools of industry, throughout the southern district of Lindsey, in the county of Lincoln, it determined me to try, on a very small scale, the experiment in my own parish; and, accordingly, in the winter of the same year, a person was persuaded to undertake the teaching six boys, of about the age of seven years, to spin what is called top-work, although it was desired the yarn might not be twisted so close as in that fabric, it being intended for knitting. A woman was also found to teach the same number of girls, of the same age, to knit stockings. Forty-two pounds of wool were bought at Bury for the experiment. The account, when manufactured, stood as follows:

Combed

	£.	s.	d.
Combed wool, 42lb. at 11d. per lb. - -	1	18	6
Spinning ditto, by boys, at 4½d. per lb. some deductions made for waste included - - - -	0	14	3
Twisting and reeling 33lb. 14oz. of yarn, at 2½d. and 3d. per lb. - - - - -	0	8	0
Knitting 10lb. 12oz. at 1s. 4d. - - - -	0	14	4
Ditto 23lb. 2oz. at 1s. 6d. - - - - -	1	14	7½
Total expended - - - -	5	9	8½
34 pair of children's stockings, and 43 pair of men's, weighing 33lb. 14oz. sold to the work-house,	5	13	8
Ends of wool, 7lb. made into mops, at 4d. per lb. 1lb. 2oz. wasted and lost.	0	2	4
Total produce - - - -	5	16	0
Profit - - - - -	0	6	3½

By which it appears, that a profit of above six shillings resulted from the experiment, in which only 5*l.* 9*s.* 8½*d.* was employed.

	£.	s.	d.
Six boys were taught to spin, nine weeks, and earned	0	14	3
Six girls learned to knit, 27 weeks, and earned -	2	8	11½

Supposing a capital of 5*l.* employed six months, in this infant manufactory, on which the clear profit was 6*s.* 3½*d.* (and five pounds is above the sum actually employed that length of time,) a profit of 20*l.* 19*s.* 5*d.* will arise on 100*l.* thus employed for one year; and one hundred and twenty boys, and an equal number of girls, will be industriously employed in earning an occupation:

for

some money will be earned for their parents, by honest industry; and clothing, at a much cheaper rate than what is bought at the shops, will be manufactured for the poor; for, it is presumed, that under proper management, no inconsiderable quantity of the yarn produced may be wove into a fabric which would make excellent, strong, and warm, clothing.

This experiment would have been continued; but the man who taught the boys, and the woman who taught the girls, did not think so small a number worth their attention; consequently, their scholars were neither regular in their attendance, or industrious while they did attend.

The salary paid to the master and mistress is not brought into the account; because it is conceived, that the price given on so small a scale is not a rule on a large one; and there is reason to believe, that the profits of such a manufactory will more than pay the salary to the instructors.

This idea of employing the children of the poor would extend itself, under good management, to other manufactures, besides those of wool; why not to coarse linens; and to shoes, for which the poor pay an extravagant price?

If this be the case; if so much good might probably arise from putting in execution the leading idea in this statute; of employing the children of the poor; which is an inconsiderable part only, of what was wisely enacted by our forefathers, and foolishly neglected by ourselves, it surely, to those who complain of the burthen of the poor's rates, and, at the same time, neglect to execute the laws for promoting industry among the poor, may be objected in the words of Seneca, "*Sanabilibus egrotamus malis; ipsaque nos in rectum genitos natura, si emendari velimus, juvat:*" but, alas! what is the business of all is the employment of none; we suffer an immense revenue to be raised on us, for two good purposes—for industry and charity; and permit the perversion of half of it; for, was one half of this revenue honestly and fairly applied to the purposes of

of the act, the poor would be more creditably and comfortably maintained; and the other half might remain in the pockets of that class of the community, from whom the whole is, with such strictness, exacted.

If it should be objected, that no sufficient demand would be found for such a manufactory by children, the answer is obvious; there is a point to which the experiment might be pushed, and it will be time enough to stop when we can go no farther: — it is not a sufficient excuse for our doing nothing, that we cannot do every thing. An account printed by the society, for the promotion of youthful industry in the county of Lincoln, has, among many other excellent observations, pointed out the means of promoting a consumption of this produce of their manufactory, which may be seen in the margin;* and some good consequences would certainly result to the poor themselves, as well as to those who are so heavily taxed for their maintenance; for, if the infant poor could, by their industry, clothe their parents and themselves, by this leading principle of the statute being put in force; the over-seers* would have smaller bills with the shop-keepers, whose livelihood principally arises from supplying the poor at exorbitant prices with their daily wants; the rising generation would be educated in more regular habits of industry; and the poor themselves would be better clothed, and at a cheaper rate.

That the good resulting from the execution of that section of the 43d of Elizabeth, which respects the employment of the infant

* With all those who have the good of their country at heart, it should be an object of constant attention to promote the consumption, no less than the sale, of wool. A parish-officer, who was mindful of this, would never purchase a cotton or linen gown for the poor instead of a woolsey one, which is much stronger, cheaper, and more comfortable; nor would he give them coarse cloth aprons, when blue woollen aprons would answer every purpose much better, and save washing; nor, lastly, would he suffer the money of the parish to be laid out in cheap stockings instead of worsted ones: all which things have been but too frequently neglected.

poor, may appear in a stronger light, it may be worth while to call to mind what is, in fact, at this day the employment of the rising generation of the poor in that part of England where manufactures do not thrive, and where the operations of husbandry are the principal sources of industry and labour: there, in such districts which comprehend above a moiety of the kingdom, the children of the parish are encouraged by their parents to employ themselves in every act of peculation which is in their power, and which, from the insignificance of the property stolen, individually, is an object scarcely worthy the attention of the magistrate; and to which, if he, on complaint made, did attend, he could not correct; because the little culprits are not objects of legal punishment; children of five, six, or seven, years of age being sent out in parties to pilfer.

But if the individual instance is too trifling for our notice, the aggregate forms no inconsiderable mischief done to the public, and property purloined from society by these little thieves: a child steals a turnip or two daily for its parent's dinner, it is nothing; but the practice, continued through a winter by hundreds of them, will consume some acres; it carries, with the assistance of its play-mates, the stakes from the hedges, and loose bars or rails from the fences; the value of the property is small, though to repair the mischief done is expensive; and, when these depredations are carried on in the vicinity of a town or parish, where the population of this class of people are hundreds or thousands, the total of mischief is considerable; and, though the crime is an object of civil punishment, the child is not; and the encouragement or connivance of their parents cannot fall under the magistrates authority; for, the property stolen is instantly consumed, before any search-warrant can operate.

In the mean time, the material injury is done to the morals; the rising generation are, in early youth, accustomed to habits which turn them, from the path of honest industry, to the high road

road which leads, through every species of depredation on society, to the gallows.

LETTER IX.

THE necessary relief of foldiers and mariners, which is enforced in a chapter immediately following the act, that has been the subject of our attention; and a law to redress the misemployment of lands, goods, and stocks of money, heretofore given to certain charitable uses, which follows chap. 4th; complete the plan of that parliament which sat till near the close of the reign of Elizabeth; *the latter statute being at present as necessary to be called into practice, and, if executed, as well calculated for bringing to light any perversion of that vast property which has been left by our forefathers for charitable purposes, as any plan that the ingenuity of the legislature could in these days invent*; and it still remains the law of the land; and the authority of the chancellor might at any time call it into use, by an appointment of commissioners, according to the act, within the different dioceses.

These, with many more statutes for the regulation of the internal police of the kingdom, were the production of the last parliament which sat in the reign of Elizabeth; an æra, with no extravagance of metaphor, called *golden*, if applied either to the glory of her reign, with respect to the success of her subjects arms; the importance of it, with respect to foreign powers; or its utility and happiness as it regarded those who lived under her dominion; whatever may have been her private character as a woman; whatever intrigues, which may have arisen from love, jealousy, or the other baser passions that disgraced her court; a lapse of near two hundred years has with propriety removed, as with a veil, from our eyes; and they now only remain in the pages of the novelists on the

the retailer of frivolous anecdote ; but her *last* words to her *last* parliament, while coupled with such laws as do honour to human nature, and are a severe satire on the load of revenue-acts, with which our modern statute-books abound, ought to remain with grateful recollection fixed on the minds of all posterity ; “ I know that the commonwealth is to be governed for the good and advantage of those who are committed to me ; not of myself to whom it is entrusted ; and that an account is one day to be given before another judgement-seat.”

During the reign of James the First, very little was done by the legislature in the regulation of the internal police ; the jealousy, which arose both in the mind of the King and the Commons, occasioned that prince to avoid, as much as his necessities would permit him, meeting his parliament ; while the House of Commons, who early in the reign felt the effects of those high notions of prerogative which disturbed the repose, equally of the prince as of his subjects, were too intent on the preservation of their own privileges to attend to the general welfare of the people ; yet one of their first acts of legislation related to rating the wages of artists and labourers ; and, by stat. 1. cap. 6. parliament enlarged the powers of justices of the peace with respect to the rating the wages of workmen, as directed by 5th of Eliz. cap. 4. extending the same to all manner of workmen whatever, “ either working by the day, week, month, or year, or taking any work at any person’s hand whatsoever, to be done by the great or otherwise,” rendering also the return of the certificate of such rates of wages into Chancery unnecessary ; by directing them to be proclaimed, engrossed in parchment ; and kept, by the Custos Rotulorum of the county, among the records.’

This attention to, and enlargement of, the powers of the 5th of Elizabeth, is a proof that good arose to the public from the rating of wages ; because, if the experience of forty years had proved it to be replet with more mischief than use, it cannot be supposed

supposed that the legislature would have extended the practice, and made the power general, which had been hitherto confined to particular classes of workmen; nor would the execution of the act have been rendered more easy to the magistrates; yet there is reason to believe, that the justices seldom enforced the execution of these acts; because, on a search made in the office of the clerk of the peace for the county of Essex, only one instance could be found; and that at Easter-sessions, 1661: and Sir John Cullum, in his History of Hawstead, in the county of Suffolk, whose intention, in that excellent model of parochial history, was, among other objects, to give the reader information on the subject of wages of the poor, in times now far removed, and the cotemporary prices of the necessaries of life, mentions also but one instance, viz. in Easter-sessions, 1682.

Other statutes, affecting the lower classes of our fellow-subjects, although not immediately relative to the topic in question, were also passed in the beginning of this reign: the 39th of Elizabeth, with respect to the punishment of rogues and vagabonds, was explained and continued, by chap. 7th; haunting and tippling in ale-houses was also restrained, by chap. the 9th of the same sessions; an act, the preamble to which is curious, and states, very properly, the only proper use of such places; "Whereas the antient, true, and principal use of inns, ale-houses, and victualling-houses, was for the receipt, relief, and lodging, of wayfaring people, travelling from place to place, and for such supply of the wants of such people as are not able, by greater quantities, to make their provision of victuals; and not meant for entertainment and harbouring of lewd and idle people, to spend and consume their money, and their time, in lewd and drunken manner," Be it enacted, &c.

As this act punishes the keeper of the ale-houses permitting unlawful drinking, so does chapter the fifth, of the statute passed in 1606, punish the tippler, or ~~drunkard~~, himself; both which statutes,

statutes, although at present the law of the land, and well calculated to prevent drunkenness, the root of much evil, yet are no more attended to by the magistrate of these days than as vain and nugatory sounds, of the regulation of other times, which are long passed away, and the memory of which remains not, except in the page of history.

In the seventh statute of this reign, chapter the third, directions are enacted, how the money, given for the binding poor children apprentices, shall be employed; by the preamble to which, it appears, that great sums of money had then been given, and more was likely to be given, for the purpose of binding poor children apprentices unto needful trades and occupations; a purpose to which the charity of modern times, although in many instances profuse, and in some redundant, has not in the least attended; and, therefore, this statute, except as far as it may respect sums of money then given, and still in stock, or lands, bought therewith, is now not in use.

The fourth chapter of this session has somewhat of a reference to the 43d of Elizabeth; as that directed a stock to be raised, to set the idle, whether from choice or necessity, to work, so this statute directs houses to be built, to receive those who are idle, by choice, in which they may be compelled to work; and gives birth to houses of correction, and the regulations respecting them; for, although, by the 39th statute of the late reign, justices of the peace were empowered to erect houses of correction; yet it appears, by Lord Coke's reading on this statute, that those powers were not carried into execution; and a penalty of 5*l.* is now laid on every justice, within every county of the realm, where such house shall not be erected or provided.

One most severe clause is inserted in this act of parliament, affecting the mothers of bastard-children; a severity totally incompatible with any idea of a just proportion of punishments to crimes, and diametrically opposite to every principle of moral rectitude:
that

that clause is alluded to, which empowers magistrates to commit to the house of correction, to be punished and set to work, for the term of a whole year, any woman who shall have a bastard, which may be chargeable to the parish; and this, without any authority of mitigation, for the first offence; and, for the second offence of this kind, " *eftsoons if she shall offend again,*" she is to be committed, *until she shall find securities not to offend again*; so that, for the first instance of immorality, she is to suffer a severity of punishment infinitely disproportionate to the offence: for the second, or any future instance of similar misconduct, her punishment, if she be a prostitute to a man of property, may be nothing: a severe and foolish law; one much more honoured in its neglect, than in the observance.

After the dissolution of this parliament, in 1609, none other was called for fourteen years; and, in the mean time, James had full opportunity of giving his subjects a sufficient specimen of king-craft, as he was used to call it, or art of government; but, in the twenty-third year of his reign, he found himself obliged to assemble the parliament, which continued sitting until his death: that happened in 1625. In this parliament, nothing was done, with respect to the interests of the lower classes of the people, except another act to repress drunkenness.

L E T T E R X.

THE reign of Charles the First continues the acts already in force, with respect to the poor, but produces nothing new on this subject, except a farther restraint on tippling in inns and ale-houses. The former act, had restrained, by penalty, his majesty's subjects only; this, ~~which passed in the first year of his~~ reign,

reign, extended to foreigners also. It is curious to observe, that as soon as ale-houses had obtained a legal sanction, under the license of the neighbouring magistrates; the bad consequences resulting from them; in promoting idleness, debauchery, drunkenness, and all manner of mischief, was severely felt by the nation, and frequent attempts were made by the legislature to restrain those abuses, but, it is feared, with little effect; because it may be perceived, that additional restraints on persons who haunted those pests of all good order were imposed, year after year, by the parliament; and facility of conviction was consulted, almost at the expense of religious obligations. These statutes remain in full force at this day;* and it is in the knowledge of us all, how much society hourly suffers in its morals and industry, from these too frequent and too much frequented places of license and ebriety; but the financier will tell us, that, by these and similar enormities, the revenue is increased, and the treasury makes up a good account: to which the proper reply of a good subject and a good citizen may be,

Non tali auxilio nec defensoribus istis,
Tempus eget.

The scene of confusion and civil discord, which followed the parliament that was held in the 16th of Charles the First, and the intestine wars, which desolated this kingdom, during a period of near twenty years, until the restoration of the second Charles, forbid any expectation of separating, during their continuation, the concerns of the poor from the miseries of the soldier: *inter arma*

* By the 21st of James the First, chap. the 7th, which is continued by an act in the third of Charles the First, and again by an act in the sixteenth of the same reign; the oath of a tippler, having first confessed that he was tippling in an ale-house, shall be sufficient proof against others of the offence; which incurs, to those tippling, a penalty of five shillings; and, to the ale-house-keeper permitting it, a disability to keep an ale-house for three years ensuing the offence.

filent

filent leges, says, Lord Coke; and the maxim has ever been found true by experience, which has also proved to us, that, in all civil commotions, where the folly of the million has been made subservient to the purposes of the few, the rights of the citizen fall before the self-interested purposes of individuals.

Until the Restoration, which was above half a century from the 43d year of the reign of Elizabeth, the parliament had made no alteration in the laws with respect to the maintenance and employment of the poor; and that statute remained the law in that respect; nor has there been preserved to us any pamphlet or fugitive tract, which, during that period, has reflected on this statute, as being deficient either in policy or prudential regulation; on the contrary, it has been continued, from time to time, without any comment whatever, and particularly by stat. 3. Charles I. chap. 4. and 5.; a silent but a strong presumption, that it had been hitherto found equal to the great purpose expected from it; the extension of charity by the means of industry.

Soon after the restoration of Charles the Second, that is to say, in the 13th and 14th year of his reign, which takes its date in the statute-book from the death of his father, it was perceived that partial inconvenience had risen, in a manner, from the general good effects of this act of Elizabeth, as an extract from the preamble to chap. 12th of the statute of that date will plainly demonstrate; which states, that "whereas poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves where there is the best stock and largest commons and wastes to build cottages." It appears by this preamble, that a good stock of materials to work up, and a chance of obtaining habitations, occasioned the poor to migrate, from those parishes where the overseers were negligent in these matters, to other parishes where they had a chance of a domicile and employment; and surely every principle of freedom and every duty of reciprocal justice should permit the poor who live by their

labour to remove *ad libitum* to those parishes where they may find labour to live by; notwithstanding the partial inconvenience felt by particular parishes, when the general good will be so much better promoted, both in principle and practice. This is the first act which respects the settlements of the poor, but does not attempt in any instance an alteration of the 43d of Elizabeth, and may rather be called, with no impropriety, a useful addition to that venerable edifice; comprehending in it the origin of settlements, work-houses, and the laws respecting rogues and vagabonds, together with regulations as to the maintenance of natural children.

The dignity of history very seldom stoops to record the distresses or comforts of the bulk of the people; the business of the historian is with wars and revolutions, treaties and the infringement of them, the intrigues of party, and the excesses of the higher orders of the state; but rarely does he condescend to relate,

The short and simple annals of the poor.

It is, therefore, from other sources our information must be supplied; from the pamphlet, or the newspaper of the day; and, hitherto, but few of these have come to hand, of so remote a date as the middle of the last century; from the only existing instance on record, that could be found, of the justices rating of wages, in the county of * Essex, compared with the cotemporary prices of wheat

* Essex, Easter-Sessions, 1661.

Common labourers, fellers, and makers up of wood, ditches, and hedges; threshers, and all other common labourers, by the day (the time of harvest excepted).

	With Board		Without Board.	
	s.	d.	s.	d.
From the middle of March to the middle of September	-	0 8	—	1 2
From the middle of September to the middle of March	-	0 6	—	1 0
Man hay-maker	-	0 8	—	1 0
Woman hay-maker	-	0 5	—	0 10
Weeders of corn	-	0 4	—	0 9
				Mowers

wheat and malt, a reasonable conclusion may be drawn, that the proportion, between the scarcity of the *necessaries* of life and price of labour, was by that means more exactly preserved than in these times; for, although the price of wheat is very high, yet, in the other articles of the consumption of a poor family, in candles, soap, beer, no such excise-duties took place then as now do; nor was tea and gin so much their beverage; nor had paper-credit so much depreciated the value of money, by raising ideal riches, as at present; for, in such a proportion it is supposed the value of gold and silver to be decreased, and consequently the money-price

	s.	d.	s.	d.
Mowers of corn and grafs	0	10	1	6
A fallower	0	6	1	3
Man-reaper	1	0	1	10
Woman-reaper	0	8	1	2

LABOURERS BY TASK.

	s.	d.
Mowing an acre of grafs	1	10
Well-making, clean raking, and cocking, an acre of grafs, ready to carry,	?	0
Reaping, or shearing, well-binding, cocking, or shocking, an acre of wheat, rye, or meslin	4	0
Reaping, or shearing, an acre of barley, or bullymony, binding and shocking the same	2	6
The same to oats	2	6
Reaping and well-binding an acre of beans	3	6
Mowing an acre of barley or oats	1	2
Making an acre of pease, vetches, or tares	1	9
Making and ditching a rod of new ditch, 4 feet wide, out of the whole ground, 3 feet deep, 1½ foot at bottom, double-set with quick, and setting a hedge upon it, after the rate of 16½ feet a rod, with gathering sets for the same,	1	2
A rod of ditch, of like breadth and depth, without quick	0	6
Threshing wheat and rye, the quarter	8	10
———— barley and oats	0	10
———— beans, pease, bullymony, tares	8	10

	s.	d.
The prices of wheat, this year, as appears by Fleetwood's Chronicon, per quarter	3	10 0
Malt, per quarter	1	13 4

of

of the necessaries of life increased, that a poor family which could, in the middle of the last century, earn 20*l.* a year, was in a better situation than the same family would be now with earnings amounting to 50*l.* a year; therefore, the prices of labour were more adequate to supply their wants,* although the price of wheat was very high, than the prevailing prices in this county at present; besides, at this time, a poor family might, without the fear of being sent back by the parish-officers, go where they chose, for better wages, or more certain employment; whereas, since the year 1662, the law of settlements, introduced by 13th and 14th Charles II. chap. 12. has much abridged their liberty in that respect; made them of necessity stationary, and obliged them to rest satisfied with those wages they can obtain where their legal settlement happens to be, a restraint on them which ought to insure to them wages, in the parish where they must remain, more adequate to their necessities, because it precludes them in a manner from bringing their labour, the only marketable produce they possess, to the best market. It is this restraint which has, in all manufacturing-towns, been one cause of reducing the poor to such a state of miserable poverty; for, among the manufacturers, they have too frequently found masters who have taken, and continue to take, every advantage, which strict law will give; of consequence, the prices of labour have been, in manufacturing-towns, in an inverse ratio of the number of poor settled in the place; and the same cause has increased that number, by inviting foreigners, in times when large orders required many workmen; the masters themselves being the overseers, whose duty, as parish-officers, has been opposed by their interest in supplying the demand.

But, on the other hand, the question, What are the necessaries of life? should be taken into consideration; and this is a point not

* *Scents*: this expression is understood to comprehend not necessaries alone, but the comforts and indulgences of life.

easily settled; the rigid rule of justice so constantly militating with the laudable, but desultory, feelings of humanity. When we assert that nothing is a necessary to life but what supports the stream of life, we confine the number of articles within a narrow limit; and possibly to those articles also whose price is not much risen, or the use of which is trifling in a poor family, as linen, soap, leather; but when, with a wider scope of humanity, we take in the comforts of life which were in contemplation in the preceding paragraph, the expenses of the poor are very considerably increased. To settle our ideas on this subject, Adam Smith may be thought no improper moderator; at least his high character for strong sense, combined with deep knowledge of the topic, point him out as of the best authority: he reckons as necessities to the poor in England, linen, soap, leather shoes; he classes beer, ale, tobacco, tea, sugar, and spirituous liquors, among the luxuries of life, but professes he means to throw no reproach on a temperate use of them.

Although the reign of Charles II. extended to the year 1685, and the parliament regularly sat every year, except the 21st, 24th, 26th, and 28th, of his reign, yet but little more was enacted respecting the poor: in the 23d session, by chap. the 18th, some farther regulations with respect to work-houses were thought expedient, and passed into a law; and, in the 19th, the 22d, and 30th, session, the situation of poor prisoners was taken into consideration, and some good regulations made to give them means of employing themselves while in confinement; to prevent the spreading of infectious distempers, and to expedite the discharge of prisoners, when liberated by course of law; yet, as they do not fall under the particular object of this inquiry, there is no occasion to make any observations on them; but let us pass on to the ensuing reign, stopping only to inquire whether any treatises have been printed before the Revolution, and preserved to the present time, which may throw light on this important subject.

L E T T E R X I.

TH E information which may be gleaned on the subject of the poor of this kingdom, from the earliest time, until the close of the last century, by tracts, pamphlets, or fugitive publications, is not much more satisfactory and particular, than what the pages of the history of this country afford. It should seem, that, excepting here and there, a mind thirsty after that information, which may be serviceably applied to the benefit of our fellow-creatures; people, in general, of all denominations, at all times, recede with disgust from inquiries of this nature, and throw aside that book, whose periods remind them of the miseries attendant on the great mass of human lives within this kingdom; or vainly, although with a good intent, attempt to point out some means to mitigate or avert them: the result of every inquiry a country-life could afford, together with an unlimited order to one of the first booksellers in town, to collect every thing that has been written on the subject, to the close of the last century, has produced a very insignificant list; more tracts must certainly have been published, but it is supposed not many worth notice, because scarcely any are quoted or mentioned in the pages of those which have been collected. Among the farrago of pamphlets published during the last century, which the British Museum possesses, many, it is possible, whose titles would not otherwise have existed to this time, have been preserved; but neither time or opportunity have offered to search that immense arsenal of literature; in the mean time, the subject itself presses on the mind; and some apprehension lest the illness of my friend* should occasion a temporary discontinuance of that useful publication, on account of which the inquiry was first begun, before it is brought to a conclusion, which would, in

* At this time Mr. A. Young was dangerously ill.

some respect, leave the Annals of Agriculture imperfect; a work which reflects lasting honour on *him*, who, with such success, has brought, as it were, under a glance of the eye, a mass of agricultural information, that will long remain a valuable treasure to the kingdom. These reasons have urged me to continue the plan hinted at a few pages back, although at present so indifferently provided with materials on the subject.

It creates no small degree of surprise, that a mind so capacious as the Viscount St. Alban's, who lived cotemporary and was art and part with that parliament which passed the famous statute of Elizabeth, among the voluminous pages of his writings and the vast variety of subjects his almost omnipotent abilities comprehended and his indefatigable pen treated of, should not have left a single tract on this important subject: one paragraph alone can be found, a mere drop, amidst the ocean of five quarto volumes of his work; and this drop is in his advice to the king, touching Mr. Sutton's* estate; but by this it is apparent, that his ideas were not well digested on this subject, nor was the topic closely entered on. The only passage worth extracting is the following: "But chiefly it were to be wished such beneficence towards the relief of the poor were so bestowed, as not only the mere and naked poor should be sustained, *but also that the honest person which has hard means to live, upon whom the poor are now charged, should be, in some sort, eased*:"† for that were a work generally acceptable to the kingdom, if the public hand of alms might spare the private hand of tax; and, therefore, of all other employments of that kind, I commend most *houses of relief and correction, which are mixed hospitals*; where the impotent person is relieved, and the sturdy beggar buckled to work,

* The founder of the Charter-House.

† This sentiment is amazingly prophetic of the experienced pressure of the poor-rates in modern times: the poor pay to the rates for the maintenance of the poorer, and are themselves sinking from want of maintenance and relief.

and the unable person also not maintained to be idle, which is ever joined with drunkenness and impurity, but is sorted with such work as he can manage and perform; and where the uses are not distinguished, as in other hospitals, whereof some are for aged and impotent, and some for children, and some for correction of vagabonds, but are general and promiscuous, that may take off poor, of every sort, from the county, as the county breeds them; and thus the poor themselves shall find the provision, and other people the sweetness of the abatement of the tax. Now if it be objected, that houses of correction in all places have not done the good expected; as it cannot be denied, but in most places they have done much good; it must be remembered, that there is a great difference between that which is done by the *distracted government of justices of peace*, and that which may be done by a *settled ordinance*, subject to a regular visitation, as this may be."

When Sir Francis Bacon, as attorney-general, drew up this letter of advice for his master James the First, he must surely have conceived in his mind some idea of *incorporated houses of industry*; and anticipated, as it were, by prophetic foresight, somewhat of those excellent regulations, which, through the auspices of a reverend and worthy magistrate, have brought the poor under such good order, and so reduced the rates in those parishes, whose house of industry he, with such attention, at present, presides over.*

The words *distracted government of justices of peace* are worth our notice: it is to be feared that the observation would equally apply, through the many years that have passed since this advice was given, as it did then; a farther comment on this expression would be indecorous; but it warrants this single observation, that, as the *gratis* opinion of a lawyer is not thought so good as that which a *fee* commands, so possibly the *gratis* or *voluntary attention* of the gentlemen in the commission of the peace is likely to be more

* The Rev. Mr. Cooke, of Semer, in Suffolk.

desultory and distracted than that which a salary might purchase.

My Lord Hale is the first great name on the list of those who have turned their attention to the employment and relief of the poor. The year his plan first appeared in is not apparent in the copy, but it certainly preceded any other in my possession, as it must have been written before 1676, that being the year in which he died: it would take up too much time to transcribe all in this excellent tract, which is deserving our attention; therefore those parts only shall be taken notice of which are most to our purpose; he says, "The only statute which provides universally for the poor is the forty-third of Elizabeth, which generally makes two provisions.

" *First*, for the impotent poor that are not able to work; and for these it is a good and effectual provision, if duly executed.

" *Second*, for those *that are able*. The defects of this provision are, first, in the execution; the second defect is in the law itself; which is, that there is no power in the justices of peace, or some superintendent power, to compel the raising of a stock, where the church-wardens 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 the poor respectively. — 3. There is no power for hiring or erecting a common house, or place, for their common work-house; which may be, in some respects and upon some occasions, useful and necessary, as shall be shewn.

" 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 work-house for the common use of the respective divisions, wherein they are respectively placed; to wit, one, two, three, four, five, or six, parishes

parishes to a work-house, according to the greatness or smallness, and accommodation, of the several parishes.

“ 2. That, at the sessions, the church-wardens 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 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 work-house, for employing the poor (if need be) in it, and for lodging materials, and for instructing children in trade or work.

“ 3. That there be yearly chosen, by the said justices, a master for each work-house, 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 publicly 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 work-house stand, and be incorporate, by the name of the 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 work-house.

" 10. If any person, employed by the master, shall embezzle, 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 are the heads of that provision I could wish for the setting the poor to work, which is but an essay, and may receive alterations or additions upon consideration."

This excellent man then speaks of the benefits arising from his plan, and answers some objections to it; and then concludes, that such a plan, if it could be accomplished, would be a work of great humanity, which would become a Christian and a good Englishman. In this plan, the idea suggested by Sir Francis Bacon is improved, matured, and digested into some regularity; and, under this form, it presents to our view a prototype, as it were, of Mr. Gilbert's scheme, which has lately attracted the attention of the public.

The next publication which has been collected, in point of time, is by *Andrew Yarrington*, who appears, by his own account, to have been a linen-draper, and afterward employed by some gentlemen to bring a manufacture into England, from Bohemia and Saxony, made (to use his own words) of iron and tin: it appears also, that

that he was a surveyor to some iron-works in Ireland; he certainly possessed great information on matters of trade, and a clear understanding: the imprimatur of his book bears date 1676; the title is an epitome of its motley contents, "England's Improvement, by Sea and Land, to outdo the Dutch without fighting, to pay debts without Money, and to set at work all the Poor in England, with the Growth of our own Lands," *cum multis aliis*; in this curious and, in some respect, instructive book, may be found the first idea of a *school for industry*, according to the practice in Holland and Flanders, which, the author takes great pains to prove, might with profit be carried into effect in England. He also, in a vision of future glory, anticipates, in prospect, the extent of our paper-credit, our numerous inland navigations, the full employment of the infant poor, and our consequential riches. His vision is completely verified in the two first instances, and their consequences; why it may not, in the other, remains probably for another century to prove. But, surely, as the complaint, that the poor are not employed, and that idleness prevails among them, may be now made, with at least equal truth, towards the close of the eighteenth century, as it was about the middle of the seventeenth; why the other part of his prophecy should not be brought to pass remains in nothing but experience itself to shew, and it is to be hoped that the Sunday-schools will prove harbingers to the attempt.

Mr. Thomas Firmin, a friend of Archbishop Tillotson, is the next writer on this subject. His two letters to that prelate, entitled, "Some Proposals for the Employment of the Poor, especially in and about the city of London," bear date in the years 1678 and 1681: he appears to have been a man of respectable character, and frequently to have been employed in distributing private charity: in his first letter, he speaks of his success attending a plan for a kind of work-house, in the parish of Aldersgate, to employ the poor in spinning flax and hemp at their own houses. His experience,

rience, in this business, is great; and so is his success. He perceives, he says, by his experiment, "that the only way to provide for the poor, and to bring them to labour, is to provide such work for them as they may do at their own homes, which, though never so mean and homely, is more desired than any other place; and the way which several persons have proposed of bringing them to a work-house will never effect the end intended: for, suppose a woman hath a sick husband, or child, or some infirmity upon herself, in all such cases she may do something at home, but cannot leave her own house. True, indeed, for vagrants, or sturdy beggars, who have no habitation, and must be held to their labour, as galley-slaves are tied to their oars, such public work-houses are very necessary; and I wish we had more of them, and that those we have were employed to this purpose, to which they were at first designed and intended: but for such poor people as have habitations of their own, and who are known in the parish where they live, and would take pains at home, it is altogether unreasonable and unprofitable (in my judgement) to force them to a public work-house.

"If any parish that abounds with poor people *would set up a school, in the nature of a work-house, to teach poor children to work,* who wander up and down the parish, and parts adjacent, and between begging and stealing get a sorry living, but never bring any thing unto their parents, nor earn one farthing towards their own maintenance, *it would, in a short time, be found very advantageous,* not only to the poor children, who, by this means, whilst young, should be inured to labour, and taught to get their own living, but also to their parents, who should hereby both be freed from any charge by keeping them, and also in time be helped by their labour, as it is in other places.

"And, farther, the parish would, by this means, be freed from much charge, that now they are at, either to keep these children, or to allow their parents something toward it; nothing being
thought

thought a greater argument for a large pension, than that a man or woman hath six or seven children; whereas, unless they were all born at one time, or come faster into the world than ordinarily so many children do, it is very hard if some of them be not able to work for themselves. I myself have, at this time, some children working to me, not above seven or eight years old, who are able to earn 2*d.* a day; and some, that are but a little older, 2*s.* a week; and I doubt not to bring any child, about that age, to do the like: and still as they grow up, and become proficient, even in this poor trade of spinning, they will be able to get more, and to spin better, than older people. Neither would I have these schools confined only to spinning, but to take in knitting, and making of lace, or plain-work, or any other work which the children shall be thought most fit for: and this is that, which (as I am informed) is practised in other countries with so great advantage, that there are few poor children, who have attained the age of seven or eight years, that are any charge to the parish or burthen to their poor parents: and Mr. Chamberlain (in his book, entitled, *The present State of England*, p. 137) hath observed, that, in the city of Norwich, it hath been of late years computed and found, that (yearly) children, from six to ten years of age, have gained twelve thousand pounds more than what they have spent, and that chiefly by knitting fine Jersey stockings."

To this plan he supposes objections to be made. He answers them all, except the last question, which is:—

"What will you do with all the yarn these poor people shall spin? If you weave it into cloth, the commodity is brought over so cheap, that you will never be able to sell, without much loss?"

"*Answer.* I must confess this objection hath too much of truth in it, to be wholly removed. The best answer I can make to it, at present, is this:—That we had much better lose something by the labour of the poor, than lose all by letting them live
in

in sloth and idleness: for, suppose you should give 6*d.* for that work which is really worth but 5*d.*; hence will 5*d.* really be got to the nation, though 1*d.* should be lost to the parish. Yet, besides, let it be considered, that, if this person had not been employed, there would not less have been spent, but rather more; forasmuch as 6*d.* that is got by labour, doth many times go farther than 12*d.* given for doing nothing. All the time people are idle, they will be spending, if they have it; and, if they have it not, it is like they will be worse employed."

It also appears, from this letter, that no great good was conceived to arise from work-houses in the metropolis, of which they now had received some years experience; the act of parliament, authorizing incorporated work-houses within the bills of mortality, having passed in 1662.

In this letter is also the idea of a *badge* on those among the poor, who, being incapable of labour, are maintained by the parish; and, by the badge, it was imagined, they would not be likely to receive much from begging; it being apparent, by the badge, that their parish maintains them.

The second letter, which appeared in 1681, seems much to our purpose, as it contains a plan of a School of Industry; but it would be of little service to give his intentions in detail, not only on account of the length of quotation which would be necessary, but because it does not appear that his scheme was ever carried into execution; and it is apprehended that a more perfect plan actually is now in practice through many parts of Lincolnshire, which, if any wish to establish such a school of industry fortunately prevailed, might be obtained from some of the worthy trustees; and such a school might be applied to spinning flax, as well as wool, knitting of stockings, winding of silk, making of lace, or plain-work, and the like. In this letter, also, Mr. Firmin supposes objections to his plan, and answers them all, except the last, which is the same as has been noticed in his first letter, and which he confessed him-

self unable *perfectly* to answer; and here he gives the same reply as he did to the same question before, which has been already mentioned.

On the whole, his several schemes are practicable; and they fall from the pen of an honest and experienced man. His reasons in favour of them, answering the objections which he supposes may be made, are, in general, conclusive, except in the instance which has been recited; and the objection itself, as to the difficulty of finding a sale for the goods manufactured, would not probably be so strong at present, as it was a hundred and twelve years ago; nor would it apply so much to a *county-school* of industry, as to one in *London*: the parents and relations of the poor children, whom their parishes now clothe at an expense much above the prime-cost of the wares manufactured, would, it is apprehended, give vent to a considerable quantity of the goods; more especially if the sale was encouraged by the parish-officers and farmers recommending the manufacture to their labourers.

L E T T E R XII.

SIR JOSIAH CHILD, who has, in his *new discourse of trade*, given one chapter on the relief and employment of the poor, shall be now attended to. It does not appear, by the edition whence this note is taken, which is the fourth, exactly when the first edition was published, although, as the parliament which sat in 1669 was not dissolved until 1679, it appears most probable, from the beginning of the preface, that it was published about the last date; and, therefore, does not improperly follow Mr. Firmin's Letters.

In the chapter which relates to the poor, Sir Jofiah begins by intimating to the reader, that this is a *calm* subject, and thwarts no *common* or *private* interest among us, except that of the common enemy of mankind, the devil. It must strike every reader, that things are strangely altered since this tract was written, as the subject is in these days by no means *calm*, and thwarts many private interests in every parish; although, it must be confessed, that, in some respect, these are the interests of the devil, as they are opposite to every interest of integrity and common honesty.

He argues for a defect in the poor-laws, from the failure in execution of those statutes which relate to the poor, and rests the proof of his argument on this fact, that, in every change of parties this nation may have experienced, all parties had these laws to steer by, and none of them sufficiently maintained the impotent and employed the indigent. Could this worthy merchant be a member of parliament? Did he live in the world, and not know, by constant experience, that the maintenance of the impotent, or the employment of the indigent, is the very last object to which leaders of parties will attend? At least the experience of the present æra would prove the fact; however it might have been in the reign of Charles the Second. On the day when the House of Commons debated on the motion of Mr. Gilbert, respecting his bill, which was to determine whether it should be read a second time or be rejected, about forty-four members attended; not a member who ranked high on the treasury-bench, or in the phalanx of opposition; but Mr. Gilbert and Mr. Young, who opposed the bill, had nearly the debate to themselves; and this bill, which involved in its consequences the material interests of the nation, was thrown out, by a division of thirty-four to ten.

But, laying aside this objection to Sir Jofiah's argument, and supposing that the parties in the state would attend to these regulations, and have attended to them, and that they are still badly executed, the same observation might be made with respect to the laws

laws of the Deity, the general received rules of morality, the Ten Commandments. All classes and conditions of men have long possessed all that is contained in the Decalogue, to regulate their conduct by; and all nations experience daily the faulty execution, or rather the constant breach, of these sacred laws; to argue from the faulty execution or breach of a municipal rule, the inefficacy or impropriety of that rule is bad logic; it is not the conclusion naturally following from the premises.

He says, the radical error is the leaving it to the care of every parish to maintain their own poor only.

To correct this error, he proposes a plan of a society, who are to be incorporated by act of parliament, by the name of *Fathers of the Poor*; to whom all church-wardens, overseers, and other officers, should be subordinate; gives them powers superior to the magistrates; and consumes many pages in forming rules for the conduct of this incorporation; which is apparently intended, in the first place, for the city of London and its vicinity, although, in the end, the whole kingdom is supposed to embrace the plan.

Here surely may be seen the outline from which Mr. Gilbert's late plan was filled up; or at least from hence fresh hints were taken; which, had it passed into a law, would probably have introduced throughout the kingdom general confusion.

It would scarcely be worth the trouble for the writer to transcribe, or the reader to peruse, the plan of Sir Josiah Child in the detail; as, it is conceived, it never ought to be carried into execution, by the force of law, in this kingdom; some parts of it, which shall be just glanced at, will be an apology for this opinion.

" 1st. That the said fathers of the poor may have liberty to assess all parishes within their district, so much as they yearly paid to that purpose any three years preceding."

" 2. That they may receive charitable contributions on the Lord's day, and at any other times they may think fit.

" 3. That they may have all the power justices have.

" 4. That

" 4. That they may have power to send such poor, as they shall think fit, into *any of his Majesty's plantations*.

" 5. That they may have petty banks or lumbards, for the benefit of the poor; may have *half what is paid at play-houses*, and *a patent for farthings*."

In the same manner as Mr. Firmin, Sir Josiah asks and answers questions with respect to his proposed plan: two of the questions, together with part of the answers, are as follow:

" 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?"

Part of the answer. — " Poor children will be instructed in learning and arts, and thereby rendered serviceable to their country.

" What shall all the poor of these cities and counties, being very numerous, be employed about?"

Part of the answer. — " The girls may be employed in mending the clothes of the aged, in spinning, carding, and other linen manufactories; 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, *to keep the poor from begging and starving, and ensuring such as are able to labour and discipline that they may be hereafter useful members to the kingdom*."

This maxim deserves to be written in letters of gold in all work-houses, houses of industry, schools of industry, and to be engraved in capitals in the overseers books in every parish in the kingdom; this is the great and leading principle in the forty-third of Elizabeth; it is for this purpose the stock of wool, flax, hemp, thread, iron, is there directed to be purchased, ~~not~~ for the view of immediate

immediate gain only, *but for the enuring such as are able to labour and discipline, that they be hereafter useful members to the kingdom.*

Two capital objections are obvious to any one who considers what has been transcribed of this plan.

The first is, that it proposes to raise a revenue for the maintenance and employment of the poor, in addition to that enormous one which we now complain of; and that by a *new* tax, and by a *patent for coining farthings*: *church-collections* are also proposed, which were the very ground-work of the present poor's rate.

The second objection is founded on the little regard paid to the liberty of the subject; as it proposes to give the unconstitutional power to this society of transporting the poor to our colonies, without a crime charged, merely from such conceptions of convenience that might arise in the breasts of these *fathers of the poor*.

The tendency of opulence to taint the honestest principles, and to operate as a draught of the river Lethe, in producing among the *rich* a total oblivion of the rights of the *poor*, is here well exemplified. — The merchant, rolling in wealth, forgets that banishment is a very serious punishment for a crime of some enormity; to such a degree is it dreaded, that some criminals have preferred death, the legal punishment of their crimes, rather than accept of pardon, on terms of transportation: he has also forgot, that, to transport a fellow-subject, a crime committed, indictment, verdict of their countrymen, and the sentence of the laws, are necessary.

These are all the publications, which have fallen under our observation, before that memorable æra in our history — *the Revolution*. An event, taken together with those laws and regulations, so favourable to the liberties of the subject, which accompanied it, as to demand our most humble thanks to the Almighty Governor of kings and states; and also our grateful remembrance of those who were his immediate agents, in fixing our liberties on their present solid basis; placed in a happy medium between *despotism* and *licentiousness*; a medium so difficult to be hit on, and so conducive to public

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lic happiness, when established, that philanthropy excites our wishes, possibly at the expense of our political interest, in favour of so many millions of our fellow-creatures as people the extensive kingdom of France; that they may, at length, find a haven of security to their liberties, in a constitution similar to what we now enjoy; equally removed from the anarchy of democracy, as the slavery of despotism. In the mean time, it shall be the fixed point in view of this tract, to continue the inquiry with respect to the poor-laws, and the relative situation of the poor themselves in society, from this period to the present day; and then offer some general principles, as a result from the whole of this investigation, in full confidence that the remedy, as well as the mischief, may be made apparent; and also with some rays of hope, that the vacant hour of a retired life may be made conducive to a diminution of the train of evil so large a mass of our fellow-subjects suffer under, as well as to a prevention of the increase, if not to a diminution, of the present load of expense attending their maintenance and support; which will soon pre-occupy the sources of revenue; and, in some future day of misfortune, may fall on us when we are less able to support it; and, in falling, crush us with its weight; entail in its consequences a long and tremendous ruin on all ranks of our fellow-subjects, together with a demolition of this much-admired constitution, and involve us in a scene of universal confusion.

L E T T E R XIII.

THE law of settlements, introduced by parliament in the reign of Charles the Second, was a serious abridgement of the liberty of our fellow-subjects; but was, at the same time, a consequence

quence resulting from that humane consideration, which our forefathers felt, for their preservation from actual want. It became a prudential caution, from the time that parish-rates were first collected for the relief of the poor, that the money raised in a parish should be applied to the relief of those only who belonged to that parish; hence has arisen a restraint on the poor, in many instances cruel; in all, unjust; a great additional expense on those on whom the rate is levied, arising from costs of law, in determining settlements; an additional trouble to the magistrates; and, to the gentlemen of the profession, much business, and many fees. Settlements now occupy no small portion of the attention of the King's Bench; and reports of the determinations in that court, respecting them, are become voluminous; and form a topic, of no small consequence, in the common-place-book of the gentlemen of the long robe.

That a great part of the restraint on the poor, or, at least, that which bears hardest on them, by preventing them living in parishes where they may best get their bread, unless it happens to be their place of settlement, or they have a certificate of the consent of their parish to live there, may, with equal convenience and safety, be removed; and that much of the expense attending contests between parishes, with respect to settlements, may be saved, is certain. The heads of the bill brought into the House of Commons, by Sir William Young, immediately after the dismissal of Mr. Gilbert's plan, warrant this assertion. To speculate on the reasons why so much of that bill as relates to certificates did not pass, is not the business of this investigation; which now proceeds to the first sanction the law of settlements received from the legislature after the Revolution.

Hitherto but little had been done to confine the poor within their own parishes. The statute, which passed in the reign of Charles the Second, empowering two justices, on complaint of the overseers, within forty days after any poor person had come to inhabit

nabit in their parish, in any tenement under the annual value of ten pounds, that they were likely to become chargeable, to remove them to their last legal place of settlement, was, at the Revolution, the only law extant on that subject; and being, together with the alteration, by the 17th of James the Second, directing that the forty days should be accounted, from the time of delivery of notice in writing, about to expire; the 3d of William and Mary, chapter 11, again takes up the subject; and directs that the notice should be read in the church, immediately after service, on the next Lord's day after it shall have been delivered; and, then, that it shall be registered in the poor's book; and inflicts a penalty on the church-warden and overseer neglecting to read and register it: and also enacts, that serving a parish-office, paying parish-du-ties, and hiring and service for a year, of a person not having a wife or child, and serving an apprenticeship by indenture, shall also gain a settlement. In these several cases, the appeal lies from the two magistrates, adjudging the settlement, to the quarter-sessions.

A regulation, which is intended to act as a restraint on the parish-officers, in the distribution of the parish-money, is also enacted in this statute; a register is directed to be kept in every parish of the names of such as receive collections; and the parishioners are ordered to meet in the vestry yearly, in Easter-week, before whom this register is to be produced; and persons receiving collections are to be called over, the reasons of their taking relief examined, a new list made and entered, and no other persons but such as are in the list shall be allowed to receive collections, except in case of pestilential diseases, and the small-pox, without authority, under the hand of one justice of the peace, residing within such parish, or the parts adjoining.

Soon did experience prove the mischief of the acts, with respect to the settlements of the poor; so early did the hardship on them, and the inconvenience to the parishes, arising from these restric-

tions on their natural liberty, to get their bread where they could best find employment, appear ; that it was found necessary, in the year 1697, to open the door a little wider to them ; and to let out of their parishes such as the church-wardens, overseers of the poor, and a neighbouring magistrate, should grant a certificate to ; under the authority of an act passed in this year, for supplying some defects in the poor-law ; by which, such persons as may come to inhabit in any parish, bringing with them a certificate, properly attested, owning them to be inhabitants of the parish granting it, and engaging to provide for them whenever they ask relief of the parish in which they reside, shall not be removed until actually chargeable.

This act also directs badges to be worn on the shoulder of the right sleeve, by all those who receive alms from the parish ; and inflicts a penalty on the parish-officers relieving a person not wearing such a badge, and a punishment on the pauper refusing to wear it : — a good regulation, formed on wise principles, but almost universally neglected.

Persons, to whom poor children are bound apprentice, pursuant to the 43d of Elizabeth, are also, by this act, obliged to receive and to provide for their apprentices, under a penalty of ten pounds, to be applied to the use of the poor.

The legislature of this reign gives us no other regulations, with respect to the poor ; and the general neglect of those which have hitherto been enacted, either as checks on the dishonesty, selfishness, and indolence, of the parish-officers, or on the impositions, debauchery, and laziness, of the poor themselves, ought to be a matter of serious astonishment to those who reflect on the general complaint of the expense attending their maintenance and relief. What levity ! what absurdity ! in our lazy complaints of the weight of the poor's rate ; let us but clap our shoulders to the wheel ; the burthen is enormous, but might be shaken off, or greatly lightened, by those who administer the laws ; were those laws,

laws, in fact, administered. Why do we throw the blame from where it ought to fall, and charge the laws themselves with the consequences flowing from a breach of them? They form, in general, a code replete with humanity in their principle, wise in their regulations, which uniformly tend to discourage idleness and unnecessary expense, throughout the whole scope of their legislation; and are now charged with all those destructive evils they were intended, and are calculated, to prevent: the burthen of the poor's rate is heavy, and daily increasing, by a rapid accumulation; and the cause does not lie in a defect of the *laws* for the maintenance of the poor, but in a defect of the *execution* of those laws: we are affected with a similar impression as those weak minds, which, while the body is hastening to the grave, in a deep decline, have not energy enough to redeem returning health, by a course of exercise and virtuous temperance; but lazily suffer the vital principle to be extinguished, by continuing in a habit of indolence and debauchery: in short, we are infected by the *very vices*, which we so loudly cry out against, in those who are supported at our expense.

The same wretched principle appears to have pervaded the execution of the poor-laws, towards the end of the last century; and similar complaints of the increasing burthen of expense prevail; as may be seen in a pamphlet, named, *Bread for the Poor*, printed at Exeter, in 1698, by Samuel Daker, signed by the initials of the author's name, R. D.: he says, in a kind of introduction, that "whoever takes the small trouble of inspecting the poor-accounts, of a few parishes, may soon observe, that the charge of maintaining them, in some places, is, within sixty years past, advanced from forty shillings to forty pounds yearly; in others, twice that sum; and mostwheres double, — within twenty years past, and like to double again in a short time; and, notwithstanding such advance in maintaining the poor, yet the wages they receive is greater than formerly, work more plentiful, and provisions cheaper."

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Where there is an effect, the author very properly says, there must be a cause; and that the causes are,

Profuseness of diet; instanced by the bread they eat, being of the finest flour; their drink, ale and spirits; spending their money in alehouses, to the amount of an incredible sum, as appears from the payments to the excise, very little of which is spent by travellers or housekeepers; and that they pay a price for what they drink, in these places, vastly superior to its real value.

As a remedy to this cause, relief in house-rent, meat, drink, clothes, *and not money*, is proposed.

The second cause is idleness: this arises from receiving pay from the parish: people of this description, soon conceiving that the parish is *obliged* to maintain them; therefore, their work is so much gained from them by the parish.

The remedy is; due care to employ the poor constantly, and oblige them to do such work as they can perform.

Giving excessive pay is another cause; by which is meant parish-allowance: under this head the common outgoings of a day-labourer is computed; but the computation proceeds on an idea of expenses, so much beneath what is necessary at present, and seems to be calculated for the county of Devon only, that it would be futile to insert it.

The remedy proposed is, frugal allowance in quantity, kind, and value.

The fourth cause is; living in separate houses; whereas, did three or four families live together, fire, candle, and attendance, might be saved.

The author then explains the method of providing diet for the poor; gives many reasons why such a management should take place; and answers objections which he supposes may be made to relieving them in the necessaries of life rather than in money, which enables them to purchase the superfluities: — he also recommends
badges,