

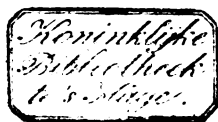
A HISTORY
OF THE
ENGLISH POOR LAW,

IN CONNEXION WITH
THE LEGISLATION AND OTHER CIRCUMSTANCES AFFECTING
THE CONDITION OF THE PEOPLE.

BY
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IN TWO VOLUMES.

VOL. I.



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"Whenever, for the purposes of government, we arrive, in any state of society, at a class so miserable as to be in want of the common necessities of life, a new principle comes into action. The usual restraints which are sufficient for the well-fed, are often useless in checking the demands of hungry stomachs. Other and more powerful means must then be employed; a larger array of military or police force must be maintained. Under such circumstances, it may be considerably cheaper to fill empty stomachs to the point of ready obedience, than to compel starving wretches to respect the roast-beef of their more industrious neighbours: and it may be expedient, in a mere economical point of view, to supply gratuitously the wants even of able-bodied persons, if it can be done without creating crowds of additional applicants."

BABBAGE, *On the Principles of Taxation*. London, 1851.

DEDICATION.

To the Boards of Guardians of the several Poor Law Unions in England and Ireland—in the hope that the explanations herein given of the Progress of the English Poor Law, in connexion with the State of the Country and the general Condition of the People, may prove useful to them and their successors—this Work is inscribed,

By their faithful servant,

THE AUTHOR.

London, August, 1854.

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A HISTORY
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INTRODUCTION.

THE laws of any period throw much light upon the habits and condition of the people at the time, and some knowledge of this condition and these habits is necessary for judging of the character and suitableness of the laws—each, in fact, reflecting light upon the other, and each requiring to be viewed with reference to the other. If this be true in a general sense, it is more especially true with regard to the laws immediately affecting the poorer classes; and therefore an inquiry into the origin and progress of the English Poor Laws, necessarily involves an inquiry into the state of the country and the condition of the people at the several periods when these laws were enacted, without which it would be impossible to judge of their fitness, or form an accurate estimate of their results.

In every country, and in all states of society, destitution has existed, and from the nature of things ever will exist; and on the relative proportion which the destitute bear to the entire population, and on the manner in

which this destitute class is dealt with, the general condition of the whole will in no small degree depend. For this destitute class in England the Poor Law has been chiefly framed—not at once, nor, in the several stages of its progress, always wisely, but from time to time, and as it were casually, when legislative interposition appeared to be called for to remedy some existing evil, or to prevent the occurrence of some evil which was apprehended.

The establishment of a Poor Law in any shape, or any systematic organisation for affording relief to the destitute, must be regarded as indicating a considerable advance in civilisation, and in the appreciation of duties arising out of a common interest for securing a common good. Sir Matthew Hale declares the relief of the poor to be “an act of great civil prudence and political wisdom, for that poverty is in itself apt to emasculate the minds of men, or at least it makes men tumultuous and unquiet. Where there are many poor, the rich cannot long or safely continue such. Necessity renders men of phlegmatic and dull natures stupid and indisciplinable, and men of more fiery or active constitutions rapacious and desperate.”* It is accordingly an admitted maxim of social policy, that the first charge on land must always be the maintenance of the people reared upon it. This is the principle of the English Poor Law. Society exists for the preservation of property, but subject to the condition that the abundance of the few shall only be enjoyed by first making provision for the necessities of the many.

In the early age of a community, the prime object, after supplying the wants of nature, would be the pro-

* See Sir Matthew Hale's plan for the relief of the poor, given at length in Dr. Burn's 'History of the Poor Laws.'

tection of life and property from assault, whether by persons acting under the influence of violent and selfish passions, or labouring under the pressure of actual want ; and we accordingly find that severe laws, and usages not less imperative than laws, existed in the early history of every people, having for their object the guarding of life and the protection of property, and imposing heavy penalties on transgressors in respect of either. But man will not submit to starve where the means of supplying his necessities can be obtained in any way, whether by force or by fraud. Necessity is above law, and, as far as the really necessitous are concerned, the dread of punishment has ever been found insufficient to protect property, or to deter from the commission of crime.

It may be presumed that the natural impulse to aid the distressed, which is common to the whole human race, would in the infancy of a community be sufficient to protect it against the consequences of extreme necessity in any of its members ; and when in the progress of society this impulse failed through the excess of demands upon it, the influence of religion would probably be invoked in furtherance of the same object. Thus, throughout the East, and in all the earlier nations of the world, we find the practice of charity or almsgiving authoritatively inculcated as a religious observance. Even hospitality appears to have come under the same category. Wayfarers were entertained, not so much because the state of the world rendered such entertainment necessary for enabling persons to travel from one place to another, as from its being enjoined as a religious duty.

At a still later period, the Church of Rome constituted itself the general receiver and dispenser of alms, in all the countries subject to its influence. Its

charitable distributions were not confined to the poor alone, but were extended as well to the idle and the profligate, who, naturally preferring subsistence without labour to that obtained by their own industry, roved about from one religious establishment to another, resorting most frequently and in the greatest number to those where alms were most easily and abundantly obtained. As the funds of these establishments were increased by successive donations, their almsgiving was likewise increased, and consequently the idle mendicants increased in number, and became a burthen and serious evil, and even a source of danger, to the rest of the community.

Fuller,^b in his 'Church History,' printed in 1656, after lauding the hospitality of abbeys as "beyond compare," thus speaks of these institutions: "Some," he says, "will object that this their hospitality was but *charity mistaken*, promiscuously entertaining some who did not need, and more who did not deserve it. Yea, these abbeys did but maintain poor which they made. For some vagrants, accounting the abbey alms their own *inheritance*, served an *apprenticeship*, and afterwards wrought *journeywork*, to no other trade than *begging*; all whose children were, by their *father's copie*, made *free* of the *same company*. Yea, we may observe that generally such places wherein the great abbeys were seated swarm most with poor people at this day, as if beggary were entailed on them, and that laziness not as yet *got out of their flesh*, which so long since was bred in their bones."^c And Mr. Hallam, in his 'Constitutional

^b Fuller's 'Church History,' 2nd sec., p. 298. The words in italics are so printed in the original.

^c At a far earlier period it was found "that the liberality of certain Roman ladies, and other rich Christians, brought a great number of mendicants to Rome; and it is said that there was a decree made on this account by Valentinian the Younger, and directed to the prefect of Rome, in the year 382 (Cod.

History,' remarks—"There can be no doubt that many of the impotent poor derived support from their charity ; but the blind eleemosynary spirit inculcated by the Romish Church is notoriously the cause, not the cure, of beggary and wretchedness. Nothing could have a stronger tendency to promote that vagabond mendicancy which unceasing and very severe statutes were enacted to repress."^d

It would appear, then, that the natural impulse of charity, aided by the higher influences of religion, and organised into a system through the agency of institutions richly endowed, and governed by the most powerful priesthood the world has ever known, failed in effectually relieving poverty ; whilst such institutions and miscalled charities directly operated to the encouragement of idleness and vice, by leading the people to rely upon alms and casual contributions for support, instead of depending on their own exertions.

Man is destined to live by labour, and the love of life with which he is imbued, and the various wants by which he is surrounded, unceasingly operate as incentives to exertion, the right application of which is sure to bring its own great reward. Anything that tends to turn him from the persevering exercise of his own natural powers, or to divert him from a reliance upon his own honest efforts for obtaining the means of living, cannot fail to prove injurious both to the individual and to the community ; and this the various institutions

Theod. xiv. tit. 18), in which he requires that their age and strength be inquired into, that the disabled might be provided for ; but as for the strong, they were to be delivered up to the informer if they were of servile extraction, and if they were free they were to be compelled to cultivate the ground." See Fleury's 'Ecclesiastical History,' revised translation, by the Rev. J. H. Newman, p. 51.

^d Hallam's 'Constitutional History of England,' 4th edition, vol. i. p. 79.

created throughout the country by the influence, and governed by the power, of the Roman Catholic Church, unquestionably did.

In thus adverting to the evils occasioned by organised almsgiving, it is not intended to deny the merit or to depreciate the value of charity when judiciously exercised, neither is it intended to question the authoritative injunctions to its observance contained in Holy Writ, which must have been given with the beneficent intentions that characterize all the revelations of the Divine will. A charitable disposition ought doubtless to be cherished by all, as well on religious as on social grounds, and within the limits of prudence and sound principle its promptings should be obeyed. But it must not be forgotten that the great end of charity, both as enjoined by religion and demanded by humanity, is to benefit the recipient, not to exalt or glorify the giver; and the consequences of whatever may be done ought therefore never to be lost sight of; for if the effects be evil, either to the recipient or to society, the act of giving becomes a cause of evil—it is not charity in the true sense of the term, conducing to the good of its object and the benefit of the community.*

In England the Reformation brought with it a remedy for many evils. Much of the Church property then passed into lay hands. The monastic establishments were dissolved, and the large funds which, through the agency of these institutions, had been misapplied to the encouragement of idleness, were devoted to other and more legitimate purposes; whilst the "vagabonds and sturdy beggars," no longer able to

* De Foe, in a tract published in 1704, and quoted by Sir F. Eden, justly observes that "an alms ill directed may be charity to the particular person, but becomes an injury to the public, and no charity to the nation."

obtain their usual doles, were driven to labour for their maintenance or to prey upon the public. Their previous idle habits led them for the most part to adopt the latter course, and hence the various enactments of that period prohibiting vagrancy, and inflicting punishments of a severe and, in some instances, of a revolting character on this class of persons.

In order to obtain a clear view of the English Poor Law, and of the way in which it has grown with the wants and habits of the people, and become engrafted on our institutions as a means of protecting life and property by affording needful relief to the destitute, it will be necessary to trace the various enactments bearing on the subject as they appear in the Statute Books. At present there is no complete work of the kind. The nearest approach to it will be found in Dr. Burn's 'History of the Poor Laws,' published in 1764, and in 'The History of the Poor,' in a series of Letters by Mr. Ruggles, and 'The State of the Poor, or History of the Labouring Classes,' by Sir Frederic Eden, both published in 1797. Each of these works contains valuable information, especially the last; but they are for the most part desultory or over-technical in the mode of treating the subject, and in some instances recommendations are made which subsequent experience has shown to be attended with danger. Since they were published, moreover, much has taken place of a nature both eventful and instructive in regard to Poor Law matters, and the law itself has been materially changed. With these exceptions, and Mr. Pashley's 'Pauperism and Poor Laws,' published in 1852, and which the author did not see until the first part of the present work was written, the publications on the subject have mostly been put forth with the view of explaining the law as it existed at the time, such as Mr. Nolan's 'Treatise on

Settlement,' or to point out some defect or some evil requiring amendment. There is no comprehensive account of the Poor Laws, showing the changes they have undergone, the circumstances under which they were made, and the objects they were intended to accomplish; and this deficiency the author has here endeavoured to supply.

The legislation which it is proposed to consider, naturally arose out of the circumstances of the several periods to which it applies: first, the mere suppression of vagabondage and violence was aimed at—next, this suppression conjointly with some relief for the destitute by means of charitable or enforced contributions—then, the relief of poverty and want as well as destitution, from whatever cause either the one or the other may have arisen—and lastly, the relief of destitution and want in such a manner as that, whilst effective for that object, it shall not weaken the incentive to independent exertion on the part of individuals or of the labouring classes and the public generally. For the sake of convenience the work will be divided into four parts—the first extending from the earliest times to the end of the reign of Queen Elizabeth; the second, from that time to the end of the reign of Queen Anne; the third, to the end of the reign of George III.; and thence to the end of the parochial year 1852, constituting the fourth part.

The author had intended to include in the present work some account of the Scotch Poor Law, the origin of which was nearly contemporaneous, and the attendant circumstances in many respects similar, with the English law; and also to give a summary description of the Poor Law now established in Ireland, with the preparing of which, and likewise with its introduction, it was his fortune to be connected; and he has collected materials for both these objects. But having now completed the

‘History of the English Poor Law,’ he has determined upon publishing it as a separate work, complete in itself; and for the present, at least, to defer entering upon the Scotch and Irish portions of the subject.

The authorities which have been consulted are, first and chiefest, the folio edition of ‘The Statutes of the Realm,’ published under the authority of the Royal Record Commissions of 1800 and 1806, and extending to the end of Queen Anne’s reign; and thence the octavo edition of the ‘Statutes at Large’ to the present time, from which such extracts as appeared necessary for an elucidation of the subject have been made from every enactment immediately connected with the Poor Law, or which seemed in any way calculated to throw light upon, or materially affect, the condition of the people. These extracts are, for the most part, given verbatim, and in no instance is anything which would alter or weaken the sense of a passage omitted, but merely redundancies, and words in the earlier Acts more or less obsolete, and not necessary for a clear understanding of what is meant. Nothing has in any instance been added, and the omissions are made sparingly, and solely with a view to economising space and clearing away encumbrances.

The statutes, taken as a whole, may be regarded as expositors of public opinion, and as affording the best criterion for judging of the character of the times in which they were enacted. They are fraught with interest social and historical, and it is hoped that the reader will not complain either of the length or the frequency of the extracts which are made from them. It is right to remark, however, that it is not stated what statutes have been repealed, or permitted to expire. This was not necessary for our purpose, which is to show—first, the successive steps by which legislation advanced

to establishing a direct charge upon property for the relief of the poor, together with a recognition of their right to relief ; and secondly, to mark, in like succession, the consequences thence arising, and the remedies from time to time sought to be applied to evils either existing or apprehended. A List will, however, be given towards the end of the Work of the principal Statutes then in force, and by which the administration of Relief is chiefly regulated.^f

The order of time has been occasionally departed from, for the purpose of keeping particular subjects more together ; but this has not, it is hoped, been done to such an extent as to derange the general sequence, or cause embarrassment or confusion to the reader. Use has been made of the different Histories of England, for the purpose of carrying forward the chain of events, and placing before the reader the circumstances of the country at the periods coincident with the several acts of legislation. Use has also been made of various other works affording information on the state of society and the habits of the people, and to which reference will generally be found, either in the text or in a foot-note. The Reports which have from time to time been made with respect to the condition of the poor and the state and administration of the law, together with the debates on the subject as given in Hansard, and the Returns laid before Parliament, have likewise been examined and quoted ; but it has been endeavoured to condense and simplify as much as possible the information derived from these and all other sources, and to avoid overburthening the subject with references.

The quantity of materials requiring to be examined has been very considerable, and selection was sometimes

^f See post, 4th part.

difficult; but it was also necessary, in order to bring within reasonable limits the object which the author proposes—namely, to give in an intelligible form an account of the several enactments having reference to the poor and the working classes generally, and the grounds on which the enactments were based; to show how far they were in accordance with sound principle and the circumstances of the period; and whether, and to what extent, they were sanctioned by the results—in short, to put the reader in a position to judge whether the several enactments were in themselves right, or rightly timed; and what were their effects as regards the poorer classes and the rest of the community.

The author is aware of the onerous nature of the duty he thus imposes on himself, and there are circumstances which might well excuse his undertaking it; but he is encouraged to do so by the hope of producing a work which may be useful, and which his long and intimate connexion with Poor Law administration, both before and since the passing of the Amendment Act, seems to require from him, now that his retirement from official labour affords him leisure for the task. If in adverting to that measure he shall be led to speak of himself in connexion with anything that was done, he entreats that it may be attributed solely to his wish to place before the reader the facts as they actually occurred, which he would not in every instance be able to do, if all allusion to himself were omitted.

PART THE FIRST.

CHAPTER I.

Early legislation — Laws of Athelstan and Canute — State of the population prior to the Conquest — Under the Norman kings — In the time of Henry II. — Conquest of Ireland — Magna Charta — Feudalism — Laws of Henry III. — ‘Provisions of Merton’ — Laws of Edward I. — ‘Statute of Winchester’ — ‘Statutes of Merchants’ — Slavery of the people — The Crusades — Annexation of Wales — Condition of the Welsh people — Rise of a middle class, *temp.* Edward II. — Mingling of the races — Advance of freedom — Increase of vagrancy — Laws of Edward III. — ‘Statute of Northampton’ — The great plague — ‘Statute of Labourers’ — Sumptuary law — Prevalence of violence and disorder — Laws of Richard II. — Popular progress — Spread of freedom — Wat Tyler’s rebellion — Population in 1377 — Wages and scarcity of agricultural labourers — First game-law.

It has been usual to assign the origin of our English Poor Law to the time of Richard the Second, but an approximation to the principle of a Poor Law may be discerned in the legislation of a much earlier period. Our Saxon ancestors required every peasant who had not a domicile of his own, to reside with some householder who should be responsible for him. Without such surety he would not be regarded as a member of the community, nor be entitled to its protection. By the laws of King Athelstan (A.D. 924), it was ordained that A.D. 924.
Athelstan. “lordless men, of whom no law can be got, the kindred be commanded that they domicile him to folkright, and find him a lord in the folkmote.”^a And further, “if any landless-man should become a follower in another shire, and again seek his kinsfolk, that he may harbour him on condition that he (the kinsman) make ‘bot’^b for him.” And the laws 1017.
Canute. of King Canute (A.D. 1017) ordain “that every one be

^a “Folkmote” or “Folcgemot,” a general assembly of the people.

^b “Bot”—amends—satisfaction for an injury.

brought into a hundred and in 'borh,'^c and that the 'borh' hold and lead him to every plea."^d Each householder was held responsible for all the individuals of his household, whether bond or free, and for any stranger whom he had admitted under his roof.

These laws were no doubt intended as measures of police, and appear well calculated to prevent the growth of vagabondage and violence. But they had likewise the effect of establishing reciprocal relations between the landless-man and the landowner; between property and poverty; between the householder and the houseless; casting upon one the duty of supervising the conduct and providing for the wants of the other, in some respects similar to the Poor Law of the present day. The results of this legislation were likewise, it may be presumed, not very dissimilar, for the improvident and the indolent would endeavour, with the smallest amount of labour, to obtain the largest amount of assistance from the householder who was liable for their support and responsible for their conduct; whilst the householder would as certainly endeavour to obtain the largest amount of labour in return for the cost and responsibility to which he was subject. It would be then—as it has been since, and is now—a struggle between property and poverty, between the provident and the improvident, between the industrious and the idle; and on the mode in which this struggle is conducted, and on the equilibrium attained by these opposing influences, the social condition and general weal of a people will, as has been before observed, in great measure depend.

The state of the Anglo-Saxon population, as they existed prior to the Conquest, has been thus well described:^e "Among the Anglo-Saxons

The Anglo-Saxons.

^c "Borh"—a surety.

^d See also the Laws of Hothaire and Eadric, A.D. 673 and 959, in the *Ancient Laws and Institutions of England*, published by the Record Commission.

^e See Lingard's *History of England*, vol. i. pp. 347 and 353. See also Sir F. Palgrave's *History of the English Commonwealth*, vol. i. p. 13.

the free population was divided into the *Eorl* and *Ceorl*, the men of noble and ignoble descent. The former were said to be ethel-born; and, with a people acknowledging no other merit than martial prowess, it is probable that this distinction attached to those only whose fathers had never exercised the occupations of husbandry or the mechanical arts. . . . Among the ethel-born, the first place was occupied by the cyning, or king. After the royal family, the highest order in the state was that of the ealdormen, or earls. The districts which they governed were denominated their shires, confined originally to a small tract of country, but gradually enlarged to the extent of our present counties. The 'thanes,' so called from *thegnian*, to serve, were a numerous and distinguished order of men, divided into several classes of different rank and with different privileges. . . . The lowest class of freemen was that of ceorls, or husbandmen; of these some possessed bocland, but not in sufficient quantity to raise them to the rank of thanes; others held lands of their lords by the payment of rent, or other free but inferior services. . . . These several classes formed but a small part of the population, of which perhaps not less than two-thirds existed in a state of slavery. . . . All slaves were not, however, numbered in the same class. The most numerous class consisted of those who lived on the land of their lord, near to his mansion, called in Saxon his 'tune,' in Latin his 'villa.' From the latter word they were by the Normans denominated '*villains*,' while the collection of cottages in which they dwelt acquired the name of village. Their respective services were allotted according to the pleasure of their proprietor. Some tilled his lands, others exercised for him the trades to which they had been educated. In return they received certain portions of land, with other perquisites, for the support of themselves and their families, but all were alike deprived of the privilege of freemen.

Their persons, families, and goods of every description, were the property of their lord. He could dispose of them as he pleased, either by gift or sale. He could annex them to the soil, or remove them from it. He could transfer them with it to a new proprietor, or leave them by will to his heirs."

Hume, on the authority of Selden,^f notices two statutes of Athelstan, by the first of which a merchant, who had made three long sea-voyages on his own account, was entitled to the quality of a thane; and by the second, a ceorl or husbandman who had been able to purchase five hydes of land, and had a chapel, a kitchen, a hall, and a bell, was raised to the same distinction. The opportunities were, however, few by which a merchant or a ceorl could thus acquire distinction; and all writers agree in describing the people—not the servile classes only, but the entire people (for there was no middle rank)—as being at the time of the Conquest in a rude and barbarous state. Many of the clergy were hardly able to read the Church service; and whilst the nobility and landed gentry for the most part spent their time and means in riotous living and in coarse sensual excesses, the great body of the occupiers and cultivators of the soil were held in a state of bondage, without the power of removing from the estates on which they may be said to have vegetated, and where they were consequently kept in a condition of almost total ignorance and barbarism.

At the period of the Conquest (1066) the Anglo-Saxon population has, with every appearance of probability, been estimated at 2,150,000,^g including every class or denomination into which the people were divided, from the eorls or nobles to the ignoble ceorls or churls: the

^f See Hume's History, vol. i., Appendix 1, p. 209; the edition of 1782.

^g See M'Culloch's Account of the British Empire, vol. i. p. 396. See also the 'Pictorial History of England,' book v. cap. 7, where this question is very fully discussed.

wergild, or value of the life of the former, being held equal to that of six of the latter. The Normans were more advanced in civilisation than the people whom they conquered, among whom they introduced many of the arts and elegancies of life, but these benefits were purchased at a heavy cost. The military adventurers who accompanied the Conqueror had to be rewarded, and this could only be done by dis-^{1066-1087.}
^{William the}
^{Conqueror.} possessing the present occupants, so that the conquest ended in confiscation and in the establishment of a despotism far more oppressive than that which had previously existed. The great body of the labouring classes remained, it is true, as in the Saxon times, partly serfs or slaves, prædial or domestic, and partly villeins attached to the soil. But William introduced the feudal system in its utmost severity, and the bondage which had been comparatively easy under Saxon rule became a stern and rigid despotism under the Norman. In one respect, however, the change was not unattended with advantage. Order was established, the laws were rigorously enforced, and breaches of the public peace were severely punished. William himself exercised despotic sway, but he permitted none other to commit violence or transgress the law. Such was likewise the case during the reign of Henry the First, who^{1100-1135.}
^{Henry I.} was called "the Lion of Justice," and of whose stern severity in enforcing it numerous instances are recorded. He is said at one time, in Leicestershire, to have hung no less than forty-four persons charged with robbery. In other respects he was a great and accomplished prince, and, on account of his learning, acquired the name of *Beauclerc*, or the Scholar. Of the reigns of Rufus and Stephen, one immediately preceding, the other following, that of Henry the First, it need only be said that, whilst equally tyrannical and oppressive, they were wanting in the order so strenuously maintained by the Conqueror and by Henry, and therefore,

although no less fertile of evil, they were without the countervailing good.

In saying that the Normans introduced many of the arts and elegancies of life, it is not meant to imply that civilisation, as the term is now understood, prevailed during the Norman period. A century after the Conquest, and in the reign of Henry the Second, the most powerful sovereign of his day, there was great coarseness of manners and habits; and the most squalid wretchedness, and vice in its most revolting form, were rudely blended, and, as it were, incorporated, with the pomp and pageantry of the royal processions. These processions were, in fact, little better than organized mobs, perambulating the country, and levying contributions, without stint or mercy, upon all who unhappily came within their reach. Estates were then held on the condition of furnishing straw for the royal beds and litter for the royal apartments. The rush-strewer was a recognised officer in the royal household, and it was considered an act of unusual magnificence to cover the floor of the great dining-hall with clean rushes or clean straw daily, so that those who could not find room at the common table might sit on the floor without soiling their clothes. Homely and incongruous as this may appear, contrasted with the barbaric splendour exhibited on other occasions, it is yet consistent with what is seen in every rude and partially civilised state of society. A passion for show prevails most among a savage or semi-savage people, and can in no case be regarded as a proof of civilisation, the characteristics of which are simplicity and harmony, an avoidance rather than a courting of gorgeous pageantry.

In 1172 Henry the Second completed the conquest of Ireland. That country, then in a state of utter barbarism, and governed by native chieftains constantly at strife among themselves, had been, by a papal bull, declared subject to the English Crown; and

1172.
Conquest of
Ireland.

Strongbow, Earl of Strigul, accompanied by a small number of followers, had, with Henry's permission, undertaken the task of reducing it to subjection, in which he made considerable progress, the rude natives being unable to resist his small armed band. After a time, however, Henry himself undertook the enterprise on a more extended scale, and landed at Waterford with 500 knights and 4,000 common soldiers. He met with very little resistance, and after remaining about six months in Ireland, and receiving the homage of his new subjects, he returned in triumph from a conquest which, although easily achieved, has been most important in its consequences.

Magna Charta was wrung from the unwilling John by the armed barons assembled at Runnymede in 1215. This charter, long regarded as the foundation of English liberty, relieved the nobility and freemen from the arbitrary exactions of the sovereign, but the serfs and villeins were not included, and remained in a state of slavery as before. A villein or rustic was not, however, by the imposition of any fine, to be deprived of his carts, ploughs, and implements of husbandry; and this, as is remarked by Hume, "was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom." With reference to this early period, Mr. Macaulay finely observes, "The sources of the noblest rivers which spread fertility over continents and bear richly laden fleets to the sea, are to be sought in wild and barren mountain tracts, incorrectly laid down in maps and rarely explored by travellers. To such a tract the history of our country during the thirteenth century may be not unaptly compared. Sterile and obscure as is that portion of our annals, it is there that we must seek for the origin of our freedom, our prosperity, and our glory. Then it was that the great English people was formed, that the national character began to exhibit

John.
1199-1216.

those peculiarities which it has ever since retained, and that our fathers became emphatically islanders,—islanders not merely in geographical position, but in their politics, their feelings, and their manners.”^a

The condition and habits of the nobility and gentry being of the rude character above described, even after the Norman and Saxon races had, in great measure, become blended into one people, it will readily be supposed that the mass of the population must have been in a still ruder state. It is the very nature of feudalism, which throughout the Norman period existed in its most despotic form, to depress the many and to elevate the few. It raised the chieftain to a height so much above the commonalty, as to obliterate any feeling of natural equality or common interest between them. The one revelled in feudal pomp, and exercised an authority little short of absolute over both person and property; the other was ignorant and depressed, without rights or privileges which were not over-ridden or controlled by the will of the superior lord, who was looked up to as a being of a higher order, and whose behest was not to be disputed.

Neither was it the lowest of the people only who were thus controlled. All, of every class below the chieftain, were subjected to the like iron rule. Even in the domestic affair of marriage, a man had to seek the permission of his feudal superior, who exacted a fee according to the circumstances of the parties. Thus in the reign of Henry III., by ‘The Provisions of Merton’ (20th Henry 3rd, cap. 7), it was enacted that, “when an heir cometh to full age, he shall give to his lord and pay him as much as any would have given him for the marriage, before the receipt of his land, and that whether he will marry himself or not; for the mar-

^{1216-1272.}
Henry III.

^{1235.}
20 Hen. III.,
cap. 7.

^a See Macaulay’s ‘History of England,’ vol. i. p. 17.

riage of him that is within age of right pertaineth to the lord of the fee." If persons holding property, and that not unfrequently of great value, were thus coerced in the personal affair of marriage, one may readily judge what was the state of the less opulent and inferior orders. This is, however, further manifested by another statute of the same reign, in which men are classed with woods, houses, and other chattels. *The 43rd Henry 3rd, cap. 23*, directs that ^{1259.} "Farmers, during their farms, shall not make ^{43 Hen. III.,} waste or sale or exile in woods, houses, *men*, or in ^{cap. 23.} anything else belonging to the tenements which they have to farm, unless they have a special grant in the writing of their covenant making mention that they may do so." The *men* here referred to, and with houses and woods guarded from waste, sale, or exile, were the serfs and villeins fixed to the soil, and rendering the farm productive by their labour, to waste or exile whom would make the farm of less value, and therefore be an injury to the lord.

Our old Saxon institutions, in which the freedom and responsibility of individual action were, to a considerable extent, recognised, could not withstand the aggressive influence of feudalism introduced by the conquerors, and rapidly fell into desuetude. Military chiefs with their armed retainers abounded everywhere. Norman castles sprang up as if by magic throughout the length and breadth of the land, and the longest sword governed if it did not also make the law.

Under these circumstances, the poor, the aged, and the impotent, were encumbrances undeserving of care or consideration; and if they could not obtain subsistence by begging or stealing, they were left to starve. Those only were cared for who were able to take part in the pageantry, and assist in upholding the power, of the feudal baron or head lord, whose influence, and often whose safety, depended on the number and hardihood

of his followers; and he was seldom fastidious in the selection, provided they were strong and courageous. Honesty was not a necessary qualification. The practised and astute plunderer was most valued as a partizan; and the chief who was the most reckless and ferocious was certain of having the greatest number of followers of like character, who flocked to him in the hope of sharing in his successes and rioting in unrestrained violence. The number of such adventurers constantly traversing the country, and ready for any mischief, is described by early writers, and in the preambles to Acts of the legislature, as being very great; and when to these are added the vagabonds and professed mendicants, partly thieves and partly beggars, moving about from one district or one religious establishment to another, the evil must have been of a magnitude truly appalling.

Thus in the reign of Edward the First, little more than two centuries after the Conquest, we find the 'Statute of Winchester' (*The 13th Edward the First*) commencing with this recital: "Forasmuch as from day to day robberies, murthers, burnings, and thefts be more often used than they have been heretofore, and felons cannot be attainted by the oath of jurors, which had rather suffer strangers to be robbed, and so pass without pain, than to indict the offenders, of whom great part be people of the same country, or at least if the offenders be of another country, the receivers be of places near." The Act then goes on, in the spirit of our early Saxon legislation, to make the hundred answerable for all robberies perpetrated within its limits; and it further directs, for the more surety of the country, "that in great towns, being walled, the gates shall be closed from the sun-setting until the sun-rising, and that no man do lodge in the suburbs without his host will answer for him; and the bailiffs of towns are to make inquiry of all persons being lodged in the suburbs, and, if they do find any that have lodged or

Edward I.
1272-1307.

1285.
13 Edward I.
Statute of
Winchester.

received any strangers or suspicious persons, the bailiffs shall do right therein." The Act further directs (c. 5) "that highways leading from one market-town to another shall be enlarged, so that there be no dyke, tree, nor bush, whereby a man may lurk to do hurt, within two hundred foot of the one side, and two hundred foot on the other side of the way. And if percase a park be near to the highway, it is ordered that it be set back two hundred foot from the highway as before-said, or that a wall, dyke, or hedge be made, that offenders may not pass to do evil." It is then further ordered, "that every man have in his house harness (or armour) according to his station, to keep the peace."

These enactments indicate a very disturbed and insecure state of society. From the precautions taken to guard towns, by closing the gates and searching the suburbs, it must be inferred that the plunderers carried on their nefarious avocation in parties, and by combinations more or less numerous. The clearing a space of two hundred feet on each side of the roads leading to and from market-towns, for the protection of passengers, is just the precaution taken in India at the present day, whenever the road passes through a jungle or uninhabited tract of country, in order to protect the traveller from the spring of the tiger—so near does man, when uncontrolled by law, and acting under the influence of his own selfish passions, approach to the nature of a beast of prey proverbial for its ferocity and treachery. It would be impossible for a community to prosper under such a state of things as is here exhibited. Violence would beget insecurity, insecurity would produce recklessness, which would be followed by poverty and want; and so the round would be continued in perpetual succession, beginning with violence and ending in want, which again would occasion the evil of which it was itself a consequence.

To break this chain of evil—to guard against the

consequences of absolute want, and as far as possible to prevent its occurrence, without at the same time lessening the inducement to independent exertion, or imposing an unnecessary burthen on the community—are the legitimate objects of a Poor Law. But the circumstances of the country were not then sufficiently advanced for the application of such a principle. Rude laws were passed prohibiting vagabondage and violence, and inflicting cruel punishments and mutilations on all who were convicted of such offences; but except in the case of the Saxon peasant before mentioned, who, if houseless or landless, was required to place himself under the protection of some householder or landowner, no other means are noticed for obviating or relieving the extremity of want, and thereby preventing one of the most powerful incentives to the commission of crime. At that early period of violence and disorder, the only idea which seems to have been present to the minds of the governing class was that of coercion and punishment. No thought of prevention, in any shape, appears to have occurred to them.

During the reign of Edward the First, however, the germs of future improvement began to be manifested. The laws were rendered more clear and definite, and were better administered. Robberies, murders, and other outrages were repressed. The roads were improved, and travelling was rendered more secure. The complaints of foreign dealers who brought their wares into England were attended to; and, by the two ‘Statutes of Merchants’ (*The 11th and the 13th*

1283, 1285.
11 and 13
Edward I.

Edward the First) redress was afforded against the hardships and injustice to which they had been exposed, and which are thus noticed in the preamble to the earlier statute: “Forasmuch as merchants which heretofore have lent (*i. e.* sold) their goods to divers persons be greatly impoverished, because there is no speedy law provided for them to have recovery of

their debts at the day of payment assigned; and by reason hereof many merchants do refrain to come into this realm with their merchandises, to the damage as well of the merchants as of the whole realm." The redress afforded to foreign traders under these Acts, and the other ameliorations of Edward's reign, are manifestations of progress, and all tended to advance civilisation and promote the general weal. By establishing security and greater facilities of communication, social intercourse and the interchange of commodities would be increased, and industry and enterprise encouraged. The effects might not in every case be immediately apparent, but they would be certain in the end; and in proportion as they were developed, would the condition of the people be improved—that is, unless some adverse influence should unhappily exist sufficiently powerful to destroy the good seed thus sown, before it had time to germinate and produce fruit.

That such an adverse influence did exist, and that it must have more or less neutralized the benefits which would else have resulted from the measures above noticed, is certain. Sir Frederic Eden, a writer of no mean authority,¹ in commenting on this period, observes—"If we except the baronial proprietors of land, and their vassals the free tenants and socmen, the rest of the nation seems to have been involved in a state of servitude, which, though qualified as to its effects, was uniform in its principle, that none who had been born in or had fallen into bondage, could acquire an absolute right of property." In a subsequent portion of his work he remarks, with respect to the same period, "In both Magna Charta, and the charter of Henry the Third in 1225, a class of men are mentioned who appear to have been considered in the light of moveable property. The prohibition to guardians from wasting the men and

¹ See Sir F. M. Eden's 'History of the Labouring Classes,' vol. i. pp. 7 and 35.

cattle on the estates of minors is a clear proof that villeins who held by servile tenures were looked upon in the light of negroes on a rice, a tobacco, or a sugar plantation. Long after the year 1225 they were considered as a saleable commodity. In 1283 a slave and his family were sold by the abbot of Dunstable for 13s. 4d.; in 1333 a lord granted to a charity several messuages, together with the bodies of eight natives (villeins) dwelling there, with all their cattle and offspring; and in 1339 we meet with an instance of a gift of a nief (a female slave), with all her family, and all that she possessed, or might subsequently acquire."

The state of slavery here described had long existed —it is indeed difficult to say when it did not exist. Slavery of the people. It prevailed throughout the Saxon period, it was continued and extended by the Normans, and it was not until after the two races had become amalgamated that the people began to struggle for freedom,—feebly and casually no doubt at first, and with uncertain and varied success; but the impulse once given, the stream once set in motion, it continued to flow onward with an accelerating force, until the last remnant of bondage was swept from off the land.

It took centuries, however, to accomplish this change. The evil was closely mingled with the institutions of the country, and required much time and successive efforts for its eradication. So long as it existed in any shape no great or permanent improvement could take place in the condition of the people, for slavery is a plant of such noxious growth, that nothing good will flourish near it. Wherever it prevails—wherever man is the property of another, he can have no rights or independent will, and is without the personal responsibilities which attach to a state of freedom. The great majority of a people, whatever their social condition, must of necessity be devoted to manual occupation of some kind; but if they are in a state of slavery, their wants are provided for, they are

clothed, fed, maintained by their masters, to whom they belong, and who are entitled to the fruits of their labour. They are therefore without property, and are themselves the property of others, on whom devolves the charge of providing for their wants, present and prospective. Serfdom and villeinage are only modifications of slavery, and, so long as these prevailed, there could be no call for any special provision for the destitute. The persons who might, if free agents and in a destitute state, have been properly relieved out of the common stock, would, as serfs or villeins, have a claim on their masters, to whom they belonged, and who were bound to provide for them. To afford relief to such persons would therefore in reality be to relieve their masters at the public charge, and thereby exonerate them from the performance of a duty properly incidental to their position.

A state of slavery, in whatever form, and under whatever designation, whether as vassals, serfs, or villeins, is so directly opposed to all the best impulses of our nature, that sooner or later mankind are sure to rise up against it and demolish its chains. The demolition may take place gradually, and by successive efforts on the part of the people themselves, as time and opportunity serve; or it may be accomplished by a great convulsive movement arising out of some stirring and sudden event; or it may be consummated by the master class taking an enlarged view of their true interests, and wisely considering that creatures of their own race, having the same hopes and fears, feelings, passions, and capabilities as themselves, cannot long or safely be kept in what may be called a state of negation, nor in that state be of equal use to their employers or to the community, as when left to the free exercise of their faculties on their own responsibility, within the limits of law.

The crusades in which the Christian powers of Europe engaged for wresting Jerusalem from the dominion of the

Saracens, and which with occasional intermissions were continued from the preaching of Peter the Hermit in 1096, to nearly the end of the thirteenth century, must have exercised a considerable influence on the manners and habits of the period. The numbers who engaged in these enterprises were very great. In the first crusade the Hermit is said to have led a million of combatants to the shores of the Bosphorus. About a century afterwards Palestine became, under our Lion-hearted Richard and his magnanimous opponent Saladin, the chief field of heroic and chivalrous enterprise. It was also a field of superior civilisation; and on their return, the pilgrim warriors brought from thence a knowledge of arts and usages to which they would find no parallel in their own country, but which they would naturally endeavour to implant there. The crusades must therefore, on the whole, be regarded as favourable to social improvement. They no doubt largely promoted the extension of commercial intercourse.

In the year 1284 Wales was finally annexed to the English crown, and by the 'Statutes of Wales' (The 12th Edward 1st) a code of laws and municipal regulations was established for that country, which thenceforth may be regarded as a portion of England. The statute commences thus:—"Edward, by the grace of God, King of England, Lord of Ireland, and Duke of Aquitain, to all his subjects of his land of Snowdon." It then recites that Divine Providence, which is unerring in its judgments, having "now of its favour wholly and entirely transferred under our dominion the land of Wales with its inhabitants, heretofore subject unto us in feudal right, and annexed and united the same unto the crown of this realm as a member of the same body"—the king, being desirous that the land of Snowdon should be governed with due order, and that the people should be protected in security under fixed laws, caused the laws and customs of those

1284.
12 Edward I.
Statutes of
Wales.

parts hitherto in use to be rehearsed before him and the nobles of his realm, by whom the same were diligently heard and considered; after which certain of them were abolished, some were allowed, and others were corrected, and likewise certain others were added thereto, and the whole were ordained and commanded to be “from henceforth for ever stedfastly kept and observed.” The statute then goes on, at much length, to enact a code of laws for Wales, not very dissimilar from those of England, and differing chiefly where the different circumstances of the two countries appeared to render it necessary or expedient.

The Welsh people at this time were far more rude and uncivilised than the people of England, and being secluded in their mountain fastnesses, and almost continually engaged in border depredations, their improvement under such circumstances was unlikely, if not nearly impossible. The establishment of a uniform code of law, administered under the supervision of a stable and vigorous government, must therefore have been a great boon to Wales, and whatever improvement has taken place in the condition of its people may be dated from this period. The Welsh language has, however, continued to prevail very generally even to the present day, and has thus prevented that country from participating so largely as it might otherwise have done in the great advance in literature, science, and social institutions which has taken place in England. This must be lamented by all who are anxious to improve the condition of the Welsh people, one of the first steps to which would be the diffusion of English literature and information through the medium of a common language.

The final annexation of Wales by Edward the First was not one of the least memorable acts of his reign, so fertile in events of the highest interest and importance. Had his efforts for the similar annexation of Scotland been successful, it would have brought the whole British

island under one government, and averted a vast amount of evil; but this consummation was reserved for a subsequent period. Edward repressed the disorders which had sprung up during his father's feeble reign, and compelled his turbulent barons to submit to the law, which he at the same time so enlarged and improved as to earn for himself the title of the English Justinian. To him we owe the establishment of justices of peace, and the settlement of the jurisdiction of the several courts of law. His courage, industry, and penetration were alike conspicuous, and he was in every respect a great and politic sovereign. He died on the 7th of July 1307, and was succeeded by his son, Edward the Second, whose character was in all respects the reverse of that of his father.

Before the end of the reign of Edward the Second, a middle class of men arose, who, although not altogether free, were not subjected to the absolute and unconditional services of personal bondage. Such were the servile tenants of manors, who were permitted to occupy small portions of land, and were at the same time required at certain seasons to assist in the cultivation of the demesnes of their lords. It is stated by the writer just quoted * that as early as the year 1257 a servile tenant, if employed before Midsummer, received wages; and in Edward the First's reign he was permitted, instead of working himself, to provide a labourer for the lord, from which it is obvious that he sometimes possessed the means of hiring one. Free labourers must therefore have then existed, although they were probably not numerous; but their number would go on increasing, and the circle of freedom would thus become gradually enlarged.

As population increased the people would naturally feel and begin to exercise the power which numbers

Edward II.
1307-1327.

A middle
class arose.

* Sir F. Eden's 'History of the Labouring Classes,' vol. i. p. 12.

confer. The old ties of serfdom and villeinage were becoming more and more relaxed, and each succeeding year witnessed an addition to the number of those exonerated from thralldom. The labouring classes generally were left more free to follow their own devices, or they asserted this freedom by combining together for the purpose. The distinction of race had, moreover, at this period nearly disappeared. “Early in the fourteenth century the amalgamation of the races was all but complete; and it was soon made manifest by signs not to be mistaken, that a people inferior to none existing in the world had been formed by the mixture of three branches of the great Teutonic family with each other and with the aboriginal Britons.”^m This mixture and amalgamation must have added greatly to the strength and importance of what may be emphatically called the people. Separated into races, they were feeble—united, they were strong; and now, being thus united, they were able to work out their deliverance from villeinage, and vindicate their right to freedom, sooner and with greater certainty than would otherwise have been practicable.

Mingling of
the races.

The change from a state of slavery to a state of freedom at this time in progress was, however, like all other great changes, attended with a certain amount of evil—it led to a great increase of vagrancy. Many of those who had struggled for and asserted their own freedom, resorted to begging and vagabondism, and not unfrequently to violence, whenever employment, or the means of honest livelihood, was not readily obtainable, and sometimes, perhaps, when it was. The idle and the evil-disposed were of course the first to do this, and the unsettled character of the period fostered and gave licence to the vocation of a beggar, which, moreover, received direct encourage-

Advance of
freedom.
Increase of
vagrancy.

^m See Macaulay's 'History of England,' vol. i. p. 18.

ment from the almsgiving inculcated by churchmen, and practised by the religious communities. We cannot wonder, therefore, that mendicancy and vagabondism should have increased with the spread of freedom, nor that they were regarded as nearly connected by the master class, who could hardly be expected to have a friendly feeling for the one, and who suffered from the growing evils of the other. These evils are vividly described in the preambles to the various statutes enacted for their correction, and must indeed have at length become of very serious magnitude. Yet even in these evils the germ of a good is apparent, for, if the people had not ceased to be slaves, they could not have possessed a freedom of action, or resorted to vagrancy as a means of living. As vagrants they might be coerced or reclaimed, and become good citizens; as slaves they would be irreclaimable, and would continue to taint and deteriorate the whole community. The change, therefore, even when accompanied by its perhaps unavoidable drawback of vagabondage and mendicancy, must be regarded as conferring most important benefits.

The feeble and disorderly reign of Edward the Second affords no matter for observation, except it be to lament the evils which prevailed throughout it, and its melancholy termination. The youth of his successor, Edward the Third, rendered him at first unfit for controlling the elements of discord and confusion which had sprung up and spread so widely under his father, and violence and disorder continued for a time to prevail; but the young king gave early indications of energy and talent, and his long and eventful reign constitutes one of the most important epochs of our history, whether regarded in a social or in a political point of view.

The first effort made in the new reign for restoring order was by the 'Statute of Northampton' (The 2nd Edward 3rd), which, after again es-

Edward III.
1327-1377.

1328.
2 Edward III.

tablishing the Great Charter in all points, proceeds to enact, "That no man, great nor small, of what condition soever he be (except upon a cry made to keep the peace), be so hardy as to come before the king's justices, or other of the king's ministers, with force and arms, nor to go nor ride armed by night nor by day in fairs or markets, nor in presence of the justices or other ministers, nor elsewhere, upon pain to forfeit their armour to the king, and their bodies to prison at the king's pleasure." And, "as to punishment of felonies, robberies, manslaughters, trespasses, and oppressions of the people, committed in times past," the king is empowered to appoint justices in divers places (as was done in the time of Edward the First) "of great men of the land, which be of great power, with some of the justices of one bench or the other, and other learned men in the law, to inquire, hear, and determine all manner of felonies, robberies, manslaughters, thefts, oppressions, conspiracies, and grievances done to the people against the law and custom of the land, as well by king's ministers as by others whatsoever they be, and that as well within franchise as without."

More stringent measures appear, however, to have been required for repressing the violence and disorder which then prevailed, and accordingly, three years after the above, *The 5th Edward the 3rd, sect. 14*, was passed.^{1331.} It recites, "Whereas in the Statute of ^{5 Edw. III. sec. 14.} Winchester (the *13th Edward 1st*) it is contained, that if any stranger pass by the country in the night, of

^a By a foot-note it appears that this and the other statutes of this reign were sent into Ireland in the form of letters patent, with the writ following:—"The King to his trusty and well-beloved Anthony de Lucy, his justice of Ireland, greeting. Certain statutes by us and the prelates, earls, barons, and other great men of our realm set forth in divers our parliaments since we took upon us the government, we do send unto you in form of letters patent, commanding that the statutes aforesaid and all the articles therein contained, in our aforesaid land of Ireland, as well within liberties as without, you do cause to be publicly proclaimed, and, so much as to you and our people of those parts belongeth, to be firmly kept and observed."

whom any have suspicion, he shall presently be arrested and delivered to the sheriff, and remain in ward till he be duly delivered; and because there have been divers manslaughter, felonies, and robberies, done in times past by people that be called roberdesmen, wastors, and draw-latches, it is accorded, That if any man have any evil suspicion of such, *be it by day or by night*, they shall be incontinently arrested and kept in prison till the coming of the justices assigned to deliver the gaol, who shall proceed to the deliverance of such persons according to law." Thus the power given by the statute of Edward the First to arrest suspicious persons in the night-time, is now extended to the day as well, and better provision is made for bringing such persons to trial.

The king's attention was not alone confined to establishing order and repressing violence at home, or to the foreign wars in which he was engaged. He further aimed at increasing the power and improving the condition of the country by fostering commerce. In the second year of his reign, "The staples beyond sea, and on this side, ordained by kings in times past," were abolished, and merchant strangers were permitted freely to come and go with their merchandise. And now a more full provision is made in this respect by ^{1335.} 9 Edward III. *The 9th Edward 3rd*, which recites, "That great duress and grievous damage have been done by some people of cities, boroughs, ports of the sea, and other places, which in long time past have not suffered nor yet will suffer merchant strangers nor others which do carry and bring in by sea or land wines and other livings and victuals, with divers other things necessary and profitable, to sell or deliver such wines, &c., to any other than to themselves, by reason whereof such stuff aforesaid is sold to the king's people more dear than they should be if such merchant strangers and others might freely sell them to whom they would." And it

is therefore ordained, "That all merchants, strangers, and denizens, and all other of what estate or condition soever they be, that will bring or sell corn, wines, averdepois, flesh, fish, and all other livings and victuals, wools, clothes, wares, merchandises, and all other things vendible, from whencesoever they come, by foreigners or denizens, at what place soever it be, city, borough, town, port of the sea, fair, market, or elsewhere within the realm, may freely, without interruption, sell them to what persons it shall please them, as well to foreigners as to denizens," and all charters and usages to the contrary are declared void.

Fifteen years afterwards this statute was confirmed by *The 25th Edward 3rd*, which still more earnestly denounces all impediments to the freedom of traffic. It directs that the above statute shall be in all points kept and maintained, and that any statute, charter, proclamation, usage, or judgment to the contrary "shall be void and holden for none." And further, that "every merchant or other, as well alien as denizen, that shall bring any manner of merchandises or chaffer to the city of London, or other cities, boroughs, towns, or ports of the sea, may freely, and without challenge or impeachment of any, sell in gross, or at retail, or by parcels, at his will, to all manner of people that will buy the same, notwithstanding any franchises, grants, or customs to the contrary; sithence that such usages and franchises be to the common prejudice of the king and his people." This distinct assertion of the great principle that privileges were not to be enjoyed by one class to the injury of another, by the few to the prejudice of the many, was doubtless most important. It, in fact, comprises all that has been contended for by enlightened statesmen in every age, and its open recognition by the sovereign and legislature of that period could not fail of producing a highly beneficial effect upon the other relations of the community.

If chartered and accustomed privileges were not to be retained by corporations, how could they be retained by individuals? how could vassalage be maintained or serfdom be upheld? The abolishing of such chartered privileges, and the reasons on which the abolition is here grounded, indicate a great advance in the march of freedom, both socially and commercially.

In Nolan's ‘Treatise on Relief and Settlement’ it is said that “The more ancient statutes for regulating the poor were enacted to repress their vagrancy, not to provide for their maintenance,” and it is impossible to examine these ancient statutes without recognising the justice of this observation. It may, however, be said that the vagrant was generally a beggar, and the beggar was always a vagrant; so that it would have been extremely difficult, if not impossible, for the legislators of that early period to discriminate between the two. They therefore took them together, apparently regarding them as identical; and they probably hoped by repressing vagrancy to put an end to all the evils connected with it. Accordingly, in the ‘Statute of Labourers’ (*The 23rd Edward the 3rd*), which is so often referred to by writers on the subject of the poor, it is, among other things, enacted, “That, because many valiant beggars, as long as they may live of begging, do refuse to labour, giving themselves to idleness and vice, and sometimes to theft and other abomination, none, upon pain of imprisonment, shall, under the colour of pity or alms, give anything to such which may labour, or presume to favour them in their sloth, so that thereby they may be compelled to labour for their necessary living.” The valiant beggars here described must be taken to include the vagrant class generally, to none of whom, if able to labour, are alms permitted to be given; but it is not prohibited to give alms to such as are *not* able to labour. The prohibition in one case seems to be equivalent to a tacit sanction in

^{1349.}
23 Edw. III.

the other ; and the distinction thus indicated, is left to be worked out and applied by the public on their own responsibility in each case.

The reason assigned for passing this statute, and the several enactments it contains, deserve particular notice, as throwing light on the condition of the people immediately after the great plague which swept from east to west over the then known world, making the most frightful ravages, and bearing misery and devastation in its train. It reached London the latter end of 1348, and thence spread throughout England, attacking both man and beast. The poorer classes suffered most, and it has been said that one half the population were destroyed by this dreadful visitation.

Such was the period at which the 'Statute of Labourers' (*The 23rd Edward the 3rd*) was passed. It begins by stating, that, "Because a great part of the people, and especially workmen and servants, late died of the pestilence, many, seeing the necessity of masters and great scarcity of servants, will not serve unless they may receive excessive wages, and some rather willing to beg in idleness than by labour to get their living;" and it then goes on to direct "that every man and woman, of whatsoever condition, free or bond, able in body, and within the age of threescore years, not living in merchandise, nor exercising any craft, nor having of his own whereof he may live, nor proper land about whose tillage he may himself occupy, and not serving any other, shall be bound to serve him which him shall require, and take only the wages, livery, meed, or salary which were accustomed to be given in the places where he oweth to serve. And if any such man or woman, being so required to serve, will not the same do, and that be proved by two true men before the sheriff, or the bailiffs or constables of the town, he shall anon be taken and committed to gaol,

1348.
The great
plague.

1349.
23 Edw. III.

there to remain under strait keeping till he find surety to serve in the form aforesaid." The Act then directs, that, "if any reaper, mower, or other workman or servant, retained in any man's service, do depart from the said service without reasonable cause or licence before the time agreed, he shall have pain of imprisonment;" and none under the same pain are to receive or retain any such in his service. And it is further directed, "that no man pay, or promise to pay, any servant any more wages, liveries, meed, or salary, than was wont, nor in other manner demand or receive the same, upon pain of doubling of that that so shall be paid, promised, required, or received, to him which thereof shall feel himself grieved pursuing for the same."

In like manner sadlers, skinnners, white-tawers, cordwainers, tailors, smiths, carpenters, masons, tilers, shipwrights or boatbuilders, carters, and all other artificers and workmen, are prohibited from taking "for their labour and workmanship above the same that was wont to be paid to such persons five or six common years next before; and if any man take more he shall be committed to the next gaol." The attempt to limit prices by law, was not confined to the article of labour. The statute proceeds—"Butchers, fishmongers, hostellers, brewers, bakers, pulters, and all other sellers of all manner of victual, shall be bound to sell the same for a reasonable price, having respect to the price that such victual be sold at in the places adjoining; so that the same sellers have moderate gains reasonably to be required, according to the distance of the place from whence the said victuals be carried. And if any sell such victuals in any other manner, and thereof be convicted, he shall pay the double of the same that he so received to the party damnified, or, in default of him, to any other that will pursue in his behalf." A copy of this statute was sent to each of the bishops, with a request that it might be published in the churches and

other places of his diocese, and that he would "direct the parsons, vicars, ministers of such churches and others under him, to exhort and invite their parishioners, by salutary admonitions, to labour and observe the ordinances aforesaid, as the present necessity requireth."

It appears that the benefits expected from the above statute, notwithstanding the co-operation of the clergy, were not realised, for in less than two years another was passed (*The 25th of Edward the 3rd*) in amendment and continuation of it. This Act ^{1350-1.} _{25 Edw. III.} begins by reciting—"Whereas late against the malice of servants, which were idle and not willing to serve after the pestilence without taking excessive wages, it was ordained that such servants, as well men as women, should be bound to serve receiving salary and wages accustomed. And now, forasmuch as it is given the king to understand in this present parliament, by petition of the commonalty, that the said servants, having no regard to the said ordinance, but to their ease and singular covetise do withdraw themselves to serve great men and other, unless they have livery and wages to the double or treble of that they were wont to take before, to the great damage of the great men, and impoverishing of all the said commonalty;" wherefore it is ordained, that carters, ploughmen, drivers of the plough, shepherds, swineherds, deies, and ^{Scale of wages.} all other servants, shall take liveries and wages accustomed. Where wheat was wont to be given, they shall take it, or for the bushel 10*d.*, at the will of the giver. They shall be hired to serve by a whole year, or by other usual terms, and not by the day. In time of *sarcling* or haymaking their wages are to be but a penny the day. A mower of meadows is to be paid for the acre 5*d.*, or by the day 5*d.* Reapers of corn in the first week of August 2*d.*, in the second and subsequent weeks 3*d.*, and less in the county where less was wont to be given, "without meat or drink or other courtesie to be

demand, given, or taken." Threshers are not to take for threshing a quarter of wheat more than 2*d.*, and for the quarter of barley, beans, pease, and oats, 1*d.*, "if so much were wont to be given."

The Act further provides that the said servants are to be sworn twice in the year "to hold to do these ordinances," and it directs, "that none of them go out of the town where he dwelleth in the winter, to serve the summer, if he may serve in the same town." But there is a saving in behalf of "the people of the counties of Stafford, Lancaster, and Derby, and people of Craven, and of the marches of Wales and Scotland," who are permitted to come in harvest-time, and safely return, as they were wont to do beforetime. The permission thus given to the people of these districts to "go a harvesting" is a proof that the rural population of the southern parts of England was then, as in the present day, insufficient for performing the work required at harvest-time; and it may also be regarded as a proof that the mode of cultivation and the habits of the people in the places named, were such as to admit of a considerable portion of the population migrating to other districts at certain seasons, as so many of the Irish of late years have been in the habit of doing.

The wages of carpenters, masons, tilers, and other workmen of houses, are in like manner fixed by this Act. A master carpenter at 3*d.*, and another at 2*d.* a day; a master or free stone-mason 4*d.*, other masons 3*d.*, and their servants 1*d.*; tilers 3*d.*, and their knaves 1*d.*; other coverers of fern and straw 3*d.*, and their knaves 1*d.*; and plasterers and workers of mud walls and their knaves the same, without meat or drink. Carriers by land or by water, hostlers, victuallers, cordwainers and shoemakers, goldsmiths, saddlers, horse-smiths, sporriers, tanners, curriers, tawers of leather, tailors, and other workmen, artificers, and servants not here specified, are to be "sworn before the justices to

do and use their crafts and offices in the manner they were wont to do in the time before." And in order to ensure the observance of the Act by all these several parties, the stewards, bailiffs, and constables of towns, are to be sworn "to inquire diligently, by all good ways they may, after all who act contrary to this ordinance, and certify their names to the justices, when they shall come into the country to make their sessions; so that the same justices, on being so certified of the names of the rebels, shall do them to be attached by their body to answer of such contempt, and to find surety to serve, and take and do their work, and sell things vendible, in the manner aforesaid." And in case of any one being convicted of breaking his oath, he is to be imprisoned forty days, and for a second conviction "he shall have imprisonment of a quarter of a year; so that at every time he offendeth, and is convict, he shall have double pain."

With reference to the above prices of labour, Hume observes—"It is remarkable that in the same reign the pay of a common soldier, an archer, was sixpence a day, which by the change both in denomination and value would be equivalent to near five shillings of our present money. Soldiers were then enlisted only for a very short time. They lived idle all the rest of the year, and commonly all the rest of their lives. One successful campaign, by pay and plunder and the ransom of prisoners, was supposed to be a small fortune to a man, which was a great allurements to enter into the service."*

The two statutes just noticed (the 23rd and 25th *Edward 3rd*) are identical in their object, and must be taken as forming one enactment. They both aim at establishing uniformity of price, as well for commodities as for labour, and they likewise aim at effecting such a

* See Hume's History, vol. ii., p. 496, of the edition of 1782.

distribution of the labourers as would, in the opinion of the framers of these Acts, secure a proportionate supply to each locality. A new element is thus introduced, and an attempt now first made to fix and render permanent that which in its very nature is variable and uncertain, and this, moreover, at a time when there were more than ordinary obstructions in the way of such legislation. The population of the country had been thinned by the destructive wars, foreign and domestic, of the preceding half-century. Hardly four years had elapsed since the battle of Crecy was fought by Edward the Third and his heroic son, and the fearful pestilence, said to have carried off nearly a moiety of the people, had only just ceased its ravages. At this period, when the labouring classes were diminished in number, and when the demand for labourers must consequently have been increased, the legislature commenced that series of attempts for establishing a low and uniform rate of wages, and also for confining the labourer to one particular locality, which was so long persevered in, inflicting much hardship, impeding improvement, and in the latter case ending, after an interval of three centuries, in establishing a general law of settlement.

Nine years after the last of the preceding Acts, *The*
1360-1.
34 Edw. III. *34th of Edward the 3rd* was passed, imposing an additional penalty upon labourers and artificers who absented themselves from their services, and directing that they should be branded on the forehead with the letter F, "in token of falsity." At the same time a fine of 10*l.* was imposed on the mayor and bailiffs of a town if they failed to deliver up a labourer or artificer who had left his service.

By *The 37th Edward the 3rd* a number of regulations were established on a variety of subjects, beginning with the price of poultry, which was fixed at 4*d.* for a goose, the same for an old capon, 3*d.* for a

1363.
37 Edw. III.

young one, 2*d.* for a hen, and 1*d.* for a pullet. The Act then directs that merchants shall deal in one sort of merchandise only, on penalty of fine and forfeiture, and commissioners are appointed to enforce this provision. In like manner handicraftsmen are restricted to one trade or mystery, and the diet and apparel of servants are minutely regulated. "Grooms and servants of lords, as well as they of mysteries and artificers," are to have meat once a day of flesh or of fish, and the remnant of milk, butter, and cheese, and other such victuals, according to their estate; and they are to have clothes for their vesture or hosing, whereof the whole cloth shall not exceed two marks; and they are to wear nothing of silk or of gold or silver embroidered; and their wives and children are to be of like condition in their clothing and apparel. The Act then, with similar exactitude, prescribes the clothing and apparel to be worn by "handicraftsmen and yeomen, and by esquires and gentlemen, and by merchants and citizens, and by knights and by the clergy," and lastly, by "carters, ploughmen, drivers of the plough, oxherds, cowherds, shepherds, swineherds, and other keepers of beasts, threshers of corn, and all manner of people attending to husbandry, and all other people that have not forty shillings of goods and chattels." These latter, from the carter downwards, are prohibited from wearing "any manner of cloth but blanket and russet of 12*d.* a yard, with girdles of linen, according to their estate; and they are to eat and drink in the manner as pertaineth to them, and not excessively." And finally, "to the intent that this ordinance may be maintained and kept in all points without blemish, it is ordained that all makers of cloth within the realm shall conform them to make their cloths according to the price limited by this ordinance."

Clothes to be worn by the several orders of men prescribed.

Such were the restrictions imposed at this period on

native industry and enterprise, and this too in the reign of one of the ablest sovereigns who ever filled the throne. It has been justly remarked, "that there is not a reign among those of the ancient English monarchs which deserves more to be studied than that of *Edward the Third*, nor one where the domestic transactions will better discover the genius of that kind of mixed government which was then established in England." ^p On this account, therefore, it has been thought desirable to make fuller extracts from the statutes passed in this reign than might otherwise have been necessary, with the view of affording an insight into the opinions then prevalent, as well as into the habits of the people, their position with respect to their superiors, and the views of these latter as regards the duties reciprocally required from them.

That the attempt made to establish a uniform rate of wages was injudicious, that so long and as far as the attempt succeeded it would prove mischievous, and that in the end it would entirely fail, we are now well assured. The same may be said of the attempt to regulate apparel and the price of butcher's meat and other food. On these matters the general advance of intelligence has produced a corresponding improvement in modern legislation. But with respect to the restrictions imposed upon the labourer, chaining him as it were in one particular locality—however hurtful it may have been to the labourers themselves, however mischievous to the masters, and however impolitic in other respects—modern legislation has comparatively made little advance. On this head the ancient policy has continued to prevail in some shape or other ever since, and, in spite of experience and most conclusive reasoning to the contrary, virtually exists even at the present day.

^p See Hume's 'History of England,' vol. ii. p. 499.

The circumstances which led to these enactments, and the motives by which the legislature were influenced, are sufficiently indicated in the Acts themselves. The demand for labour at that time exceeded the supply. War and pestilence had destroyed vast numbers of the people, and those who were left became of more value, of greater importance, required higher wages, were less obedient, less tractable, and no doubt acted in various ways differently from what they were wont to do at former periods—in short, they now probably tyrannised in their turn. This was all very natural; and it was natural also that the employers of labour, and the master-class generally, should feel aggrieved by this change. They would probably look back to the times of villeinage and serfdom with regret, and might wish to re-establish some portion of that control over the labouring classes which had been lost in the progress of society, and the want of which they were led by late events more urgently to feel, and to consider as necessary both for their own and for the general good.

It has been stated by a high authority that the origin of the English Poor Laws “was an attempt substantially to restore the expiring system of slavery;”^a and this may, indeed, be said to have been the case as regards the statutes limiting the price of labour, and requiring persons to serve at certain rates of wages, and compelling residence in particular localities; but it can hardly be so said with respect to the enactments for repressing vagabondage, which was the open palpable evil of the day. The vagrant and vagabond class comprised all the idle and the dissolute, the perpetrators of burnings, robberies, murders, and every description of violence and crime. Beggars were

^a See an article on Poor Law Reform, understood to be written by Mr. Senior, in the *Edinburgh Review*, No. 149.

generally vagrants, and often not distinguishable from them; and against this vagabond and vagrant class, taken as a whole, the coercive legislation of the period was directed, doubtless with a view to the suppression of violence and disorder, but without exempting the merely poor and destitute, who, although less culpable if culpable at all, were still regarded as portions of the class.

That there was at this time cause for coercive legislation cannot be denied. In describing the state of England at the end of Edward the Third's reign, Mr. Hume remarks,—“As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and disorder, to which England was so often exposed. Yet were there several vices in the constitution, the bad consequences of which all the power and vigilance of the king could not prevent. The barons, by their confederacies with those of their own order, and by supporting and defending their retainers in every iniquity, were the chief abettors of robbers, murderers, and ruffians of all kinds, and no law could be executed against those criminals. The Commons make continual complaints of the multitude of robberies, murders, rapes, and other disorders, which they say were become numberless in every part of the kingdom, and which they always ascribe to the protection that the criminals received from the great. The King of Cyprus, who paid a visit to England in this reign, was robbed and stripped on the highway with his whole retinue.” On the preceding reign of Edward the Second (extending from 1307 to 1327) it is remarked,—“The disorders of the times from foreign wars and intestine dissensions, but, above all, the cruel famine which obliged the nobility to dismiss many of their retainers, increased the number of robbers in the king-

* See Hume's History, vol. ii. pp. 493, 369, 321, and 227, edition of 1782.

dom, and no place was secure from their incursions. They met in troops like armies, and overran the country. Two cardinals, themselves the pope's legates, notwithstanding the numerous train which attended them, were robbed and despoiled of their goods and equipage when they travelled on the highway." There was less disorder under Edward the First, of whose reign (from 1272 to 1307) the same writer remarks,— "The chief obstacle to the execution of justice was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping these tyrants in awe and restraining their illegal practices. He took care that his subjects should do justice to each other, but he desired always to have his own hands free in all his transactions, both with them and with his neighbours." But in the feeble reign of his predecessor, Henry the Third, which continued for the long period of fifty-six years, and ended in 1272, a very different state of things existed. Mr. Hume, speaking of this reign, and quoting from the Chronicle of Dunstable, says "that men were never secure in their houses, and that whole villages were often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom."

These quotations are inserted as bearing testimony to the disregard of law, and the violence, disorder, and insecurity which prevailed throughout the country for a long period previous to the termination of Edward the Third's reign. Of this state of things vagabondism was both a cause and consequence, and against vagabondage in its various forms the enactments of the legislature were directed. The enactments, however, proved ineffectual. They neither put an end to vagabondage, nor prevented persons from seeking to better their condition by a change of service; for in 1376, just at the close of Edward's reign, we find the Commons making great complaints

Prevalence of
violence and
disorder.

that servants and labourers quitted service on the slightest cause, and then led an idle life in towns, or wandered in parties about the country, "many becoming beggars, others staff-strikers, but the greater number taking to robbing." To remedy these evils, the Commons propose that giving relief or charity to persons able to work should be prohibited; that vagrant beggars and staff-strikers should be imprisoned until they consented to return home to work; and that whoever harboured a runaway servant should be liable to a fine of 10*l.*, an immense sum in those days. This proposal of the Commons does not, however, appear to have been adopted by Parliament; and the death of the king, not long after, put a stop to further proceedings in the matter for a time.*

The administration of Edward the Third was much less vigorous and popular in the latter years of his reign than it had been in the earlier portion; and the disorders which he at first repressed with a strong hand began again to prevail, preparing the way for that struggle between the master and the servile classes, which broke out with so much violence in the time of his grandson and successor. The extreme youth and the feeble character of Richard the Second ill qualified him for dealing with the difficulties of the position to which he succeeded, and his unfortunate reign of twenty-two years presents one continuous scene of violence and disorder.

The first Act in connexion with our subject, after the accession of the new sovereign, was *The 1st*
1377.
1 Richard II.,
cap. 6. *Richard the 2nd, cap. 6.* It refers to grievous complaints by the Lords and Commons of villeins and land-tenants withdrawing their services "under pretext of exemplifications from the Book of Domesday, and by their evil interpretation of the same they affirm them-

* See Sir Frederick Eden's 'History of the Labouring Classes,' vol. i. p. 42.

selves to be quit and utterly discharged of all manner of servage (serfage) due as well of their body as of their said tenures, and will not suffer any distress or other justice to be made upon them, but do menace the ministers of their lords, and gather themselves together in great routs, and agree by such confederacy that every one shall aid other to resist their lords with strong hand, to the great damage of their said lords and evil example to other to begin such riots." It is then ordained that the lords which feel themselves grieved, shall have special commissions under the great seal, addressed to the justices of peace and other sufficient persons, "to inquire of all such rebels, and of their offences, their counsellors, maintainers, and abettors, and to imprison all those that thereof shall be endited before them, as well for the time past as the time to come, without delivering them out of prison by mainprise, bail, or otherwise, without assent of their lords, till they thereof be attainted or acquit. Provided always that if the said villeins or land-tenants, rebels, be thereof attainted, they shall in no wise be delivered till they have made a fine to the king, and also have the assent of their lords aforesaid."

This enactment plainly indicates what was then working in the popular mind, which was further manifested in the following year by the passing of *The 2nd Richard the 2nd, cap. 6*, which recites that the king hath perceived, as well by complaints made to him as by his own knowledge, "that divers of his liege people in sundry parts of this realm, as also the people of Wales, in the county of Hereford, and the people of the county of Chester, with the counties adjoining, some of them claiming to have right to divers lands, tenements, and other possessions, and some espying women and damsels unmarried, and some desiring to make maintenance in their marches, do gather them together to a great number of men-of-arms and archers in the manner of war, and confederate themselves by oath and

1378.
2 Richard II.,
cap. 6.

other confederacy, not having consideration to God nor to the laws of Holy Church, nor of the land, nor to right nor justice ; but, refusing and setting apart all process of the law, do ride in great routs in divers parts of England, and take possession and fix themselves within divers manors, lands, and other possessions, of their own authority, and hold the same with such force, doing there many apparelments of war ; and in some places do ravish women and damsels, and bring them into strange countries, where please them ; and in some places lying in wait with such routs, do beat and maim, murder and slay the people, for to have their wives and their goods, and the same women and goods retain to their own use ; and sometimes take the king's liege people in their houses and bring and hold them as prisoners, and at the last put them to fine and ransom, as it were in a land of war ; and sometimes come before the justices in their sessions in such guise with great force, whereby the justices be afraid, and not hardy to do the law ; and do many other riots and horrible offences, whereby the realm is put in great trouble," &c. For remedy of which evils, and desiring above all things the peace and quietness of the realm, and that the good laws and customs thereof be kept and maintained in all points, and offenders duly punished, it is ordained by the king, with the assent of Parliament, " that none be so hardy from henceforth as to do anything that shall be in affray of the people or against the peace." And it is further ordained, " that certain sufficient and valiant persons, lords and others, shall be assigned by the king's commission in every county, which shall have power, as soon as they know or be credibly certified of any assemblies, routs, or riotings, of offenders, baratours, and other such rioters, in affray of the people and against the peace, to arrest them incontinent without tarrying for indictments or other process of law, especially the chieftains and leaders of such routs, and send them to the next gaol,

Riots, combinations, and daring outrages.

with the cause of their arrest clearly put in writing, there to abide till the coming of the justices into the country, without being delivered in the mean time by mainprise, bail, or other manner."

The daring outrages here described seem to warrant the application of such a remedy as is here provided; yet from some cause, whether proceeding from its maladministration or the dislike of the "valiant persons" selected to carry it into effect, or jealousy of the sovereign power, this enactment seemed "very grievous" to the Commons, and at their prayer it was "utterly repealed and annulled" the next year, and all who had been imprisoned under it, "without other indictment," were declared to be "utterly delivered." The Statute of Northampton (*2nd Edward the 3rd, cap. 3*),¹ providing for such offences in the ordinary course of law, was at the same time confirmed. An eminent writer on Constitutional Law remarks, with reference to the immediate repeal of this enactment at the instance of the Commons, that "so sensitive was their jealousy of arbitrary imprisonment, that they preferred enduring riot and robbery to chastising them by any means that might afford a precedent to oppression, or weaken men's reverence for Magna Charta."²

These two statutes of Richard the Second show that a great social revolution was then in progress. Persons who had long been held in a state of bondage, were day by day more strenuously manifesting their determination to be free; and the smaller holders of land, who were liable to be called upon by their lords for a certain amount of labour, or were required to perform certain services in lieu thereof, were evading the performance, and obtaining by force or by fraud exemption from their accustomed tasks. It was in short a struggle of the servile many against the claims of the superior few;

¹ Ante, p. 32.

² See Hallam's 'Middle Ages,' vol. iii. p. 253.

and, like all such struggles, it was pretty certain in the long run to terminate in favour of the greater number. Yet the nobility and gentry, the chivalry of England, strove hard to retain their ancient authority over their vassals of every degree, and relinquished it only, as it were, inch by inch, as it was successively wrested from them by the pertinacity of the peasantry and the people, who it must be confessed did not always make a moderate or a right use of their victory.

This contest could not fail to generate a certain amount of hostile feeling between the master and inferior classes, and it is remarkable that a similar state of things existed at this time both in Flanders and in France, the two countries most intimately connected with England, and with whose people our own were in habits of continual intercourse. There can be little doubt therefore that the feeling prevalent in one country was communicated to, and produced an effect upon, the others. The movement in each tended to the same objects, that is, to the emancipation of the people from villeinage, serfage, and forced servitude of every kind, and to an assertion of personal freedom and equality of civil rights.

Spread of
freedom.

In Flanders this spirit of independence had been nurtured by, if it did not owe its origin to, the commercial enterprise and manufacturing industry which had long flourished there; and which, wherever prevalent, has not failed to give rise to free and liberal institutions. England may have felt somewhat of a like influence, commerce having been fostered and encouraged throughout the long reign of Edward the Third, as the numerous Acts respecting it passed therein sufficiently testify. He also promoted the establishment of a native woollen manufacture, English wools having previously been for the most part exported, generally to Flanders, for the purpose of being made into cloth.

The growth of manufactures in England would necessarily draw people from the rural districts into towns, and their congregating there would probably lead in the majority of cases to their emancipation from the control of their former masters. That such was the consequence may be inferred from the 34th *Edward the 3rd*, A.D. 1300, by which a fine of 10*l.* to the king was imposed on the mayor and bailiffs of any town "who refused to deliver up a labourer, servant, or artificer," who had absented himself from his master's service, together with a further fine of one hundred shillings to be paid to the person whose claim for the delivery of any such labourer, servant, or artificer had been so refused.

Early in the summer of 1381, less than three years after the passing of the 2nd of *Richard the 2nd*, the outbreak under WAT TYLER took place. ^{1381.}
^{Wat Tyler's}
^{Rebellion.}
The ostensible cause was the people's dislike of the poll-tax of a groat a head, which had been imposed in 1377 upon every person of fourteen and upwards; but the public mind was then in a state fitted for the reception of any violent impulse. The train was laid, and a casual spark would ignite it. The explosion was in this instance caused by the indecent conduct of a collector of the tax towards a young female, the daughter of one Walter, a tyler, residing in the town of Dartford, who immediately with his hammer beat out the collector's brains. The bystanders applauded the action, and flew to arms, exclaiming that it was time for the people to assert their liberty, and take vengeance on their oppressors; and the flame rapidly spread throughout the county. Walter the Tyler, or "*Wat Tyler*" as he was called, was appointed their captain, and, by the time the insurgents reached Blackheath, their number is said to have amounted to a hundred thousand. The demands made by these peasant rebels were four—

1st. The total abolition of slavery for themselves and their children for ever.

2nd. The reduction of the rent of good land to 4*d.* the acre.

3rd. The full liberty of buying and selling, like other men, in all fairs and markets.

4th. A general pardon for all past offences.

These demands would now be all considered reasonable and proper, except the second, the tenor of which would lead one to infer that the insurgents did not consist of the peasantry merely, but that the inferior tenants and small occupiers of land took part in the movement. The demands were at once acceded to by the young king; but the insurgents became more confident and exacting as their numbers increased, and the commotion was at length terminated by the death of Wat Tyler in Smithfield, and by the king's putting himself at the head of the rioters when Tyler fell, and calling upon the people to follow him as their leader, which, after a little wavering, they instinctively did.

This outbreak was not confined to Kent and the counties near London, but it spread nearly throughout the whole of England, and everywhere the leaders avowed similar objects. The power of the insurgents, however, fell with the dispersion of their main body at Smithfield; and although there was at first some talk of abolishing villeinage, with a view to the prevention of similar outbreaks in future, the great lords and the master class, when the danger was over, evinced little disposition to adopt a more liberal policy, either by emancipating their serfs, or relinquishing any of their old prescriptive rights. On the assembling
1381.
5 Richard II. of Parliament an Act was passed (*The 5th Richard 2nd*) granting pardon to all who had exceeded the limit of law in repressing the late "insurrection of villeins and other offenders," and ordaining that "all manumissions, obligations, releases, and other bonds,

made by compulsion, duress, and menace in the time of the late rumour and riot, shall be wholly annulled and holden for void;" and any person who should in future make or begin any such riot and rumour is declared to be a traitor to the king and to the realm. Thus ended this brief struggle for liberty on the part of the people. But although apparently fruitless at the time, it served to show the power of the masses when roused into action by any strong impulse, however sudden and unpremeditated. It also taught the superior orders that there were limits to their authority, and that forbearance and conciliation were necessary even for their own security—an important lesson, fraught with great benefit to the servile classes, and leading to their gradual but certain amelioration.

The imposition of the poll-tax, which led to Wat Tyler's rebellion, afforded means for estimating the amount of population. There were ^{1381.} ^{Amount of population.} doubtless many omissions, but it appears that 1,367,239 persons paid the tax, exclusive of Wales, Chester, and Durham; and Mr. Chalmers concludes that the population of England and Wales at that time was about 2,350,000. Mr. M'Culloch concurs in this conclusion, which he thinks "is not very wide of the mark;" but he further observes, that "the data are obviously too loose and unsatisfactory to enable any one to pronounce with any certainty with respect to it." ^x

Two years after these events, by *The 7th Richard the 2nd*, the Statute of Winchester (*13th Edward the 1st*)^y was again confirmed, as was also the ^{1383.} ^{7 Richard II.} *5th Edward the 3rd*, cap. 14.^y And at the same time it was ordained, "that the justices and the sheriffs in every county shall have power to inquire of all vagabonds and feitors, and upon them to do that the law demandeth; and that bailiffs, constables, and other

^x See M'Culloch's 'Statistical Account of the British Empire,' vol. i. p. 396.

^y Ante, pp. 22 and 32.

governors of towns and places where such feitors and vagabonds shall come, shall be empowered to examine them diligently, and compel them to find surety for their good bearing; and if they cannot find such surety, they shall be sent to the next gaol, there to remain till the coming of the justices for deliverance of gaols, who shall do upon such feitors and vagabonds that which to them best shall seem by the law." This enactment is exceedingly vague, and seems to have aimed at finding a remedy for an evil of great magnitude, by conferring an almost unlimited power on the judges, in whose discretion the law itself as well as its application was thus vested; but, like all which preceded it, this enactment failed as a remedy for the evils complained of, and vagabonds, "feitors," and mendicants continued to infest the country as before.

We are now arrived at *The 12th Richard 2nd*, the statute which has been usually considered the ^{1388.} ^{12 Rich. II.} origin of our English Poor Law. But in the present work, all enactments affecting the industrious classes, or bearing materially upon the condition of the people, are regarded as partaking more or less of the nature of a Poor Law; every such enactment being intended, if not actually calculated, to prevent the occurrence and spread of poverty, or else to apply a remedy wherever poverty existed in such a form, or to such an extent, as to be a nuisance or source of danger to the community. *The 12th Richard the 2nd* is, however, a very important statute. It begins by confirming the two statutes of the *23rd and 25th Edward the Third*^{*} respecting artificers and servants, and then ordains, "That no servant or labourer, be he man or woman, shall depart at the end of his term out of the hundred, rape, or wapentake where he is dwelling, to serve or dwell elsewhere, or by colour to go in pilgrim-

^{*} Ante, pp. 32 and 39.

age, unless he bring a letter patent containing the cause of his going, under the king's seal, which for this intent shall be assigned to the keeping of some good man at the discretion of the justice of the peace. And if any servant or labourer be found in any city or borough or elsewhere wandering without such letter, he shall be taken and put in the stocks, and kept until he hath found surety to return to his service, or to serve and labour in the town from whence he came." And it is further ordained that none receive such servant or labourer without such letter testimonial, upon a pain to be limited by the justices; and likewise that servants, artificers, and apprentices "shall be compelled to serve in harvest, to cut, gather, and bring in the corn."

Complaint is then made that "servants and labourers will not serve and labour without outrageous and excessive hire, and much more than hath been given in any time past, so that for scarcity of the said servants and labourers the husbands and land-tenants may not pay their rents, nor scarcely live upon their lands, to the great damage and loss as well of the lords as all the commons; and also because the hires of the said servants and labourers have not been put in certainty before this time,"—wherefore it is ordained that the following shall be the wages of servants in husbandry:—

	s.	d.	1388. Rates of wages.
A bailiff, by the year, with one suit of clothes	13	4	
A master hine, carter, and shepherd, each	10	0	
The oxherd and the cowherd, each	6	8	
The swineherd, deyrie woman, and a woman labourer, each	6	0	
A driver of the plough, at the most	7	0	

"and every other labourer and servant according to his degree, and less in the county where less was wont to be given, without clothing, courtesie, or other reward by covenant." And if any give or take more than is above specified, for the first offence, the giver and the taker are each to pay the value of the excess so given or taken, and for the second offence double the amount,

and for the third offence treble the amount; and in default of such payment, to "have forty days' imprisonment."

It would seem from these enactments that there was a scarcity of agricultural labourers at this time, which is further indicated by a subsequent provision in this Agricultural labourers. Act, directing "that he or she which use to labour at the plough and cart, or other labour or service of husbandry, till they be of the age of twelve years, shall abide at that labour without being put to any mystery or handicraft; and if any covenant or bond of apprentice be from henceforth made to the contrary, the same shall be holden for none." The people were now therefore apparently drawn from the rural districts into towns, by the higher wages and greater comfort to be there obtained. The apprenticing of youths and children to trades and other urban occupations was another drain upon the country population. And lastly, the great boon of freedom from servitude, which villeins and serfs acquired by residing a year and a day in a town, could not fail of making them eagerly desirous of removing thither, whenever they could escape from their rural masters.

The towns would naturally increase in wealth as arts and civilization extended, and with this extension there would be an increased demand for labour. Various manufactures—the establishment of which Edward the Third so wisely promoted—had now, moreover, taken root, and were producing their usual fruits, diffusing intelligence, and liberalising and improving the habits and condition of all who came within their influence. Of this diffusion of intelligence and improvement, the towns were the centres; and it was as natural that the rural population should be drawn to them, as that the lords of the soil should regard them with jealousy and dislike. Town communities have ever been the advocates of freedom, and the opponents of tyranny in any shape.

After thus prohibiting servants and labourers from

wandering, whether in search of employment or for other cause, and fixing the rates of wages to be paid to them, the Act (*12th Richard 2nd*) directs "That every person that goeth begging, and is able to serve or labour, it shall be done of him as of him that departeth out of the hundred or other place without letter testimonial, as afore is said." And "that beggars ^{The impotent poor.} impotent to serve shall abide in the cities and towns where they be dwelling at the time of the proclamation of this statute; and if the people of the cities and towns will not, or may not, suffice to find them, that then the said beggars shall draw them to other towns within the hundred, rape, or wapentake, or to the towns where they were born, within forty days after the proclamation made, and there shall continually abide during their lives."

This is the first enactment in which the impotent poor are directly named as a separate class, which is the chief reason that it has been referred to as the origin of our Poor Laws. But although "beggars impotent to serve" are directed to remain for the rest of their lives in the places where then resident, or where they were born, no provision is made for their sustenance in such places; no relief is there provided for them; and they are left to chance or casual charity for support, the only object apparently being to prevent their wandering about the country. Some approach to the principle of settlement seems to have been in the minds of the framers of this statute, since the impotent poor are required to abide or remain in certain places; but as no obligation is imposed on those places to afford them support, it cannot be said that either settlement or compulsory relief was directly contemplated. Both the one and the other had their origin at a subsequent period; and the chief characteristic of the *12th Richard the 2nd* is, the fact of its having openly recognised the distinction between "beggars able to labour," and "beggars impotent to serve."

The attempt made in this statute to restrain servants and labourers from quitting the hundred, rape, or wapentake where they were dwelling, and the attempt to regulate the amount of wages they were to receive, require no comment. Both the one and the other must have proved futile. The latter was immediately found to be so, for in the year following, by *The 13th Richard*

1389-90.
13 Rich. II.

2nd, cap. 8, it was enacted, "Forasmuch as a man cannot put the price of corn and other victuals in certain," the justices in sessions at Easter and Michaelmas "shall make proclamation, according to the dearth of victuals, how much every mason, carpenter, tiler, and other craftsmen, workmen, and other labourers by the day, as well in harvest as in other times of the year, after their degree, shall take by the day, with meat and drink, or without meat and drink, between the two sessions before said." And it is further ordered that "victuallers shall have reasonable gains, according to the discretion and limitation of the said justices, and no more, upon pain to be grievously punished." It may also be inferred that the restrictions as to the residences of the impotent poor had been found

1392.
15 Rich. II.
cap. 6.

inconvenient in some cases, as three years later, by *The 15th Richard 2nd, cap. 6*, it was enacted, that in every licence of the appropriation of any parish church (that is, the appropriation of its revenues to some cathedral, monastic, or other religious institution), it shall be expressly provided that "the diocesan shall ordain a convenient sum of money to be distributed yearly of the fruits and profits of the same to the poor parishioners, in aid of their living and sustenance for ever;" and this enactment was confirmed in the following reign.

The 13th Richard 2nd, cap. 13, is an Act of some importance in connexion with our subject, it being the first of that series of enactments for the preservation of game which have had a certain influence on our rural population, and been not alto-

1389-90.
13 Rich. II.
cap. 13.

gether without it on those in the towns. The Act recites, "Forasmuch as divers artificers, labourers, servants, and grooms keep greyhounds and other dogs, and on the holydays, when good Christian people be at church hearing divine service, they go hunting in parks, warrens, and connigries of lords and others, to the very great destruction of the same; and sometimes under such colour they make their assemblies, conferences, and conspiracies, for to rise and disobey their allegiance." It is then ordained and assented, "That no manner of artificer, labourer, nor any other layman, which hath not lands or tenements to the value of 40s. by year, nor any priest nor other clerk, if he be not advanced to the value of 10*l.* by the year, shall have or keep from henceforth any greyhound, hound, or other dog to hunt; nor shall they use fyrets, heys, nets, harepipes, nor cords, nor other engines, for to take or destroy deer, hares, nor conies, nor other gentlemen's game, upon pain of one year's imprisonment; and that the justices of peace have power to inquire, and shall inquire, of the offenders in this behalf, and punish them by the pain aforesaid." We here see a privileged class and a property qualification established, and penalties imposed on persons taking game if not so qualified, who are likewise prohibited from keeping dogs, ferrets, nets, or engines of any kind by which "gentlemen's game" may be taken or destroyed. This is the groundwork of our game-laws, which, with various modifications, have continued to the present day.

Artificers and
labourers pro-
hibited from
killing game.

CHAPTER II.

Laws of Henry IV. — Progress of improvement — Wealth and intelligence of towns — Hotspur's rebellion — Enactments relating to the Welsh — Apprenticing in towns — Increase of vagrancy — Transition from vassalage to independence — Necessity of relief for poverty — Laws of Henry V. — Population — Abuse of charities — Wars with France — Laws of Henry VI. — Wages — Threatening letters — Restrictions on foreign merchants — Price of wheat — Cade's insurrection — Laws of Edward IV. — Sumptuary laws — Remarks by Adam Smith and Blackstone — Commercial prohibitions — State of agriculture — Laws of Richard III. — Restrictions on Italian merchants — Wars of York and Lancaster — Extinction of feudalism — Laws of Henry VII. — Increase of wealth and general improvement — Alarm at increase of pasturage — Increase of vagabonds and beggars — Modification of apprenticeship laws — Wages — Maritime discoveries — Vagrancy — Population.

IN September, 1399, Richard was deposed, on the ground of his being weak, violent, and incapable of governing; and his cousin, the Duke of Lancaster, succeeded him, under the name of Henry the Fourth.

[Henry IV.
1399-1413.

However doubtful may have been the right of Henry to the crown, he began his reign judiciously by providing for the protection of traders, whether foreign or native. *The 1st Henry the 4th, cap. 17*, recites and confirms the statute passed in the sixth year of his predecessor, by which it was ordained, "that every foreigner and alien, being of the king's amity, and coming to the city of London, and other cities, boroughs, and towns within the realm, as well within the liberties as without, with fish and all manner of other victuals, there tarrying and returning, shall be from henceforth under the safeguard and special protection of the king." This is not so full, nor given in so free a spirit, as in *the 9th and 25th of Edward the 3rd.*^a There is a hearty and comprehensive earnest-

1399.
1 Henry IV.,
cap. 17.

^a Ante, p. 32.

ness in the wording of these which must have told well with merchants, both foreign and native, and given confidence that they would be protected in their dealings. Such protection, and the opportunity of free interchange of commodities, are in fact all that traders require: everything else depends upon the wants of the parties with whom they deal; upon abundance in one place and deficiency in another—in short, upon supply and demand. This important truth appears to have been well understood by Edward the Third. He encouraged trade by protecting traders. He naturalized our woollen manufacture by encouraging Flemish weavers to settle here, and protecting them in their operations. And thus he laid a foundation for improvement on the sure ground of labour and the profitable employment of capital, by which the condition of the people would be ameliorated, and through which their freedom from vassalage and their social elevation were eventually achieved.

During the preceding half century, comprising twenty years of the reign of *Richard the Second*, and the last thirty years of *Edward the Third*, great improvement had taken place in the condition of the people and of the country generally. In the early part of Edward's reign, pestilence and war had thinned the population and retarded improvement; but the firm and vigorous government that he after a time succeeded in establishing, and the encouragement and protection he so wisely extended to trade, could not fail of operating beneficially, and the effects continued throughout the feeble reign of his successor, notwithstanding the disorders by which it was disgraced, and the violence by which it was terminated. The seeds of amelioration thus sown struck deep into the soil, and the mild influence of commerce prepared the way for and hastened their development.

The freedom and many comforts enjoyed by the

persons residing in a town, would naturally excite a desire for similar enjoyments in the rural population, then in a state of servile dependence, and possessing scarcely any of the comforts and few of the conveniences of life. If a villein succeeded in acquiring a little property he was driven to conceal it, as, if discovered, it would belong to his master; and in order to preserve it he would probably take the first opportunity of escaping to a town, where, if he could conceal himself from the pursuit of his lord for a year and a day, he would be free for ever. What-
 ever stock was accumulated by the most industrious and intelligent of the peasantry, was naturally therefore transferred to the towns, where alone it could be securely enjoyed; and hence the increase, and in most cases the superior wealth and intelligence, of the urban population.

Superior
wealth and
intelligence
of the towns.

At the accession of Henry the Fourth, emancipation from villeinage had doubtless made considerable progress, as compared with what existed at the Conquest, or a century subsequent. The rebels in Wat Tyler's insurrection were many, if not mostly, villeins; and their demands show them not to have been ignorant of the great essentials of liberty. Although their requests, granted at first, were afterwards revoked, and although many of them were punished, it may still be presumed that the spirit then manifested, and the success they for a time achieved, would not be without effect upon their masters, nor fail to stimulate a continual longing after freedom in themselves. With such a desire actuating the great mass of the people, the transition from a state of servitude to one of free labour must have been rapid, despite the difficulties by which every such change is necessarily beset.

Rebellion
under the
Percies and
Owen Glendower.

The first two or three years of Henry the Fourth's reign were distracted by civil commotions, the natural attendants on his irregular accession to the throne. The Percies in the north rebelled

against him, and the Welsh under Owen Glendower endeavoured to throw off the dominion of England. The ancient feud between Celt and Saxon broke forth with renewed inveteracy, plunging all the border counties into a state of turmoil and insecurity. Although these circumstances may not have materially retarded the great change from servitude to freedom then in progress, they must necessarily have impeded improvement in other respects. The excesses committed by the Welsh appear to have been very great, judging from the character of the legislation to which they gave rise, and which must have tended to throw the two races still farther apart, instead of drawing them closer and promoting their amalgamation, as would have been the true policy.

In *The 2nd Henry the 4th*, cap. 16, complaint is made "that the people of Wales, sometimes by day and sometimes by night, cometh within the ^{1400-1.} ² Henry IV. counties joining upon the marches of Wales, and doth take divers distresses of horses, oxen, kine, sheep, swine, and other goods, and the same doth carry away. And also doth daily arrest the people of the said counties coming with their merchandises or other their goods and chattels, to the great impoverishing of the people of the said counties." For prevention of which evils, the lords marches are directed to keep sufficient ward; and it is, moreover, ordained that no Welshman shall be permitted to purchase lands in England, and that no "whole Englishman" shall be convicted at the suit of any Welshman, except by an English judge or jury. It appears that hostile feelings towards the Welsh continued to increase; as two years afterwards, by *The 4th Henry the 4th*, cap. 29, it was ^{1402.} ⁴ Henry IV., cap. 29. ordained that no Welshman should be permitted to carry arms; that neither victuals nor armour were to be taken into Wales; that Welshmen were not to have castles, and that all castles and walled towns in Wales were to be kept by Englishmen; and

lastly, that "an Englishman who married himself to a Welshwoman shall not be put in any office in Wales or in the marches of the same."

It was not until the seventh year of Henry's reign that he seems to have had leisure to attend to the domestic condition of his people. The statutes of the 25th *Edward the 3rd*, and the 12th *Richard the 2nd*,^b "touching labourers, artificers, and other servants of husbandry," were then confirmed by *The 7th*
1405-6.
7 Henry IV.,
cap. 11. *Henry the 4th*, cap. 17, which goes on further to recite, with respect to the apprenticing of children, that, "notwithstanding the good statutes aforesmade, infants, whose fathers and mothers have no land, nor rent, nor other living, but only their service or mystery, be put to serve and bound apprentices to divers crafts within cities and boroughs, sometime at the age of twelve years, sometime within the said age, and that for the pride of clothing and other evil customs that servants do use in the same; so that there is so great scarcity of labourers and other servants of husbandry, that the gentlemen and other people of the realm be greatly impoverished for the cause aforesaid,"—for remedy whereof it is ordained, "That no man or woman, of what estate or condition they be, shall put their son or daughter of whatsoever age to serve as apprentice to no craft nor other labour within any city or borough, except he have land or rent to the value of twenty shillings by the year at the least, upon pain of one year's imprisonment, and fine and ransom at the king's will; and if any covenant be made to the contrary, it shall be holden for none." If any person received an apprentice contrary to this ordinance, he was to forfeit a hundred shillings.

The object of this enactment is explained in the preamble. There was a scarcity of servants and other labourers in husbandry, and this scarcity would be in-

^b Ante, pp. 39 and 56.

creased by apprenticing children to handicrafts and other occupations in towns, which it appears was still practised in contravention of the Act of Richard the Second. Such apprenticing was, therefore, felt to be a grievance by "the gentlemen and other people of the realm;" meaning, of course, the landowners and master class, who would by this means lose the control over some of their villeins, vassals, bondmen, or servants, since every child so apprenticed would become free, in like manner as every adult person who resided in a town for the space of a year became free. We cannot wonder, therefore, at the jealousy and dislike of towns, and of this practice of apprenticing children therein, felt by the aristocracy and the lords of the soil, nor at their attempting to prevent the consequences to which they saw it would give rise.

This statute of *Henry the Fourth* further directs, that "once in the year all the labourers and artificers dwelling in the same leet, shall be sworn to serve and take for their service after the form of the said statutes (*25th Edward 3rd and 12th Richard 2nd*); and if they refuse that to do, they shall be put in the stocks within the town where they be taken, for three days, without bail or mainprise, till they will make gree, and from thence they shall be sent to the gaol." This was the last Act of Henry the Fourth's reign having reference to our present subject; and it will be seen that little more was done by him than to confirm the Acts of his two immediate predecessors, under whom the change from a state of bondage to one of freedom was continually advancing. This change, most important in itself, carried with it a variety of consequences, which probably were not contemplated at the time, nor felt till long afterwards. One of these consequences requires to be noticed, it being immediately connected with the subject in hand.

So long as the great body of the people were held in

bondage, without individual rights or responsibilities—so long as they were the property of the owners of the soil, of which it may be almost said they formed a part—they could not be considered poor in the legal sense of the term. They were the absolute property of their masters, who must provide for their wants, as the condition on which they commanded their services. They were not, in strictness, subjects of the state, but bondmen, servants, slaves of the territorial lords, who were responsible for their conduct, and to whom they looked for protection and support. No sooner, however, did this state of absolute dependence on their masters cease, and the people begin to assert the right of free action, and to undertake their own natural responsibilities, than poverty or want more or less intense must have occurred among them—want, for which there was no legally appointed means of relief—poverty, from the pressure of which there was no immediate refuge. A man freed from vassalage, and thus pressed by his necessities, with nothing more than his own efforts to rely upon, would often and almost unavoidably become a wanderer, in search of employment as a means of subsistence if of industrious and honest habits, in search of subsistence by other courses if idle or dishonestly disposed.

As the number of persons thus freed from bondage increased, the number of such wanderers would increase likewise; and with this increase of number there would be a greater tendency to evil courses, as well as a greater power of working mischief, and thus their existence would become a source of danger to the rest of the community; for what can be more dangerous than a body of men linked together by a common want, and sufficiently numerous to set the law at nought, and enforce their demands however disorderly or extravagant?

Such was the state of things which had been gradually growing up, and against which legislation was directed,

Emancipation from vassalage leads to an increase of vagrancy.

but apparently with little success, from the time of Edward the First downwards. By the 12th of *Richard the 2nd*,^c an attempt was made to separate the impotent poor from the great mass of itinerant poverty, and to compel them to relinquish their vagrant habits and become stationary. But as no provision was made for their support within the limits to which they were restricted, they would, as a matter of course, if not of necessity, continue to resort to the places where they could most readily obtain the means of satisfying their wants; and, against the cravings of actual want, legal restrictions present but a feeble barrier.

The chief difficulty however was not with respect to the impotent poor, whose infirmities rendered them comparatively powerless for mischief: it was the mass of unemployed able-bodied wanderers, professedly seeking employment, who constituted the greatest difficulty. A portion of these wanderers may be presumed to have been desirous of living by honest labour; but many, and probably the larger number, were of a different class, idle or vicious, beggars rather than workers, and not unfrequently the perpetrators of crimes which their numbers enabled them to commit with impunity. This was an evil perhaps unavoidably resulting from the breaking up of vassalage and serfdom. The slave could not be immediately changed into a free labourer. There must of necessity be a period of transition, and a long struggle between the two antagonistic systems; and whilst this struggle was continued, the condition of the free labourer would be precarious, and subject to occasional want and privation. The existence of serfdom would, so long as it lasted, interpose an embarrassing element between the employer and the labourer, and would tend to depress the wages of the latter as well as render employment on any terms uncertain;

^c Ante, p. 56.

and it would not be until after the transition period had passed, and the struggle between the two systems had entirely subsided, that the labourer could be said to be really free for the unrestricted exercise of his vocation, or that the opportunity of living by his own independent exertions was secured to him. Such transition must therefore, from its very nature, be always painful and beset with difficulty and privation to the labouring class, however favourable the circumstances under which it may be effected.

Transition
from vassal-
age to inde-
pendence.

Even when the transition from a state of vassalage had been passed, and equality of civil rights established, the labourer, then free, would be occasionally exposed to distress and suffering, through sickness, want of employment, and the other casualties of life. A man thus circumstanced must be deemed *poor*, in contradistinction to the villein or serf, who could not be so considered, because his master was at all times bound to provide for him. It is therefore only when *free*, that men can be so reduced as to be *poor*, in the strict sense of the term—that is, reduced to a state of actual want and destitution, for the relief of which they are not entitled to claim assistance in any quarter; and for such persons a special provision of some kind seems to be required, in order to prevent their necessities rising to such a head as would drive them to the commission of crime, and compel them to prey upon the community.

With free-
dom relief
for poverty
becomes
necessary.

Henry the Fifth succeeded to the throne on the death of his father in 1413, and shortly after his accession he entered upon that series of wars for establishing his claim to the French crown, which continued throughout his reign, and was left as an unhappy legacy to his infant successor, draining England of its people and its wealth, and inflicting much mischief and misery on both countries. Destructive as these wars were, and mischievous in every

Henry V.
1413-1422.

sense, they yet seemed to establish one fact of no little importance as regards the condition of the people, namely, that the feudal system had at this time become so much weakened as no longer to serve for the defence of the kingdom. When Henry in 1415 proceeded to France, instead of relying as aforetime upon the feudal retainers of the crown, and the nobility and great territorial lords, he was compelled to issue a commission of array, empowering certain persons therein named to review all freemen able to bear arms in the several counties, and to array and keep them in readiness to repel an enemy. At this time the population of England and Wales did not probably fall much short of three millions. We have seen it estimated at 2,350,000 in 1377,^d and another authority ^{1418.} Amount of population. makes it amount to 2,700,000 at the beginning of the fifteenth century,* and there is no reason to suppose that it did not go on increasing down to the commencement of the waste and devastation of the French wars.

By *The 2nd of Henry 5th, c. 4*, the statute of the 12th *Richard the 2nd*, "and all other good statutes of labourers made and not repealed," are ^{1414.} 2 Henry V., cap. 4. ordained to be firmly holden and kept and put in due execution, and proclamation thereof by the sheriffs in full county was directed to be made. The justices of peace were likewise empowered "to examine all manner of labourers, servants, and their masters, as well as artificers, by their oaths, of all things done contrary to the said ordinances and statutes, and to punish them upon their confession, as though they were convict by inquest." This large and irresponsible power conferred upon the justices could hardly fail of leading to much tyranny and oppression.

It appears by the first clause of this statute, that great abuses then existed in the administration of

^d See ante, p. 55.

* 'Pictorial History of England,' book v. cap. vii. p. 269.

certain hospitals, which had been founded "to the honour of God and of his glorious mother, in aid and merit of the souls of the founders," for the reception of "impotent men and women, lazars, men out of their wits, and poor women with child, and to nourish, relieve, and refresh other poor people in the same;" which hospitals, it is said, "be now for the most part decayed, and the goods and profits of the same by divers persons, as well spiritual as temporal, withdrawn and spent in other uses, whereby many men and women have died in great misery for default of aid, living, and succour, to the displeasure of God and peril of the souls of such spenders." Inquisition is accordingly ordered into these abuses, which are not very dissimilar to what we sometimes hear complained of at the present day with respect to charitable institutions. Abuse of charitable institutions. It appears, however, that there was much need of some such established aid for the poor at that time, since "many men and women had died in great misery for default of it;" and this fact, with the others before noticed, warrants the conclusion that villeinage had now become greatly reduced, if not nearly extinct, in England, and that it formed the exception rather than the rule.

The 4th of Henry the 5th, cap. 4, repeals the penalty to which a person was subjected who paid ^{1416.} ^{4 Henry V.,} higher wages than is prescribed by the *12th of Richard the 2nd*, on the ground that "the givers of such wages will in no wise present such excesses to eschew their own punishments, to the great loss of the king, and grievous damage of the lords and other people, because of the non-punishment of the defaults of servants and labourers;" and it is then ordained that "the pain contained in the said statute shall run only upon the taker." These must all be regarded as efforts on the part of the superior orders, to depress and keep down the working classess below the natural level

which they were struggling to attain. Serfage and villeinage had passed or were fast passing away. The demand for labour had increased, and the labourers were endeavouring to obtain proportionally higher wages. But the legislature, consisting entirely of the employers of labour, interposed to prevent the rise thus warranted by circumstances, and strove to keep the rate of wages below its natural limit. This it might perhaps be possible to accomplish partially, and for a time; but the waters would soon rise, and sweep away the puny mounds which a short-sighted legislation attempted to build up to arrest their progress, and the elements of supply and demand would assert their supremacy in this as in other matters.

The 9th Henry 5th, cap. 5, passed in the last year of Henry's reign, recites "that whereas, at the passing of the 14th of *Edward the 3rd* (1340), <sup>1421.
9 Henry V.
cap. 5.</sup> there were divers valiant and sufficient persons in every county of England to occupy and govern the same, and forasmuch that, as well by divers pestilences within the realm of England, as by the wars without the realm, there is not now such sufficiency," it is then ordained, that "the king may make the sheriffs and escheators through the realm, at his will, until the end of four years." This shows how destructive Henry's French wars had been, and how dearly the country had paid for the empty renown he had acquired. It appears that, after these sacrifices to the Moloch of military glory, there were not a sufficient number of the gentry left in England to conduct the ordinary business of the county. The above enactment applies to the nobility and gentry only; but we are informed that both France and England had become so exhausted of the means by and with which armies are raised and maintained, that, before the end of the war, scarcely the appearance of an army could be brought into the field on either side, —a proof of the deficiency in the two chief elements of

power, wealth and population, contrasting most unfavourably with the condition of the country at this king's accession, from which condition it had retrograded through his reckless ambition. Yet Henry was popular with the nation, and the people, who were the greatest sufferers, hailed his victories with acclamation—such is the influence of military glory upon its unreasoning victims!

Henry the Fifth unquestionably possessed qualities of a high order, and recent investigations have cleared his early life of the vices and follies by which it was believed to have been disgraced, but which in Shakspeare's magical page almost assume the character of virtues.¹ If Henry had applied his great talents to the improvement of his people and the encouragement of industry at home, instead of wasting the wealth and energies of the nation in foreign wars for objects of personal aggrandisement, he would have proved a great benefactor to his country, and merited the blessings of mankind. To the wars with France, commenced by him, made popular by his successes, and continued throughout the greater part of the reign of his son, may be traced that feeling of rivalry and hostility between the two nations which has continued almost to the present day, and led to so much misery and bloodshed.

On the death of Henry the Fifth, in 1422, at the early age of thirty-four, his son, Henry the Sixth, succeeded to the crown. He was then an infant, less than a twelvemonth old, and his uncles were appointed his guardians, with a council nominated by Parliament to assist them in carrying on the government. The war with France was then in full activity, and its natural consequence, the drain of capital, was "grievously complained of" in Parliament. It was

Henry VI.,
1422-1461.

¹ See Tyler's 'Memoirs of Henry the Fifth,' a work evincing great industry and research, although perhaps somewhat lengthy and diffuse in its composition.

therefore ordained by *The 2nd Henry 6th, cap. 6*, “that no gold or silver shall be carried out of the realm, unless it be for payment of the wars ^{1422.} ^{2 Henry VI., cap. 6.} and soldiers of the king beyond the sea, upon pain of forfeiture of the value of the money so carried out, to be levied of him that shall bring, carry, or send it out of the realm; and he which espieth it, and thereof giveth knowledge to the council, shall have the fourth part of the forfeiture.” By the same Act, the late statute of the *4th Henry 5th*, which exempted from penalty masters who gave more than the prescribed rate of wages, was repealed, and the former penalties against the giver of such wages were again established.

The 6th Henry 6th, cap. 3, recites the statutes *12th and 13th of Richard the 2nd*,⁵ and then affirms ^{1427.} ^{6 Henry VI., cap. 3.} that these statutes are not put in execution, —“that is to say, the first statute, because that the punishment in the same is too hard upon the masters of such servants, forasmuch as they shall be destitute of servants if they should not pass” (that is, pay more than is prescribed by) “the ordinance of the statute; and the second statute, because that no pain is limited against him that doeth contrary thereto.” It is therefore ordained that justices of the peace and the mayors and bailiffs of cities and towns shall, once in the year in full session, make proclamation how much every servant of husbandry shall take for his service by the year then next following; and further, that they shall make like proclamation at Easter and Michaelmas, “how much every artificer and workman shall take by the day, and by the week, with meat and drink, or without meat and drink, as well in August as in other times of the year. And if any servant, artificer, or workman do the contrary of such proclamation, and be thereof attainted, he shall forfeit every time the value

⁵ Ante, pp. 56, 60.

of his wages; and if he have not whereof to make gree to the king, he shall have imprisonment of forty days, without bail or mainprise." And the justices of peace, mayors, and bailiffs are empowered to hear and determine such offences, "as well at the king's suit by suggestion and surmise, as at the suit of the party in such case grieved." And the justices, mayors, and bailiffs are further empowered "to examine at their discretion, as well such servants, artificers, and workmen, as their masters, and if they find the contrary to be done of such proclamation so made, the said servants, artificers, workmen, and labourers shall be punished in the form aforesaid, and shall yield to the party grieved his double damages." The employer or master is thus again exempted from penalty, and is even enabled to proceed against his servant for an act which was contrary to law, and in which they had each concurred—surely a most partial and one-sided legislation!

Two years later, it is recorded in the preamble to *The 8th Henry 6th, cap. 6*, "that divers great mischiefs and subtle felonies and robberies now late have been done in the town of Cambridge, and in the counties of Kent and Essex, and in other places, by people offenders unknown," by means of bills (or letters) directed to divers people, commanding them to put divers great sums of money in certain places where the said offenders might easily carry the same away; "certifying in the said bills that, if they put not the same money in the places assigned at a certain day, the offenders would do the greatest and most outrageous vengeance; and because such sums have not been so put, according to the purport of the same bills, many houses and goods and chattels of divers persons at Cambridge, and elsewhere, have been feloniously burnt and utterly destroyed." And it is then ordained that all such burnings of houses shall be adjudged high treason. The "subtle felonies" here

^{1429.}
8 Henry VI.

Threatening
letters.

complained of appear in their nature identical with the "threatening letters" of a later period, although modern offenders might possibly not carry their "outrageous vengeance" quite so far, on disregard of their notice, as it appears those of old time were in the habit of doing. But in either case the crime is doubtless very heinous, betokening an immoral and disorganized state of society, and on every account meriting the severest punishment.

By the same statute, the restrictions imposed by the *7th Henry 4th, cap. 17*,^h by which persons not having land or rent of the value of twenty shillings a year are prohibited from apprenticing their children in cities or towns, is repealed as respects London, on account of the great hindrance which the said statute might occasion to the inhabitants of the said city; "and also respecting the entire affections and great kindness done and shewed to our Lord the King in all his affairs by the citizens of London, and to encourage them the more to such affections and kindness hereafter." This special exception in favour of London may be regarded as an indication that its trade had increased, and required an increased number of operatives. It seems, moreover, to indicate that the citizens were taking part in the business of legislation, and that they had become of greater importance in the state.

As bearing upon the social condition of the people at this time, and therefore connected with our subject, it may be stated that *The 18th Henry* <sup>1439.
18 Hen. VI.
cap. 4.</sup> *6th, cap. 4*, records—"that great damage and losses daily come to the king and to his people by the buying and selling that the merchants, aliens, and strangers do make, without notice, governance, and surveying of any of the King's liege people, as by such buying and selling which they do use together, every of them with

^h Ante, p. 66.

other, they do impair and abate the price and value of merchandizes of this noble realm, and do increase and enhance the price of all their own merchandizes, whereby the said merchants aliens be greatly enriched, and the king's subjects grievously impoverished, *and great treasure by the same aliens carried out of this realm.*"

Restrictions
on foreign
merchants.

For remedy of these asserted evils, it is ordained, that aliens should no longer be permitted to sell to aliens, and that all alien merchants and strangers should thenceforth be under the surveying of hosts to be assigned to them in every city, town, or port whither they had come, and that these hosts were to be privy to all their sales and contracts, and that the proceeds of what they sold were to be invested in English merchandizes "growing and made within the realm;" and that the hosts were to register in a book "all the buyings, sales, contracts, and employments" of the said alien merchants, and send a transcript thereof to the king's exchequer twice in the year; "and the said host shall take for his labour in that case of every merchant stranger two-pence for every twenty shillings in value of all manner of merchandizes so by the said merchants aliens sold and bought."

These enactments exhibit a sad falling off from the liberal policy of Edward the Third, who encouraged the resort of foreign merchants, protected them in their dealings, and permitted the freest interchange of commodities, without regard to their origin or nature. Perhaps the last reason assigned for establishing these restrictive regulations was the chief, if not the only one, that "great treasure" was carried out of the realm; and of course this was assumed to be done, as it probably was chiefly done, by the agency of these "merchants aliens," who found the exportation of such treasure more profitable than to export English commodities, in return for the articles which they had imported. But the cause of this efflux of treasure, namely, the

deficiency or defectiveness of home-production, was overlooked by the legislators of that day, as it has been by those of a subsequent period. Instead of labouring to increase and improve native produce, restrictions were resorted to, which could not fail to operate injuriously upon the trade and commerce of the country, and thereby add to the evil they sought to cure; whilst they would at the same time curtail employment, and reduce the earnings and lessen the comforts of the great body of the people.

By *The 23rd Henry 6th, cap. 12*, a new scale of wages is established, and servants in husbandry are required to give their masters warning, and to engage with some other master before quitting their present service, failing in which they are to continue to serve their first master for the next year. It is also directed that the yearly salaries and wages of servants, labourers, and artificers, shall not exceed the following rates:—

Bailiff of husbandry	23s. 4d.	{and clothing of the value of . }	5s.	with meat and drink.
Chief hind, carter, and chief shepherd . . . }	20s. 0d.	ditto	4s.	ditto
Common servant of husbandry . . . }	15s. 0d.	ditto	11d.	ditto
Woman servant . . . }	10s. 0d.	ditto	4s.	ditto
Infant within the age of fourteen . . . }	6s. 0d.	ditto	3s.	ditto

The wages, by the day, of artificers and common labourers, between Easter and Michaelmas, were not to exceed—

A free mason or master carpenter . . . }	4d.	with meat and drink ;	5d.	without meat and drink
A master tiler or slater, and rough mason, and common carpenter, and other artificers concerned in building }	8d.	ditto	4d.	ditto
Every other labourer .	2d.	ditto	3d.	ditto.

In the winter months, between Michaelmas and Easter, the wages are to be in each case 1d. per day less.

The above rates are not, however, to extend to

labourers in the time of harvest, at which season the wages by the day are fixed as follows :—

A mower	4d.	with meat and drink ; 6d. without meat and drink.
A reaper and a carter	3d.	ditto 5d. ditto
Women and other labourers	2d.	ditto 4d. ditto

But in every case it is directed “that such as deserve less shall take less ; and in places where less is used to be given, less shall be given from henceforth.” If any persons refuse to serve and labour according to these premises, justices of the peace are empowered to call them to examination of the same, and to commit them to gaol, “there to remain till they have found surety to serve and labour in form by law required :” and justices are also empowered “to take all servants retained with any person under colour of husbandry, and not duly occupied about the same, and compel them to serve in the occupation of husbandry to such as shall require their service.” This and all the other statutes of labourers are to be proclaimed throughout the realm twice every year.

If the above rates are compared with those prescribed in 1388 by the 12th of *Richard the 2nd*,¹ it will be seen that a great increase has taken place in the wages of all annual servants. At the former period a bailiff was directed to be paid 13s. 4d. per annum, without clothing ; a bailiff is now to be paid 23s. 4d. per annum, together with clothing to the value of 5s., making together 28s. 4d. So with the chief hind, shepherd, and carter : they were each paid 10s. per annum in 1388 ; they are now to be paid 24s., including 4s. clothing. Common servants in husbandry were then paid 7s. ; they are now to be paid 15s., together with 11d. clothing. A woman servant was then paid 6s. ; she is now

Comparison
of the rate of
wages in 1388
and 1444.

¹ Ante, p. 56.

paid 10s., and clothing of the value of 4s., making together 14s. It appears, therefore, that in little more than half a century the yearly wages of the above class of persons had more than doubled in amount.

The 25th Edward the 3rd,* passed in 1350, affords the means of comparing the daily wages of certain artificers and harvest-labourers at that period, with the rates established nearly a century afterwards by the present Act of 1444. From Easter to Michaelmas, the wages per day, without meat or drink, was, for—

	In 1350.	In 1444.
A master carpenter	3d. per day	5d. per day
A master or free mason	4d. „	4d. „
Other common labourers about buildings	1d. „	3d. „
A mower	5d. „	6d. „
A reaper	3d. „	5d. „
Women and other labourers	1d. „	4d. „

With the exception of carpenters, reapers, women, and common labourers, there is no very great difference observable in these rates after the lapse of a century, although in the former comparison, extending to little more than half that period, the wages of annual servants were increased upwards of 100 per cent. *The 25th Edward 3rd* was confirmed in 1388 by the *12th Richard 2nd*; so that the yearly wages of the bailiff, hind, carter, &c., which prevailed in 1350, continued without material change in 1388; and the increase now observable must therefore have taken place subsequent to that time. May not this difference of increase in the yearly and daily rates of wages—the one being more than doubled in the course of half a century, whilst the other remained comparatively stationary for twice that period—have been owing to the progressive emancipation of the people, and the growth of independent feelings and habits among them, and a not unnatural dislike to engage for a year, as reminding them of their former state of bondage?

* Ante, p. 35.

It cannot escape observation that, in all these enactments for the regulation of wages, the great object of the legislature was to prevent a rise—to fix a maximum, not to assign a minimum—to place a limit on the ascending scale, leaving the descending scale without check or limitation. No servant or labourer was permitted to receive above a certain amount of wages, whatever the quantity or quality of his work, but he might be paid any less sum to which his employer could succeed in beating him down; for it is especially provided “that such as deserve less shall take less, and where less is used to be given less shall be given from henceforth.” It is clear, therefore, that the interest of the master-class was alone considered in these enactments; and were it not that such regulations are, from their very nature, in a great measure nugatory and impracticable, they might have inflicted serious injury upon the working classes, for the continued depression of whom they were, through a short-sighted policy, obviously designed.

It may here be worth noticing, that in 1350 the bushel of wheat is, by the *25th Edward 3rd*, declared to be worth 10*d.*, or rather that the employer had the option of giving it to his labourer in lieu of 10*d.*, if he so preferred; and Sir Frederic Eden, in the table of prices deduced by him from various sources, and printed in the Appendix to his ‘History of the Labouring Classes,’ gives 10*d.* as the price of a bushel of wheat in that year. In 1444 he puts wheat at the same price, that is, 6*s.* 8*d.* the quarter, or 10*d.* the bushel, although there had been, as was to be expected, great fluctuations of price in the interim. It may, therefore, be assumed that the cost of provisions had very little, if anything, to do with the changes which took place in the price of labour and the rate of wages between 1350 and 1444. These changes must have originated in another source, and

Price of
wheat,
1350–1444.

were in all probability mainly owing to the spread of freedom, the increase of intelligence, and improvement in the mode of living of the great mass of the people.

In 1450 we find John Cade, or "Jack Cade," the so-called "Captain of Kent," attainted as a traitor, and all his goods and chattels forfeited to the king by *The 27th Henry 6th, cap. 1*. The country was in a state of great disorder at this time, and the people were discontented and turbulent. Insurrections had broken out in several places, and Cade, who was an Irishman, and had served in the armies abroad, assumed the name of Mortimer, and put himself at the head of the movement in Kent. This outbreak was not much unlike that under Wat Tyler, in 1381, and both the one and the other were evidences of the unsettled state of the public mind, and the disorganized condition of the country, without which neither Tyler nor Cade could have gathered followers. Each advanced to the capital, and each maintained his position for a time, committing many acts of violence, and inspiring great terror. Each also sank as suddenly as he had risen; but these outbreaks nevertheless served to show the governing class the necessity of conciliating the people, who had given such proofs of their power, and of their readiness to exert it. These occurrences, although causing much disorder at the time, were not, therefore, altogether unproductive of good, inasmuch as they secured greater consideration for the wants and wishes of the inferior orders, and helped forward the great work of emancipation, an object then happily not far from its accomplishment.

In 1461 Henry the Sixth was deposed, and Edward the Fourth, of the House of York, assumed the crown. Two years afterwards an elaborate statute was passed (*The 3rd Edward 4th, cap. 5*), containing, among a great variety of other provisions, express regulations for the apparel to be worn

1450.
27 Hen. VI.
cap. 1.

1450.
Jack Cade.

Edward IV.,
1461-1483.

1463.
3 Edw. IV.,
cap. 5.

by persons according to their several degrees; and it seems not a little extraordinary that the legislature should at such a time have given its attention to such a subject, the nation being then hardly freed from the turmoil of rebellion, and the bloody conflict between the adherents of York and Lancaster, which ended in the deposition of one sovereign, and the elevation of another. It must be presumed, however, that it was then deemed a matter of primary importance, to thus openly distinguish the different orders of society; and it would doubtless exercise considerable influence on the habits and position of each, although whether it would prove beneficial to either may reasonably be questioned.

After referring to previous statutes having a like object,¹ the Act declares that “the commons
Ordinance of
clothing. of the realm, as well men as women, have worn, and daily do wear, excessive and inordinate array, to the great displeasure of God,” &c.; and it then ordains “that no knight under the estate of a lord, nor the wife of such knight, shall wear cloth of gold, nor corses wrought with gold, nor any fur of sables. And that no bachelor knight, nor his wife, shall wear any cloth of velvet upon velvet; and that no person under the state of a lord shall wear any cloth of silk of the colour of purple. And that no esquire or gentleman under the degree of a knight, nor their wives, shall wear any velvet, satin, nor counterfeit cloth of silk resembling the same, nor any corses wrought like to velvet or satin, nor any fur of ermine.” The Mayor of London and his wife are permitted to wear the same array as bachelor knights and their wives; and the aldermen and recorder of London, and the mayors and sheriffs of other places, are, with their wives, permitted to wear the same

¹ Ante, p. 43.

array as gentlemen and esquires and their wives. No man possessing less than the yearly value of forty pounds, nor his wife, son, or daughter, nor any widow of less possessions, is permitted to wear any fur of matron's letuse (pure gray or pure miniver), nor any girdle garnished with gold or silver-gilt, nor any corse of silk made out of England, nor any kerchiefs whereof the price of a *plite*^m shall exceed the sum of 3s. 4d. "And no man, not having possessions of the yearly value of forty shillings, shall wear any fustian, bustian, fustian of Naples, scarlet cloth in grain, nor no fur but black or white lamb."

It is further ordained by this statute, that no knight under the estate of a lord, nor esquire, gentleman, or other person, shall use or wear any gown, jacket, or coat, unless it be of a length to cover his buttocks, and tailors are prohibited from making any of shorter dimensions. The pikes of boots and shoes are restricted to two inches in length, with a like prohibition to shoemakers; and because coverchiefs (kerchiefs) are daily brought into this realm, inducing great charge, cost, and waste in the same, it is ordained "that no person shall sell any lawn, neifles, umple, or any other manner of coverchiefs, whereof the plite shall exceed ten shillings." It was also ordained, that no servant in husbandry, or common labourer, or servant to any artificer dwelling out of a city or borough, nor their wives, should use or wear in their clothing any cloth whereof the broad yard exceeds the price of 2s., nor hosen whereof the price exceeds 14d. the pair, nor any girdle garnished with silver; and their wives are limited to coverchiefs of a price not exceeding 12d.

Nineteen years after the above regulations were established, complaint was made "that, owing to the non-due execution of the same, the realm

^{1462.}
22 Edw. IV.,
cap. 1.

^m A plite was a yard and a quarter in length, and each piece of Flemish lawn contained sixteen plites or plights.

was fallen into great misery and poverty, and like to fall into greater, unless better remedy be provided ;” and it is accordingly ordained, by *The 22nd Edward 4th, cap. 1*, “That no manner of person, of whatsoever estate, degree, or condition, shall wear any cloth of gold or silk of purple colour, but only the king, the queen, the king’s mother, the king’s children, and his brothers and sisters ; and that none under the estate of a duke shall wear any cloth of gold of tissue ; and that none under the estate of a lord shall wear plain cloth of gold ; and no man under the degree of a knight shall wear any velvet in their doublets or gowns ; and that no yeoman, nor other man Another ordinance of clothing. under the degree of an esquire or gentleman, shall wear in their doublets damask or satin, nor gowns of chamlet ; and that no man under the estate of a lord shall wear any woollen cloth made out of the realm, nor wear any furs of sables.” No restrictions were, however, imposed on the wives and daughters of the foregoing persons. Their attire appears to have been left to their own discretion and sense of propriety. Servants in husbandry, and other servants and common labourers, are, as before, restricted to cloth of 2s. the broad yard ; but their wives are permitted to wear a “reile, called a kerchief,” of the value of 20d., instead of the previous limit of 12d., and the hosen permitted are raised from 14d. to 18d., from which we may infer that the market price of these articles had increased, or else that the condition of the people had so far improved during the few preceding years of comparative peace and order, that they were able to pay a higher price for a better article than at the commencement of Edward’s reign.

These enactments with respect to clothing, throw considerable light on the social habits and the general condition of the people, as well as on the views entertained by their rulers with regard to an open and

marked distinction of ranks. Compared with the similar enactments in 1363 (*37th Edward 3rd*),^a they show a considerable advance in the costliness and elegance of attire, and this is particularly observable in the clothing of the labouring class, who in 1363 were restricted to wearing russet or blanket of 12*d.* a yard, but they are now permitted to wear cloth of 2*s.* a yard, and their wives are allowed to wear kerchiefs of the value of 20*d.*, and girdles and other articles combining ornament with use. Of all such laws it is somewhat coarsely, but at the same time with much force, remarked by Adam Smith, that "it is the highest impertinence in kings and ministers to pretend to watch over the economy of private people, and to restrain their expense, either by sumptuary laws or by prohibiting the importation of foreign luxuries. They are themselves always, and without any exception, the greatest spendthrifts in the society. Let them look well after their own expense, and they may safely trust private people with theirs. If their own extravagance does not ruin the state, that of their subjects never will."^c

This condemnation of sumptuary laws must, as a general rule, be admitted to be correct. But notwithstanding the deference due to so high an authority as Adam Smith, it may be questioned whether his sweeping denunciation has not, in this instance, been too strongly and unreservedly expressed. Blackstone appears to take an equally sound, but more Adam Smith and Blackstone. judicious and temperate, view of the question. He says, that "Laws made to regulate and constrain our conduct in matters of mere indifference, without any good end in view, are regulations destructive of liberty; but if public advantage can arise from observ-

^a Ante, p. 43.

^c 'Wealth of Nations,' vol. ii. p. 27.

ing such precepts, the control of our private inclinations in one or two particular points will conduce to preserve our general freedom in others of more importance, by supporting that state of society which alone can secure our independence. Thus the statute of Edward the Fourth, which forbade the fine gentlemen of those times, under the degree of a lord, to wear pikes upon their shoes or boots of more than two inches in length, was a law that savoured of oppression, because, however ridiculous the fashion might appear, the restraining of it by pecuniary penalties would serve no purpose of common utility. But the statute of Charles the Second,^p which prescribes a thing seemingly as indifferent (a dress for the dead, who are ordered to be buried in woollen), is a law consistent with public liberty, for it encourages a staple trade, on which in great measure depends the universal good of the nation.”^q

An instance of retaliatory prohibitions not unworthy of notice, as bearing eventually on the condition of the people, if not immediately affecting it, took place in 1464, between the governments of England and Flanders. In that year the importation of “woollen cloths made in any other region” was prohibited by *The 4th Edward the 4th*; and the Duke of Burgundy, sovereign of the Low Countries, then issued a proclamation, to the effect that all manner of woollen cloths and woollen yarn made and wrought in the realm of England should be banished out of the lands of the said Duke, whereby, our legislators naïvely observe, “by all likelihood the makers of woollen cloths within this realm of England, as weavers, fullers, dyers, spinners, carders, and winders of yarn, and other persons exercising the said cloth-making, and also

^{1464-5.}
⁴ Edw. IV.

^p See post, part ii. chap. iii.

^q Blackstone's 'Commentaries,' 1st book, sec. 126.

buyers and sellers of the same, should be destitute of occupations, and become so idle that it should provoke them to sin and evil life, which God defend." It is accordingly ordered, as a remedy for so great an evil, that the importation of merchandise of any kind, except provisions, from the countries under the dominion of the Duke of Burgundy, shall be prohibited, until English cloths and yarns shall be admitted into those countries as freely as they were before the proclamation of the said Duke.

It would appear, from this enactment, that the woollen manufacture had become of great importance in England at this time, that a considerable number of persons were employed in its various branches, and that the quantity of cloth exported was so large as to afford ground for a retaliatory proceeding on the part of a rival state. Our legislators, however, seemed unconscious that they ought not to expect other countries to take our commodities, unless we consented to take theirs; and that a prohibition imposed on one side, was likely to be met by a similar imposition on the other. They apparently did not perceive this. But they did perceive that the prohibition of the Duke of Burgundy would deprive our people engaged in these manufactures of the means of living, as the Duke would probably perceive that a like prohibition on the part of England would operate in a like manner on the people similarly occupied in Flanders. Each side was sensible of its own privations, but neither heeded the privations of the other, and both were deservedly the victims of their own narrow and selfish policy.

In this case, provisions were excepted from the prohibition, and allowed to be imported as before; from which we may gather that England, with a population at that time probably not exceeding three millions, did not raise sufficient food for the support of her own people. English agriculture was indeed at that time in a very

rude state, and we may form some idea of the husbandry of the period, and the miserable return obtained from the land, and the consequent low condition of the labourers, from the fact stated by Sir John Cullum.* He says that in Hawsted, in 1390, the crop from 57 acres was 42 quarters and 1 bushel of wheat, which is less than 6 bushels an acre; 38 quarters and 2 bushels of barley from 24 acres, which is rather better than 12 bushels an acre; 34 quarters 2½ bushels of pease from 22 acres, which exceeds 12 bushels an acre; 33 quarters 2 bushels of oats from 54½ acres, or about 5 bushels an acre. With such defective husbandry we cannot wonder that the country did not support itself, and that provisions, as we have just seen, were allowed to be imported, whilst all other commodities were prohibited. It is true that from 1390, when the management here described existed at Hawsted, to 1464, the date of the above prohibitory enactment, a considerable period had intervened; but foreign wars and domestic strife throughout nearly the whole of the time had kept the country in such a state of anarchy and disorder, that no material improvement was likely to have taken place, neither is it likely that there was better husbandry in other parts of England than is above described as practised at Hawsted in Essex.

The reign of Richard the Third was so criminal in its origin, and so brief in its duration, that little opportunity was afforded for legislation. But we nevertheless find, shortly after his accession, that an Act was passed (*The 1st Richard 3rd, cap. 9*) "touching the merchants of Italy," of whom it is complained, "that great numbers inhabit and keep household within the City of London, and other cities and boroughs, and take warehouses and cellars, and therein put their wares and merchandises,

1453-1485.
Richard III.

1453-4.
1 Rich. III.
cap. 9.

* Sir John Cullum's 'History of Hawsted,' p. 219.

which they bring into this realm, and deceivably pack, meddle, and keep the same, until the prices thereof been greatly enhanced for their great lucre, and the same wares and merchandises they then sell to all manner of people, as well within the ports whereunto they bring them as in other places, and as well by retail as otherwise; and also buy the commodities of this realm, and sell them again within the same, and a great part of the money coming thereof employ, not upon commodities of this realm, but make it over the sea by exchange unto divers countries, to the great hurt and lessening of the king's customs, and the great impoverishing of his subjects, of whom they should buy the commodities." It is then directed that these Italian merchants shall sell their wares in gross, and employ their money in commodities of this realm; and further, that no alien should occupy a house with another alien, nor be a handicraftsman, unless as a servant to one of the king's subjects; and all alien artificers are restricted from selling by retail.

Restrictions
on Italian
merchants.

It would appear from the above, that foreign merchants and artisans had become numerous, and interfered with our own people, as well in the home as in the foreign markets; and if this were the case, the jealousy here manifested was not perhaps unnatural. But instead of applying to the legislature to restrain these foreigners from competing with us, our merchants and artisans should have taken pattern by them, and striven to equal or surpass them in skill and enterprise. Their wealth and experience must doubtless have been of great use in nourishing and sustaining native industry, at a time when civil commotions had wasted native capital, and perverted it to other objects; and the country ought to have cherished the source whence such benefits were derived.

During the contest which had prevailed for the best part of a century between the rival Houses of York

and Lancaster, no great improvement could be expected to take place in the general state of the country. The whole period, with little intermission, presented one dismal scene of strife and violence. In reference to this period, Hume observes,—
 “There is no part of English history since the Conquest so obscure, so uncertain, so little authentic or consistent, as that of the wars between the Roses. All we can distinguish with certainty through the deep cloud which covers that period is a scene of horror and bloodshed, savage manners, arbitrary executions, and treacherous, dishonourable conduct in all parties.”
 Yet there was one redeeming circumstance connected with this unnatural state of things. Each of the contending parties was compelled to court the people, and the side which obtained the largest amount of popular support was sure to triumph, at least for a time, and until outbidden by its opponent. These appeals to the people could not fail to add to their importance, and increase their social influence. They were, in fact, become a substantive power in the state. The struggle was no longer confined to the nobility and landed gentry of the two rival factions. The people now asserted their right to have a voice in deciding by whom they would be governed, and the side which they supported always prevailed. Sir Frederic Eden remarks that “the great drain of men occasioned by Henry the Fifth’s wars, and the subsequent bloody contest between the Houses of York and Lancaster, eventually contributed to render the whole nation free:” and there can be no doubt that the popular element made great progress under the influence of these circumstances. The long and unhappy years of civil strife, which inflicted such serious mischiefs on the country, and entailed such calamitous consequences upon families and individuals, may therefore be regarded as affording some compensation for these evils,

The wars of
York and
Lancaster.

in the sense of importance, and the feeling of self-respect and self-reliance, which were thereby infused into the great body of the people, preparing the way for, and rendering them fitter to enjoy, the civil liberty which they afterwards attained.

The great feudal nobility suffered much in these civil wars, and were reduced in number, as well as impoverished by the expenses, penalties, and confiscations to which they had been subjected. A distinguished historian observes that "the extent of the destruction which had fallen on the old aristocracy (through the wars of York and Lancaster) may be inferred from a single circumstance. In the year 1451 Henry the Sixth summoned fifty-three temporal lords to Parliament. The temporal lords summoned by Henry the Seventh to the Parliament of 1485 were only twenty-nine, and of these twenty-nine several had recently been elevated to the peerage." ^a In fact, feudalism may now be said to have received its death-blow. The nation had long been preparing for the change. The distinction of Norman and Saxon was no longer maintained. The two races had amalgamated and become one people. The exorbitant power of the nobility had been reduced, and the condition of the peasantry gradually elevated. ^{Extinction of feudalism.} With the conversion of the serfs and villeins into free labourers, a class of small farmers had sprung up, occupying an intermediate position between the lords of the soil and the labouring class, and exercising an important influence with regard to both. Commerce had increased, and brought with it an increase of wealth and means of employment. These changes were all of gradual growth, so gradual indeed as to be scarcely noticed at the time; but their final result was most important, abolishing class privileges, and establishing the right of every man to equal

^a Macaulay's 'History of England,' vol. i. p. 39.

law, none being above its restraints, and no one below its protection.¹

The battle of Bosworth, in August 1485, put an end to the reign of Richard the Third, and raised
1485-1509.
Henry VII. Henry the Seventh to the throne of England.

Henry's accession constitutes an important era, a kind of turning-point in our social history. Speaking of this reign, Mr. Hallam observes, "It began in revolution, and a change in the line of descent. It nearly coincides, which is more material, with the commencement of what is termed modern history, as distinguished from the middle ages, and with the memorable events that have led us to make that leading distinction, especially the consolidation of the great European monarchies, among which England took a conspicuous station." From the commencement of Henry's reign, the increase of trade and manufactures, the spread of wealth and civilisation, and the improvement in the

Increase of
wealth, and
general im-
provement. general condition of the people, may be said to have been uninterruptedly progressive. How much of this was owing to the firm and prudent government established by him, and how much to the circumstances of the times, and the general spread of intelligence, we need not stop to inquire—the fact is undoubted, and we of the present day are witnessing its benefits. Not that there was any great change in the principle or system of government pursued by Henry, as contrasted with his predecessors; but under him peace was maintained, the ascendancy of law was firmly upheld, life and property were protected, and class assumption, and what remained of feudal dominancy,

¹ "Moral causes noiselessly effaced, first the distinction between Norman and Saxon, and then the distinction between master and slave. None can venture to fix the precise moment at which either distinction ceased. Some faint traces of the old Norman feeling might perhaps have been found late in the fourteenth century. Some faint traces of the institution of villeinage were detected by the curious so late as the days of the Stuarts; nor has that institution ever, to this hour, been abolished by statute."—Macaulay's 'History of England,' vol. i. p. 22.

were repressed. This is in truth nearly all that is essential to good government at any time, and this the people possessed throughout the reign of Henry the Seventh, who therefore must be regarded as one of the best, if not one of the greatest, of our English sovereigns.

In 1488 two Acts were passed (*The 4th Henry 7th, cap. 16, and cap. 19*) concerning the decay of population in the Isle of Wight. The first ^{1488-a.} ^{4 Hen. VII.} ^{cap. 16 & 19.} declares that "it is for the security of the king and realm that the Isle of Wight should be well inhabited, for defence against our ancient enemies of France; the which isle is late decayed of people, by reason that many towns and villages have been let down, and the fields dyked and made pastures for beasts and cattle." And the second Act recites that "The king, having singular pleasure above all things to avoid such enormities and mischiefs as be hurtful and prejudicial to the common weal, remembereth that great inconveniences daily doth increase by desolation and pulling down and wilful waste of houses and towns, and laying to pasture lands which customably have been used in tilth, whereby idleness, ground and beginning of all mischiefs, daily do increase; for where in some towns two hundred persons were occupied and lived by their lawful labours, now be there occupied two or three herdsmen, and the residue fall into idleness. Husbandry, one of the greatest commodities of this realm, is greatly decayed, churches destroyed, the service of God withdrawn, the bodies there buried not prayed for, the patrone and curates wronged, the defence of this land against our enemies outward feebled and impaired, to the great displeasure of God," &c. In remedy for this formidable list of evils, it is ordained that no man shall take a farm in the Isle of Wight the rent of which shall exceed ten marks, and that the owners of land let to farm shall keep and maintain

Alarm at
conversion of
arable land
to pasture.

upon such land the houses and buildings which are necessary for tillage and husbandry.

These enactments are obviously intended to prevent the conversion of arable land into pasture. Some stress is laid upon the necessity of a population in the Isle of Wight for defending it against the ancient enemy ; but, taking the two statutes together, it is clear the governing intention was to prevent the increase of pasturage, and to enforce the practice of tillage. This is the first instance exhibited in the statutes of that alarm at the increase of pasturage, and decrease of the rural population, which has manifested itself in some shape or other almost down to the present day, and about which so much has been said and written, and even sung, for who can forget poor Goldsmith's lines ?—

“ A time there was, ere England's woes began,
When every rood of ground maintain'd its man.”

That the conversion of any considerable tract of land from tillage to pasture would occasion inconvenience, and possibly distress, to certain of the labourers previously employed upon it, must be admitted. Every change will, for a time, be productive of inconvenience to some one ; but this can hardly be deemed a sufficient reason for legislating against all change. If the change be not advantageous, it will sooner or later be abandoned ; and if advantageous, to legislate against it would not only be wrong, but would also be in the long run ineffective.

In the present instance, the demand for increased pasturage was probably caused by improvement in the condition of the people, by their living better, and consuming a larger quantity of animal food. Something may also have been owing to an extension of manufactures, particularly the woollen manufacture, for the supply of which with its staple material, an increase of sheep pasturage was probably required. An increase of manufactures would likewise draw the people to the

towns, whither their newly acquired freedom would enable them to resort without let or hindrance. In short, pasturage was needed, and men found it their interest to extend it, and therefore ought to have been left to act upon their own judgment and responsibility, which would have been safer guides for them, and for the country generally, than legislative enactments, however well intended and carefully devised.

The 11th Henry 7th, cap. 2, is entitled ‘An Act against Vagabonds and Beggars,’ and commences by declaring that the king “most ^{1495.} ^{11 Hen. VII.,} ^{cap. 2.} entirely desireth amongst all earthly things the prosperity and rest of this land, and his subjects to live quietly and surely; and willing always, and of his pity intending, to reduce them thereunto by softer means than are provided in the statute *7th of Richard the 2nd, cap. 5*; and considering also the great charges that should grow for bringing vagabonds to the gaols according to that statute, and the long abiding of them therein, whereby it is likely many of them would lose their lives.” It is then ordained, that, instead of such misdoers being committed to the common gaol, the sheriffs, mayors, constables, and other officers of cities, boroughs, and towns, “do make due search, and cause to be taken all such vagabond, idle, and suspected persons living suspiciously, and them to set in the stocks, there to remain three days and three nights, with no other sustenance than bread and water, and after that to be set at large, and commanded to avoid the town. And if he eftsones be again taken in the same town or township, he is then to be set in the stocks the space of four days, with like diet; and if any person give other meat or drink to the said misdoers whilst in the stocks, or the same prisoners favour in their misdoings, they shall forfeit for every time so doing twelve pence.”

It is also further ordained, that beggars not able to

work shall go rest and abide in the hundred where they last dwelled, or where they were best known, or born, "there to remain or abide, without begging out of the hundred, upon pain to be punished as is beforesaid." But this is merely a repetition of the *7th Richard 2nd*,^u with the addition of a penalty of twenty pence on any sheriff or other officer who shall neglect or fail to carry these provisions into execution. There is, moreover, a prohibition against servants, apprentices, and labourers, playing at certain games, except at Christmas; and a proviso at the end permits a diminution of punishment for women with child, and persons in extreme sickness.

This Act substitutes the summary punishment of the stocks, with bread and water, for that of committal to gaol directed by the *7th of Richard the 2nd*. How far it was more lenient may admit of question, but it certainly was more prompt, and therefore perhaps more effective. The class of persons against whom the provisions of the Act were directed, had in all probability gained head during the disorder of the civil wars; and it may be presumed that their numbers were likewise increased by the emancipation from villeinage which had now been consummated, and which, whilst it left the people free to follow their own inclinations, exonerated their former masters from responsibility for their support. That there was, owing to these or other causes, an increase of beggars and vagabonds seems likely, or this recurrence to legislation on the subject would hardly have taken place.

The exemption in favour of sick persons, and women with child, shows a tender consideration of which we have seen no previous instance; and the preamble of the present Act, to the effect that the king desires the quiet and prosperity of his subjects above all earthly things, shows that a new spirit pervaded the govern-

^u Ante, p. 55.

ment, and that it was actuated by a feeling towards the mass of the people different from that which had theretofore existed. Indeed the people had risen to so much consideration at this time, that an Act was passed in the present year (*The 11th Henry 7th, cap. 12*),^{1495.} providing, as “a mean to help and speed poor ^{11 Hen. VII., cap. 12.} persons in their suits,” that writs should be issued, and counsel and attorneys assigned for them, free of cost, in all suits “for redress of injuries and wrongs to them daily done, as well concerning their persons and their inheritance as other causes.”

The prohibition against giving meat or drink to the “misdoers” whilst in the stocks, seems to point at almsgiving as being one cause of the evil of vagabondage. It is not unlikely that the increase of wealth which had taken place, would lead to an increase of almsgiving on the part of the laity, and to an increased distribution of alms by the clergy and the numerous religious institutions then existing in every part of the country. It would further seem that this charitable tendency was so general, so strong, and so little discriminative, as to render a legislative prohibition necessary to restrain it, and to prevent its neutralizing the penalty inflicted by the law, which would of course tend to increase the amount of crime.

The statute of *Henry the 4th*, prohibiting persons not having lands or rents of the value of 20s. a year from apprenticing their children in any city or borough, and which had been repealed in favour of the citizens of London,^{*} is also, on the prayer of the citizens of Norwich, repealed as regards them by *The 11th Henry 7th, cap. 11*.^{1495.} They represent, that “by ^{11 Hen. VII., cap. 11.} force of that statute many and divers great vexations and troubles and losses have been done to them, whereby the most substantial crafts, called worsted-weavers and

^{*} Ante, pp. 66 and 77.

clothiers, by which crafts the weal of the said city hath and should be maintained, be greatly decayed ;" wherefore they pray that the citizens of Norwich may be at liberty to take the sons and daughters of any persons that will put them to be apprentice in the said city, the penalties of the said Act notwithstanding—a reasonable request, reasonably and promptly complied with ; and a similar permission was in the following year, for like reasons, extended to all the worsted-makers in the county of Norfolk.

In the same year *The 11th Henry 7th, cap. 2*, was passed. It is entitled 'An Act for Servants' ^{1495.} ^{11 Hen. VII.,} ^{cap. 2.} Wages,' and was of short duration ; but it nevertheless deserves notice, as it affords the means of comparing the rates therein prescribed, with those established by the *23rd Henry 6th*, in 1444.* The Act begins, as usual, by referring to the previous statutes on the same subject, especially to that "made by the right noble Christian prince of blessed memory, King Henry the Sixth ;" notwithstanding which statutes, it is declared, that "great and many defaults daily increase, rest, and continue, among labourers and artificers, some because the said statutes be not executed, and some because the remedy by the said statutes is not very perfect, nor giveth certain nor hasty remedy ; so that daily, by subtle imagination in defraud of the said statutes, many of the king's subjects been hurt, deceived, let, and damaged in their building and husbandry :"^{Scale of wages.} for remedy of which it is enacted and ordained, that none engaged in husbandry shall receive higher wages by the year than the following :—

	s.	d.		s.	d.	
A bailiff in husbandry . . .	26	8	clothing . . .	5	0	{with meat and drink.
Chief hine, carter, and chief shepherd . . .	20	0	ditto . . .	5	0	ditto
Common servant in husbandry	16	8	ditto . . .	4	0	ditto

* Ante, p. 79.

	s.	d.		s.	d.
Woman servant	10	0	ditto	4	0
Child within the age of four- teen years	6	8	ditto	4	0
Every other labourer and arti- ficer, from Easter to Michael- mas, shall receive	0	2	a-day with meat and drink	0	4
Ditto from Michaelmas to Easter	0	1	ditto	0	3
And in the time of harvest— A mower is to be paid	0	4	ditto	0	6
A reaper and a carter, each	0	3	ditto	0	5
A woman and other labourers	0	2	ditto	0	4

The wages of artificers, by the day, are not to exceed

A free mason	} From Easter to Michaelmas 6 <i>d.</i> a-day each, without meat and drink ; with meat and drink, 4 <i>d.</i> a-day.
Master carpenter	
Rough mason	
Bricklayer	
Master tiler	
Plumber	} From Michaelmas to Easter 5 <i>d.</i> a-day each, without meat and drink ; with meat and drink, 3 <i>d.</i> a-day.
Glazier	
Carver	
Joiner	
Master mason or master carpenter having charge of the work, and six or more men employed under him, to have . . . .		} 7d. a day without meat and drink, and 5d. a-day with meat and drink.

The wages of shipwrights, by the day, from Candle-
mas to Michaelmas, are not to exceed—

A master ship-carpenter taking charge of the work, and hav- ing men under him	5d. with meat and drink	7d. without meat and drink.
Another ship-carpenter, called a hewer	4d. ditto	6d. ditto
An able clincher	3d. ditto	5d. ditto
An holder	3d. ditto	4d. ditto
A master caulker	4d. ditto	6d. ditto
Another mean caulker	3d. ditto	5d. ditto
A caulker labouring by the tide, for every tide	4d. ditto	

From Michaelmas to Candlemas the wages of artificers
are to be 1d. a day less.

In places where less wages than the above have been
usually given, less are still to be paid, "this Act not-
withstanding;" and all husbandry servants and arti-
ficers are compelled to serve when required, under
penalty of imprisonment for a month, and a fine of
twenty shillings; and masters are liable to a penalty of

40s. for every time they shall give higher wages than is here prescribed. It is further ordained, "that every artificer and labourer be at his work, from the middle of March to the end of September, before five of the clock in the morning, and that he have but half an hour for his breakfast, and an hour and a half for his dinner and for sleep, and that they depart not from their work till between seven and eight of the clock in the evening." From the middle of September to the middle of March they are "to be at their work in the springing of the day, and depart not till night;" and the additional half-hour for sleep at dinner-time is not to be allowed during this winter portion of the year.

These rates are set forth in greater detail than we find them in the *23rd Henry 6th*; but they are open to the same objections. Indeed it may be said that their very completeness for their intended object, renders them the more certainly injurious. It will be seen, on comparison, that there is no material difference between the wages now prescribed and those previously established. There is an increase of a penny a day to the master mason and master carpenter, and an increase of 3s. 4d. in the yearly wages of the bailiff in husbandry, but in the other items there appears scarcely any difference; and it may, therefore, be inferred that prices have, on an average and on the whole, remained nearly stationary during the preceding half-century. The present resort to legislation, avowedly for the purpose of regulating, but in reality for preventing an increase in the rate of wages, would seem to imply that the working classes were endeavouring to secure a larger share of the comforts and conveniences of life, in return for their labour, than they had previously been accustomed to obtain.

The chief difference between the former, and the above table of wages, is in the latter's including ship-carpenters and caulkers, of whom no notice was taken

Compared
with the
rates esta-
blished in
1444.

in any preceding enactment. Shipbuilding has, therefore, it may be presumed, gone on increasing, and has now become a regular and recognized branch of industrial occupation. Indeed, maritime enterprise appears to have been in great activity in Europe at this period. Three years previous (August 2nd, 1492) Columbus had sailed from Spain for the discovery of a new world; and a few years later, Vasquez de Gama rounded the Cape of Good Hope in his way to India. Henry viewed these enterprises with the far-seeing eye of a statesman, and with the spirit of a merchant adventurer. He would have assisted Columbus: he did send out Sebastian Cabot, who first discovered the American continent. Henry also laid the foundation of the British navy by building the "Great Harry," the first ship possessed by the crown, and in the building of which he expended the large sum of fourteen thousand pounds. It was natural therefore that he should wish to regulate the wages of shipwrights, in common with other artificers.

This Act for regulating wages was, however, repealed in the following year by *The 12th Henry 7th, cap. 3.* No ground is assigned for this repeal, beyond the general declaration of "divers and many reasonable considerations and causes, and for the common wealth of the poor artificers—as free masons, carpenters, and other persons necessary and convenient for reparations and buildings, and other servants and labourers in husbandry." It has, however, been supposed that the chief cause of the repeal was the high price of corn, wheat having risen from about 4s. the quarter, when the Act was passed in 1495, to the famine price, as it may be called, of 20s. the quarter in 1497, as appears by the table of prices appended to Sir Frederic Eden's 'History of the Labouring Classes.'

In 1503-4 another Act against "vagabonds and beggars" was passed (*The 19th Henry 7th, cap. 12*), in which reference is again made to

America discovered, and the Cape of Good Hope passed.

1496.
12 Hen. VII.,
cap. 3.

1503-4.
19 Hen. VII.,
cap. 12.

the *7th Richard the 2nd.* The recital is precisely similar to that of the Act of 1495,* and the enactments differ chiefly in now prescribing a smaller amount of punishment for the same offences. Thus, "vagabonds, idle people, and suspected persons living suspiciously," are to be "set in the stocks, there to remain the space of one day and one night, with no other sustenance but bread and water," instead of three days and three nights; and they are afterwards to be set at large, and go to "the city, town, place, or hundred where they were born, or else to the place where they last made their abode by the space of three years, and that as hastily as they conveniently may, and there remain and abide." If again apprehended in the same town, they are to be set in the stocks for three days and three nights, instead of six days and six nights, as is before directed; but the penalty of 12*d.* is continued against any one giving meat or drink or favouring the "misdoers," or, it is also now added, "who shall them receive or harbour over one night." Beggars not able to work, are ordered to go rest and abide in the place where they were born, or where they last resided the space of three years, "there to remain without begging out of the said city, town, hundred, or place, upon pain to be punished as aforesaid;" and no man is to harbour or keep any such beggar in his house over one night, upon the same pain.

The penalty on sheriffs and other officers for neglect or failing to carry the provisions of the Act into effect is increased from 20*d.* to 3*s.* 4*d.* The same prohibition against apprentices, servants, and labourers playing at certain games, except at Christmas, is continued; and, instead of the proviso with regard to women with child and sick persons, it is now directed, "that diminution of punishment of vagabonds and beggars aforesaid may be had for women great with child, and men

* Ante, p. 96.

and women in great sickness, and persons being impotent and above the age of sixty years, by the discretion of him that hath authority to do the said punishment, this Act notwithstanding." This statute may, therefore, be said to be really what the previous Act of 1495 only professed to be—a mitigation of the severity of that of the *7th Richard 2nd*. Its tone is more humane and considerate, and the punishments inflicted under it do not, on the whole, appear greater than the occasion warranted. The direction for beggars to confine themselves to the places of their birth, or where they last resided for three years, is open to the same objection as the similar enactment in the Act of Richard, no provision being made for their relief in those places; but the giving a discretion to the administrators of the law for diminishing the amount of punishment in the cases of sick, aged, and impotent persons, is a decided improvement, and bears evidence of a more kindly feeling than had existed at former periods.

This was the last Act having reference to the poor passed in Henry's reign. He died, five years afterwards, on the 21st of April, 1509, in his ^{1509.} 53rd year. ^{Death of} Henry VII. It has been said of him that he loved peace without fearing war, and that he was free from timidity either in the conduct of his affairs or in the day of battle. Throughout the whole of his reign he was strenuous in his efforts to prevent the great lords and landed gentry from engaging retainers, and giving badges and liveries, a practice by which they enlisted people to assist them in riots and violences, and even in bearing evidence for them in courts of justice. In his general summary at the end of Henry's reign, Hume says, "The art of printing, invented about this time,⁷ extremely facilitated the progress of improve-

⁷ It is supposed to have been first practised in 1451.

ment. The invention of gunpowder changed the whole art of war. Mighty innovations were soon after made in religion, such as not only affected those states that embraced them, but even those that adhered to the ancient faith and worship. And thus a general revolution was made in human affairs throughout this part of the world, and men gradually attained that situation with regard to commerce, arts, science, government, police, and cultivation in which they have ever since persevered."

The population of England and Wales at this time had probably risen to 4,000,000. In 1528 ^{1509.} returns were obtained of the stock of grain ^{Amount of the population.} in the kingdom, and some of these returns, containing likewise a statement of the number of inhabitants in certain districts, have been preserved, from which statements, coupled with the census returns of 1831, it has been inferred that the population in 1528 was about 4,356,000; and if such were the case, it may, without violating probability, be assumed that it amounted to four millions in 1509.²

² See M'Culloch's 'Account of the British Empire,' vol. i. p. 398-9, 2nd edit. See also ante, pp. 55 and 71, where the population is estimated at 2,350,000 in 1381, and at 3,000,000 in 1415.

CHAPTER III.

Accession of Henry VIII. — Sumptuary laws — Prices of provisions — Pulling down of houses — Consolidation of farms and increase of pasturage — State of Manchester — Gipsies — Vagrancy — “Valiant beggars” — “Rufflers” — Employment of children — Prices — The Reformation — Suppression of religious establishments — Condition of the people — Accession of Edward VI. — Loiterers and wanderers — Beggars’ children — Aged and impotent poor — Collection of alms — Trade combinations — Pasture and tillage — “Gigge-mills” — ‘Act of Uniformity’ — Book of Common Prayer — Laws of Mary — Restoration of popery — Amendment and confirmation of Acts of Henry and Edward — Sumptuary law — Gipsies — Prices of wheat — Tillage — Cattle — General increase of prices — Influences of popery and of the Reformation.

HENRY THE EIGHTH succeeded to the throne at the early age of eighteen, and neither the amusements and dissipation natural to his youth, <sup>1509-1547.
Henry VIII.</sup> which the wealth accumulated by his father enabled him to command, nor the excitement and turmoil of continental politics, into which he eagerly entered, appear to have so far occupied his time as to prevent his attending to the business of government and the condition of the people. His reign exhibited throughout proofs of great activity and energy, although not always wisely directed either by himself or his advisers, the principal of whom was Wolsey for sixteen years of the period, that is, from 1513 to 1529. Henry’s natural qualities were of a superior order: his manners were popular, frank, and manly, and his appearance was highly prepossessing. Throughout his long reign, and notwithstanding the violent and culpable acts by which it was stained, he never ceased to be a favourite with the people. He was, in short, eminently fitted for the times in which he lived, and the circumstances in which he was placed; and it is not perhaps too much to say, that scarcely any other English sovereign could have brought about the stupendous changes which he effected, with so little danger and disturbance

to the machine of government and the general framework of society.

Henry was fond of splendour, pageantry, and parade, in which his figure and high bearing fitted him ^{1509.} ¹ Hen. VIII., cap. 14. for appearing to advantage, and much of his attention was given to such matters. One of the earliest Acts of his reign was that for regulating apparel (*The 1st Henry 8th, cap. 14*), the preamble to which recites that "the great and costly array and apparel used within this realm, contrary to good statutes thereof made, hath been the occasion of great impoverishing of divers of the king's subjects, and provoked many of them to rob, and do extortion, and other unlawful deeds, to maintain thereby their costly array."

Ordinance of
clothing.

The statute then goes on to prescribe what description of clothing may, and what may not, be used by persons of different ranks and degrees. This is done with a minuteness approaching to the ludicrous, but women are specially exempted from the provisions of the Act. Purple and cloth of gold are reserved to the exclusive use of the king, queen, and royal family, and "no man under the degree of a knight is to wear any guarded or pinched shirts, or pinched partelet of linen cloth, upon pain of forfeiture of the same shirt or partelet, and for using of the same to forfeit ten shillings."

This statute is, in fact, a revival of that of Edward the Fourth,^a with certain modifications adapting it to the altered habits of the time; and so important was the due regulation of apparel deemed by Henry and by his parliament, that elaborate Acts were passed at three subsequent periods, establishing new and more minute regulations on the subject. These Acts were *The 6th Henry 8th, cap. 1*; *The 7th Henry 8th, cap. 6*; and *The 24th Henry 8th, cap. 13*.

1515, 1516,
1533,
6 and 7
Henry VIII.,
caps. 1, 6,
and 24 Henry
VIII., cap. 13.

^a Ante, p. 83.

The preambles of the two former are similar to that of the first Act, and there is no very material change in their enactments; but in the last Act it is recited, as an additional reason for its being passed, that there "hath ensued and daily do chance such sundry high and notable inconveniences as be to the great, manifest, and notorious detriment of the common weal, the subversion of good and politic order in knowledge and distinction of people, according to their estates, pre-eminences, dignities, and degrees, and to the utter impoverishment and undoing of many inexpert and light persons inclined to pride, mother of all vices." This Act takes a wider range of regulations than any of the preceding, for, in addition to the king and royal family, and dukes, marquesses, earls, and barons, it prescribes the dress to be worn, or rather that which may *not* be worn, by persons having an income of 200*l.* a year, of 100*l.* a year, of 40*l.* a year, of 20*l.* a year, and of 5*l.* a year. It then lays down the rule for servants, yeomen, and persons having less than 40 shillings a year; and for husbandmen, servants in husbandry, and journeymen in handicrafts; after which the apparel permitted to be used by the clergy is prescribed.

These regulations show the spirit and character of the times in which they were framed, when incidents of private life and domestic economy were held to be fit subjects for legislative interference. The Acts regulating apparel cannot, therefore, with propriety be omitted when describing the condition or commenting on the habits and usages of the people.

Of a character somewhat similar, and therefore not to be entirely passed over, was *The 3rd Henry 8th, cap. 15*. This statute, after providing for the protection of our native manufactures by pro-^{1511-12.}_{3 Hen. VIII., cap. 15.}hibiting the importation of foreign hats and caps, directs "that no capper or hatter, nor other person,

sell nor put to sale any cap or hat that shall be made within this realm, unless it be sufficiently wrought, and of a sufficient colour in every point, after the goodness and fineness of the wool whereof they shall be made, upon pain of forfeiture of 6s. 8d. for every cap or hat so sold;" and caps made of the finest "Leemynster wool" are to be sold for 3s. 4d., and those made of the second sort for 2s. 6d., and those of the third sort for 20d., and those of the fourth sort for 12d. The price of caps made of the finest "Coteswold wool" is to be 2s., of the second sort 16d. The caps made of Leemynster wool are to be marked with the letter L, and those made of the Coteswold wool with the letter C; and no capper or hatter is to take a higher price than the above, under a penalty of 11s. This is not only shutting out foreign competition, but regulating the home manufacture and fixing the price of the commodity. Could there be a more effectual mode of preventing improvement, and ensuring the worst article at the highest cost? Yet the measure was doubtless intended to produce the very opposite of these results, to benefit both the producer and consumer, the operatives and the community at large, and was probably popular at the time.

The next statute of this reign requiring notice is *The*
1514-15.
6 Hen. VIII.,
cap. 3. *6th Henry 8th, cap. 3.* It is entitled 'An Act concerning Artificers and Labourers,' and is a re-enactment verbatim of the *11th Henry 7th*,^b which we have seen was only in force one year. The twenty years which had since elapsed seem to have called for no change in the rates of wages then fixed, and which differed little from those prescribed in 1444 by the *23rd Henry 6th*;^c so that, after an interval of seventy years, we find no material difference in the rates of remuneration prescribed for labour. A corresponding steadiness

^b Ante, p. 99.

^c Ante, p. 79.

is observable in the price of wheat. In 1442 and 1444 wheat stands in Sir Frederic Eden's Table of Prices at 6s. 8d. a quarter, and in 1514 and 1515 it stands at 6s. 8d. and 6s. respectively, although there had been great fluctuations in the intervening period, varying from 1s. the quarter in 1454 and 1s. 8d. in 1463, to 24s. the quarter in 1486 and 20s. in 1497. Taking the whole period between the years 1444 and 1514, however, 6s. appears to have been about the average price of a quarter of wheat.^d

Under these circumstances, it would seem that a recurrence to the practice of fixing wages by statutory enactment, is only to be accounted for by a desire on the part of the master-class to prevent a rise, which the working classes were probably striving to obtain. The futility of such enactments is, however, proved by the results which invariably attend them. In the present instance, it was found necessary the year following to repeal the Act as far as it regarded masons, carpenters, and other artificers in the City of London. Wolsey's influence was now in the ascendant, and he was a great patroniser of building and builders, and probably interfered to procure the repeal.

In this and the following year two Acts were passed "concerning pulling down of towns," of a similar tendency to those of the preceding reign

Prices of
provisions.

1514, 1515.
6 and 7
Henry VIII.,
cap. 5 and 1.

^d The following comparative statement of other articles, extracted from Sir Frederic Eden's Table of Prices, may here be useful in illustration of the circumstances of the two periods:—

	In 1444.	s.	d.	In 1511.	s.	d.
A fat ox	31	3		13	4	
A lean ditto	13	0		8	0	
A sheep (1449)	2	5½		1	8	
A calf	2	0		1	8	
A pig	3	0		3	0	
A goose	0	3		0	4	
Three pigeons	0	1		0	1	
A quarter of malt	4	0		4	0	

These figures are not perhaps to be implicitly relied on, but they serve at any rate to show that no steady or decided rise in price had taken place in the interval between the above dates.

with reference to the Isle of Wight. These Acts (*The 6th Henry 8th, cap. 5*, and *The 7th Henry 8th, cap. 1*) recite, that great inconveniences are occasioned by the pulling down and destruction of houses and towns, and laying to pasture lands which have been usually occupied in tillage, to the great increase of idleness; as where 200 persons were daily occupied and lived by tillage and the breeding of cattle, “the said persons and their progeny are now minished and decreased, whereby husbandry, which is the greatest commodity of this realm, is greatly decayed.” It is then directed that all towns, villages, and hamlets, and other habitations so decayed, shall be re-edified within one year, and that all tillage-lands turned to pasturage shall be restored again to tillage.

Nine years afterwards this question of the decay of towns and the increase of pasturage again became the subject of legislation. The preamble to *The 25th Henry the 8th, cap. 13*, declares, that divers of the king’s subjects, “to whom God of his goodness hath disposed great plenty and abundance of moveable substance, now of late have daily studied and invented ways and means how they might accumulate and gather together into few hands, as well great multitude of farms as great plenty of cattle, and in especial sheep, putting such land as they can get to pasture, and not to tillage, whereby they have not only pulled down churches and towns, and enhanced the old rate of rents, or else brought it to such excessive fines that no poor man is able to meddle with it, but also have raised and enhanced the prices of all manner of corn, cattle, wool, pigs, geese, hens, chickens, eggs, and such other, almost double above the prices which hath been accustomed, by reason whereof a marvellous multitude of the people of this realm be not able to provide meat, drink, and clothes necessary for themselves, their wives, and children, but be so

1533-4.
25 Hen. VIII.,
cap. 13.

Consolidation
of farms, and
conversion of
arable land
to pasture,
prohibited.

discouraged with misery and poverty that they fall daily to theft, robbery, and other inconvenience, or pitifully die for hunger and cold." It is then assumed that the chief reason influencing these "greedy and covetous people to keep such great portions of the land from the occupying of the poor husbandmen, and to use it in pasture and not in tillage, is the great profit that cometh of sheep—some having 24,000, some 20,000, some 10,000, some 6,000, some 5,000, and some more and some less." And it is then ordered, as a remedy for this supposed crying evil, that no man shall keep above 2,000 sheep, under the penalty of 3s. 4d. for every one kept by him above that number.

It appears from the tenour of this enactment that more capital and more skill were now being applied to the land, and hence "the gathering into few hands great multitude of farms, and great plenty of cattle, especially sheep." We may presume that the increase of capital, or what is called "the great plenty and abundance of moveable substance," had arisen mainly from the increase of trade and manufactures; and to this cause may also be attributed the increase in sheep-pasturing, wool being in greater demand for the purposes of the manufacturer, and consequently yielding a greater profit to the wool-grower. These circumstances denote an increase of employment, and consequently of social comfort, although it is possible, and not inconsistent with this general increase of comfort, that in certain of the rural districts distress may, as is asserted, have been occasioned by the changes then in progress.

So likewise the complaints made ten years subsequently in *The 35th Henry 8th, cap. 4.* of the decay of towns, must be regarded as arising from a similar change. The old walled and fortified towns had become of less importance in a time of peace and established order, and their corporate usages operated as restrictions upon trade, and especially on

the manufacturer, who required space for his operations, and who was glad to remove to an open town or village as soon as he could do so with safety. Hence the decay of the old enclosed towns, and the gradual growth of new ones, more favourable as sites of manufacturing industry.

It is recorded of Manchester, so early as *The 33rd of Henry 8th, cap. 15*, that "the inhabitants are well set a work in making of cloths, as well of linen as of woollen, whereby the inhabitants have obtained, gotten, and come into riches and wealthy living, and have kept and set many artificers and poor folk to work within the said town, and many poor folks had living and children and servants there, virtuously brought up in honest and true labour, out of all idleness." Such was doubtless the case in other places as well as Manchester, although these new seats of industry are overlooked in the lamentations for the decay of certain of the old towns.

In 'An Act concerning Egyptians,' passed in 1530-1 (*The 22nd Henry 8th, cap. 10*), we find the first statutory notice of that extraordinary people. The Act recites, "Forasmuch as afore this time divers and many outlandish people calling themselves Egyptians, using no craft or faicte of merchandise, have come into this realm, and gone from shire to shire and place to place, in great company, and used great subtle and crafty means to deceive the people, bearing them in hand that they by palmystire could tell men and women's fortunes, and so many times by craft and subtlety have deceived the people of their money, and also have committed many and heinous felonies and robberies, to the great hurt and decay of the people that they have come among." It is then ordained, that no such persons shall in future be permitted to come into this realm, under pain of imprisonment and forfeiture of all their goods; and further, that proclama-

1541-2.
33 Hen. VIII.
cap. 15.

State of
Manchester.

1530-1.
22 Hen. VIII.
cap. 10.

tion should be forthwith made, commanding all the "Egyptians" then in the country to depart within sixteen days, under like penalties. It does not appear, however, that these directions were attended to, for the Egyptians or gipsies continued to infest the country as before, mingling with the people, and preying upon their credulity, and becoming more or less identified with the vagabond and mendicant classes; and so they have continued even to the present day.

Shortly afterwards was passed a most elaborately framed Act "concerning the punishment of ^{1530-1.} ^{22 Hen. VIII.,} beggars and vagabonds." This statute (*The* ^{cap. 12.} *22nd Henry 8th, cap. 12*) is deserving of especial notice, affording, as it markedly does, a proof of the close and careful attention which was given to the subject at that time. The preamble recites that "in all places throughout this realm, vagabonds and beggars have of long time increased, and daily do increase in ^{Beggars and} ^{vagabonds.} great and excessive numbers, by the occasion of idleness, mother and root of all vices, whereby hath insurged and sprung, and daily insurgeth and springeth, continual thefts, murders, and other heinous offences and great enormities, to the high displeasure of God, the unquietation and damage of the king's people, and to the marvellous disturbance of the common weal. And whereas many and sundry good laws and strict statutes and ordinances have been before this time devised and made for the due reformation of the premises, yet that, notwithstanding, the said numbers of vagabonds and beggars be not diminished, but rather daily augmented into great routs and companies, as evidently doth appear." It is then ordered, for remedy of these evils,—

Firstly.—That justices of the peace, mayors, sheriffs, and other officers, shall from time to time, within the limit of their authorities, make diligent search of all aged poor and impotent persons which live by alms and charity; and the said justices, &c., may enable such of the said

impotent persons as they think convenient to beg and live of the charity and alms of the people, within a limit to them to be appointed, “and shall register their names in a bill or roll indented, the one part thereof to remain with themselves, the other part to be certified at the next sessions, there to remain under the keeping of the Custos Rotulorum;” and they are also to deliver to every impotent person so enabled to beg, a letter containing the name of such person, and witnessing that he is authorised to beg, and the limit within which he is so authorised; and the letter is to be sealed with a seal engraved with the name of such limit, and subscribed by one of the said justices, &c. And if any impotent person so authorised shall beg in any other place than within such prescribed limit, “the justices, mayors, and sheriffs may, at their discretion, punish such person by imprisonment in the stocks the space of two days and two nights, giving them only bread and water, and after that causing them to be sworn to return again without delay to the place where they were authorised to beg.”

Punishment
of beggars
going beyond
the limits
assigned
them.

Secondly.—If any such impotent person shall go about begging, having no such letter under seal, “the constables and other inhabitants within the town or parish where such person shall beg, shall cause him to be taken and brought to the next justice or high constable of the hundred, who shall command him to be stripped naked from the middle upwards, and cause him to be whipped, if it shall seem to the discretion of the said justice or high constable that it be convenient so to punish such beggar; and if not, then to command such beggar to be set in the stocks by the space of three days and three nights, there to have only bread and water.” He is then to be furnished with a letter under seal, and assigned a limit within which to beg, and is to be sworn to repair thither immediately “after his punishment is to him executed.”

Thirdly.—If any person or persons, “being whole and mighty in body, and able to labour,” be found begging, or if any man or woman, being whole and mighty in body, and able to labour, “having no land master, nor using any lawful merchandise, craft, or myserie, be vagrants, and can give no reckoning how he doth lawfully get his living,” the constables and others of the king’s subjects of every town, parish, and hamlet, are to arrest the said vagabonds and idle persons, and bring them before a justice of ^{Punishment of vagrants.} peace, high constable, mayor, or sheriff, “who at their discretion shall cause every such idle person to be had to the next market-town, or other place most convenient, and be there tied to the end of a cart naked, and be beaten with whips throughout the same town or other place, till his body be bloody by reason of such whipping; and after such punishment he shall be enjoined upon his oath to return forthwith the next straight way to the place where he was born, or where he last dwelled the space of three years, and there put himself to labour like as a true man oweth to do.” The person so punished is to be furnished with a letter duly sealed, witnessing that he hath been punished according to this statute, and stating the day and place of his punishment, and the place whereunto he is limited to go, and by what time he is limited to come thither, within which time he may lawfully beg by the way. If he fails to obey the order appointed in the said letter, “he is eftsoons to be taken and again whipped, and so, as often as any default shall be found in him contrary to the order of this statute, he is in every place to be taken and whipped, till he be repaired to where he was born, or last dwelt for three years, and there labour for his living, without begging, as long as he is able so to do.” And if, where any impotent person or strong beggar doth happen to beg contrary to this statute, the constables and inhabitants be negligent and fail to

take and punish every such beggar, then the parish or township is to forfeit for every such default, if it be an impotent beggar 3s. 4d., and for every strong beggar 6s. 8d., "one half to the king, the other half to him that will sue for the same."

Fourthly.—"Scholars of the Universities of Oxford and Cambridge that go about begging, not being authorised under the seal of the said universities, and shipmen pretending losses of their ships and goods at sea, going about the country, begging, without sufficient authority witnessing the same, shall be punished and ordered in manner as is above rehearsed of strong beggars. And all proctors and pardoners going about without sufficient authority, and all other idle persons going about, or abiding in any city, borough, or town, some of them using divers and subtle craft and unlawful games and plays, and some feigning to have knowledge in physic, physionomie, palmistry, or other crafty science, whereby they bear the people in hand that they can tell their destinies, diseases, and fortunes, and such other like fantastical imaginations," shall, if found guilty of any such deceits on examination before two justices, be punished by whipping two days together, after the manner before rehearsed. "And if he eftsoons be guilty of the same or like offence, then he is to be scourged two days, and the third day put upon the pillory from nine till eleven of the clock in the forenoon, and have one of his ears cut off; and if he offend a third time, he is to have like punishment of whipping and the pillory, and have his other ear cut off."

Fifthly.—"If any person shall give harbour, money, or lodging, to any beggars, being strong and able to work, who act contrary to the form of this statute, every person so doing is subjected to such fine as the justices at their general sessions shall direct. And if any person or persons shall in anywise hinder the execution of this Act, or make rescue against any

mayor or other person endeavouring for the due execution thereof, such person or persons for every such offence shall lose and forfeit a hundred shillings, and over that have imprisonment at the king's will. And it is further ordered, that the Act shall yearly be read in open sessions, "to the intent that it may be the more feared and the better put in execution."

By thus reverting to greater stringency towards vagrants, it would seem that the more lenient course prescribed by the *19th Henry 7th, cap. 12,*^e had not proved successful. Indeed this is assumed in the present Act, which begins by asserting the great increase and excessive numbers of vagabonds and beggars, to correct which evil the several enactments are professedly framed. These enactments are here given nearly verbatim, and at greater length than usual, for the purpose of showing the great care bestowed on the subject by the framers of the statute, and also as affording much insight into the condition of the people, and the opinions and feelings prevalent at the time with respect to the vagrant classes.

The legislators of that day were strenuous in their endeavours to put an end to vagabondage in every shape; but they recognised the distinction between the impotent poor beggar and the able-bodied mendicant, and directed a different proceeding with respect to each. As regards the impotent poor, the proceeding seems to have been prescribed with a view to ascertaining whether it would be possible so to regulate mendicancy as to deprive it of its evil consequences; whether, in short, the sanction or toleration of begging, by means of a letter of licence under strict limitations and restrictions, might not be adopted without encouraging or leading to an increase of beggars. The experiment was made in a good spirit, but the result

Distinction
between the
impotent and
able-bodied.

* Ante, p. 103.

could hardly have been regarded as doubtful, even at that early period. With respect to the able-bodied, the course adopted was more direct and more stringent. But the distinction thus made in the mode of treating the two classes, and which is laid down with such minuteness in the present Act, although doubtless important, still ends in sending both the one and the other back to the place of their birth or previous residence; granting to the impotent permission to beg, and requiring, but not enabling or in any way assisting, the able-bodied to set themselves to work. No provision is made for sustaining the weak, or for helping the strong to find employment; and, therefore, notwithstanding the severity of the punishments awarded, the statute was sure to fail of accomplishing the object for which it was designed.

The fourth provision, inflicting punishment on scholars of the two Universities who go about begging without being duly licensed, seems at the present day an extraordinary enactment; but it was not then so regarded. The priests and inferior clergy were all, more or less, beggars or solicitors of alms, and those of the mendicant orders were professedly such; so that, partly from custom and partly from teaching and example, not only was begging tolerated, but the profession of a beggar was regarded as not being disgraceful. Against habits and impressions thus countenanced and upheld, the legislature had to struggle in its endeavours to suppress mendicancy; and it was not until after the Reformation had been established, and the monastic orders suppressed, that mendicancy can be said to have been materially lessened, or that habits of self-reliance and feelings of self-respect became in any considerable degree prevalent with the people.

This Act (*The 22nd Henry 8th, cap. 12*) continued in force five years, at the end of which time it was repealed, and another elaborate statute was framed with

a like object. The present Act was, however, revived ten years afterwards; and, notwithstanding former failures, it appears to have been still much relied upon for defending the community against the spread of vagabondage and mendicancy.

The 27th Henry 8th, cap. 25, has the same title as the preceding Act, a deficiency in which it was intended to supply, and which is thus described in the preamble:—"And forasmuch as it was not provided in the said Act how and in what wise the said poor people and sturdy vagabonds should be ordered at their coming into their countries, nor how the inhabitants of every hundred should be charged for the relief of the same poor people, nor yet for setting and keeping in work and labour the aforesaid valiant vagabonds." It is then ordered that the mayors, bailiffs, constables, and other head officers of cities, towns, and parishes, "shall most charitably receive such poor creatures or sturdy vagabonds as are specified in the said Act," and shall succour, relieve, and keep the said poor people by way of voluntary charitable alms, in such wise as none of them shall of necessity be compelled to wander and go openly in begging; and also shall cause the said sturdy vagabonds and valiant beggars to be set and kept to continual labour in such wise as they may get their own living with the continual labour of their own hands. The mayors, bailiffs, constables, &c., are likewise "to endeavour to order and direct the poor people, valiant beggars, and sturdy vagabonds, in such wise that the present Act shall be duly observed and put in execution, upon pain that every parish shall forfeit twenty shillings for every month in which it is omitted and not done."

This provision, or rather direction, for setting the "sturdy vagabonds and valiant beggars" to work, is an important advance upon the previous Act; but still it was evidently feared that there might be a want of

1535-6.
27 Hen.VIII.,
cap. 25.

"Valiant
beggars" are
to be set to
work.

means for carrying the provision into effect; and it is, therefore, further ordered, that the mayors and other head officers, &c., and the churchwardens or two others of every parish, "shall take such discreet and convenient order, by gathering and procuring voluntary alms of the good Christian people within the same, with boxes, every Sunday and holiday, or otherwise among themselves, in such good and discreet wise as

Poor people
not able to
work are to
be relieved.

the poor, impotent, sick, and diseased people, being not able to work, may be provided, holpen, and relieved; and that such as be lusty, having their limbs strong enough to labour, may be daily kept in continual labour, whereby every one of them may get their own living with their own hands." It is then also further ordered, that every

parson, vicar, and curate shall exhort people to extend their charitable contributions from time to time for and towards the above objects; and they, or some other

An account
of such relief
to be kept.

honest man of every parish, are to keep a book of reckoning, and therein enter all such sums of money as shall be gathered by the charitable alms of the inhabitants, and in what wise any part of the same money shall be spent. The book is to be bought and paid for by the constable and churchwardens, and to remain in the custody of two or three of them, or of some indifferent man by their consent, and not with the parson of the parish. It is, however, expressly declared that the alms are not compulsory, and that no one is "to be constrained to any such certain contribution, but only as their free wills and charities shall extend." The churchwardens and collectors are not to continue in office more than one year; and if there should be a surplus of alms collected in any one parish, it is to be applied in aid of other poor parishes near or adjoining.

After thus organising the collection and appropriation of alms, the Act goes on to direct that no person

shall make any common or open dole, or shall give any money in alms, otherwise than to the common boxes and common gatherings, for the purposes of this Act, "upon pain of forfeiting ten times the value of all such money as shall be given contrary to the tenour and purport of the same." And all persons and bodies politic and corporate, that are bound to give or distribute any money, bread, victuals, or other sustentation to poor people, must give the same into such common boxes, to the intent that it may be employed "towards relieving the said poor, needy, sick, sore, and indigent persons, and also towards setting in work the said sturdy and idle vagabonds and valiant beggars." This was a great stretch of legislative power, but it was no doubt necessary for affording even a reasonable chance of the collections proving sufficient for the intended object. It was likewise, it may be presumed, necessary for checking mendicancy and vagabondage; for as long as these doles and other established charities were distributed, so long would there be claimants to partake of them—they might occasionally afford relief to destitution, but it is certain that they would also help to create it, by diverting people from industrial pursuits and leading them to rely upon almsgiving.

A new description of offenders are noticed in this statute. They are described as idle persons, "ruffelers," calling themselves servingmen, but having no masters. They are expressly subjected to the penalties provided in this and the previous Act; and if, after having been once taken, whipped, and sent into any town, hundred, or parish, any of the aforesaid "ruffelers, sturdy vagabonds, and valiant beggars" wander, loiter, or idly play the vagabonds, and absent themselves from such labour as shall be appointed unto them, then, being apprehended, and upon due examination and proof, they are not only to be whipped again, and sent to the town or parish whereunto they

"Ruffelers"
to be treated
as "sturdy
vagabonds."

were first appointed, but also "have the upper part of the gristle of the right ear clean cut off, so as it may appear for a perpetual token that he hath been a contemner of the good order of the common wealth." And every constable, with the assistance of the most substantial people of every parish where such "ruffeler, sturdy vagabond, or valiant beggar" shall happen to be taken, shall do or cause to be done this execution, as well in whipping as in cutting off the said upper gristle of the ear, upon pain of forfeiting five marks, and the inhabitants are to assist the said constables to the best of their power, upon the like pain. It is also further directed, that if any ruffeler, sturdy vagabond, or valiant beggar, having the upper part of the right ear cut off as aforesaid, be apprehended wandering in idleness, and it be duly proved that he hath not applied to such labours as have been assigned to him, or be not in service with any master, "that then he be committed to gaol until the next quarter sessions, and be there indicted and tried, and, if found guilty, he shall be adjudged to suffer death as a felon."

The only other section of this statute requiring notice is that which provides for placing poor children out in service. By *the 4th section*, it is enacted, that the governors, justices of the peace, and head officers and constables of every city, town, or parish, shall have authority "to take up all children between the ages of five and thirteen years, who are begging or in idleness, and appoint them to masters in husbandry or other crafts to be taught, by which they may get their livings when they shall come of age, giving to them of the said charitable collections clothing to enter into such service." And if any of such children between the ages of twelve and sixteen refuse such service, or depart from the same without reasonable cause, they are to be apprehended and openly whipped with rods, at the discretion of the said officers.

The several provisions of this comprehensive statute go a long way towards creating a parochial machinery for the relief and management of the poor, and seem in fact to have been the foundation of what was afterwards done in this respect. The Act is therefore deserving of particular notice, as well on this account as because it embodies all that the experience of the statesmen of the day could devise on the subject of the poor; and at no other time was more attention paid to this question or to the condition of the people generally. It is impossible to go through the numerous Acts passed in *the present reign*, often (as in the case of the two just cited) most elaborately framed, and bearing upon almost every point of social interest, without feeling convinced that the condition of the people occupied much of the attention of government. The views entertained were not always sound, nor the measures adopted always calculated to produce the best effects; sometimes indeed the very reverse, as in the instances already noticed of wages and apparel and sheep pasturage; but still attention was given, care was manifested, and the ease and comfort of the great mass of the people seem to have been earnestly desired both by king and parliament.

Thus, in 1532-3 complaint was made to the king on behalf of his "poor subjects of this realm" (*The 24th Henry 8th, cap. 3*), "that whereas <sup>1532-3.
24 Hen. VIII.
cap. 3.</sup> before this time all manner of victual hath been sold at prices convenient, so that all your subjects, and especially poor persons, might with their craft or bodily labour buy sufficient for the necessity and sustentation of them, their wives, and children; but now all victual, and especially beef, mutton, pork, and veal, which is the common feeding of the mean and poor persons, are sold at so excessive price that your said needy subjects cannot gain with their labour and salary sufficient to pay for their convenient victual and sustenance;" and on this complaint it is ordered that beef and pork shall

be sold at a halfpenny a pound, and mutton and veal at a halfpenny and half a farthing, and that the flesh shall be cut out in reasonable pieces according to the request of the buyer, "without fraud or covyn." But it is also further specially provided, that in places where beef, mutton, pork, and veal be sold at less prices, this Act is not to apply. In the following year another Act was passed (*The 25th Henry 8th, cap. 1*), confirming and enforcing the above, and further directing "that every owner, grazier, farmer, breeder, drover, and brogger, which shall have any beefs, muttuns, veals, or porks fat and kept to be sold for man's meat, shall, whensoever any butcher shall resort to them to buy the same, make sale of their said cattle at such reasonable prices as the said butcher may retail the same again according to the effect of the said former Act."

1533-4.
25 Hen VIII.,
cap. 1. And about the same time an Act was passed (*The 25th Henry 8th, cap. 2*) enabling the Lord Chancellor and other high officers of state to fix and regulate the price of "cheese, butter, capons, hens, and chickens." But two years afterwards the above two first-cited statutes were repealed, and butchers were permitted "to kill and sell all manner of beef, pork, mutton, and veal at their pleasure, as freely as they did or might have done at any time before the making of the said statutes." We may therefore presume that, however well intended, the futility of such regulations, in all respects except as to the many inconveniences arising from them, had in the course of these two years become sufficiently apparent. Yet the price of cheese, butter, capons, and chickens was still left subject to the fiat of the Lord Chancellor.

The chief event of Henry's reign, however, and that which unquestionably led to the greatest improvement in the condition of the people, was the Reformation, or rather the emancipation of the kingdom from the thralldom of papacy, for the Reformation cannot be

said to have been fully established until the reign of Elizabeth—so deliberate was the preparation, and so gradual the bringing about, of this great religious revolution, notwithstanding its connexion with all the higher feelings of our nature, and the stirring circumstances by which it was attended. But the people generally, and no inconsiderable portion of the secular clergy, had been long prepared for the change, and went heartily with Henry in his repudiation of papal authority,^f or it would not have been so quietly and effectually accomplished.

In 1532 an Act was passed (*The 23rd Henry 8th, cap. 20*), denouncing the extortions of the see of Rome, and prohibiting the payment of annates and first-fruits. The year following, by another statute (*The 24th Henry 8th, cap. 12*), the pre-eminence and authority of the king, and the sufficiency of the body spiritual to determine all questions of the law divine without the intermeddling of any exterior person, and of the temporality for all trials of property, are asserted, and appeals to Rome are prohibited under penalty of premunire. The next year another Act was passed (*25th Henry the 8th, cap. 21*), in which various grievous exactions “by the Bishop of Rome, called the Pope,” are specified, and the independence of the realm is therein again asserted, and all payments to “the bishop or see of Rome” are prohibited. Again, by *The 26th Henry 8th, cap. 1*, the king is declared the supreme head of the Church of England; and finally, in 1536, the authority of “the bishop of Rome” within the king’s dominions, and the usurpation of the papal power, are, by *The 28th Henry 8th, cap. 10*, declared to be extinguished: and all persons who shall by ^{1536.} ^{28 Hen. VIII.} ^{cap. 10.} writing, teaching, or preaching uphold the same, are subjected to the penalties of premunire. This last Act

^f See Hallam’s ‘Constitutional History,’ vol. i. pp. 56–63, 4th edition.

may, therefore, be said to have completed the severance of England from the see of Rome, and the king and the parliament forthwith set about remodelling and reforming the religious institutions of the country.

The "small abbeys, priories, and other religious houses of monks, canons, and nuns," were suppressed in 1536; and three years afterwards the dissolution of the larger abbeys and monasteries was decreed by *The*
1539.
31 Hen. VIII.,
cap. 13. *31st Henry 8th, cap. 13.* It is probable that these two measures may not at first have been popular, as all persons who had been maintained in and by such institutions, and those who had been accustomed to receive alms at their gates, would naturally lament the abolition, and might raise a cry after their accustomed doles. But of the evil tendency of all such establishments there can be no doubt. "It is obvious that the habits of indolence which the monastic institutions tended so strongly to cherish had the effect of increasing tenfold the evil which they were designed to cure. Multitudes of the idle and dissolute were sent forth from these haunts of profligacy; and the votaries of indolence and beggary, who were daily fed on the alms distributed at the doors of the religious houses, soon spread their debasing and demoralising influence through the land."^s

The dissolution of these institutions, numerous and opulent as they were, could not however fail to produce very important results, not as affecting the poor alone, but with respect to the entire population; and these effects were greatly heightened by the circumstances involved in the reformation then in progress. The public mind, released from the shackles of the Romish Church, and excited by constant discussions on what was passing in reference to religion, not in England only but throughout Europe, would turn with increased

^s See the Rev. Robert Burn's 'Historical Dissertation on the Law and Practice with regard to the Poor, and on the Modes of Charity,' p. 50.

energy to questions of domestic policy and social improvement. It has been well remarked, with reference to the social and economical effects of the Reformation, that "the overthrow of an institution so venerable as the (Romish) Church, and which had hitherto held down the whole national mind and habits of thought and action with so comprehensive and firm a grasp, was like the bursting asunder and passing away of all old customary bonds and enclosures, and a throwing open to all men of the clear broad field of a new era. But besides the universal excitement it thus diffused, and the constraint and benumbment from which it released the spirit and energies of the people, the abolition of the old religion operated also in a more palpable way to benefit the cause of the national industry, which is that of the popular strength, by the large number of additional hands it soon set to work in productive and profitable labour. It is calculated that about fifty thousand persons were wont to lead an idle and useless life in the English monastic institutions, and that, by the dissolution of these establishments and the abrogation of clerical celibacy together, about a hundred and fifty thousand persons of both sexes heretofore withdrawn from marriage, were added to the force by which the population is kept up. In the state of England in that age, such an addition to the effective stock of its population, was a direct augmentation of the sources of the public wealth."^a The Reformation must therefore be kept prominently in view at this period, in all considerations regarding the condition of the people, or the relief of the poor.

That there was great need of such changes as followed the Reformation, is quite certain. So backward were the people at that time in much that concerns the comforts, and what may be called the smaller luxuries

^a See 'Pictorial History of England,' vol. iii. p. 902.

of life, that it was not until the end of Henry's reign that sallads, carrots, turnips, and other edible roots were produced in England. These vegetables had previously been imported from Holland and Flanders, and when Queen Catherine wished for a salad, she was obliged to send a messenger thither to fetch it. Indeed, commercial intercourse was then mostly confined to the Low Countries, whose merchants purchased our English woollens and other commodities, and distributed them to other parts of the world. In proof of the demoralization which prevailed, it is only necessary to state that seventy-two thousand criminals were executed for theft and robbery during Henry's reign, which would be equal to an average of two thousand a-year. The condition of the people in a religious and moral point of view must have been low indeed, to render such a fearful sacrifice of life at the shrine of justice necessary for the protection of property, although other causes may have tended to increase its insecurity. That one other cause existed in the absence of an adequate provision for the relief of the destitute, has been shown in the preceding pages; and this may, perhaps, account for much of the criminal violence which the strong arm of the law was called in to punish and repress. But it is nevertheless certain that the moral habits of the people were then of a very low standard, and we cannot but suppose that this must have been in some degree owing to the nature of the religious instruction imparted to them.

No further statute respecting the poor was passed in this reign, after *The 22nd Henry 8th, cap. 12*, and *The 27th Henry 8th, cap. 25*,¹ and these two Acts remained thenceforward in concurrent operation. Henry died on the 28th of January 1547, and was succeeded by his son, Edward the Sixth, then only ten

1547-1553.
Edward VI.

¹ See ante, pp. 115 and 121.

years of age. His mother and his tutors were all favourers of the Reformation, for which the prince himself, who is described as of very precocious intellect, was also said to be zealous. His uncle and chief adviser and guardian, the Duke of Somerset, was a decided supporter of the reformed doctrines, and with him and Archbishop Cranmer chiefly rested the duty of maturing and establishing the ritual and order of our Reformed Church, very nearly as they exist at the present day.

One of the earliest Acts of Edward's reign was *The 1st Edward 6th, cap. 3*, "for the punishment of vagabonds, and for the relief of the poor and impotent persons." Between eight and nine years had now elapsed since the monasteries and religious houses were suppressed, and one consequence of their suppression was to throw back upon the community a number of the vagrant and mendicant class who had been accustomed to derive their chief support from those establishments. The numbers thus driven to levy contributions on the public must have been considerable, and would grievously augment the evil against which legislation had been so long and so strenuously directed. Accordingly, this statute begins by reciting that "idleness and vagabondage is the mother and root of all thefts, robberies, and other evil acts and mischiefs, which the king and parliament hath often with great travail endeavoured to repress; but owing to the foolish pity of them which should have seen the laws executed, the said goodlie statutes have hitherto had small effect, and idle and vagabond persons, unprofitable members, or rather enemies of the common wealth, have been suffered to remain and increase, who, if they should be punished by death, whipping, imprisonment, or with other corporal pain, it were not without their deserts; yet if they could be brought to do service, it were much to be desired." All statutes and Acts here-

1547.
1 Edw. VI.,
cap. 3.

tofore made for the punishment of vagabonds and sturdy beggars are then declared to be "repealed, void, and of none effect."

After thus repealing all previous enactments, the Act proceeds to establish a series of punishments for idle vagabonds,—“whether man or woman, not being lame, impotent, or so aged or diseased with sickness that he or she cannot work.” Every loitering and idle wanderer, who shall refuse to apply himself to honest labour, or to work for wages, or for his meat and drink, or who shall run away from work Loitering, idle wanderers. he has agreed to perform, is to be taken for a vagabond; and if he continue idle and refuse to labour, or run away from work set him to perform, he is to be branded with the letter V, and be adjudged a slave for two years to any person who shall demand him, to be fed on bread and water and refuse meat; and caused to work in such labour, “how vile soever it be, as he shall be put unto, by beating, chaining, or otherwise.” If he run away within the two years, he is to be branded in the cheek with the letter S, and adjudged a slave for life; and if he run away again, he is to suffer death as a felon.

“The loitering and idle wanderer,” if no man demanded him, is to be examined by any justice of the peace who might happen to espy him; and if it shall appear that he had been an idle vagrant and vagabond the space of three days, the justice is to cause the letter V to be marked on his or her breast with a hot iron, and then to send him to the place where he was born, there to be compelled to labour in chains or otherwise on the highways, or at common work, or from man to man, as the slave of the inhabitants, who are to set and keep him at work, upon pain of forfeiting, for every three days the slave shall be idle by their default, 5*l.* if a city, 2*l.* if a borough, and for a town or village 20*s.* If it appeared that he was not really born

in the place of which he represented himself as being a native, he is to be branded in the face, and remain a slave for life. And it is further ordered, that the master of any slave may put a ring of iron about his neck, arm, or leg, "for the more knowledge and surety of keeping him."

The Act further provides, that a young beggar, or the child of a beggar, whether it be male or female, between the ages of 5 and 14, "idly wandering about as a vagabond," may be taken by any manner of person from any such beggar, "being the mother, nurser, or keeper thereof, whether they be willing or not;" and upon the person's promising before a justice of the peace to bring the child up in some honest labour or occupation, the justice may adjudge the said child to be servant or apprentice to the person so promising, until it reach the age of 20 if a woman-child, and until 24 if a man-child; and if any child so adjudged shall run away from such master or mistress, the child may be taken again and punished in chains or otherwise, and be used in all points as a slave for the time above specified; and the master or mistress is then empowered "to let, set forth, sell, bequeath, or give the service and labour of such slave-child to any person or persons whomsoever he will." Slaves, or children so adjudged, wounding their master or mistress in resisting their corrections or otherwise, or either before or after they are set free conspiring to do them mischief of any kind, are "to suffer the pains of death as in case of felony;" or else, if the master or mistress, or any other person, be willing to take them, they are to become to such persons slaves for life.

The children
of beggars
and idle
wanderers.

Provision is likewise made in this Act (*The 1st Edward 6th, cap. 3*) for the care and relief of the aged, infirm, and impotent poor, and for preventing their wandering and begging out of their

Aged and
impotent
poor.

own districts, not differing materially from what was ordained by the *27th Henry the 8th*,^k except only that it is more strictly enjoined that such of this description of poor as are capable of doing anything shall be kept at work; and also, that beggars not belonging to the district, are directed to be sought for by the mayors, sheriffs, constables, and other officers, under a penalty of forty shillings for every default, and conveyed to the place where born or where most conversant, to be there kept and nourished of alms; and the curate of every parish is enjoined, "according to such talent as God has given him," to exhort his parishioners to remember the poor according to their means, and the need there be for their help.

This statute was repealed two years afterwards, and now deserves attention chiefly on account of its exhibiting the ruthless spirit which had been called forth in the country by the spread of mendicancy and vagabondage, and which influenced the legislature to pass so stern and revolting a law.

It is clear that such extreme severity was soon found to be wrong, for *The 3rd and 4th Edward 6th*, *cap.* 16, recites, as a reason for repealing the above statute, "that the good and wholesome laws of the realm had not been put in execution because of the extremity of some of them." *The 22nd Henry 8th*, *cap.* 12,^m is then revived, and its provisions "concerning how aged and impotent persons should be ordered for their better relief, and how vagabonds and strong beggars should be punished, and every matter, article, proviso, and sentence therein contained are established, and from henceforth are to stand in full strength and virtue as a perfect Act of Parliament for ever." The directions for removing the aged, impotent, and infirm poor to the place of birth or last

1549-50.
3 and 4
Edward VI.,
cap. 16.

^k Ante, p. 121.

^m Ante, p. 115.

residence, and for keeping such of them as are able at work, are, however, again enacted in all their original stringency; and if they refuse to work, or run away, or beg in other places, they are then "to be punished with stocking, beating, or otherwise, as shall seem convenient."

In the following year *The 5th and 6th Edward 6th, cap. 2*, was passed, with the professed object and intention, as set forth in the preamble, "that valiant beggars, idle and loitering persons, may be avoided, and the impotent, feeble, and lame provided for, which are poor in very deed." By this statute that of the year preceding, and the Act of the *22nd Henry 8th, cap. 12*, are confirmed and commanded to be justly and truly put in execution. The Act then directs that in every city, town, and parish, a book shall be kept by the parson, vicar, or curate, and the churchwardens, containing the names of the householders, and of the impotent poor; and that the mayor and head officers in towns, and the parson and churchwardens in every parish, shall yearly, in Whitsun week, "openly in the church, and quietly after Divine service," call the householders and inhabitants together, and shall elect and appoint two able persons or more to be collectors of the charitable alms of the residue of the people for the relief of the poor. And the Sunday next, or Sunday following, when the people are at church, "the said collectors shall gently ask and demand of every man and woman what they of their charity will give weekly towards the relief of the poor, and the same is to be written in the same book. And the collectors shall justly gather and truly distribute the same charitable alms weekly to the said poor and impotent persons, without fraud or covine, favour or affection, and after such sort that the more impotent may have the more help, and such as can get part of

1551-2.
5 and 6
Edward VI.,
cap. 2.

Collectors of
alms for the
relief of the
poor.

their living have the less, and by the discretion of the collector to be put in such labour as they be able to do; but none are to go or sit openly begging, upon pain limited in the aforesaid statute." If any person, being able, shall obstinately and frowardly refuse to give towards the help of the poor, or wilfully discourage others from so charitable a deed, the parson and churchwardens are gently to exhort him, and, if he will not be so persuaded, then the bishop is to send for him, to induce and persuade him by charitable ways and means, and so to take order according to his discretion. No person elected and nominated to the office of collector is permitted to refuse to execute the same for one whole year, upon pain of forfeiting twenty shillings to the alms-box of the poor. Collectors to account quarterly. And the collectors are to account quarterly to the town and parish authorities, at which accounting "such of the parish as will may be present."

This is the last statute passed in Edward's reign having immediate reference to the poor, and it leaves the law nearly the same as it was at his accession, the chief difference being an improved organization for collecting alms and distributing relief, the necessity for which, in the absence of any established provision, had now, it must be presumed, become very urgent. The officers designated for this purpose, have a close resemblance to the overseers of the poor not long afterwards appointed in every parish, and of whom these collectors may be regarded as the precursors.

There were, however, other Acts in Edward's reign which, although not bearing directly upon the poor as a separate class, affected them in common with the rest of the community, and exercised a considerable influence on the social condition of the people; and to these it will be necessary briefly to advert.

The first is entitled 'An Act touching Victuallers and Handicraftsmen' (*The 2nd and 3rd Edward 6th,*

cap. 15). This Act recites, that "sellers of victuals, not contented with moderate and reasonable gain, have conspired and covenanted together to sell their victuals at unreasonable prices;" and likewise, that "artificers, handicraftsmen, and labourers, have made confederacies and promises, and have sworn mutual oaths, not only that they should not meddle one with another's work, or perform and finish that another hath begun; but also to appoint how much work they should do in a day, and what hours and times they shall work, to the great hurt and impoverishment of the king's subjects."

1548.
2 and 3
Edward VI.,
cap. 15.

All such combinations are, therefore, now declared to be illegal, and the parties joining in them are, for the first offence, subjected to a penalty of 10*l.*, or imprisonment for twenty days; for the second offence, to a penalty of 20*l.*, or the pillory; and for a third offence, to a penalty of 40*l.*, or pillory with the loss of his ears; and also "shall at all times afterwards be taken as a man infamous, and his depositions or oath not to be credited." We here see that combinations of workmen existed at that period as well as in a later day, and that it was found necessary to put them down by strong penal enactments. But as respects the selling of victuals, legislative interference could not have been needed; for any combination of sellers to demand excessive or unreasonable prices would naturally, in a little time, bring about its own correction. If the prices were so high as to yield a return above the usual rate of profit on capital, other competitors would come in, and then the equilibrium would be restored without violence or the necessity for legislation, a free and open market being all that is required for adjusting the prices of commodities.

Combinations
of workmen
and others
prohibited.

With respect to the combining of the artizans, handicraftsmen, and labourers above described, if this was occasioned by their wages being at that time unduly

depressed below what, as free men giving their labour in return for the means of subsistence, they were reasonably entitled to demand, they would doubtless be warranted in agreeing or combining together for the purpose of obtaining an increase, provided it were done without violence, coercion, or intimidation of any kind. There must be no threatening or insult to the employers—no inflammatory appeals to the passions or fears of the workmen. It is essential that both be left entirely free, each working-man to dispose of his labour on such terms as he deems most advantageous, either singly or conjointly with others, at his own option; and every master to employ whomsoever he pleases, and on whatsoever terms he may choose or be able to make.

The combinations prohibited in the above Act were not so conducted. It appears that restrictions were imposed on workmen by the artizans themselves, prescribing who should and who should not work, the quantity of work which each man should perform, and the particular times he should be employed. This was an unwarrantable interference with the freedom of action to which every man is entitled, and it was necessary for the protection of all parties that it should be prohibited; and for none was it more necessary than for the workmen themselves, who are always the greatest sufferers on such occasions. Experience shows that combinations never take place without bringing privation and suffering in their train, nor without exciting distrust and ill-feeling between the operatives and their employers, to the injury of both. Combination is a two-edged weapon, which cannot be wielded without danger. It may prove fatal to both parties, and is sure to injure the weaker, that is the workmen; who often, nevertheless, in disregard of this fact, allow themselves to be led on by restless and uneasy spirits of their own class, until they find themselves entangled in engagements from which they can

Effects of
such com-
binations.

not escape, and the penalties consequent on which are in the end heavily visited upon themselves and their families.

In 1551 the old alarm about the conversion of tillage land into pasture^a was revived, and *The 5th and 6th Edward 6th, cap. 5*, was passed “for the maintenance and increase of tillage and corn.”

1551-2.
5 and 6
Edward VI.,
cap. 5.

It recites that tillage has of late been much decayed, by such as have converted to pasture lands usually put in tillage; and it enacts that “as much land or more shall be put wholly in tillage, and used and sown according to the custom of the country and nature of the ground, and so shall be continued and used for tillage and sowed for ever, by the owners, farmers, or occupiers thereof, as was or hath been put in tillage in any one year since the first year of King Henry the Eighth,” upon pain of forfeiting five shillings annually for every acre not so put and kept in tillage; and commissioners are appointed to see that the Act is obeyed. It had not yet been proved that matters of this nature are best left to the discretion of the parties interested, and that legislative interference on such occasions is invariably either useless or mischievous. The anxiety manifested for increasing the supply of corn shows, however, that the consumers of corn had increased in number, or else that each required a larger quantity. In all probability both causes existed at this time. Population had increased, the people lived better, and their general condition was improved.

In the same year *The 5th and 6th Edward 6th, cap. 22*, was passed “for the putting down of gigge-mills.” It states in the preamble that certain mills called “gigge-mills” are newly devised, erected, and used in many parts of the country, for the perching and burling of cloth,” by reason whereof

1551-2.
5 and 6
Edward VI.,
cap. 22.

^a See ante, pp. 95 and 112.

the true draperie of this realm is wonderfully impaired, and the cloth thereof deceitfully made." Gigge-mills prohibited. It is therefore directed that such mills shall not be used, under a penalty of 5*l*. "for every cloth wrought in or by any of the said mills called gigge-mills." The reason assigned for this prohibition is the injury caused to the manufactured article. If this were really the case, and that the character of our woollens in the markets of the world was injured by the use of these mills, there would be ground for the prohibition, our woollen manufacture being at that time the great staple of the country, and affording the means of subsistence to a large number of the people. But the prohibition is more likely to have originated in a fear and jealousy of machinery's interfering with manual labour, on which account it is noticed here. Such jealousy and fear have been manifested with respect to almost every kind of machinery, or new mechanical invention; and have often occasioned great mischief, and led to the destruction of much property, through the misguided violence of the operative classes; who are nevertheless, in the end, always gainers by such improvements.

1548.
2 and 3
Edward VI.,
cap. 1. In the second year of Edward's reign, 'The Act for the Uniformity of Service and Administration of the Sacraments' was passed. This Act was at that time so necessary for quieting the public mind, then in a state of great excitement on the subject of religion, that its importance can hardly be overestimated. Cranmer, the archbishop of Canterbury, and certain of the most learned and discreet bishops and other learned men, were appointed "to consider and ponder the premises, having as well an eye and respect to the most sincere and pure Christian religion taught by Scripture, as to the usages in the primitive Church, and to draw and make one convenient and meet order, rite, and fashion of common and open

prayer and administration of the sacraments, to be had and used." The Book of Common Prayer was accordingly framed, and laid before the lords spiritual and temporal and commons in Parliament assembled, who, considering "the godly prayers, orders, rites, and ceremonies in the said book, and the considerations of altering those things which be altered, and retaining those things which be retained," do pray that it may be ordained and enacted, and that all ministers in cathedrals and parish churches or other places shall be bound to use the services in such order and form as is mentioned in the said book, and none other. This was accordingly done, and copies of the Book of Common Prayer were ordered to be placed in every church, at the cost of the parish. The passing of this Act, and the distribution throughout the country of so beautiful and comprehensive a form of public worship as was thus promulgated, and in which the people were themselves to join and take a part, could not fail of being highly beneficial. It must have fallen like oil upon the troubled waters, and helped to still the jarring elements of theological controversy and sectarian strife.

The Book
of Common
Prayer
ordained.

Edward died on the 6th of July 1553, at the early age of sixteen, to the great grief of the nation; and he was succeeded by his eldest sister, the princess Mary, then in her thirty-seventh year. The first Act of Mary's reign, was to assert her own legitimacy; the second, to repeal all the innovations in the religious service made by her predecessor; and the third, to provide for the punishment of persons disturbing licensed preachers in their sermons, or priests while performing mass. Mr. Hallam remarks that "the queen, in fact, and those around her, acted and felt as a legitimate government restored after an usurpation, and treated the recent statutes as null and invalid." "The Latin Liturgy was restored, the married clergy expelled

Queen Mary.
1553-1558.

from their livings, and even many Protestant ministers thrown into prison for no other crime than their religion, before any change had been made in the established laws.”^o

In the same year, an Act was passed against rebellious assemblies. This Act (*The 1st Mary, cap. 12*) directs,
1553.
1 Mary,
cap. 12. that if any persons, to the number of twelve or above, shall assemble and go about to alter or change any laws established for religion, and being commanded by the sheriff, or any justice of the peace, or the mayor of any corporate town, to retire to their own homes, shall in riotous manner remain and continue together one whole hour after such commandment, they shall be adjudged felons, and suffer execution of death as in case of felony.

The insurrection under Sir Thomas Wyatt broke out in January of the year following (1554), professedly against the queen's intended marriage with Philip of Spain, which in the people's minds was identified with the re-establishment of popery. The insurrection was, however, speedily suppressed, and the marriage took place on the 25th of July following, that being the festival of St. James, the patron saint of Spain. Shortly afterwards an Act was passed “against seditious words
1554-5.
1 and 2 Phillip
and Mary,
cap. 3. and rumours,” by which a penalty of 100*l.*, or else the pillory and loss of ears, was enacted against any person who shall utter seditious slanders against the king or the queen. Persons repeating the same are to suffer the loss of one ear, or pay a fine of a hundred marks, and be imprisoned one month; and any person writing against the king or queen is to suffer the loss of his right hand. An Act was likewise passed
1554-5.
1 and 2 Phillip
and Mary,
caps. 8, 9, and
10. “repealing all statutes, articles, and provisions made against the See Apostolick of Rome,” and announcing the arrival of Cardinal Pole as

^o See Hallam's ‘Constitutional History,’ vol. i. p. 41, 4th edition.

Legate from the Pope, whose pardon of England and the English people had been obtained through the intercession of the king and queen. And this is followed by another Act, which recites that divers naughty and heretical persons, in a devilish sort, contrary to the duty of their allegiance, have in conventicles and other profane places, esteeming themselves to be in the true faith, whereas indeed they are in errors and heresies, prayed against the queen's majesty that God would turn her heart from idolatry to the true faith, or else to shorten her days, or take her quickly out of the way. It then enacts, that "all persons making such prayers, and their procurers and abettors, shall be taken and judged traitors, and shall suffer and forfeit as in cases of high treason." And another Act immediately followed, making slanders against the king and queen punishable by forfeiture of lands, goods, and chattels, and imprisonment for life.

The religion of a people is so intimately connected with their social well-being, and exercises so powerful an influence upon every class, the poor as well as the rich, that reference to it could not with propriety be omitted in a work like the present; and I have therefore briefly gathered these several enactments under one view, as they throw light upon the state of religious feeling in England at that time, and moreover prove that the queen's zeal in favour of "the old religion," as it was called, was not responded to by the country, but, on the contrary, that a strong feeling existed in favour of the reformed doctrines and ritual established in the last reign, the abrogation of which was directly opposed to the wishes of a very large section of the people. The jealousy and dislike of popery were, no doubt, greatly increased after the Spanish marriage, which it was feared would tend to re-impose and rivet the chains of the papacy; and these feelings kept on increasing throughout the whole of Mary's uneasy reign, being continually

fed by the persecution to which Protestants of every denomination were subjected.

The 5th and 6th Edward 6th, cap. 2, for "putting down valiant beggars," and for relieving those "who are poor in very deed,"^p was continued by *The 1st Mary, cap. 13*; and by *The 2nd and 3rd Philip and Mary, cap. 5*, the 22nd Henry 8th, cap. 12,^q and the above-named statute of Edward,

1555.
2 and 3 Philip
and Mary,
cap. 5.

are both confirmed and continued, subject to the amendments then made. The first of these amendments regarded the collection of alms. It is now enacted, that yearly on some one holy-day in Christmas, in every city, borough, and town corporate, the mayor, bailiffs, or other head officers, and in parishes the parson, vicar, or curate, and the churchwardens, having a register of the names of the inhabitant householders, and of all such impotent, aged, and needy persons as are not able to live of their own labour, shall openly in the church, after divine service, call the inhabitants together, and shall appoint two able persons collectors of the charitable alms for the relief of the poor; which collectors, the Sunday next after their election, or the Sunday following, when the people are at church, shall gently demand of every man and woman what they of their charity will be contented to give *weekly* towards the relief of the poor; and the said collectors shall justly gather and truly distribute the same charitable alms *weekly* to the said poor and impotent persons, in such manner that the more impotent may have the more help, and such as can get part of their living may have less, and be put to such labour as they are able to do: "but none are to go or sit openly a begging; upon pain limited in the aforesaid statutes."

It is also enacted, that if any person, being able, shall obstinately and frowardly refuse to give towards the help

^p Ante, pp. 135 and 115.

^q Ibid.

of the poor, or shall discourage others from so doing, the parson and churchwardens shall gently exhort him, and, if he will not be persuaded, then the bishop shall send for him, and "take order for the charitable reformation of every such obstinate person." And it is further directed, that if any parish has more poor than it is able to relieve, upon certifying the number and names of the persons with which it is overburthened to two justices of peace, they may grant to as many of such poor folk as they think good "a licence to go abroad to beg and receive charitable alms out of the said parish, in which licence the places to which such poor folk may resort shall be named; and if any of them transgress the limits so to them appointed, or beg at other places than are named in the licence, the party so transgressing is to be taken for a 'valiant beggar,' and punished according to the statute 22nd Henry 8th,^{*} and the licence taken from him." Moreover such licensed beggars are to wear openly, on the breast and back of their outermost garment, some notable badge or token to be assigned by the parish authorities, with the assent of the justices.

This Act was to endure only to the end of the next session of parliament, but it was renewed by *The 4th and 5th Philip and Mary, cap. 9*, on the ground that it had been found "good and beneficial for the common wealth of this realm." It does not differ materially from the *5th and 6th Edward 6th, cap. 2*,^{*} but it is a little more full and explicit in its provisions. It likewise enables justices to grant permission for poor persons to go abroad to beg, in cases where a parish happens to be overburthened with poor, which may be regarded as equivalent to a rate in aid; and it also establishes the practice of badging the poor. Neither of these provisions are contained in the statute of Edward.

There are two or three other Acts of Mary's reign

^{*} Ante, p. 115.

^{*} Ante, p. 135.

which incidentally bear upon the condition of the people, and exemplify the spirit of the period. Thus by *The 1st and 2nd Philip and Mary, cap. 2*,^{1554-5. 1 and 2 Philip and Mary, cap. 2.} another attempt is made "for the reformation of excess in apparel," and all persons not being the son and heir of a knight, or not worth 200*l.* in goods, or not having 20*l.* a-year in land, offices, fees, or other revenues, are prohibited wearing "any manner of silk in or upon their hat, bonnet, nightcap, girdle, hose, shoes, scabbard, or spur-leathers, on pain of three months' imprisonment, and a fine of 10*l.* for every day's wearing contrary to the tenour of this Act." Women may, however, wear in their caps, hats, girdles, and hoods, as they before might lawfully use and wear. Persons keeping servants, and permitting or conniving at their wearing silk contrary to this Act, are subjected to the heavy fine of 100*l.* It may hence be inferred, that people of the middle class, as they increased in wealth and attained a higher social position, were desirous of making a better and gayer appearance in their clothing—in short, that, as Hamlet says, "the toe of the peasant came so near the heel of the courtier that he galled his kibe."

By *The 1st and 2nd Philip and Mary, cap. 4*, the statute of Henry the Eighth against the *gipsies*,^{1554-5. 1 and 2 Philip and Mary, cap. 4.} or persons calling themselves Egyptians, is revived. It is declared in the preamble, "that divers of the said company, and such other like persons, not fearing the penalty of the said Act, have come over again into this realm, using their old accustomed devilish and naughty practices, with such abominable living as is not in any Christian realm to be permitted, named, or known." A fine of 40*l.* is then imposed on any person bringing over any such Egyptians; and any of them who may have been so brought, and re-

¹ Ante, p. 114.

maining a month, are declared felons. The inducements must have been very strong to lead to their "coming over" in the face of such a penalty.

The 1st and 2nd Philip and Mary, cap. 5, is directed to restrain the exportation of corn and provisions of any kind, under penalty of forfeiting double the value of the commodities exported, and one year's imprisonment of the master and mariners of the exporting vessel. The price of wheat this year, according to Sir Frederic Eden's table, advanced from the statutory exportation price of 6s. 8d. a quarter to 16s. a quarter; and the year following it advanced from 8s. at the commencement to 25s. a quarter in the latter end of the year. These enormous fluctuations must have caused much distress among the people, for whom steadiness of price is the chief essential. To a steady continuous range of either high or low prices the rate of wages may, and probably will, in the long run conform; but sudden and great advances in price do not admit of such conformity, and must necessarily entail privation and suffering on the working classes,—on all, in short, who subsist on the proceeds of their own labour in any shape.

In the following year an Act was passed (*The 2nd and 3rd Philip and Mary, cap. 2*), entitled 'An Act for the re-edifying of decayed Houses of Husbandry, and for the Increase of Tillage.'

It recites and confirms the *4th Henry 7th, cap. 19*,^a which is declared to be "good and profitable to the common wealth;" and it then declares that the Act shall extend to houses having 20 acres or more of land attached, "whether the same or any part thereof be, hath been, or shall be, used or put in tillage or not," and commissioners are appointed to inquire and take surety from offenders, and to take order for re-edifying

1554-5.
1 and 2 Philip
and Mary,
cap. 5.

Prices of
wheat.

1555.
2 and 3 Philip
and Mary,
cap. 2.

decayed houses, and for re-converting land into tillage, at their discretion. This is immediately followed by another Act (*cap.* 3) for “the keeping of cows and breeding of calves,” which recites that “of late years great numbers of persons have laid their lands, farms, and pastures to feeding of sheep, oxen, runts, and such-like cattle, having no regard or care to breed and rear up young beasts, whereby is grown great scarcity of cattle and victual necessary for the sustenance of divers sorts of people; and more is like to be, if speedy remedy be not provided.” It is then enacted, under a penalty of twenty shillings, that one milch cow shall be kept for every threescore sheep, and one calf be reared for every six-score sheep; and for every ten oxen or other beasts one milch cow shall be kept, and a calf be reared in the proportion of one for every two cows annually.

“The scarcity of victual” (*i. e.* butcher’s meat), notwithstanding the conversion of arable land into pasture immediately before complained of, seems to indicate an increase in the demand, rather than a decrease in the supply, as is assumed by the framers of the Act. The people earned more, and were enabled to consume food of higher price and quality, and hence probably the apparent deficiency which the above legislation sought to remedy.

There does, however, appear to have been a general increase in money prices during the preceding half-century, occasioned perhaps in some degree by the influx of the precious metals from the New World.

On referring to Sir Frederic Eden’s table of prices, we find, in 1500, the price of an ox set down at 11s. 8d. In 1511, 13s. 4d. is given as the price of a fat beeve, and 8s. as the price of a lean one. In 1531, the price of a large ox is 1l. 6s. 8d.; and in 1551 a best fat ox is set down at 2l. 13s. 4d., a middling one at 2l. 3s. 4d., and an inferior one at

General
increase of
prices.

17. 13s. 4d. These prices are, of course, not to be regarded as an accurate measure of any alteration which may have taken place, so much depending on the size and condition of the animals; but they seem to warrant a conclusion that there was an actual increase of price within the above period, and this is confirmed by an examination of other items in these tables: thus, a wether sheep, unclipped, is valued at 1s. 8d. in 1500; in 1529 a wether is valued at 2s. 4d.; and in 1551 the price of a best lean sheep is set down at 3s. 4d., and a best fat sheep at 5s.; the inferior sort of each being valued at 2s. and 3s. respectively. In 1500 the price of a goose is 4d.; of a dozen pigeons, 4d.; and of a hundred eggs, 6d. In 1541 it is for a goose, 7d.; for a dozen pigeons, 10d.; and for a hundred eggs, 1s. 2d. The price of wheat within this period exhibits extraordinary variations. Thus, in 1500 it was 3s. 4d. a quarter; in 1501 it was 6s. 8d. and 7s. 4d.; in 1504 it was 5s. 8d.; in 1511 it was 6s. 8d.; in 1516 it was 6s. and 10s. 8d.; in 1521 it was 20s. and 26s. 8d.; in 1527 it was 15s. and 20s.; in 1528 it was 26s. 8d. and 9s. 6d.; and in 1530 it fell to 5s. 4d. and 6s. 5d. It rose again in 1537 to 13s. 4d.; in 1541 to 18s. 8d.; and in 1544 to 25s. 4d. In 1550 it was 13s. 4d.; and in 1551 it sunk to 8s. In 1552 it was 21s. and 14s.; but in 1553 it again fell to 8s., and so continued, without material variation, till the latter end of 1555, when it was for a short time at 25s. In 1556 the price of wheat ranged from 8s. the quarter in the early part of the year, to 53s. 4d. before harvest, and 5s. the quarter immediately after harvest.

If the extreme variations above indicated, be regarded as referable to unproductive seasons, and therefore exceptional, the average price at the commencement of the half-century may, as has been stated,^{*} be taken at

^{*} Ante, p. 111.

6s. the quarter, and at the end of it at 10s. This is probably about the ratio of increase in the price of commodities generally during the period, which may be considered as being fully one-half in excess of what it was at the commencement of the century.

With reference to the above prices, Sir Frederic Eden, in a note at foot of his table, observes that, "in noting the money prices of provisions about this time, it should be remarked that this year (1550) the shilling was reduced by proclamation to sixpence, as the coin had been much diminished by clipping." This is another element of disorder affecting an estimate of change in the price of commodities, the precise amount of which it is now impossible to ascertain, for the proclamation seems only to have given a public sanction to that change in the value of the coin which had in fact been already made by means of clipping; but when made, or how long this change had been in progress, does not appear. All that can be said with certainty on the subject is, that there was at this time nothing to call for or to warrant an interference of the legislature, either to prevent the conversion of arable land into pasture, or to enforce the keeping of cows and rearing of calves. Such interferences almost invariably produce effects the reverse of what was intended.

The chief or leading circumstance of Mary's reign, at the end of which we are now arrived (she ^{1558.} died on the 17th November, 1558), was her ^{Death of Mary.} unceasing endeavour, from the hour she ascended the throne, to put down every vestige of the Reformation, and to re-establish popery. No effort was spared for the accomplishment of this object. Means the most cruel, and which earned for her the unenviable title of "Bloody Queen Mary," were resorted to, to alarm the timid and to punish the obstinate;⁷ and the struggle

⁷ "A commission issued in 1557 authorising the persons named in it to inquire, by any means they could devise, into charges of heresy or other re-

ended, as such struggles for the most part have ended, in weakening that which it was sought to uphold, and strengthening that which it was endeavoured to destroy. What might have been the condition of this country if the efforts made in Mary's reign to restore the Roman Catholic religion had been successful, it is impossible to say; but it may be assumed, as in the highest degree probable, that the public spirit, intelligence, and advancement of every kind, social, moral, and religious, which sprang into life, as it were, immediately after the final settlement of the Reformation under Elizabeth, would then not have taken place. The influence of the Church of Rome would have prevented it.*

At Mary's accession, it is probable that nearly half the people were more or less favourable to the old religion, or, at least, were not very unwilling to follow their queen in adopting it; so that, before the end of the first year, the kind of popularity which usually attends a new sovereign, and the efforts made and the influences used, may be said to have neutralized all that had been done for the Reformation in the time of Edward, if they had not even brought about a certain preponderance in favour of Romanism; and the subsequent Acts of Mary's reign were necessary for showing the people

ligious offences, and in some instances to punish the guilty, in others of a graver nature to remit them to their ordinaries, seems (as Burnet has well observed) to have been meant as a preliminary step to bringing in the Inquisition." "One proclamation in the last year of her inauspicious administration, after denouncing the importation of books filled with heresy and treason from beyond sea, proceeds to declare that whoever shall be found to have such books in his possession shall be reputed and taken for a rebel, and executed according to martial law."—Hallam's 'Constitutional History,' vol. i. p. 42, 4th edition.

* The effects of this influence are thus described by a modern historian:—"Throughout Christendom, whatever advance has been made in knowledge, in freedom, in wealth, and in the arts of life, has been made in spite of her, and has everywhere been in inverse proportion to her power. Whoever passes in Germany from a Roman Catholic to a Protestant principality, in Switzerland from a Roman Catholic to a Protestant canton, in Ireland from a Roman Catholic to a Protestant county, finds that he has passed from a lower to a higher grade of civilization."—Macaulay's 'History of England,' vol. i. p. 48, 3rd edition.

the real nature of that religion. If Mary had been less of a bigot, less zealous in punishing those whom she regarded as heretics or schismatics, the final and nearly unanimous establishment of our Reformed National Church might not have taken place under her successor. This seems, indeed, to be the view taken by Mr. Hallam, who, in commenting on the Reformation, observes, "But what had the greatest efficacy in disgusting the English with Mary's system of faith was the cruelty by which it was accompanied. A sort of instinctive reasoning told the people what the learned on neither side had been able to discover, that the truth of a religion begins to be very suspicious when it stands in need of prisons and scaffolds to eke out its evidences. Many are said to have become Protestants under Mary who, at her coming to the throne, had retained the contrary persuasion; and the strongest proof of this may be drawn from the acquiescence of the great body of the kingdom in the re-establishment of Protestantism by Elizabeth, when compared with the seditions and discontent on that account under Edward." So that a great positive good was worked out of a great apparent evil, by a series of opposing influences, such as the history of the world shows are often called into action by Divine Providence for its own beneficent purposes; and we, of the present day, are reaping the fruits of what was then so well and so wisely planted.

CHAPTER IV.

Accession of Elizabeth — Collectors — First compulsory assessment — Service and wages — Sturdy beggars — Aged and infirm poor — Overseers — Bastardy law — “Collectors and governors” — Houses of correction — “Censors and wardens” — Working of leather — Gipsies — Sumptuary law — Exportation of corn — Game-laws — Regulation of buildings — Vagrancy in London — Duties of overseers — Rate in aid — Liability of parents and children — Rogues, vagabonds, and sturdy beggars — Immigrant vagrants — Soldiers and mariners — Progress of legislation — Provisions of the 43rd Elizabeth — Effects of the Reformation — General tendency of legislation with respect to the poor — Condition of the people — Prices of provisions — Wages — Social improvement.

ELIZABETH was in her twenty-fifth year when she succeeded to the throne (November 17th, ^{Queen Elizabeth, 1558-1603.} 1558), and she had from an early age given promise of those superior talents by which she was afterwards so greatly distinguished. She had been compelled to conform to the rites of the Romish Church during the late reign, but was known to favour the Reformation; and all who held to that persuasion, and all who dreaded the intolerance of the Church of Rome, hailed her accession with delight. The first Act of her reign was the assertion of the supremacy of the Crown in matters ecclesiastical, and “abolishing all foreign power repugnant to the same.” By the second Act, the Book of Common Prayer and Administration of the Sacraments, of the time of Edward the Sixth, was re-established. The third Act formally recognised the Queen’s title, and the fourth the restitution of tenths and first-fruits to the Crown.

These Acts were sufficiently indicative of a determination to prevent papal interference in England; but the Roman Catholics were still numerous, and after a time began to manifest discontent, and to stir up doubts and apprehensions among the people. Throughout the

whole of her reign, indeed, the queen was disturbed by adverse intrigues in this quarter; and hence it may be said that the legislative and other proceedings against the Romanists, partook more of a political than a religious character. "The position in which the queen was placed rendering her death a most important contingency, the popish party made use of pretended conjurations and prophecies of that event, in order to unsettle the people's minds, and dispose them to anticipate another reaction."^a

Against such practices, *The 5th Elizabeth*, cap. 15,
1562-3.
 5 Elizabeth,
 cap. 15. was directed. It imposed a penalty of one year's imprisonment and a fine of 10*l.* for a first offence, and for a second offence imprisonment for life and the forfeiture of goods. Acts against the introduction "of Bulls and other Instruments from the See of Rome," and against "Jesuits and Seminary Priests and other like persons," and against "Popish Recusants," were subsequently enacted: but these and similar measures originated in political considerations, being directed against the enemies of the then established government, which accounts for, and in some degree excuses, the acts of severity, and even cruelty, occasionally exercised towards the Romanists; who omitted no opportunity, throughout Elizabeth's reign, of exciting troubles both at home and abroad, and by whose machinations the queen's life was thought to be placed in jeopardy.

The foregoing notice of what took place, with regard to religion, in the present and last two reigns, may probably be deemed sufficient, and will render it unnecessary to advert again to the subject, whilst passing in review the statutes which were subsequently enacted for the relief of the poor, or which affect the

^a See Hallam's 'Constitutional History,' vol. i. p. 113.

general condition of the people; and these we will now proceed to consider.

In 1562 another Act was passed 'for the Maintenance and Increase of Tillage,' by which it appears that the alarms about the conversion of arable land to pasturage had not subsided. The statutes of Henry the Seventh and Henry the Eighth^b on this subject, already noticed, are in this Act recited and confirmed. Lands tilled four years successively at any time since the twentieth year of Henry the Eighth, are to be kept in tillage, under a penalty of 10s. per acre; but there is a proviso in favour of "such as shall be a common fatter of beefs or muttons to be sold in markets and fairs, or to common butchers." This exception makes it difficult to understand to whom the Act would apply, and almost warrants the supposition that it was inserted for the purpose of rendering the Act nugatory.

The *2nd and 3rd Philip and Mary, cap. 5*, for the relief of the poor,^c was continued in the first year of Elizabeth's reign by *cap. 18*; and after an interval of five years the subject again came under consideration, and an Act was passed comprising whatever the information and intelligence of the day could devise on the subject. This Act, *The 5th Elizabeth, cap. 3*, has the same preamble as the last statute of Edward the Sixth, and that of Philip and Mary; and the former statute, together with that of the *22nd Henry 8th, cap. 12*,^d it expressly confirms. The Act then, nearly in the words of the *2nd and 3rd Philip and Mary*, provides for the appointment of collectors of alms, and for licensing the poor to beg in cases where a parish happens to be overburthened, and also requiring the beggars so licensed to wear badges. It then in like manner provides, that if any person, being

1562-3.
5 Elizabeth,
cap. 2.

1562-3.
5 Elizabeth,
cap. 3.

^b Ante, pp. 95 and 112.

^c Ante, p. 144.

^d Ante, p. 115.

able, shall refuse reasonably to give towards the help and relief of the poor, he is to be gently exhorted and persuaded thereto by the clergy and the churchwardens.

It would appear, however, that hitherto the gentle askings of the collectors, and the exhortations of the clergy and the churchwardens, and the charitable "ways and means" of the bishop, had all alike failed to induce the people to contribute "according to their means;" and the time seems to have arrived when, voluntary charity having failed, compulsion of some kind must perforce be resorted to, in order to provide the necessary means of relief for "the impotent, feeble, and lame, which are the poor in very deed." Accordingly this statute (*The 5th Elizabeth, cap. 3*) enacts, that after due exhortation and persuasion, first by the parson and churchwardens of the parish, and next by the bishop, "if any person of his froward or wilful mind shall obstinately refuse to give weekly to the relief of the poor, according to his ability," the bishop shall have authority to bind him under a penalty of 10*l.* to appear at the next sessions, when the justices are again to "charitably and gently persuade and move the said obstinate person to extend his charity towards the relief of the poor;" and if he will not be persuaded therein by the said justices, "they may sesse, tax, and limit upon every such obstinate person so refusing, according to their good discretion, what sum the said obstinate person shall pay;" and if he refuse to pay the sum so limited, taxed, and appointed, the justices, on complaint of the collectors and churchwardens of the parish, may commit the said obstinate person to prison until he pay the same, "together with the arrearages thereof, if any such shall fortune to be."

Obstinate persons refusing to contribute, may be assessed for relief of the poor.

This is the first instance of a compulsory assessment for the relief of the poor, and it is therefore of marked

importance in the history of the Poor Law. It is true that the power to assess and tax can only be exercised after a tedious and circuitous process of exhortation and persuasion; first, by the churchwardens, then by the parson, and afterwards by the bishop; and then, upon their failure of success, and the same being certified to the justices, these last are likewise to try persuasion before they resort to compulsion. Still, after all these preliminaries have been gone through, the justices are empowered to assess and levy, "according to their good discretion," from all those who refuse voluntarily to contribute towards the relief of the poor; and the important principle that property is thenceforward to be held subject to the needful relief of the destitute, is thus formally sanctioned by the legislature.

At the same time with the above Act "for the relief of the poor," another was passed (*The 5th Elizabeth, cap. 4*), entitled 'An Act touching divers orders of Artificers, Labourers, Servants of Husbandry, and Apprentices.' This Act has been considered as in some sort a continuation of the preceding Act (*cap. 3*), although it makes no express reference to the poor as such, but rather aims at preventing destitution and mendicancy by forcing employment upon every one of age and ability to work. It is, in fact, a selection from all the preceding enactments on the subject of labour; those provisions deemed useful being retained, others modified, and the rest repealed. The preamble states, that, although there are a great number of statutes concerning wages, servants, labourers, and apprentices, as well in husbandry as in other occupations, yet, partly owing to the number, imperfection, and contrariety of these laws, and chiefly that the wages limited are in divers instances too small, and not answerable to this time, on account of the great advancement of prices, the laws cannot, without

great grief and burthen to the poor labourers and servants, be put in execution, although the said laws were at the time of making them thought to be good and beneficial, as divers of them yet are. Wherefore, if the substance of as many as are meet to be continued shall be reduced into one sole law and statute, and an uniform order prescribed concerning the wages and other orders for apprentices, servants, and labourers, there is declared to be "good hope that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person, both in time of scarcity and in the time of plenty, a convenient portion of wages."

The Act then, in accordance with this preamble, ordains that every unmarried person, and
Persons
compelled
to serve. every married person under thirty, not having 40 shillings per annum, nor being otherwise employed, shall be compelled to serve as a yearly servant in the trade to which he was brought up; and none are permitted to quit such service, or to be dismissed therefrom, during the year, unless on cause allowed by two justices; and after any such quitting of service none are to leave the town or parish in which they served without a testimonial under the corporate seal, or else signed by a constable or other head officer, and by two other honest householders. Every servant departing without such testimonial, or refusing to produce it, is subjected to imprisonment, and any master who retains him is made liable to a penalty of 5*l*. All persons between the ages of twelve and sixty are, moreover, if not otherwise employed, "compelled to serve in husbandry by the year, with any person that keepeth husbandry, and will require any such person so to serve within the same shire where he shall be so required;" and unmarried women between the ages of twelve and forty may be compelled to serve by the year, week, or day, for such

wages, and in such reasonable sort and manner, as shall be deemed meet, under penalty of commitment.

The hours of work, and the time for meals, are likewise prescribed, and the rates of wages to be paid to the several artificers, servants, and labourers, are required to be ascertained and settled annually by the justices in sessions assembled, who are to "call unto them such discreet and grave persons as they shall think meet, and, after conferring together respecting the plenty or scarcity of the time, and other circumstances necessary to be considered," they are authorized to limit, rate, and appoint the wages "of all servants, labourers, artificers, workmen, or apprentices of husbandry as they shall think meet, by the year or by the day, week, month, or otherwise, with meat and drink, or without meat and drink; and what wages every workman or labourer shall take by the great "for mowing, reaping, or thrashing of corn, and for mowing or making of hay, or for ditching, paling, railing, or hedging, by the rod, perch, lugg, yard, pole, rope, or foot, and for any other kind of reasonable labours or service:" and the said justices are further directed to certify the same, with the considerations thereof, under their hands and seals, "into the queen's most honourable Court of Chancery, before the 12th of July in every year," to be approved by the Privy Council, and then proclaimed by the sheriffs. And in order to ensure the observance of the rates of wages so settled and proclaimed, penalties are imposed on any one who shall directly or indirectly retain or keep any servant, workman, or labourer, or shall give any greater wages or other commodity than what is set forth in the said proclamation. The giver of excessive wages is subjected to ten days' imprisonment and a fine of 5*l.*; the receiver, to twenty-one days' imprisonment; and all such contracts are declared to be void and of none effect.

Justices
empowered
to fix the rate
of wages.

By one of the provisions of this Act every justice of peace, and the constable or other head officer of every township, is, in the time of harvest, upon request and for avoiding the loss of any corn, grain, or hay, empowered to cause all such artificers and persons as be

Persons compelled to serve in time of harvest. meet to labour “to serve by the day for the mowing, reaping, shearing, getting, or inning of corn, grain, and hay, according to the skill and quality of the person; and none shall refuse so to do, upon pain to suffer imprisonment in the stocks by the space of two days and one night.” The Act contains other regulations specially referable to apprentices and journeymen in several trades and occupations, and the proportions of each to be kept; and also exemptions of certain places from the provisions of the Act in these respects, on the ground of their local customs or privileges.

If it were possible to effect the distribution and to regulate the price of labour by legislative enactment, as the framers of this statute must have believed, the care and pains which they bestowed upon it ought to, and probably would, have ensured success; but we know that such distribution and such regulation are practically impossible. Both the one and the other are essentially governed by the great principle of supply and demand, which legislation may disturb but cannot establish, and which is only safe, certain, and beneficial when left to its own free unrestricted action. The attempt here made is, however, not without its use, serving as it does to show that the value of labour and of the labouring classes was becoming better understood, and that the importance of the people, and their efforts to free themselves from old usages and restraints, crippling their industry, began to be felt, although the master-class were yet ignorant of the true mode of dealing with the newly-awakened impulse.

Ten years after the passing of the above Act, the long, minute, and highly important statute *The 1572-3. 14th Elizabeth, cap. 5.* was passed. It is entitled 'An Act for the Punishment of Vagabonds,^{14 Elizabeth, cap. 5.} and for Relief of the Poor and Impotent,' and it begins in the usual style, by declaring that "all parts of this realm of England and Wales be presently with rogues, vagabonds, and sturdy beggars exceedingly pestered, by means whereof daily happeneth horrible murders, thefts, and other great outrages, to the high displeasure of Almighty God, and to the great annoyance of the common weal." It then expressly repeals the *22nd Henry the 8th*, the *3rd and 4th Edward the 6th*, and

* In a book published in 1566, entitled 'A Caveat or Warning for Common Cursetors, vulgarly called Vagabonds,' there is a curious and graphic account of the hordes of idle vagrants who then infested the country. The author classes the male vagabonds under fifteen separate designations, beginning with "the Rufflar" as being "the worthiest of this unruly rabblement." "The Upright Man" is the "second in sect of these railing rabblement of rascals." The third is "the Hooker or Angler," described as a "perilous and most wicked knave." The "Rogue" and the "Wild Rogue" are the fourth and fifth; after which come "the Freshwater Mariners," whose "ships were drowned in the plain of Salisbury;" and so on to the "Counterfeit Crank," of whom it is said, "These that do counterfeit the crank be young knaves and young harlots that deeply dissemble the falling sickness, for 'the crank,' in their language, is the 'falling evil.'" A long account is given of this description of impostors, after whom come the "Dommerar," and lastly the "Jackman and Patricio." The female vagabonds are classed under nine separate designations. But all, both men and women, old and young, are described as thieves by profession, and as living in a most dissolute and licentious manner. They have a slang language of their own, of which the writer gives a curious specimen in a dialogue between two of them; and he further gives a long list of the "most notorious and wickedest walkers that are living now at this present time, with their true names as they be called and known by." Many of the descriptions in this work find parallels in the present day; and indeed it may be regarded as invariably true, that, whatever improvement takes place in the general condition of a people, those in the lowest grade will partake of the improvement in the least degree, if they partake of it at all. The endeavour should therefore be to lessen the number of this lowest class as much as possible, and this it was sought to effect by severity of punishment, as is manifested in the several statutes enacted at that time on the subject. The book is written and set forth by Thomas Harman, Esq., "for the utility and profit of his natural country." Two new editions were published in the following year, and a fourth edition in 1573. The work must therefore have been popular, and the subject one of general interest. There was a reprint of the work in 1814, from which the above is taken. Harrison, in his 'Description of Britain,' published in 1586, quotes and comments on Harman's book, and gives extracts from it.

the 5th of the present reign;^f in fact, it repeals all preceding enactments on the subject, and ^{1572.} 14 Elizabeth, cap. 5. aims at framing a complete and comprehensive law, as well “for the utter suppressing of the said outrageous enemies to the common weal, as for the charitable relieving of the aged and impotent poor people.”

The licence, if not direct encouragement, given to beggars by the 2nd and 3rd Philip and Mary,^g and continued by the 1st Elizabeth,^g had probably by this time produced its natural fruit, and led to a great increase of the class of persons who are not only denounced in the preamble of the present statute as being enemies of the common weal, but against whom the first enacting clause is specially aimed. It directs that every person above the age of fourteen taken begging, shall be committed to gaol until the next session, at which, “if duly convicted of his or her roguish or vagabond trade of life, he or she shall be adjudged to be grievously whipped, and burnt through the gristle of the right ear with a hot iron of the compass of an inch about,” and this punishment is forthwith to be executed, “except some honest person will of his charity take such offender into his service for one whole year next following;” and if the offender so taken into service shall leave the same before the end of the year, he is to suffer the punishment of whipping and burning through the ear, as at first adjudged. For a second offence, he is to be “taken, adjudged, and deemed in all respects as a felon,” and to suffer as such, unless some honest person will take him into his service for two whole years; and if he depart and leave his service before the expiration of the two years, he is then forthwith to suffer and forfeit as a felon. For a third offence, he is adjudged to “suffer death,

4

Beggars
severely
punished.

^f Ante, pp. 115, 134, 157.

^g Ante, pp. 144 and 155.

- and loss of land and goods, as a felon, without allowance of benefit of clergy or sanctuary."

These enactments savour of the spirit which prevailed a quarter of a century previous, when the 1st *Edward the 6th* was passed,^h and the revival of such extreme severity can only be accounted for by supposing that there had since been an alarming increase of the evils against which legislation was at that time directed. The designation of "rogues, vagabonds, and sturdy beggars," who are subjected to the above penalties, is by this Act defined to include idle persons going about and using subtle craft and unlawful games, and all persons whole and mighty in body, but having neither land nor master, nor able to give an account of how they get their living, and all common labourers using loitering and refusing to work for the wages commonly given. Any person harbouring, or giving money, lodging, or other relief to any such rogue, vagabond, or sturdy beggar, "either marked or not marked," is declared liable to a penalty of twenty shillings; and if any person "do disturb or let the execution of this Act," he is to forfeit five pounds, and be subject to imprisonment at the queen's pleasure.

"Sturdy beggars" defined. To harbour or relieve them subjects to a penalty of 20s.

After thus enacting punishments of no ordinary severity for the vagrant class, and prohibiting, under a penalty of twenty shillings, the giving them money or other relief, the Act declares that poor aged and impotent persons should be provided for, as well as rogues, vagabonds, and sturdy beggars repressed, and that aged impotent poor people should have convenient abiding places to settle themselves upon, so that none of them should hereafter beg or wander about: to which end it is directed that justices of the peace, within their respective

The aged and infirm poor to be provided for and have abiding-places assigned them.

^h Ante, p. 131.

divisions, are to make "diligent search and inquiry of all aged, poor, impotent, and decayed persons, born within their said divisions, or which were there dwelling and living by alms within three years preceding, and make a register-book, containing their names; and when the number of such poor people shall thus be truly known, the justices are to appoint, within every their said several divisions, meet and convenient places to settle the same poor people for their habitations and abidings, if the parish within which they shall be found does not provide for them." And the justices are also required to ascertain what the weekly charge for the relief and sustentation of the said poor people will amount to, and by their good discretion to tax and assess the inhabitants dwelling within the said divisions to such weekly charge as every of them shall contribute, and to appoint persons to collect and gather the same, and make delivery thereof to the said poor people as the justices shall appoint; and they are likewise Overseers of the poor appointed. required to appoint *overseers of the poor*, to continue in office for one whole year; and if a person so appointed shall refuse to act, he is to forfeit ten shillings.

The Act likewise provides, "that if any person, being able to further this charitable work, shall obstinately refuse to give towards the help and relief of the said poor people, or shall wilfully discourage others from so doing," he shall be brought before two justices to show the cause of such refusal, and abide such order therein as the said justices shall appoint; and if he refuse so to do, then he is to be committed to gaol until he be content to obey such order. Provision is also made for persons aggrieved by taxation under this Act, who may appeal to the next general sessions of the peace. And further, in order to guard against the, at that day, not improbable danger of any parish or town being unable to afford needful relief "to the poor, lame, and impotent persons, with money to be collected

in manner aforesaid, and it were overgreat a burthen to the collectors to gather meat, drink, corn, and other things," the Act provides that, where collection of money cannot presently be had, justices in sessions may license some of the poor to ask and gather alms within any other town, parish, or parishes of the county; "and the inhabitants of every such town, parish, or parishes, to which such poor or impotent persons shall be so appointed, shall be coerced and bound to relieve the said poor in such sort as the said justices shall appoint."

But the legislature of that day, in their anxiety to provide needful relief for the infirm and impotent poor, did not overlook the necessity for its due limitation; and the Act accordingly directs that any of the said poor persons, who are not so diseased or impotent but that they may do some manner of work, "shall be, by the overseers of their said abiding-place, appointed to work;" and if they refuse, "then they are to be whipped and stocked for their first refusal, and for the second refusal to be punished as in case of vagabonds in the first degree." With like prudent severity, the Act provides, "that if any of the said poor people refuse to be bestowed in the abiding-places appointed of the said justices, but covet still to hold on their trade of begging, or after they be once bestowed in the said abiding-place do depart and beg," then the person so offending is, for the first offence, to be counted a rogue or vagabond in the first degree; and if he a second time offend, he is then "to suffer as a rogue and vagabond in the last degree of punishment set forth by this Act in all points:" that is, he shall suffer as a felon.

Infirm poor refusing to work, or quitting the abiding-places assigned them, subjected to punishment.

If any surplus money should remain after the said poor and impotent people are provided for, the Act directs that the justices shall, in such convenient place within their shires as they shall think meet, "place and settle to work the rogues and vagabonds that shall

be disposed (i. e. *able*) to work, there to be holden to work by the oversight of the said overseers, to get their livings, and to live and be sustained only upon their labour and travail."

There is one curious clause in this Act, which may be noticed as indicating the spirit and manners of the time. After reciting that the city of Bath and the town of Buxton are intolerably overcharged by the number of poor and diseased people who resort thither for some ease and relief of their diseases, it is enacted that no diseased or impotent poor person living on alms shall resort to the city of Bath or town of Buxton, "to the baths there for the ease of their grief," unless he be licensed so to do by two justices of the county where he then dwells, and be also furnished by the inhabitants of the parish or place whence he shall be so licensed, with means of maintenance during his abode there and turning home again, upon pain of being punished as a vagabond.

The whole of this Act is framed with great care, and comprises all the chief points of Poor Law legislation suited to the period; and these several points are set forth and provided for with a clearness and minuteness of detail, which leaves no room for doubt as to the intentions of the legislature in any case. The enactments against the vagabond and mendicant class must be regarded in the light of a vagrant law, and their extreme severity, although it does not accord with the sentiments of the present day, was perhaps not more than was then necessary. The imposition of a fine of 20s. upon persons who should harbour or give money or other relief to any rogue, vagabond, or sturdy beggar, "whole and mighty in body and able to labour," is little more than a re-enactment of the provisions in the 22nd and 27th *Henry 8th*, caps. 12 and 25 ;¹

¹ Ante, pp. 115 and 121.

and although it was probably of little avail, either at that time or in the present instance, the enacting such a penalty shows the importance attached to putting down the trade of begging, and which moreover the legislature was now better entitled to do, since some organized means of relief had been provided for those whose infirmities required it.

By the *5th Elizabeth, cap. 3*,^k the justices were empowered to assess and tax at their discretion such persons as refused, after due admonition and persuasion, to contribute, according to their ability, towards the relief of the poor. The present Act requires the justices, within their several divisions, to ascertain the number and the wants of the poor, and to make an estimate of what the weekly charge towards the relief and sustentation of the said poor people will amount to; and then it empowers them to tax the whole of the inhabitants of the division for the relief of such poor people, and likewise to appoint collectors and overseers to gather the money so assessed, and to superintend its application. In case the inhabitants of any division or parish shall be so poor as not to be able to pay the sum assessed upon them, the justices are, in such case, further empowered to tax other divisions or parishes in aid. And if there should be a surplus remaining after the impotent poor people are duly provided for, it is to be applied to setting the idle and able-bodied poor to work. These are all important provisions, and they show that Poor Law legislation was rapidly advancing to the point when the relief of destitution would be recognised as a public duty, and be legally established as a public charge.

It is true that much of this was done by the preceding Act (*5th Elizabeth, cap. 3*),^k but it was done circuitously and inferentially, rather than positively; and this was

^k Ante, p. 155.

probably one cause of its being found defective in practice. The present Act proceeds direct to its object, by requiring the justices to tax every householder for the relief of the poor, and it further provides the requisite machinery for the collection and the application of the money so assessed. This, with the power of imposing a rate in aid whenever necessary, and the authority given by the Act to apply a portion of the money levied as a poor-rate to setting the able-bodied poor to work, might seem to leave little room for future legislation. It was in fact an immense advance upon all previous enactments, and must have been so considered at the time; but there was, nevertheless, a crudeness about it indicative of its novelty. The principle was enunciated with sufficient clearness, the outlines were boldly sketched, but the filling in was defective. The scheme was to be carried into operation, not by the people of the several localities who were chiefly interested, but by the justices; for in a matter so new and untried, a large discretionary power was necessary, and in what other hands could this power be at that time vested? This reliance upon the justices for the working of the measure, which perhaps in the first instance was unavoidable, seems to have been the cause that a county, or hundred, or divisional mode of rating and management was adopted, instead of its being made parochial, as had previously been the case. This Act continued in force for a quarter of a century. Some amendments, and very considerable additions, were however made to it four years afterwards, by the 18th *Elizabeth*, which must indeed be regarded as a kind of supplement or continuation, and which now requires our attention.

The 18th Elizabeth, cap. 3, was enacted, ‘For some better Explanation, and for some needful Addition to the Statute concerning the Punishment of Vagabonds and Relief of the Poor, made in the 14th year of the Queen’s Majesty’s Reign.’ And “First,

1575-6.
18 Elizabeth,
cap. 3.

concerning bastards, begotten and born out of lawful matrimony (an offence against God's law and man's law), the said bastards being now left to be kept at the charge of the parish where they were born, to the great burthen and defrauding of the relief of the impotent aged true poor of the same parish, and to the evil example and encouragement of lewd life." Justices are therefore now directed to take order for the punishment of the mother and reputed father of every such bastard child, as well as for the better relief of every such parish, in part or in all; and also for the keeping of every such bastard child, by charging the mother or reputed father with the payment of money weekly, or other needful sustentation, in such wise as they shall think meet. And if the mother and reputed father fail in obeying the order made upon them by the justices, the party so defaulting is to be committed to gaol, there to remain, unless security be given for performance of the said order, or for their appearing at the next general sessions of the peace.

Mother and
reputed
father liable
for the child's
maintenance.

This important provision was the commencement, and must still be regarded as constituting the basis, of our bastardy law, although considerable changes have since from time to time been introduced, with the view of modifying or more clearly establishing the liability of one or both the parents. The necessity for such a law, which must be presumed to have arisen, would seem to imply that the moral condition of the people had deteriorated, or at least that it had not improved proportionably with the increase of wealth and population. A different result might have been expected, from the diffusion of intelligence, and the more pure and spiritual character of the religious instruction opened out to every class by the Reformation. But this is not the only instance in which the actual results in social economy fall short of, or are at variance with, our not unreasonable expectations; and in this as in other instances, we

must be content to take the good with a certain admixture of evil.

The next important provision of the Act commences with this recital—"To the intent youth may be accustomed and brought up in labour and work, and then not grow to be idle rogues; and to the intent also that such as be already grown up in idleness, and so are rogues at present, may not have any just excuse in saying that they cannot get any service or work, and be then, without favour or toleration, worthy to be executed; and that other poor and needy persons, being willing to work, may be set on work." It is then enacted, that in every city and town corporate, and likewise in every market-town or other place which the justices of peace may in general sessions appoint and order, a competent stock of wool, hemp, flax, iron, or other stuff, shall be provided by taxation of all the

A stock of wool, hemp, iron, &c., to be provided to set the poor on work.

inhabitants within the several limits. The said stock is to be committed to the custody of such persons as the mayor, bailiff, or other head officers of the cities and corporate towns may appoint, and in other places to such persons as shall be appointed by the justices. The persons so appointed are to be called "the collectors and governors of the poor," and they are empowered, "with the advice of them who do appoint them," to order and direct the division and manner of working of the said stock, so as that every poor and needy person, old or young, able to work, and standing in necessity of relief, "shall not for want of work go abroad begging, or committing pilferings, or living in idleness."

The "collectors and governors" thus ordered to be appointed, are from time to time to deliver out wool and other materials to be wrought by the poor, who, when the same is delivered back, are to be paid "according to the desert of the work;" and the articles are to be sold, and the money applied to

'Collectors and governors of the poor.'

purchasing "more stuff in such wise that the stock shall not be decayed in value." And if any poor person, being able, shall refuse to work, or shall go abroad begging, or live idly, or having taken such work shall spoil or embezzle the same, in such wise that the minister, churchwardens, and collectors and governors of the poor, shall think him not meet to have any more work out of the same stock, then he is to be taken, "in convenient apparel meet for such a body to wear," to one of "the houses of correction hereafter to be provided, there to be straightly kept as well in diet as in work, and also punished from time to time, as the persons having the oversight and government of the said house of correction shall appoint."

With respect to "the houses of correction," it is directed that in every county one, two, or more abiding houses or places convenient, by appointment and order of the justices in general sessions, shall be provided, and be called the house or houses of correction; and also stock and store, and the implements for setting to work and punishing, "not only those which by the collectors and governors of the poor for causes aforesaid shall be brought, but also such as be inhabiting in the parish, or taken as rogues, or once punished as rogues, and by reason of the uncertainty of their birth or of their dwelling for three years, or for any other cause, ought to be kept within the same county." And the said houses of correction, with stock, stores, and implements, are to be provided in every county by a tax levied and gathered from the inhabitants, by order of the justices within their several authorities. Two years are allowed for carrying the Act into effect, failing in which the money levied is to be returned; and any person refusing or neglecting to pay the tax so ordered, is to forfeit double the amount. The justices in general sessions are, moreover, empowered to appoint persons to be "censors" and "wardens" appointed.

"Houses of correction" to be provided.

"Censors" and "wardens" appointed.

and "wardens" of every such house of correction, who are to have the rule and government thereof, according to such orders as the justices shall prescribe; and they are also to appoint collectors for the gathering of such money as shall be taxed upon persons towards the maintenance of the said houses of correction; and if any one so appointed shall refuse to fill the office of collector, governor of the poor, censor, or warden, he is to forfeit five pounds; and they are to make "a just and true account," whenever called upon, under penalty of committal, without bail or mainprise.

The former Act (*14th Elizabeth*) having omitted to provide for the punishment of such poor and impotent persons as, being relieved within their parish, nevertheless "wander abroad loitering and begging," the present Act directs that every such person shall, for the first offence, be whipped, and so returned home again to his or her parish; and if such person shall a second time offend, he is to suffer as a rogue in the first degree; and if he again offend, he is then to suffer in all respects as a rogue and vagabond.

The provisions established by the two Acts, the *14th* and *18th Elizabeth*, are all highly important, not only on account of the vigorous way in which it is attempted to grapple with the evils of bastardy and vagrancy, but likewise as manifesting more comprehensive views with respect to the relief of the poor, and the mode of administering such relief, than we have seen in the earlier statutes. That much was expected from these Acts, and from the intended "houses of correction," appears certain from the wording of the 9th clause of the latter Act, in which hopes are expressed "that many well-disposed persons, understanding the good success which will grow by setting people on work and avoiding idleness, will from time to time give to the sustentation and maintenance of the same good purpose and intent, and for their

better encouragement to the same;" and it then goes on to empower persons holding lands, tenements, or hereditaments in free soccage, or in their own right, to give and bequeath the same for providing and maintaining any of the said houses of correction, "without any licence of mortmain, or writ of *ad quod damnum* to be sued out of the same, any custom or usage to the contrary in any wise notwithstanding." It is clear, therefore, that the aid and co-operation of the public, founded on a persuasion that these "houses of correction" would prove effective, was reckoned upon by the framers of the Act, who would seem to have been confident of success, despite of previous failures in legislating on the subject; and in this confidence it was provided that the two Acts should conjointly continue in force for seven years.

These statutes (the 14th and 18th Elizabeth, caps. 5 and 3) with their ruthless enactments against vagabondage and mendicancy, and their more judicious and humane provisions for the relief of the infirm and destitute poor, continued, with certain modifications established by the 35th Elizabeth, cap. 7, to be the law of the land for more than twenty years, until they were altogether superseded in 1597, by the 39th Elizabeth, caps. 3 and 4.¹ Although then repealed, however, and their importance in a legal sense lost, these earlier statutes of Elizabeth's reign possess great historical interest, embodying as they do the opinions prevalent at the time, and exhibiting one of the marked gradations through which Poor Law legislation passed; on which account they have here been quoted and commented on at greater length than might otherwise have been necessary or expedient.

Advantage may be taken of the present interval to notice some other Acts, having reference to, or in some way bearing upon, the condition of the people, which,

¹ See post.

as already observed, ought always to be kept in view in connexion with Poor Law legislation.

The 5th Elizabeth, cap. 5, is entitled ‘An Act touching certain politic Constitutions made for the Maintenance of the Navy.’ It directs that, “for increase of provision of fish by the more usual and common eating thereof, and for the benefit of this realm, as well in maintenance of the navy, as in sparing and increase of flesh victual,” every Wednesday throughout the year is to be observed and kept as a fish-day, “as Saturdays be or ought to be;” and all persons are prohibited from eating flesh on Wednesdays, or on days usually observed as fish-days, under penalty of forfeiting 3*l*. for every time they so offend, “or else suffer three months’ close imprisonment without bail or mainprise.” It may be doubted whether this measure originated altogether in “politic considerations for the maintenance of the navy.” To increase the consumption of fish would operate as an encouragement to the fisheries, and might possibly lead to some additional supply of seamen for the navy; but the above provisions have rather the appearance of looking back to the usages of the old religion, which still held a certain influence over people’s minds.

In the same year, immediately following the above Act, another was passed (*cap. 6*), apparently with the view of preventing persons from impoverishing themselves by the use of foreign finery in their clothing. It ordains that, “if any manner of foreign stuff or wares, not grown or first wrought in any of the queen’s dominions, appertaining to the appareling, clothing, decking, garnishing, or adorning the body,” shall be sold to any person “not having in possession lands or fees to the clear yearly value of 3,000*l*.,” without being paid for in ready money, the seller thereof shall be without remedy for recovering the same. So that whoever might thereafter wish to

purchase any foreign finery, if not worth 3,000*l.* a year, would be compelled to go a shopping with money in hand—no great hardship perhaps, if not even a wholesome restriction; but it seems to imply that credit had been unduly stretched and misused by the fashionables of that day, although probably to nothing like the extent that it has been subsequently, and even is at present. What statesman, however, would now think of proposing such an Act as this for its limitation?

In the same year likewise, an elaborate Act of forty-four clauses was passed regulating the making and use of leather, a matter that had repeatedly occupied the attention of the legislature in preceding reigns, and therefore, it must be presumed, was considered of much general importance. This Act, *The 5th Elizabeth, cap. 8*, is curious for the extreme minuteness of its provisions. It begins by referring to the “many good statutes theretofore made for the tanning, currying, and working of leather, as a thing very necessary for the queen’s subjects; for that every sort of people must of necessity use and have leather for divers and sundry purposes, notwithstanding which, leather was never worse tanned, curried, or wrought than now a days it is; by reason whereof divers persons are not only put to great loss and other inconveniences, but also do take divers and sundry diseases, to the shortening of their lives, as by complaints exhibited to parliament manifestly appeareth.” It is then ordained, that butchers shall not gash hides, and that tanners shall not sell them if gashed. Calves are not to be killed under five weeks old; and no butcher is “to occupy the feat, craft, or mystery of a tanner,” and no tanner is to be a butcher, or a shoemaker, or a currier. Minute regulations are laid down for liming and tanning hides, for felling and barking oaks, for the currying of leather, for making shoes, for sealing and selling leather, and for preventing its being exported—all evincing a

1562-3.
5 Elizabeth,
cap. 8.

praiseworthy care for the health and convenience of "the queen's majesty's subjects," but all, at the same time, it must be admitted, of very questionable policy.

It appears that the severe enactments against the *gipsies*, or Egyptians,^m had not cleared the country of these people. On the contrary, their numbers had been increased, by many native vagabonds associating with them and adopting their habits and manner of life; and a new statute (*The 5th Elizabeth, cap. 20*)<sup>1562-3.
5 Elizabeth,
cap. 20.</sup> was therefore passed, with the view of correcting this evil. It enacts that "every person which shall be seen or found in any company or fellowship of vagabonds commonly called Egyptians, or counterfeiting, transforming, or disguising themselves by their apparel, speech, or other behaviour, like unto such vagabonds, and shall continue and remain in the same by the space of one month, every such person shall be deemed and judged a felon, and suffer the pains of death." It is a fact seemingly well deserving the attention of legislators, that punishment, when pushed to extreme severity, almost invariably fails of its object. It may even be said to produce an opposite result, by enlisting the sympathies of the people in favour of the culprit, who is regarded as a kind of hero, or a desperate gambler who has thrown for a high stake, and perilled his life on the cast. Thus, in the case of these gipsies, the severe laws enacted against them did not drive them away, nor deter them from pursuing their usual avocations, but, on the contrary, other persons it appears joined them. There was probably a charm for the idle and the dissolute in the gipsy way of life. It may also, on account of its wandering desultory nature, and the kind of chancemedley and uncertainty attending it, have had attractions for others as well. But whatever the attractions or inducements, it is clear the utmost

^m See 22nd Henry VIII. c. 10; and 1st and 2nd Philip and Mary, c. 4—ante, pp. 114 and 146.

severity of the law did not deter the gipsies from wandering, pilfering, and fortune-telling, neither did it deter others from consorting with them in these pursuits; and the cruel and revolting enactments which have just been cited were left to disfigure our statute-books, accompanied by the mortifying reflection that, if they were operative at all, it was probably in a way the reverse of what was intended.

In the year 1566, and again in 1571, Acts were passed for "The true making of hats and caps." The first Act recites that "the Queen's Majesty's true subjects, using the art of making woollen caps, are impoverished and decayed by the excessive use of hats and felts." All persons under the degree of a knight are therefore prohibited from wearing a hat or cap of velvet, under a penalty of 10s. The second Act, after a particular enumeration of the many persons occupied "in the trade and science of capping," of whom, in London alone, there were said to be no less than eight thousand, goes on to enact that every person above the age of six years, except ladies, lords, and knights, and gentlemen in the possession of twenty marks by the year in land, shall upon Sundays and holydays wear upon their heads one cap of wool (which is declared to be very decent and comely for all states and degrees), made within this realm of England, and dressed and finished by some of the trade or science of cappers, upon pain of forfeiting the sum of 3s. 4d. This enactment may have been very acceptable to the "cappers," but it must surely have been felt as a hardship by other people. It goes one step beyond protection, for it enforces the use of the home-made article. Exclusive legislation could be carried no further.

An Act of considerable importance (*The 13th Elizabeth, cap. 11*) was passed in 1571, "For the better increase of Tillage, and for maintenance

1566.
8 Elizabeth,
cap. 11.

1571.
13 Elizabeth,
cap. 19.

1571.
13 Elizabeth,
cap. 11.

and increase of the Navy and Mariners of this realm." It enacts that all her Majesty's subjects may lawfully export corn to friendly countries, from ports where there is a collector or other officer, and in vessels of which English-born subjects shall be the owners, whenever the prices are so moderate that no prohibition shall be made to the contrary. An export-duty of a shilling a quarter is to be levied on wheat, and eight pence a quarter on all other grain. But the queen is empowered at all times to prohibit exportation from all or any of the ports or places within the realm; and the Lord President and Council in the North, and the Lord President and Council in Wales, and the justices of assize at their sessions, are given a like power over the ports within their several jurisdictions. This was, perhaps, no more than acting with due caution in the then state of the country, with its imperfect means of transit and communication, and when in one district there might be a deficiency, and in another an excess. The Act appears, on the whole, to have been framed on large and liberal views, creditable to the legislators of that day, and, if carried out in a like spirit, it would no doubt promote the accomplishment of both its professed objects.

The 23rd Elizabeth, cap. 10, declares that "the game of pheasants and partridges is, within these few years, in manner utterly decayed and destroyed by means of such as take them with nets, snares, and other devices, as well by day as by night; and also by such as do use hawking in the beginning of harvest, before the young pheasants and partridges be of any bigness, to the great spoil and hurt of corn and grass then standing and growing;" and the Act then prohibits the taking of pheasants or partridges in the night, under penalty of 20s. for the former, and 10s. for the latter, or one month's imprisonment; and it also imposes a penalty of 40s. on persons hawking

1590-1.
23 Elizabeth,
cap. 10.

or hunting in the standing corn. A similar Act for the preservation of game, and imposing a penalty of 6s. 8d. on all persons tracing hares in the snow, had been passed in 1523 (the 14th Henry 8th, cap. 10), the notice of which was omitted in its order of time. It recites that "the king and noblemen of England have used and exercised the game of hunting the hare for their disport and pleasure, which game is now almost utterly destroyed by reason that divers persons, tracing hares in snow, have killed and destroyed the same hares by ten and twelve and sixteen upon one day;" and such tracing is prohibited in future, under the above penalty. These Acts make no reference to the property qualification established by the 13th *Richard 2nd*, cap. 13,^a but simply prohibit the killing of game at certain seasons and in a certain manner; the penalties they impose are in neither case excessive, and contrast favourably with what prevailed at a former period, when the life of a man was set against that of a deer.^o The slaughtering of "ten, twelve, or sixteen hares in a day," complained of by Henry the Eighth and his nobles, appears small sport compared with the enormous slaughter which sometimes takes place in the battues of the present day.

Hitherto the decay of buildings has generally been a subject of complaint, but *The 31st Elizabeth*, cap. 7, is entitled 'An Act against erecting and maintaining of Cottages.' It declares that ^{1588-9.} ^{31 Elizabeth,} ^{cap. 7.} "great inconveniences are found by experience to grow by the erecting and building of great numbers and multitudes of cottages, which are daily more and more increased in many parts of this realm." And it directs that no person shall build or erect any manner of cottage for habitation or dwelling, "nor convert any building or housing, made or hereafter to be made,

^a See ante, p. 60.

^o Hume's 'History of England,' vol. i. p. 346.

to be used as a cottage for habitation or dwelling," unless four acres of land at the least be attached to the same, under a penalty of forfeiting 10*l.*, and paying a further forfeit of 40*s.* for every month any such cottage shall be upheld. Cottages in cities and towns, and those erected for workmen in mines and quarries, are specially excepted, as are also cottages on the sea-coast, used by sailors or persons who attend on shipping. The Act concludes by prohibiting more than one family or household inhabiting any one cottage, under a penalty on the owner and occupier of 10*s.* for every month it shall be so occupied—a most wholesome provision, showing a praiseworthy care for the health, comfort, and morality of the people, and so essentially conducive to these ends as to warrant such an interference with the rights of property for enforcing it.

The above Act applies to cottages in rural districts; and not long afterwards *The 35th Elizabeth*,^{1592-3.} *cap. 6*, was passed for regulating buildings in towns. It declares that "great mischiefs and inconveniences daily grow and increase by reason of the pestering of houses with divers families, harbouring of inmates, and converting of great houses into several tenements or dwellings, and erecting of new buildings within the cities of London and Westminster, and places near adjoining, whereby great infection of sickness and dearth of victuals and fuel hath grown and ensued, and many idle, vagrant, and wicked persons have harboured there." And it is then ordered that no new buildings shall be erected in London or Westminster, or within three miles thereof, unless they be fit for the habitation of persons assessed at 5*l.* in goods, or 3*l.* in lands, upon pain of forfeiting 5*l.* quarterly for every such building; and houses are prohibited from being converted into several dwellings, under a penalty of 5*l.* per month on the landlord, and a like penalty on the occupier or other person permitting the house to be so divided.

^{1592-3.}
35 Elizabeth,
cap. 6.

This Act, like the one preceding, was, no doubt, intended for the promotion of health, comfort, and morality, by preventing the erection or the use of insufficient habitations, and the overcrowding and filthy and immoral habits thence arising, which were the chief causes of those fearful outbreaks of pestilence by which England had been so frequently visited. These Acts, taken together, afford evidence of the increase both of the rural and town population, as well as of the general increase of wealth. But, it may be asked, if the building of cottages in rural districts, and the erection of small houses in towns, are prohibited, where are the increasing numbers of the working people to live? The condition now required of attaching land to every new cottage, is a sufficient answer as regards the country; and with respect to the towns, we may presume the Act would only be operative in preventing that overcrowding in existing habitations by "idle, vagrant, and wicked persons," which is so strongly complained of, and not in preventing the erection of suitable residences for the working people, whose presence was required for doing the town's work.

It appears, however, despite of this last Act, that the metropolis continued to be much troubled by the number of idle and disorderly persons who resorted thither, and lived by pilfering and begging. Stow, in his 'Survey of London,' states^p that in 1569 an order was made to apprehend all beggars and idle people, whether men, women, or children, or other masterless vagrants. The vagabonds and sturdy beggars were to be taken to Bridewell; the aged, impotent, sick, sore, lame, or blind to St. Bartholomew's or St. Thomas's Hospitals; and the children under sixteen to Christ's Hospital. For this purpose, the beadles were directed to attend at each of the City

Great
number of
idle and
disorderly
persons in
London.

^p See Stow's 'Survey of London,' book v. cap. 30.

gates morning and evening, and at Billingsgate and Lyon's Keye at tide-times. But the City continued nevertheless to swarm with beggars, "valiant and sturdy rogues, masterless men, vagrants, and maimed soldiers," for dealing with whom, and preventing the mischief and great annoyance they occasioned, City marshals were appointed to take some good course for clearing the streets of these wandering people, and sending them to their several places of punishment.

It would seem that these measures were not without effect, as, "by the care of Fleetwood the recorder, and the other magistrates, in 1575, there were few or no rogues and thieves in gaol, for Lord Keeper Bacon, sitting in the Star Chamber, and calling for the book of misbehaviours of masterless rogues, fencers, and such-like, there was none to present for London."^a The queen, and most of the nobility and gentry, were, however, then absent from London on account of the pestilence, which may account for the absence of beggars and masterless rogues at this time; for they appear to have returned with the court in renovated force as soon as the plague abated, as in 1580 we find "a great parcel of rogues encompassing the queen's coach near Islington one evening, when she was riding abroad to take the air, which seemed to put her into some disturbance."^r Thirteen years afterwards, in 1593, London and the country generally were so grievously pestered with beggars, that the queen put forth a proclamation^s against idle persons and vagabonds wandering in the common highways, and the multitudes of able men, neither impotent nor lame, exacting money upon pretence of service in the wars, to the annoyance of the common people both in their goods and lives; for reformation whereof justices and officers are commanded to have a better regard thereto, and to appoint

^a See Stow's 'Survey of London,' book v. cap. 30.

^r Ibid.

^s Ibid.

watches and privy searches in places needful, and to attach and imprison all such idle vagabonds, and to send the lame and maimed into their countries according to the statute.

After this notice of a few of the statutes of Elizabeth's reign, more or less affecting the general interests of the people, or helping to throw light upon their habits and condition, we will turn to an examination of the Acts having immediate reference to the poor as a class. The chief of these, both in order of time and of importance, are the two Acts, the 39th *Elizabeth*, caps. 3 and 4, already referred to.*

* *The 39th Elizabeth*, cap. 3, provides in the first place for the appointment of overseers of the poor in every parish. The churchwardens are declared to be overseers *ex officio*, and the justices are yearly in Easter week to appoint "four other substantial householders" to the like office. These overseers are to take order from time to time, with the consent of two or more justices, "for setting to work the children of all such whose parents shall not be thought able to keep and maintain them, and also all such persons, married or unmarried, as, having no means to maintain them, use no ordinary or daily trade of life to get their living by." The overseers are further empowered, with the consent of the said justices, "to raise weekly or otherwise by taxation of every inhabitant, and every occupier of lands 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

1597-8.
39 Elizabeth,
cap. 3.

Overseers
of the poor
appointed
in every
parish.

* Ante, p. 173.

be apprentices, to be gathered out of the same parish, according to the ability of the said parish; and to do and execute all other things, as well for the disposing of the said stock as otherwise concerning the premises, as to them shall seem convenient."

The said overseers are directed to meet together at least once every month in the parish church, upon the Sunday in the afternoon, after divine service, "to consider of some good course to be taken, and of some meet orders to be set down, in the premises." And within four days after the end of their year of office, they are to yield up to such two justices of peace "a true and perfect account of all sums of money by them received, or rated and cessed and not received," and The overseers are to account. also of such stock as shall be in their hands, and of all other things concerning their said office, "upon pain to forfeit for every default twenty shillings." And the overseers are empowered to levy by distress and sale, under a warrant from two justices, the sums of money of every one that shall refuse to contribute according as they shall be assessed, as well as the sums of money or stock which shall be behind upon any account to be made as aforesaid, rendering to the party the overplus; and in defect of such distress, the justices may commit the offender to prison until payment be made.

The justices are likewise empowered, as in the 14th *Elizabeth*,^u to "rate and assess any other of Rate in aid. other parishes" in aid, if they perceive that the inhabitants of any parish are not able to levy among themselves sufficient for the purpose. And with the consent of two justices, the churchwardens and overseers may bind poor children to be apprentices, till the age of twenty-four if a man-child, and twenty-one if a woman-child. The Act also follows the precedent of the 14th *Elizabeth*, in providing that, if any persons

^u Ante, p. 162.

shall find themselves aggrieved with any sess or tax, or other act done by justices, churchwardens, or overseers, they may appeal to the quarter sessions.

This Act moreover establishes the highly important principle of the mutual liability of parents and children, by enacting "that the parents or children of every poor, old, blind, lame, and impotent person, or other poor person not able to work, being of sufficient ability, shall at their own charge relieve and maintain every such poor person, in that manner and according to that rate as by the justices in quarter sessions shall be assessed, upon pain to forfeit twenty shillings for every month which they shall fail therein."

Mutual
liability of
parents and
children.

In all these enactments the legislature appears to have been governed by kindly and benevolent feelings towards the really poor; but there is one provision of an opposite character—The 10th section enacts, that "no person or persons whatsoever shall go wandering abroad and beg in any place whatsoever, by licence or without, upon pain to be esteemed, taken, and punished as a rogue." This is certainly severe, and at variance with the spirit of the other provisions of the Act; but in order to modify its application, a proviso is added, excepting from such penalty "any poor people which shall ask relief of victuals only, in the same parish where they do dwell, so the same be in such time only, and according to such order and direction, as shall be made and appointed by the churchwardens and overseers of the poor of the same parish, according to the true intent and meaning of this Act." It may be presumed, therefore, that the penalty imposed by this clause, was only enforced in the case of notorious and profligate offenders.

The present Act approximates very closely to that passed four years afterwards (*The 43rd of Elizabeth, cap. 2*), which still continues in force, and is the founda-

tion and groundwork of our English Poor Law. The difference between the two Acts chiefly consists in the more complete elaboration, in the latter, of the several provisions with respect to the levying and application of the rates, which the brief period that intervened had probably shown to be necessary for removing doubts, correcting errors, and securing the orderly and effective working of the law.

The Act we have just been considering (*The 39th Elizabeth, cap. 3*) is entitled 'An Act for the Relief of the Poor.' Its fellow Act, *The 39th Elizabeth, cap. 4*, is entitled 'An Act for the Punishment of Rogues, Vagabonds, and Sturdy Beggars.' The objects as well as the spirit of the two Acts are so dissimilar, that they would hardly seem to belong to the same system; but although thus apparently differing, there can be no doubt that they were considered at the time as essentially connected, and as being each necessary to the other. The two classes of persons to which the Acts apply were in fact so intermingled, and so constantly running into each other, that it would be often impossible to deal with them separately, or always to discriminate between the merely "poor" and the "rogue, vagabond, or sturdy beggar." The two statutes must therefore be regarded as parts of one whole, although for conveniency they are enacted separately.

The *39th Elizabeth, cap. 4*, commences by repealing
1597-8.
39 Elizabeth,
cap. 4. "all statutes heretofore made for the punishment of rogues, vagabonds, or sturdy beggars, or for the erection or maintenance of houses of correction,"^v from which we may infer that the previous enactments for these objects had failed of the desired effect. The Act then empowers the justices of peace of any county or city assembled at quarter sessions "to erect

^v Ante, p. 168, 18th Elizabeth, cap. 3.

or cause to be erected one or more houses of correction within their several counties or cities ;” and they are further empowered to make orders from time to time “for the providing of stocks of money and all other things necessary for the same, and for raising and governing of the same, and for correction and punishment of offenders thither to be committed.” A definition is then given of the persons deemed offenders under the Act, and the list comprises “all persons calling themselves scholars going about begging ; all seafaring men pretending losses of their ships and goods on the sea ; all idle persons going about either begging or using any subtle craft or unlawful games and plays, or feigning to have knowledge in physiognomy, palmistry, or other like crafty science, or pretending that they can tell destinies, fortunes, or such other fantastical imaginations ; all fencers, bearwards, common players, and minstrels ; all jugglers, tinkers, pedlers, and petty chapmen ; all wandering persons and common labourers, able in body, and refusing to work for the wages commonly given ; all persons delivered out of gaols that beg for their fees or travel begging ; all persons that wander abroad begging, pretending losses by fire or otherwise ; and all persons pretending themselves to be Egyptians :” all such persons, it is declared, “shall be taken, adjudged, and deemed rogues, vagabonds, and sturdy beggars, and shall sustain such pain and punishment as by this Act is in that behalf appointed.”

It is then enacted, that every person thus declared to be a rogue, vagabond, or sturdy beggar, and who shall be taken begging, wandering, or misordering themselves, shall, by the appointment of any justice of the peace, or by any constable, headborough, or tithing-man, assisted therein by the advice of the minister or one other of the parish where such person shall be taken, “be stripped naked from the middle upwards, and be openly whipped until his or

Sturdy
beggars to
be stripped
naked and
whipped, and
sent to their
place of birth
or last
residence.

her body be bloody, and shall then forthwith be sent from parish to parish, by the officers of every the same, the next straight way to the parish where he was born, if the same may be known by the party's confession or otherwise; and if the same be not known, then to the parish where he or she last dwelt by the space of one whole year, there to put himself or herself to labour as a true subject ought to do; or if it be not known where he or she was born or last dwelt, then to the parish through which he or she last passed without punishment."

After being thus whipped, the culprit is to be furnished with a testimonial certifying the same, with the date and place of punishment, and the place whereunto he is directed to go, and the time allowed for getting thither. "And if the said person through default do not accomplish the order appointed by the said testimonial, then to be eftsoons taken and whipped; and so often as any default shall be found in him or her contrary to this statute, in every place to be whipped till such person be repaired to the place limited." And the person so whipped, &c., is to be conveyed, by the officers of the village where he last passed through without punishment, to the house of correction, or to the common gaol, there to remain and be employed in work, until he or she shall be placed in some service, or, if not able of body, until placed in some almshouse.

It is further provided, that "if any of the said rogues shall appear to be dangerous to the inferior sort of people where they shall be taken, or otherwise be such as will not be reformed of their roguish kind of life," in such case the justices may commit them to the house of correction or the county gaol until the next quarter session, where the majority of the justices then assembled are empowered to banish such rogue unto such parts beyond the seas as shall be at any time assigned by the privy council; and if the rogue so banished shall return again without licence, he shall suffer death as in case of felony."

The clause in the 14th *Elizabeth* is repeated, providing that any one having charge of a vessel passing from Ireland, Scotland, or the Isle of Man, who shall willingly bring or suffer to be brought into England, any "Mannsyke, Scottish, or Irish rogue, vagabond, or beggar, or any such as shall be forced or very like to live by begging," is liable to a penalty of twenty shillings. And constables, headboroughs, and tithing-men are subjected to a penalty of ten shillings in case they shall "be negligent and do not use their best endeavours for the apprehension of such vagabond, rogue, or sturdy beggar, and cause every of them to be punished according to the true intent and meaning of the Act." The influx of beggars from Ireland, Scotland, and the Isle of Man, for prevention of which this enactment was framed, was probably owing to the superior wealth of England, without which there would have been little inducement for immigrants—independently of that love of change which seems natural to the mass of mankind.

Diseased poor are again prohibited from resorting to Bath or Buxton, "to the baths there for the ease of their griefs," unless licensed by two justices, and provided with sufficient means of subsistence whilst they abide there, and for their travelling thither and returning. There is likewise, as in the 14th *Elizabeth*, a proviso in behalf of shipwrecked mariners, permitting them, under a testimonial signed by a justice of peace, to "ask and receive such relief as shall be necessary." These enactments indicate the growing importance of maritime pursuits, and the estimation in which they were at this time held. The age of Drake, and Raleigh, and Frobisher, and Davis, and Lancaster, so fruitful in nautical daring and commercial enterprise, could not fail of imparting increased energy and hardihood to every department of maritime adventure; and hence shipwrecks would be likely to be of more frequent occurrence.

In these two statutes of the 39th *Elizabeth*, caps. 3 and 4, a marked distinction is made between the infirm and impotent poor, or "poor indeed," and the sturdy beggars "mighty in body," whose poverty is occasioned by their being idle and vicious, the two classes being dealt with in separate Acts. The system was still, however, deemed incomplete, there being no easy and certain means by which persons of opulence could by their individual efforts, or by their contributions, voluntarily assist in furthering the objects sought to be attained by the stringency of the law. To supply this deficiency, another Act (*cap.* 5) was passed, which, taken in combination with the two preceding Acts, may be regarded as forming one entire measure for relieving the poor and repressing vagabondism.

1597-8.
39 Elizabeth,
cap. 5. The 39th *Elizabeth*, *cap.* 5, after quoting in the preamble the 35th *Elizabeth*, which empowers persons to bequeath lands and hereditaments for providing and maintaining houses of correction, &c., declares that "the said good law hath not taken effect as was intended, by reason that no person can erect or incorporate any hospital, houses of correction, or abiding-places, but by her Majesty's special licence by letters patent under the great seal." Wherefore, in order that so good and charitable a work may be effected with as great ease and little charge as may be, it is enacted, that any person may, within twenty years, at his will and pleasure, by deed enrolled in Chancery, "found and establish one or more hospitals, maisons de Dieu, abiding-places, or houses of correction, as well for the sustentation and relief of the maimed poor, needy, or impotent people, as to set the poor to work; and from time to time to place therein such head and members, and such number of poor, as to him shall seem convenient." The hospitals, &c., so founded are to be incorporated, and have perpetual succession for ever, "in fact, deed, and name," and are to be ordered and

visited as appointed by the founder. But it is provided that no such hospital, &c., shall be founded or incorporated, "unless it be endowed for ever with lands, tenements, or hereditaments of the clear value of ten pounds by the year."

In the same year with the three preceding Acts, *The 39th Elizabeth*, cap. 17, was passed for the correction of another evil, apparently of serious magnitude. It recites that "divers lewd and licentious persons, contemning both laws, magistrates, and religion, have, of late days, wandered up and down in all parts of the realm, under the name of soldiers and mariners, abusing the title of that honourable profession to countenance their wicked behaviour, and do continually assemble themselves, weaponed, in the highways, and elsewhere, in troops, to the great terror and astonishment of her Majesty's true subjects."^{1597-8. 39 Elizabeth, cap. 17.} And many heinous outrages, robberies, and horrible murders are daily committed by these dissolute persons." It is then ordered that all wandering soldiers and mariners or idle persons shall settle themselves to some labour, or else repair to the place where they were born, or to their dwelling-place, if they have any, and there remain, betaking themselves to some lawful course of life, on pain of being reputed felons, and suffering as in case of felony without benefit of clergy. This was certainly severe, having regard to the class of persons against whom the Act was specially directed; but if the enormities named in the preamble were really perpetrated, they would warrant the exercise of great severity against the offenders.

The above statute was, however, repealed three years afterwards by *The 43rd Elizabeth*, cap. 3, which, in a more kindly spirit, recites—that^{1601. 43 Elizabeth, cap. 3.} "it is now found more needful than it was to provide

^{*} This reminds one of the wayside beggar, who with levelled carbine frightened poor Gil Blas out of a charitable contribution.

relief and maintenance to soldiers and mariners that have lost their limbs and disabled their bodies in the defence and service of the state; and to the end that the said soldiers and mariners may reap the fruits of their good deservings, and others be encouraged to perform the like endeavours," it is now enacted that every parish shall be charged to pay such a sum weekly towards the relief of sick, hurt, and maimed soldiers and mariners, having been in her Majesty's service, as the justices in quarter sessions shall determine, under certain limitations as to amount; and the same is to be leviable by distress, in default of payment. But it is nevertheless provided, "that every soldier or mariner that shall be taken begging in any place within the realm, shall for ever lose his annuity or pension, and be taken, deemed, and adjudged as a common rogue and vagabond, and shall sustain the like pains and punishments as is appointed for common rogues and vagabonds."

We are now arrived at the important period when, by *The 43rd Elizabeth, cap. 2*, the principle of a compulsory assessment for relief of the poor was fully and finally established as an essential portion of our domestic policy. In the earlier statutes we have seen that little was aimed at beyond the repression of mendicancy and vagabondage by inflicting severe, and often cruel, punishments on the offenders; and even in the statutes of a later period this still appeared to be the chief and governing motive. "Valiant beggars and sturdy vagabonds" were in nearly every case denounced as causing all the evil and disorganization which prevailed in the land. The permission to beg on certain conditions, and within certain limits, and the attempts made to stimulate charitable relief for the infirm poor, can hardly be considered as exceptions, for they must, from their very nature, have been almost, if not altogether, inoperative.

Such was the state of Poor Law legislation down to the passing of the 39th of Elizabeth in 1597.

Long previously, however, a persuasion seems to have been gaining ground that severe punishments alone would not prove effectual, and that something else was necessary for putting down vagabondage and mendicancy, with their auxiliary train of evils. Thus, by the *27th Henry the 8th, cap. 25*, the head officers of towns, &c., were directed to succour and charitably relieve the impotent poor, and also to set and keep "sturdy vagabonds and valiant beggars at continual labour." And the *5th and 6th Edward 6th, cap. 2*, directs a register of the poor to be kept, and the parishioners to be "gently exhorted and admonished" to contribute, according to their means, for like objects. The *5th Elizabeth, cap. 3*, goes still further, and empowers justices to use compulsion towards persons obstinately refusing to contribute; and by the *14th Elizabeth, cap. 5*, overseers are appointed and a better organization is formed for the collection and distribution of charitable alms; whilst by the *39th Elizabeth, cap. 3*, nearly all the means are provided, short of an absolute and regular assessment of property, for effectually relieving the destitute poor, and for giving employment to such of them as are able to labour.

Progress of
legislation
with respect
to the poor.

Notwithstanding these successive measures, each in advance of the other, a conviction seems to have been forced upon the legislature that something further must yet be done. It appears at length to have been seen, that severity of punishment loses its terrors in the presence of actual want; that a man will beg, or steal, or resort to violence, rather than starve; and that the first step towards putting down begging and vagabondage and crime, should be to provide against the occurrence of such an extremity of want as would leave no alternative between starvation and a breach of the law. It was evident, however, that this convic-

tion had been preceded, and was accompanied, by a strong sense of the vast importance of the subject, and the serious difficulties and dangers with which it was beset; and it was not until each and all of the foregoing statutes had been tried and fully tested, and after experience had shown their insufficiency, that the eminent statesmen of Elizabeth's reign courageously determined to act upon the principle that the relief of destitution must be undertaken as a public duty, and be provided for at the public charge, in order to ensure the due ascendancy of the law; and this principle was finally established by the passing of the 43rd *Elizabeth*, to a consideration of which we will now proceed.

The 43rd Elizabeth, cap. 2, the great turning-point of our Poor Law legislation, is still the foundation and text-book of English Poor Law. It is remarkable that this most important statute has no preamble, setting forth the evils to be corrected and the good expected from it, as is the case with most of the other statutes; but it goes at once to its object, and directs that in every parish "four, three, or two substantial householders shall, under the hand and seal of two or more justices of the peace, be yearly nominated in Easter week, and that these, with the churchwardens, shall be overseers of the poor." These overseers are "to take order from time to time," with the consent of the justices, for carrying the several provisions of the Act into effect. They are to raise, "weekly or otherwise, in every parish, by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, or propriations of tithes, coal-mines, and saleable underwoods, in the said parish, in such competent sum and sums of money as they shall think fit," for the following purposes:—

First. "For setting to work the children of all such whose parents shall not be thought able to keep and maintain them."

Secondly. "For setting to work all such persons, married and unmarried, having no means to maintain them, and who use no ordinary and daily trade of life to get their living by."

Thirdly. "For providing a convenient stock of flax, hemp, wool, thread, iron, and other ware and stuff, to set the poor on work."

Fourthly. "For the necessary relief of the lame, impotent, old, blind, and such other among them being poor, and not able to work."

For effecting these several objects, the churchwardens and overseers of the poor are, as was directed by the 39th *Elizabeth*, cap. 3,^{*} "to meet together at least once in every month, in the parish church, after Divine service on the Sunday, to consider of some good course to be taken, and of some meet order to be set down, in the premises." And within four days after the end of their year of service, and after other overseers are in like manner appointed, they are "to make and yield up to such two justices of the peace, as aforesaid, a true and perfect account of all sums of money by them received, or rated and sessed and not received, and also of such stock as shall be in their hands, or in the hands of any of the poor to work, and of all other things concerning their said office." And in case of default, absence, or negligence of any kind being proved against them, before two or more justices, they are subjected to a fine of twenty shillings.

The mutual liability of parents to maintain their children, and of children to maintain their parents, established by the 39th *Elizabeth*, is extended by this Act to the grandfathers and grandmothers, whenever the parties respectively are of sufficient ability so to do. And the churchwardens and overseers are empowered, with the assent of two justices, to bind those

^{*} Ante, p. 183.

“poor children, whose parents cannot maintain them, 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 herself.”

With wise and provident forethought the experienced statesmen to whom we are indebted for the present Act, likewise guarded (as they had done in the 14th and the 39th *Elizabeth*) against a possible excess of poverty in any locality, and the consequent deficiency of means for affording relief, by providing that if “the inhabitants of any parish are not able to levy among themselves sufficient sums of money for the purposes aforesaid,” then any parish or parishes within the hundred may be “taxed, rated, and assessed to pay such sum and sums of money to the churchwardens and overseers of the said parish, for the said purposes, as the said justices shall think fit, according to the intent of this law;” and if the hundred shall be deemed unable, then the county is to be assessed for like purpose. This is “*The Rate in Aid*” clause, which has, however, very rarely been acted upon, its existence probably helping to avert the contingency which it was provided to meet.

Justices of the peace are empowered “to commit to the house of correction, or common gaol, such poor persons as shall not employ themselves to work, being appointed thereunto by the overseers;” and they are also empowered, on the nonpayment of the moneys taxed and assessed, to issue a warrant of distress for recovering the same, and in defect of such distress to commit the offender to prison until the said money with all arrearages be paid. But any person or persons who shall find themselves aggrieved by “any sess, tax, or other act

done" under the provisions of this statute, may appeal to the justices at their general quarter sessions, who are "to take such order therein as to them shall be thought convenient."

Such are the chief provisions of this important statute ; and so complete were they as then framed, both for providing the means of relief, and for its due administration in all cases in which relief could be necessary or proper, that they stand entire and constitute the basis of the law at the present day—always however excepting the settlement law, and the various complicated enactments which sprang out of it, and of which we shall have to speak hereafter.

The 43rd Elizabeth was not the result of a sudden thought or a single effort, but was gradually framed upon the sure ground of experience ; and it is curious to trace the successive steps by which its chief enactment, that of a compulsory assessment for the relief of the poor, came at length to be established. First the poor were restricted from begging, except within certain specified limits. Next the several towns, parishes, and hamlets were required to support their poor by charitable alms, so that none of necessity might be compelled "to go openly in begging," and collections were to be made for them on Sundays, and the parson was to stir up the people to be bountiful in giving. Then houses and materials for setting the poor on work were to be provided by the charitable devotion of good people, and the minister was every Sunday specially to exhort the parishioners to contribute liberally. Next the collectors for the poor, on a certain Sunday after divine service, were to set down in writing what each householder was willing to give weekly for the ensuing year ; and if any should be obstinate and refuse to give, the minister was gently to exhort him, and, if he still refused, then to report him to the bishop, who was to send for and again gently exhort him ; and if still refractory, the bishop was

to certify the same to the justices in sessions, and bind him over to appear there, when the justices were once more gently to move and persuade him ; and if he would not be persuaded, they were then to assess him in such a sum as they should think reasonable. This prepared the way for the more general assessment authorised by the 14th and the 39th *Elizabeth*, which again led to the complete and universal assessment of property established by the present Act, and which still continues the law.

In less than two years after the passing of the above Act, Elizabeth terminated her long, distinguished, and most useful career. She died on the 24th of March 1603, in the seventieth year of her age and the 45th of her reign. Her character is best shown in the history of her country and of the age in which she lived ; and it would be out of place to speak of it here further than is necessary for elucidating our subject.

The vigorous government of the Tudor sovereigns, extending over a period of nearly a century and a quarter, from the accession of Henry the Seventh to the death of Elizabeth, was favourable to agricultural and commercial industry, and to the increase and improvement of the population, which has been estimated at five millions in 1580.⁷ This may have been, and probably was, rather a high estimate, but at the end of Elizabeth's reign there can be little doubt of the population having reached that amount. A middle class had sprung up during this period, possessed of considerable wealth and influence, and serving in some degree as a check or counterpoise to the power of the crown, which grew to an inordinate height after it had obtained an ascendancy over the great feudal aristocracy. But the chief event of the Tudor dynasty was the

⁷ See 'Pictorial History of England,' book vi. p. 903 ; and see also M'Culloch's 'Statistical Account of the British Empire,' vol. i. p. 397.

Reformation, commenced by Henry the Eighth, matured under Edward the Sixth, and finally consummated and established in the reign of Elizabeth. We can hardly over-estimate the consequences of the great change then effected. The free circulation of the Scriptures in the native tongue must have exercised a most beneficial influence upon the habits and religious feelings of the people; whilst the public mind, awakened and roused into activity by the circumstances of the period, and elevated by the precepts and examples of holy writ, assumed a bolder and more energetic tone, not with regard to religious questions only, but in all matters connected with the political and social condition of the people, their wants, their duties, and their rights.

So great a change, involving the overthrow of the entire establishment of the Roman Catholic Church, the annihilation of its power, and the confiscation ^{Effects of the Reformation.} of its property, was felt in every nook and corner of the land, but by none perhaps so immediately, or so much, as by that class which had been accustomed to rely upon alms for support. The vagrants and mendicants were at once deprived of their accustomed doles, and their ranks were at the same time swelled, not only by the persons discharged from the numerous religious institutions, but also by the many who were heretofore occupied with the forms and ceremonies of the Romish religion, for whom there was no place under the more simple ritual by which it was superseded. When to these immediate consequences of the Reformation is added the fact that serfage and villeinage had, at no very remote period, been abolished, and that by such abolition the people had acquired the right of independent action, and severally taken upon themselves the duty of providing for their own wants, we cannot wonder if mendicancy and vagrancy were for a time increased, or that these evils should be more loudly complained of under Edward

the Sixth, and in the earlier part of Elizabeth's reign, than they previously had been.

- Out of this increase of evil, however, there sprang up a remedy, as has been the case in so many other instances—an effectual relief for destitution was at length established, and the community thereby acquired a right to prohibit mendicancy. Without doing the one, it would have been futile as well as cruel to attempt the
- other—the two things must go together. The successive failure of all preceding legislation on the subject tended to confirm and establish the truth of this axiom, on which at length the framers of the 43rd of *Elizabeth* had the
- wisdom and the courage to act. The effects following upon this action I shall endeavour hereafter to describe; but in the mean time it will be necessary to take a hasty survey of the state of the law, the circumstances of the country, and the general condition of the people, at the close of Elizabeth's reign.

Whoever shall have perused the extracts given in the preceding pages, and considered the circumstances of the periods in which the statutes were severally passed, can hardly fail to perceive that they all tended to the establishment of a legally authorized provision for the relief of the destitute. Even the most stringent and severe enactments against vagrants and beggars tended to this, their failure serving to show that no severity of punishment could be effective; and but for these severe and often cruel enactments, the fact of their insufficiency might not have been so clearly established. Whilst a doubt remained on the point, so long as there appeared to be a chance of putting down vagabondage and mendicancy by penal and prohibitory statutes alone, it cannot excite surprise that severity more or less stringent was resorted to, or that cumulative punishments, even of a revolting character, should have been enacted against offenders. Hence the fluctuations observable in the various statutes, from the 13th of

Edward the 1st downwards. At one time they are more stern and cruel, at another time less so ; but they always manifest a severity of character from which the mind of modern legislators would shrink. In fact, each gradation in the scale of punishment was tried, abandoned, re-established with added stringency, and again abandoned, with a lingering pertinacity which can only be accounted for by the struggle between experience and preconceived notions, and the kind of uncertainty that was felt as to whether it might not yet be possible to succeed by such means.

This uncertainty appears, however, at length to have yielded to the conviction that something more must be done than merely to punish offenders. Charitable alms and contributions for the relief of the poor were invoked, and after a time a machinery was constituted for collecting and distributing these offerings, and for stimulating liberality where the givers were found tardy. Means for relieving the infirm poor were thus in some degree provided, as well as coercion and punishment for the vagrant class ; but the latter was positive and certain, the former contingent and uncertain. So this too failed, and the last step was at length taken, of giving a certainty to each, so far as it is susceptible of being attained by legislative enactment.

Man's natural wants, and his desire to obtain the comforts and conveniences of life, will generally operate as sufficient stimulants to exertion ; but in every community there will be certain individuals so feebly constituted, either physically or mentally, as to be unequal to the task of providing for themselves ; and there will likewise be some whose moral qualities are of so low a standard, that, although not labouring under bodily or mental infirmity, yet the motives which actuate others fail of influencing them, and they are found naturally idle, and indisposed or unequal to continuous effort or application of any kind. These two classes are properly

objects of care in every community. They are the weak parts of the social fabric, and must be looked after and regarded as a common charge. To these two classes may be added a third, the violent, insubordinate, and vicious, whose numbers will in great measure depend upon the state of society and the circumstances of the times, and who are the fit objects for penal legislation. But individuals of this last class will nevertheless not unfrequently endeavour to prey upon the community under the guise of, and by mingling with, one or other of the two first-named classes. From this class chiefly came the sturdy vagabonds, "mighty in body," so often complained of in the earlier statutes, and against whom the severest enactments were directed. The three classes here described, differing essentially each from the other, and not having by any means the same claims for sympathy and assistance, are yet included under the general designation of "the poor." In all legislation for the poor, therefore, the distinctive characteristics of these classes ought to be borne in mind, and care should be taken that, whilst providing for all who are in actual need, the relief afforded shall be so regulated as that encouragement be not given to the idle and the vicious; and the 43rd of *Elizabeth* was framed in conformity with this principle.

The passages which have been cited from the statutes passed in the several reigns, immediately affecting or indirectly bearing upon the condition of the people, will throw light upon the state of the country at the different periods to which they refer. Regarded as a whole, they bear evidence of continuous social improvement, often slow indeed, but in the main always progressive. Freedom from vassalage accompanied the growth of trade and manufacturing industry, and with these came increase of wealth and civilization, and the growth of a middle class serving as a connexion between the higher and the lower orders, and thereby completing.

and as it were cementing, the social structure. In the earlier reigns these improvements made comparatively slow progress, and were not always perceptible—in the latter, improvement was more rapid and more apparent. This was especially the case in Elizabeth's reign, by the end of which society may be said to have very nearly attained its present form. Individual liberty was then established, the law was indifferently administered, and the productive energies of the country were more freely developed.

It must not be supposed, however, that the condition of the people or the civilization of that day was equal to what exists at present. In the great towns the difference was perhaps less, for there wealth had accumulated, and brought improvement in its train; but in the villages and country districts we have at the present day nothing approaching to the rude and barbarous manner in which the rural population then lived. At the time of Elizabeth's accession, their habitations were for the most part wretched hovels, formed of wattles plastered over with mud or clay, often without chimneys, and with nothing to admit the light but an opening in the wall. Their mode of living was equally rude, and they slept upon straw.* Perhaps this description applies more particularly to Edward's and Mary's reigns, and improvement may have taken place in the time of Elizabeth, for she is said on some occasion to have declared that "when the houses were of wood she had men of stone, but that since the houses were built of stone she had wooden men." This may or may not have been said by the queen, but the report or belief that it was so, warrants a presumption that some such change had taken place in the habitations of the people. An important change had certainly taken place in another

Condition of
the people
in the time
of Elizabeth.

* See Holinshed, as quoted by Hume, in a note at the end of the 4th volume of his History, p. 462.

respect, the number of criminal executions having decreased to less than 400 annually. This number doubtless indicates the existence of a fearful amount of crime, but it is still much less than in previous reigns, especially in that of Henry the Eighth, when there were said to be 2000 of such executions every year.

Coaches were first introduced from Holland in 1564, and pocket watches were introduced about the same period. Before that time, ladies were accustomed to travel on horseback, or in uncouth waggons, which were compared to great boxes on wheels. The first legislative provision for the repair of roads was by the *2nd and 3rd Philip and Mary*, which declares that the roads were at that time tedious and noisome to travel on, and dangerous to passengers and carriages, and enacts that the inhabitants of every parish shall keep their roads in repair, and annually appoint two surveyors of the highways for the purpose of attending to this duty. In the early part of her reign Elizabeth generally travelled on horseback, and on state occasions she rode on a pillion behind the Lord High Chancellor. With the aid of a Dutch coach and a Dutch coachman, she was enabled, in the latter years of her reign, to move from one place to another with more comfort and greater dignity.

In 1582 the number of seamen in England was ascertained to be 14,295. The number of vessels was 1,232, of which only 217 were above eighty tons burthen. Yet in 1599, on the alarm of an invasion by the Spaniards, the queen equipped a fleet and levied an army in a fortnight, a proof that the events connected with the formidable Armada in the early part of her reign had not been forgotten, and that she still had the hearts of the people with her. Ireland, although it had been upwards of four centuries subjected to the English Crown, was still in a state of rudeness and disorder. It yielded a revenue of only about six thousand a year,

whilst it is affirmed that in ten years Ireland had cost the queen 3,400,000*l.*, an immense sum, if we consider the slender income possessed by Elizabeth, and out of which she had to defray all the expenses of her government, civil, military, and domestic. In 1569 a patent was obtained from the Czar of Muscovy, with whom the queen had cultivated friendly relations, granting to the English an exclusive right of traffic with that country. The trade with Turkey commenced about the year 1583, and in 1600 the queen granted the first patent to the East India Company. These are incidents of great national importance, having a material influence upon the industrial occupations and the social condition of the people, as well as upon the wealth and power of the country.

During the half-century preceding Mary's reign, or from 1500 to 1550, it has been shown that a considerable advance in the money prices of Prices of provisions. commodities had taken place;* but the advance was still greater in the following half-century, as appears by the table of prices collected by Sir Frederic Eden.

Wheat was 8*s.* and 13*s.* 4*d.* the quarter in 1550, and about the same in 1555 and 1561, after which year the price rose considerably. In 1562 it was 17*s.* in April, and 22*s.* in December. In 1568 it was 13*s.* 4*d.*; in 1574 it was 24*s.*; in 1579 it was 16*s.*; in 1584 it was 20*s.*; in 1591 it was 18*s.*; in 1593 it was 12*s.*; in 1598 it was 18*s.*; and in 1599 it was 27*s.* the quarter in August, and 23*s.* in November. These are set down, not as the extreme, but as what appeared to be about the medium prices in the several periods. The fluctuations were, however, very great,—thus in 1554 the price of wheat was at one time 8*s.*, at another 16*s.*; in 1560 the price in June was 16*s.*, and in December 26*s.*; in 1565 the price was 15*s.* at the end of March, and in the January following it was

* See ante, p. 149.

28s.; in 1573 just before Christmas it attained the famine price of 56s. the quarter, but in August of the following year it fell back to 24s. In 1586 it again rose to the enormous price of 53s., and in 1587 to 64s. in London, and 80s. in other places, and one quotation even gives it at the almost incredible price of 104s. In 1596 wheat in the early part of August was at 56s., at the end of the month it fell to 36s.; but shortly afterwards it again rose to 100s. Putting aside these extreme fluctuations, however, it appears that 10s. a quarter, which we have assumed to be about the medium price for wheat in 1550,^b advanced to 23s. and 27s. the quarter in 1599, being an apparent increase of above 100 per cent. in the money price of the article within that period. The prices of other grain corresponded nearly with the price of wheat. In 1562, when wheat was 10s. a quarter, rye was 8s., barley 6s. 8d., and oats 5s. In 1590, when wheat was at 21s., rye was 17s. 6d., barley 13s. 4d. In 1595, when wheat was 44s., rye was 26s. 8d., and barley 20s. Towards the end of this year rye was imported from Denmark, and sold to the poor at 32s. the quarter, wheat being then at the famine price of 53s. 4d.

I refrain from quoting the prices of oxen, sheep, poultry, and a vast variety of other articles given in the table, as these prices would much depend on size, quality, and other circumstances, about which no information is afforded; neither do I take into account the change made in the value of the silver coin in 1550,^c the extent of which, although possibly considerable, cannot now I believe be accurately estimated. But after a careful examination of all the circumstances, it is, I think, impossible to doubt that a very considerable and general increase in the money price of all the necessaries of life took place in course of the sixteenth century, and that the larger portion of such increase

^b See ante, p. 149.

^c Ibid.

occurred in the latter half of the period, when the more rapid increase of wealth, and the generally improved condition of the great mass of the people, would naturally occasion a greater demand, and when moreover the influx of the precious metals from the New World, which had been going on throughout the entire period, would necessarily cause them to be more abundant, and tend to advance the money price of every kind of commodity.

With respect to wages, the last statute prescribing the amount to be severally paid to labourers, artificers, and others, was passed in 1514,^d and ^{Rate of wages.} this did no more than re-enact the 11th *Henry 7th*, cap. 2, passed in 1495.^e The 5th *Elizabeth*, cap. 4, in 1562,^f does not venture to prescribe what wages are actually to be paid in each case, as was done in the preceding Acts; but, after reciting "that the wages and allowances limited and rated in the said statutes are too small, and not answerable to this time, respecting the advancement in prices of all things belonging to the said servants and labourers," it goes on to express a hope that by recasting, consolidating, and duly modifying the said laws, "it will come to pass that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person, both in time of scarcity and in the time of plenty, a convenient portion of wages." The Act then, as has already been shown, empowers the justices in quarter sessions to fix the rates of wages annually within their several divisions, and to proclaim and enforce the same under certain penalties.

If we compare the rates of wages established in 1495 by the 11th *Henry the 7th*,^g and confirmed in 1514 by the 6th *Henry the 8th*,^h with the wages paid about the end of the reign of Elizabeth, it will be seen that an

^d Ante, p. 110.^e Ante, p. 99.^f Ante, p. 157.^g Ante, p. 99.^h Ante, p. 110.

increase had taken place nearly corresponding with the increase in the prices of provisions. Thus in 1495 the wages of masons, carpenters, and other artificers were by the statute fixed at 6*d.* a day in summer, and 5*d.* a day in winter, without diet; whilst in 1601 the wages of a mason or tiler are stated in the tables to be 1*s.* 2*d.* a day. In 1495 the wages of a day labourer were 4*d.*, without diet—in 1601 they are set down in the tables at 10*d.* In 1495 the wages of a bailiff in husbandry were fixed at 26*s.* 8*d.*, with 5*s.* for clothing; of a hine, carter, or shepherd at 20*s.*, with 5*s.* for clothing; of a common servant in husbandry at 16*s.* 8*d.*, and 4*s.* for clothing; of a woman-servant at 10*s.*, with 4*s.* for clothing; and of a boy of fourteen at 6*s.* 8*d.*, with 4*s.* for clothing. In 1593 the wages fixed by the magistrates of the East Riding of York, under the provisions of the 5*th Elizabeth*, are, for a bailiff in husbandry 33*s.* 4*d.*, with 6*s.* 8*d.* for clothing; a chief servant or shepherd, 26*s.* 8*d.*, with 6*s.* 8*d.* for clothing; a common servant in husbandry that can mow and plough, 23*s.* 4*d.*, with 6*s.* 8*d.* for clothing; a woman-servant who can brew and bake, 13*s.*, with 4*s.* for clothing; and a youth under eighteen years of age, 16*s.*, without allowance for clothing.

The rates of wages fixed by the justices at the quarter sessions held at Okeham, in the county of Rutland, on the 28*th* of April, 1610, were, for a bailiff in husbandry, 2*l.* 12*s.*; for the best sort of man-servant (say the hine, carter, or shepherd), 2*l.* 10*s.*; for a common servant who can mow, 2*l.*; for a ploughman, 1*l.* 9*s.*; for a woman-servant, 1*l.* 3*s.* 4*d.*; and for a youth under sixteen, 1*l.* These two latter rates are quoted from documents inserted in the appendix of Sir Frederic Eden's tables, and it may be further remarked that in 1544 it was found necessary to raise the wages of seamen in the king's ships from 5*s.* to 6*s.* 8*d.* a month.

On a summary of the documents above referred to, it appears that the rates of wages at the three periods named, including the allowance for clothing, were as follows:—

Comparison
of the rates
of wages in
1495, 1593,
and 1610.

By the Year.	1495.	1593.	1610.
	s. d.	s. d.	s. d.
A bailiff in husbandry	31 8	40 0	52 0
A hine, shepherd, or husbandry } servant of the best sort	25 0	33 4	50 0
A common servant in husbandry	20 8	30 0	40 0
An inferior ditto	20 8	25 0	29 0
A woman-servant	14 0	17 4	26 8
A youth under sixteen	9 8	16 0	20 0
By the Day.			
A mower in harvest, without meat } and drink	0 6	0 10	0 10
A reaper or carter, ditto	0 5	0 5	0 8
All other labourers } without meat and } drink	0 4 0 3	0 5 0 4	0 7 0 6
Artificers, without meat } and drink	0 6 0 5	0 8 0 7	on an } average } 0 10 0 8

The rates severally proclaimed by the justices of the East Riding in 1593, and by the Rutlandshire justices in 1610, as above quoted, had, in all probability, especial reference to the circumstances of these districts, and cannot be taken as proofs of what was done in other parts of the country; but they may be regarded as presumptive evidence, and, coupled with the lights obtained from other sources, they warrant the conclusion that an increase in the money rate of wages had taken place in course of the sixteenth century, equivalent to the increase in the price of the necessaries of life within the same period. It could hardly indeed have been otherwise, for, if the labourer's earnings be not sufficient for maintaining him in health and vigour, he will not be able to perform the same amount of labour, if to labour at all. So that, in the long run, the cost of subsistence, taken in its largest sense, may be said to govern the rate of wages, without however excluding the influence of supply and demand, and the higher or lower condition of the labouring class, each of which,

no doubt, likewise affects the question. An excess of labour would lower its market value—an inferior social condition with respect to living, lodging, and clothing, might require less than one of a superior order—but sufficient for maintenance must still in some shape be obtained by the labouring class.

On the whole then, it may I think be assumed, that at the end of Elizabeth's reign, notwithstanding the increase which had taken place in the price of all commodities, the great mass of the English people were able, by a due exercise of industry, to obtain as large an amount of subsistence and physical enjoyment as at any former period, whilst the social improvements which had taken place extended in no inconsiderable degree to them, enlightening their minds, improving their habits, and raising them to a higher and more independent position.

There was doubtless at this time, still much rudeness observable in the dwellings, manners, and general mode of living of the great mass of the people; but the taint of former vassalage was now nearly obliterated, and they felt and acted as freemen, asserted their rights as such, and occupied their proper position in the community. For the maintenance and further improvement of that position no measure could have been better timed or better devised than the 43rd of *Elizabeth*. By making provision for relieving the destitute, and for setting the idle to labour, it rescued society from the danger and demoralisation that would ensue, if these two classes were left to wander at large; and also from the heavy tax of supporting them as mendicants, which, in the absence of such a law, all experience shows, would have fallen most heavily upon the class raised but one degree above them, and therefore least able to bear the burthen, and most liable to be dragged down to the same low level.

END OF PART THE FIRST.

PART THE SECOND.

FROM THE ACCESSION OF JAMES THE FIRST TO THE END OF THE REIGN OF
ANNE.

CHAPTER V.

Accession of James I. — Laws against papists — Wages — Players — Rogues and vagabonds — Proclamation against incorrigible rogues — Overseers — Inns and alehouses — Conjurations and witchcrafts — Regulation of manufactures — Fisheries — Exportation of corn — The plague — Gunpowder Plot — Exportation of beer — Game-laws — Enactments against drunkenness — “Levellers” — Apprenticeship bequests — Houses of correction — Expedients for raising the revenue — Hospitals and working-houses — Abolishment of monopolies — Women convicted of “small felonies” — Laws relating to Wales — Usury law — Prohibition of profane swearing — Infanticide — Exportation of corn — Advance in prices — State of England and Ireland — Commerce — Progress of the Poor Law.

It has been shown by what gradual steps, and through what a series of enactments, often conflicting and always marked by great severity, the legislature advanced to a recognition of the principle that property must be chargeable for the relief of poverty, and that the security of the one is inconsistent with the extremity of the other. The 43rd of *Elizabeth* was the matured fruit of this principle, out of which it grew, and on which all its enactments are based. And in order to show the necessity for such a measure, abstracts have been given of the various statutes passed in the three or four preceding centuries for restraining mendicancy and for punishing vagabondage, but which, having been framed in disregard of this great principle, altogether failed of the desired effect. Such other Acts have likewise been noticed as were calcu-

lated to throw light upon or materially affect the condition of the people, it being essential that the state of the community to which the law applies should be known and appreciated. It is hoped that these abstracts and these notices will not be considered unnecessary, and that the historical references introduced for the purpose of showing the state of the country at the several periods will not be thought superfluous or irrelevant. If there be a redundancy in either respect, it has been occasioned by a desire to afford the fullest information, and to place before the reader the best means of forming a correct judgment on a question of great social importance.

It is remarked by Hume, that the crown of England was never transmitted from father to son with greater tranquillity than it passed from the family of Tudor to that of Stuart.* During the latter years of Elizabeth's reign, the people had very generally been led to regard the King of Scotland as her successor; and, the queen having with her dying breath recognised his title, the nation readily welcomed his accession. He was accordingly proclaimed immediately after the queen's decease, and messengers were despatched to require his presence in his new kingdom. At the time of his arrival, great sickness prevailed in London. The plague had broken out, and in the course of the year had carried off above 30,000 persons, or one-fifth of the entire population, the city at that time containing little more than 150,000 inhabitants. The houses were chiefly built of wood, the streets were narrow, and the drainage and ventilation entirely neglected; so that we cannot wonder that London was then rarely free from plague, or some other pestilential disease. James's coronation took place on the 25th of July, but the prevailing sick-

James I.
1603-1625.

* Hume's 'History of England,' vol. vi. p. 2; edition of 1782.

ness caused the assembling of Parliament to be delayed until the 19th of March of the following year.

The first Act of this first Parliament (*The 1st James 1st, cap. 1*) is entitled 'A most joyful and just Recognition of the immediate, lawful, and undoubted Succession, Descent, and Right of the Crown ;' and its second Act (*The 1st James 1st, cap. 2*) authorises the appointment of commissioners to treat with commissioners of Scotland "respecting the union of the two realms." Nothing, however, resulted from this commission, nor from others which were subsequently appointed in this reign. The time had not arrived when the Scotch and English nations could be fused into one people, and James was not an instrument fitted for accomplishing such a purpose. An Act was at the same time passed for the due execution of the law against Jesuits, seminary priests, recusants, &c., and imposing a penalty of 100*l.* on persons resorting or sending children to foreign seminaries for the purpose of being "instructed, persuaded, or strengthened in the popish religion." This was equivalent to a declaration on the part of the king and parliament of their determination to maintain the reformed religion as then established, and must have tended to quiet apprehensions and satisfy the country on this vital point, about which the people's minds had been so much disturbed.

It appears that doubts had arisen whether justices of the peace, under the *5th Elizabeth, cap. 4*,^b were empowered to rate and settle the wages "of artificers, workmen, and workwomen, other than such as by some statute have been rated, or such only as did work about husbandry." *The 1st James 1st, cap. 6*, was now passed to remove these doubts, and it directs that "the authority by the same statute given for assessing and rating wages shall extend to any

^b Ante, p. 157.

labourers, weavers, spinners, and workmen and workwomen whatsoever, either working by the day, week, month, or year, or taking work at any person's hand whatsoever, to be done in great or otherwise." And it further orders that this may be done by the justices in divisional sessions, as well as in county sessions, and the rates thus settled are to be proclaimed by the sheriff without being first transmitted to the lord chancellor. Clothiers are also specially subjected to a penalty of ten shillings for every case in which they fail to pay the wages so rated and proclaimed; and then, in order to keep the seat of justice free from suspicion, it is declared "that no clothier, being a justice of peace in any precinct or liberty, shall be any rater of any wages for any weaver, tucker, spinner, or other artizan that dependeth upon the making of cloth." This was doubtless a proper provision, if a power for regulating wages was to be given at all; but why were not other employers of labour as well as clothiers prohibited from sitting in judgment on their own case? Every justice must have been an employer of labour of some kind, and yet the prohibition is only directed against clothiers.

Immediately after the preceding Act, *The 1st James 1st, cap. 7*, was passed, continuing and explaining the *39th Elizabeth*,^c "for punishment of rogues, vagabonds, and sturdy beggars." After reciting and confirming the several provisions of the Act of Elizabeth, by which players of interludes and glassmen are, in certain cases, exempted from being punished as rogues and vagabonds, it is declared that "from henceforth no authority given by any baron, or other honourable personage of greater degree, shall be available to free players of interludes from the pains and punishments in the said statute mentioned."^d

^c Ante, p. 186.

^d The object of revoking the exceptions of the Act of Elizabeth, as regarded

"And whereas many notorious rogues and vagabonds travel about the country, professing the trade of glass-men, and committing many pickeries, petty felonies, and other misdemeanours," it is further declared, that all such persons as shall wander up and down the country to sell glasses shall be deemed rogues and vagabonds, and suffer punishment accordingly.

By the 39th *Elizabeth*,^e justices in quarter sessions are empowered to banish dangerous rogues, or to condemn them to the gallies for life; but this provision is now declared to be defective, "for that the said rogues, having no mark upon them to be known by, may return or retire themselves into some other part of the realm where they are not known, and so escape the punishment the said statute did intend to inflict upon them;" for remedy whereof it is now ordained that "such rogues as shall by the said justices be adjudged incorrigible or dangerous, shall be branded in the left shoulder with a hot burning-iron of the breadth of a shilling, with a great Roman R, upon the flesh, that the letter R may be seen and remain for a perpetual mark upon such rogue during his or her life, and thereupon be sent to the place of his dwelling, if he have any; if not, then to the place where he last dwelt the space of a year; if that cannot be known, then to the place of his birth, there to be placed to labour as a true subject ought." And if any rogue so punished shall offend again in begging or wandering, he is to be judged a felon, and suffer as in cases of felony without benefit of clergy. All persons are moreover required, under a penalty of 10s., to apprehend such rogues,

players, appears to have been to confine the performance of plays to the companies licensed by royal patent. This was not an enactment against players generally, for in their patents all mayors and other local authorities are commanded to aid and assist them. The original exemption was meant to protect players from being confounded with bearwards and mere showmen; and the present revocation was really to confer a monopoly upon the patented companies.

^e Ante, p. 186.

vagabonds, and sturdy beggars as they shall see or know to beg, gather, or receive alms.

These enactments against vagabonds and beggars equal in severity anything that appears in the older statutes, and it would seem, therefore, that the evil of vagabondage remained undiminished. The abuses which resulted from the exceptions contained in Elizabeth's Act, by idle dissolute persons wandering about begging or thieving, under pretence of being players of interludes or sellers of glass, show how impossible it is so to define the limits and set bounds to the practice of mendicancy as to prevent fraud and simulation, if the practice be sanctioned in any shape.

On the 17th of September in the previous year, and before the assembling of Parliament, James had issued a proclamation, signed by the members of his council,

1603.
Proclamation
against
incorrigible
and dangerous
rogues.

setting forth that it had appeared unto him, as well by his own view as by good and credible information from divers parts of the realm, "that rogues grow again and increase to be incorrigible and dangerous, not only to his loving subjects, but also to himself and his honourable council in and about the court:" and this is attributed partly to remissness on the part of justices and other officers, and partly to the fact that no place beyond the seas had been assigned to which such rogues might be banished. Wherefore it is directed, that such incorrigible and dangerous rogues should "be banished and conveyed to the New-found Land, the East and West Indies, France, Germany, Spain, and the Low Countries, or any of them." This was certainly an unwarrantable proceeding on the part of James and his council. It gave early proof of his disregard of constitutional limits; and our neighbours of France, Spain, Germany, and the Low Countries, might justly complain of his inundating them with the incorrigible and dangerous rogues whom the proclamation describes as

growing in England. But the late statute (the 43rd *Elizabeth*) had not yet come into effective use. The requisite machinery had been created for levying rates, for relieving the infirm poor, and for setting the able-bodied to work; and the necessary powers had been given to the justices and other authorities for punishing vagrants, and for the prevention of begging: but a considerable time would elapse before all these provisions could be carried into general operation.

A good deal seems to have been expected from the newly created office of "overseer of the poor." The appointment of overseers is first directed ^{Overseers of the poor.} by the 14th *Elizabeth*, cap. 5,^f but without any duties being specifically assigned to them. In the 18th *Elizabeth*, cap. 3,^g the designation is changed to that of "collectors and governors of the poor," whose duties are to collect contributions, provide materials, and direct and superintend the employment of the poor in cities and towns. By the 39th *Elizabeth*, cap. 3,^h it is directed that the churchwardens in every parish, and four substantial householders appointed annually at Easter, are to be "the overseers of the poor," and are to levy the contributions ordered by the justices, and relieve the impotent poor, and raise stocks of materials for setting the able-bodied poor to work, and also to apprentice poor children. The 43rd *Elizabeth*ⁱ prescribes similar duties, with the important addition that the overseers are to make and collect the requisite rates for these purposes; but instead of four substantial householders, it requires "four, three, or two" to act with the churchwardens, as "overseers of the poor, in every parish," and such is the law at present. We thus see that it took nine-and-twenty years, and successive legislation, from the 14th to the 43rd of *Eliza*-

^f Ante, p. 161.

Ibid., p. 183.

^g Ibid., p. 168.ⁱ Ibid., p. 194.

beth, fully to organise the office and settle the duties of
overseers of the poor.

There can be no doubt that the institution of these functionaries has in various ways been productive of important results, but apparently not greater than was expected from them at the time. I have met with a

'An Ease
for Overseers
of the Poor,'
printed in
1601. small book entitled '*An Ease for Overseers of the Poor*,' printed at Cambridge in 1601, and therefore most likely written before the passing

of the 43rd of *Elizabeth* in the same year. The subject is most elaborately treated in this work, under twenty-one distinct heads. The first treats "of the word overseer"—the second of "what an overseer is"—the third, of "the diversity of overseers"—the fourth, of "what persons are fit to be made overseers," and so on, with an amusingly quaint and sententious particularity. The author commences with an address "to all overseers," to whom he wisheth "care to their office, health to their bodies, and heaven to their souls." Then addressing the reader, he says, "I have set forth this treatise, not for ambition, as Nimrod did the Tower of Babel to get a name, nor for vainglory, as Absalom did a pillar to preserve his name (for which cause I forbear my name), but of mere affection to my native country, to further it. If there be anything omitted, amend it; if there be something worth the following, use it; if it be a little defective, excuse it." He declares the office of *overseer* to be one of dignity and excellence, one "that may beseem the best and not the basest of men." These definitions are not, perhaps, calculated to afford much assistance to an overseer in the performance of his duties; but the work contains some useful hints and suggestions, and is written in so good a spirit, and with such an evident desire to give a right direction to the newly constituted office, both as regards the relief of the poor and the protection of the community against

fraudulent claims, that it is impossible to peruse its quaint and formal pages without feeling respect for the writer. My chief reason for noticing the work, however, is to show that, so early as 1601, the office of *overseer* was considered of sufficient importance to warrant the issue of a publication from the University Press of Cambridge, explanatory of the objects and duties of the office, describing the persons most fitting to be appointed, and earnestly urging those who undertook it to labour diligently and conscientiously in fulfilment of what is required from them.

James the First appears to have set about correcting the habits of his new subjects immediately he arrived among them; and the legislature were extremely active throughout his first parliament on a variety of domestic matters, to a few of which I will very briefly advert, as illustrative of the character of the period, and the prevalent condition of the people.

The 1st James 1st, cap. 9, is 'An Act to restrain inordinate Haunting and Tippling in Inns and Alehouses.' It declares that the ancient and true use of inns, alehouses, and victualling-houses, was for the relief and lodging of wayfaring people, and for supplying the wants of persons who are not able to provide victuals for themselves; and not for entertainment of lewd and idle people, to spend their money and their time in lewd and drunken manner. Wherefore it is ordered, under a penalty of ten shillings for every offence, that no inn-keeper, victualler, or alehouse-keeper shall "suffer any person to remain and continue drinking or tippling, other than such as shall be invited by any traveller during his necessary abode there; and other than labouring and handicraftsmen in cities and towns, upon the usual working days, for one hour at dinner-time to take their diet; and other than labourers and workmen which, for the following of their work by the day or by

1603-4.
1 James I.,
cap. 9.

Inns and
alehouses.

the great, shall sojourn, lodge, or victual there ;” and constables and churchwardens are subjected to a fine of forty shillings if they neglect to levy penalties on the offenders. The price of ale and beer is likewise fixed by this Act—the strong or best quality at a penny the quart, and the small or inferior quality at a halfpenny the quart ; and a penalty of 20s. is imposed on every alehouse-keeper who charges more, or uses false or fraudulent measure.

The 1st James 1st, cap. 12, repeals the 5th Elizabeth
 against conjurations, enchantments, and witch-
 crafts, and then “ for the better restrain-
 ing the said offences, and more severe punish-
 ing the same,” it enacts, “ that if any person
 shall practise or exercise any invocation or conjuration
 of any evil and wicked spirits ; or shall consult, cove-
 nant with, entertain, employ, feed, or reward any evil
 and wicked spirit ; or take up any dead man, woman,
 or child, out of his or her grave, or the skin, bone,
 or any other part of any dead person, to be employed
 or used in witchcraft, sorcery, charm, or enchant-
 ment ; or shall practise any witchcraft, enchantment,
 charm, or sorcery, whereby any person shall be killed,
 destroyed, wasted, consumed, pined, or lamed ;” then
 every such offender, being thereof duly convicted, is to
 suffer death without benefit of clergy or sanctuary.
 And to the intent that all manner of witchcraft shall
 be utterly abolished, it is further enacted, “ that if any
 person shall take upon him by witchcraft or sorcery to
 tell in what place treasure of gold or silver might be
 had, or where things lost or stolen should be found ; or
 to provoke any person to unlawful love ; or whereby
 cattle or goods of any person shall be destroyed, wasted,
 or impaired ; or to hurt or destroy any person in their
 body, although the same be not effected ;” every person
 so offending, and being thereof duly convicted, is to
 suffer imprisonment for one whole year, without bail

1603-4.
 1 James I.,
 cap. 12.
 Against con-
 jurations and
 witchcrafts.

or mainprise, and once in every quarter is to stand for six hours on the pillory, and there openly confess his error and offence. For offending a second time he is to suffer death as a felon.

After this formal recognition of witchcraft by the legislature, it would of course be impossible for the nation to doubt its existence. A belief in witchcraft in some form or other has prevailed throughout the world from the earliest period, and the extinction of this belief may be regarded as one proof of advance in civilization and intelligence; but neither the sovereign nor his subjects at this time afforded such a proof: on the contrary, James himself was a firm believer in the "Black Art," and wrote learnedly, if not wisely, on the subject, and his people were little behind him in credulity. Their fears may be measured by the severity of punishment which this Act inflicts upon persons convicted of practising witchcraft, which has probably helped to perpetuate the belief; for even now, absurd as it may be, there is not a county in Great Britain or Ireland in which the existence of witchcraft is not more or less credited.

Notwithstanding the regulations on the subject established in the last reign, the making of hats and caps is again forced on the attention of the legislature, and *The 1st James 1st, cap. 17*, directs, that none shall be permitted to make hats who have not served an apprenticeship of seven years to the trade, under a penalty of 5*l.* for every month he so transgresses; and aliens are prohibited, under a like penalty, from following the employment of hat-making. A long statute of no less than fifty-two sections (*The 1st James 1st, cap. 22*) was now also passed "concerning tanners, curriers, shoemakers, and other artificers occupying the cutting of leather," on the ground that the former statutes on the subject "have been too sharp and rigorous, tying and binding the persons occupying the

1603-4.
1 James I.,
cap. 17.

1603-4.
1 James I.,
cap. 22.

several mysteries or trades aforesaid to divers inconveniences and sundry matters and things impossible for them to perform; by reason of which strictness and rigour the same statutes have not been put in execution, but have been in effect wholly dispensed withal." This failure, and the reasons assigned for it, ought to have been a warning, at that and all succeeding times, against attempting to regulate the details of trade and manufacture, which flourish best when left free from interference. The warning, however, was not taken, and an Act filling nine folio pages again prescribes what butchers, tanners, curriers, leathersellers, shoemakers, saddlers, girdlers, and searchers are to do, and what they are not to do, in the practice of their several callings. Nor did these Acts become a dead letter, since they remained and were enforced for many years.¹

An Act was also passed (*The 1st James 1st, cap. 29*)
1603-4.
1 James I.,
cap. 29.
For encouragement
of the fisheries. professedly for upholding "the navy of England," of which, the preamble declares, "the fishermen of England have ever been the chiefest seminary and nursery." It enacts that no sick or infirm person shall eat any beef, veal, pork, mutton, or bacon, in the time of Lent, or upon any day now observed as a fish-day; and butchers are prohibited from killing beasts in Lent, except for the use of the navy; and justices are empowered to enter victuallers' houses and search for and seize meat during Lent, and distribute the same to prisoners and other poor folks at their discretion. It may perhaps be a question whether these prohibitions against eating flesh were altogether owing to "certain politic constitutions for the maintenance of the navy," as is asserted in the *5th Elizabeth*,^k but it is certain that much attention

¹ In the Harleian Miscellany there is a charge to the grand jury at York in 1648, by Serjeant Thorpe, judge of assize, in which all these regulations are noticed as matters to be strictly observed.

^k Ante, p. 174.

was at this time paid to the fisheries, which the restriction of the use of butcher's meat would no doubt tend to promote. With a like view of encouraging the fisheries, *The 1st James 1st, cap. 23*, had been previously passed "for the better preservation of fishing in the counties of Somerset, Devon, and Cornwall." It recites, that "the trade of fishing for herrings, pilchards, and seane fish within the above-named counties, is and hath been very great and profitable;" but that of late divers persons having lands adjoining the sea-coast, have brought actions of trespass against such fishermen, &c., "and have recovered against them costs and damages, to their great loss and expense." For remedy whereof, and for the maintenance of the profitable trade of fishing, it is enacted that fishermen, balcors, huors, condors, guiders, &c., may enter lands near fishing-places to watch for and draw fish on shore, any law, usage, or custom to the contrary notwithstanding.

The 1st James 1st, cap. 25, is for the most part a continuing statute, but its *2nd section* provides, when the price of wheat shall not exceed 26s. 8d. the quarter, and of rye, pease, and beans, 15s. the quarter, and of barley or malt 14s. the quarter, of current English money, "that then it shall be lawful for all the king's subjects to transport any of the said corns unto any foreign parts beyond sea, in vessels belonging to English-born subjects," paying an export duty of 2s. a quarter on wheat, and 16d. a quarter on all other grains. But the king is nevertheless empowered to prohibit all such export at any time by his royal proclamation, a necessary precaution at a period when the fluctuations in price and in produce were so great, and often so sudden.

The last Act of this session requiring notice is *The 1st James 1st, cap. 31*, "for the charitable relief and ordering of persons infected with the

1603-4.
1 James I.,
cap. 23.

1603-4.
1 James I.,
cap. 25.

Exportation
of corn
permitted.

1603-4.
1 James I.,
cap. 31.

plague." It recites that the inhabitants of divers places visited with the plague are unable to relieve the poorer sort of people; and that divers persons infected with that disease, and others inhabiting houses infected, when commanded to keep in their houses, "do notwithstanding very dangerously misdemean themselves;" and it is therefore enacted, that mayors, justices of the peace, and other head officers in cities and towns, shall have power to assess the inhabitants for the relief of the infected persons, and also that "the inhabitants of the county within five miles of the place infected shall be assessed in aid of any city or town, if it be found requisite. And "if any infected person commanded to keep house shall, contrary to such commandment, wilfully go abroad and converse in company, having any infectious sore upon him uncured, then such person shall be deemed a felon, and suffer death as in case of felony; but if such person shall not have any such sore found about him, then he is for his offence to be punished as a vagabond in all respects as is provided by the statute the 39th *Elizabeth*."^m

The severity of these punishments shows the fearful nature of the evil, and the dread its visitations inspired. The population of London, and of the towns generally, had gone on increasing with the growing wealth of the country, and this at a ratio exceeding the increase of habitations. Hence the lower and working classes in London and other great towns were crowded into insufficient and unhealthy dwellings, so that, whenever disease or a tendency to disease from any cause occurred, it found objects prepared for its immediate reception, and fitted to cherish and disseminate the pestilence in its most virulent form. The 35th *Elizabeth*, cap. 6,ⁿ is especially directed against this evil of over-crowding, although the restriction it imposes on the erection of

^m Ante, p. 180.

ⁿ Ibid. p. 180.

new buildings does not seem calculated to prevent the crowding of the old; but like this Act of James, it shows that the labouring population were pressing upon the towns, and that pestilence and misery were the consequence. Hence, probably, may also have arisen the dread which prevailed about this time of dispeopling the country districts, and the admonitions which James was in the habit of addressing to the gentry and others frequenting the metropolis, "to go reside on their estates, and attend to their farming."

The commerce of England at this time was nearly all centered in London, for, whilst the other ports of the kingdom only yielded 17,000*l.*, the customs of the port of London amounted to 110,000*l.*; but the trade was in the hands of a small number of persons, whose influence would therefore be proportionally great, and who, residing in the heart of the city, would naturally wish to keep danger at a distance, by preventing the influx of a larger number of labourers and people of that class than were immediately required, or than could be usefully employed.

The Parliament was summoned to assemble on the 5th of November, a day memorable for what is called the "Gunpowder Plot," which caused the actual meeting of Parliament to be deferred to the 21st of January following, when their first Act was to direct a public thanksgiving for the preservation of the king and parliament, and to order that prayers should be said yearly in every church on the 5th day of November. The discovery of this most atrocious plot on the eve of its execution—but for which, as the Act recites, "the King, the Queen, the Prince, and all the Lords Spiritual and Temporal, and the Commons, in Parliament assembled, would suddenly have been blown up with gunpowder"—excited intense alarm throughout the country, and produced its natural fruit in the imposition of penalties

1605.
The Gun-
powder Plot.

1605-g.
3 James I.,
cap. 1.

and restrictions on all persons professing the Roman Catholic religion.

The people had now become almost wholly Protestant, the Romanists being numerically insignificant compared with the entire population. It is true that many Protestants, and some of them men of great learning and exemplary character, were not in communion with the established Church; but their dissent from it was not so much, if at all, on essential points of doctrine, as on questions of Church government, and the less important matters of form and ceremonial, too much of which they averred had been retained at the Reformation. The great bulk of the people, however, belonged to the established Church. They had a part assigned to them in its services; they took their rule of faith from its teaching; and they regarded it as an essential part of the government, parochial as well as general, of their parish and of the country. This attempt to destroy at one blow the heads both of Church and Government could not therefore fail to excite the bitterest animosity and distrust, not in churchmen only, but in Protestants of every class, for each alike saw that the hostility of the Romanists was directed against all who differed from them, whether churchmen or dissenters, and that they would stop at nothing to accomplish their ends. The cry against Papists therefore became general, and there can be no doubt that they were for a long time afterwards exposed to much harassing oppression, the remembrance of "the Popish plot" keeping alive the hostile feelings to which it not unnaturally gave rise.

It has been stated by a high authority, that about this time the minds and habits of men throughout Europe, especially in England, had undergone a great and general change. Arts, both mechanical and liberal, were receiving constant improvements; navigation had extended itself over the whole globe; and the system of European politics was be-

Progress of
improve-
ment.

come more enlarged and comprehensive.^o These ameliorations were closely connected with, if they did not immediately spring from, the Reformation, which had rescued England and a large portion of Europe from the depressing influences of papal domination. Protestantism was an agent of great power in bringing about improvement in the social condition of the people; and it is necessary that this, and the attendant circumstances, should not be overlooked in commenting on the legislation of the period.

The 3rd James 1st, cap. 11, after reciting the *1st James 1st, cap. 25*, by which exportation is permitted when the market price of corn does not exceed a certain amount,^p goes on to declare that by exporting beer the customs and poundage will be much greater than when barley and malt are exported whereof the beer is made, and that the navy and mariners will be more increased, the tillage cherished, divers port-towns greatly comforted, many of his Majesty's subjects thereby employed, and the coopers and brewers better enabled to maintain themselves and their families. These are all, no doubt, cogent reasons for permitting the exportation of beer, and it is accordingly enacted that, when the price of malt does not exceed 16s. a quarter, beer may be exported on paying a duty of 10s. per tun. The reasoning in this Act shows some advance in sound commercial principles, and the desire manifested to increase the people's comfort, by extending the means of legitimate employment, is worthy of all praise.

The 3rd James 1st, cap. 13, is entitled 'An Act against unlawful Hunting and Stealing of Deer and Conies;' and after stating that, by reason of the insufficiency of previous statutes, "many riots, manslaughterers, mischiefs, and other inconveniences have

1605-6.
3 James I.,
cap. 11.

Beer may be
exported.

1605-6.
3 James I.,
cap. 13.

^o See Hume's History, vol. vi. p. 21.

^p See ante, p. 223.

been daily committed, and are like to be committed, if circumspect remedy be not hereunto provided"—it enacts, that if any person shall wrongfully break into any park or other grounds used for keeping, breeding, and cherishing deer or conies, and shall hunt, drive, or chase about, or take, kill, or slay any such deer or conies, against the will of the owner, he shall on conviction suffer three months' imprisonment, and pay treble the amount of damages and costs, and find sureties for his good behaviour for seven years after, or else remain in prison during that time. Qualified persons, having lands or hereditaments of the clear yearly value of 100*l.*, are empowered to take from unqualified persons (that is, persons not possessing lands or hereditaments of the clear yearly value of 40*l.*, or not worth in goods and chattels the sum of 200*l.*) any guns, bows, crossbows, buckstall or engines, hayes, gatenets, pursnets, ferrets, or cony dogs, which may be found in their possession. The king's fondness for hunting may have here had some influence. His inordinate devotion to field sports is noticed by all writers. It in fact amounted to a kind of passion, for the indulgence of which he often neglected the duties of his high station.

The qualification is in this Act put much higher than in the 13*th* Richard 2*nd*,^a by which a layman possessing lands or tenements of the annual value of 40*s.*, and a priest or clerk having 10*l.* a year, were held qualified to keep dogs, &c., for taking game. The limit now is raised to 40*l.* a year, instead of 40*s.*, and persons possessing 100*l.* a year are empowered to take their guns, dogs, nets, &c., from all who are not thus qualified. The raising the qualification from 40*s.* to 40*l.* may be taken as proof that wealth had vastly increased during the last two centuries, and that, with this increase, a desire had grown up in the people for

^a Ante, p. 60.

the enjoyment of field sports. The facility for transgressing the law must, in the then comparatively open and unenclosed state of the country, have been very great; and yet probably not greater than when, as has more recently been the case, preserves were kept so thickly stocked with game as to make the temptation to invade them almost too strong to be resisted.

With respect to game, as in other instances, the first breach of the law is very apt to lead to others. A man begins with poaching, and ends with felony. But in his progress between the two he does not move singly. His example influences others; sons, brothers, companions, friends, accompany him to the woods, partaking of the danger, and participating in its fruits; for poaching is in truth a species of warfare, fraught with peril and uncertainty, and hence perhaps much of its attraction to the adventurous rustic. A day of steady labour will bring a certain, however small, remuneration,—a night spent in poaching may possibly yield a large reward. In one case there is certainty positive and definite—in the other there is room for hope; and it is needless to say that men of active, ardent, sanguine temperaments will be apt to give a preference to the latter; and of such men, poachers do, and ever have, for the most part consisted. To bring such persons within the limits of social order, and array them on the side of the law, should be a chief object in legislation; but the game-laws, by seeking first to create, ^{The game-laws.} and then to protect, a species of property scarcely recognised as such, and hardly susceptible of protection, have from their very origin to the present time had a contrary tendency; and by the imposition of restrictions and severe penalties, under circumstances presenting great facilities for evading, and great temptations to commit a breach of the law, have served to generate a spirit of resistance to lawful authority, and consequently tended to the demoralisation of the people.

The parliament reassembled in November, and its first Act was *The 4th James 1st, cap. 1*, 'For the utter Abolition of all Memory of Hostility between England and Scotland, and for the repressing of occasions of Discord and Disorders in time to come.' Various old statutes were repealed, and new enactments established, with the view of promoting a good feeling and free intercourse between the two countries. Their entire union was ever a leading object with James, and the steadiness with which he pursued it is a favourable instance of his judgment. He saw that if united the countries would be strong, whilst disunited they would both be comparatively weak. His conduct, however, was on this, as on many other occasions, calculated to produce results the reverse of what he intended; for he gathered so many of his northern countrymen about him, and was so injudiciously profuse in the gifts he bestowed upon them, that he made his new subjects of the south jealous and discontented, and thus perhaps helped to separate, rather than to approximate, the people of the two kingdoms, the sovereignty of which was united in his person.

Shortly after the above, *The 4th James 1st, cap. 5*, was passed for repressing the odious sin of drunkenness. The preamble recites that the loathsome sin of drunkenness has of late grown into common use, and that it is "the root and foundation of many other enormous sins, as bloodshed, stabbing, murder, swearing, fornication, adultery, and such like, to the great dishonour of God and of our nation, the overthrow of many good arts and manual trades, the disabling of divers workmen, and the general impoverishing of many good subjects, abusively wasting the good creatures of God." A penalty of five shillings is then imposed on all persons convicted of drunkenness, leviable by distress if not paid within a week; and if the offender shall not be able to pay the penalty, he is

to be committed to the stocks, there to remain the space of six hours for every offence. This statute is an extension of the 1st James 1st, cap. 9,^r and it possibly may have had some effect in checking an evil, the consequences of which it so well describes.

These enactments against drunkenness no doubt evince much regard for the moral well-being of the people; but a more effectual preventive of this and other low sensual habits would have been found in the diffusion of education, and the spread of intelligence. The time, however, had not arrived for resorting to such a remedy. Repression was a more obvious and easy process. Punishment might be immediately applied. But to raise the moral perceptions and social habits of a people, required an amount of patient persevering effort, which neither James nor his parliament was prepared to exercise. After an interval of seventeen years, the vice of drunkenness was again denounced by *The 21st James 1st, cap. 7*, which, after reciting and continuing the two previous statutes, enacts that the testimony of one witness, or the confession of the party himself, shall be sufficient for conviction; and also that a justice of peace, or the head officer in a city or town corporate, may on his own view convict an offender and enforce the penalty, and on a second offence may require surety for future good behaviour. It is not unlikely that the legislature may have sought, by these repeated enactments against "this odious and loathsome sin," to counteract the example of the court, where great riot and excess prevailed. The king himself not unfrequently indulged too freely in drinking, and his courtiers would of course not be behind him in this respect. On the occasion of the visit of his brother-in-law, the King of Denmark, about this time, the feasting and carousing are described as having been carried to

^r See ante, p. 219.

a disgusting excess, and are said not to have been confined to the men, but to have extended to the ladies of the court, and even to the queen herself. It is difficult at the present day to give credence to such statements, yet they are so well authenticated as not to admit of reasonable doubt.*

In the summer of 1607 riotous assemblages took place in the counties of Warwick, Leicester, ^{1607.} ^{Riots of the} "Levellers," and Northampton, avowedly for the purpose of demolishing enclosures. It was at first supposed that these assemblages were in some way connected with the designs of the Roman Catholics, and considerable alarm for a time prevailed; but it soon appeared that the sole object of the rioters was to level the fences, and lay open lands which had been recently enclosed, and hence they took the name of "Levellers." Much sympathy was manifested for them wherever they came, the popular feeling being generally strong against enclosures of common and waste lands, a proof that agriculture was then in a backward state. The rioters committed no act of violence, except levelling the fences, and were easily suppressed; but certain of their leaders suffered death for the part they had taken in this insurrection.

The parliament was prorogued in July, and an interval of nearly two years and a half elapsed before it was again assembled, when one of its earliest Acts ^{1609-10.} ^{7 James I.,} ^{cap. 3.} was *The 7th James 1st, cap. 3*, providing for the right application of money given for apprenticing poor children. The preamble recites that great sums of money have already been given, and that more is likely to be given in future, to be continually employed in binding out the poorest sorts of children as apprentices to trades and needful occupations, which "hath brought great profit unto those cities, towns,

* See Lingard's 'History of England,' vol. vi. p. 78.

and parishes, where the said moneys have been so employed ;” and but for which such children would be brought up in idleness, “to their utter overthrow, and the great prejudice of the common wealth.” Therefore, in order that other well-disposed people may “be encouraged in bestowing money to the same good and godly purposes,” it is enacted that all sums of money so given shall for ever continue to be used and employed for such purposes only, and that corporations in cities and towns corporate, and in parishes and towns not corporate the parson or vicar, together with the constables, churchwardens, and overseers of the poor for the time being, “shall have the nomination and placing of such apprentices, and the guiding and employment of all such moneys as are so given for the continual binding forth of such apprentices ;” and a penalty of 3*l.* 6*s.* 8*d.* is imposed on parties refusing or neglecting their duties in this respect. Masters are required to give security for returning the money at the expiration of the apprenticeship, or in case of the death of the apprentice or the master ; so that the *use* of the money advanced, and the services of the apprentice, are the master’s only reward. There is no absolute payment with the apprentice, and the capital contributed by “well-disposed people” will remain under the control of the trustees, to be placed out and returned, from time to time, as occasion requires. This statute is calculated to assist the putting out of poor children to useful occupations, and the amount of the charitable bequests for that purpose soon became very considerable ; but, like other benevolences of a like nature, these bequests have in the course of years been greatly abused.

The above Act was immediately followed by that of *The 7th James 1st, cap. 4*, ‘For the due execution of divers Laws and Statutes heretofore made against Rogues, Vagabonds, and Sturdy

Bequests for
apprenticing
poor
children.

1609-10.
7 James I.,
cap. 4.

Beggars, and other lewd and idle Persons.' After reciting that "divers good and necessary laws have been made for providing houses of correction for the suppressing and punishing of rogues and vagabonds, and other idle, vagrant, and disorderly persons, which laws have not wrought so good effect as was expected, as well for that the said houses of correction have not been built, as for that the said statutes have not been duly and severely put in execution"—it directs that all such laws shall be duly executed, and that houses of correction shall be provided in every county, "with convenient backside thereunto adjoining, together with mills, twines, cards, and such-like necessary implements to set the said rogues, &c., on work;" and if in any county no such house of correction shall be provided by Michaelmas of the following year, the justices of the county are each to forfeit the sum of 5*l*. Governors are to be appointed to these houses, with authority to set such rogues, vagabonds, and idle persons as may be brought thither to work and labour, and to punish them by putting fetters or gyves upon them, and by moderate whipping; and these rogues, vagabonds, and disorderly persons are moreover "in no sort to be chargeable to the county for any allowance, either in bringing or in going forth, or during the time of their abode there," but are to have such and so much allowance only as they shall deserve by their own labour and work.

Houses of
Correction
for the
punishment
and setting
to work of
rogues, vaga-
bonds, and
idle and
disorderly
persons.

The justices are further directed to assemble twice in every year at the least, within their several divisions, and oftener if there be occasion, and cause to be made "a general privy search in one night within their said hundreds, towns, villages, and hamlets, for finding out and apprehending rogues, vagabonds, wandering and idle persons," who are to be brought before the justices to be examined, and there punished, or else sent to the

house of correction; "and the constables and tithing-men of every hundred, parish, town, village, and hamlet, are to appear before the justices at their said assemblies, and there give an account upon oath in writing, and under the hand of the minister of every parish, what rogues, vagabonds, and wandering and disorderly persons they have apprehended, and how many have by them been punished, or otherwise sent to the house of correction." Lewd women, having bastards chargeable, are directed to be committed to the house of correction, there to be punished and set to work during the term of one whole year, and persons deserting their families are to be deemed and punished as incorrigible rogues.

Another portion of this statute requires to be specially noticed. The *8th section* recites, "that many wilful people, finding that they, having children, have some hope to have relief from the parish wherein they dwell, and being able to labour and thereby to relieve themselves and their families, do nevertheless run away and leave their families upon the parish;"—for remedy of which it is enacted, that all such persons so running away, shall be punished as incorrigible rogues. And it is also further enacted, "that if either such man or woman, being able to work, shall threaten to run away and leave their families as aforesaid, the same being proved by oath of two witnesses before two justices of peace, the said persons shall be sent to the house of correction (unless he or she put in sufficient sureties for the discharge of the parish), there to be dealt with and detained as a sturdy and wandering rogue." Ten years had not yet elapsed since an efficient measure for the relief of the poor was established, and yet we see attempts were already made to pervert it into a means of evading the natural duty of parents to provide for their offspring. The effort thus early made by the legislature to arrest and punish such

Desertion of families.

attempts, shows how closely the working of the new law was watched, and with what promptitude a remedy was sought to be applied whenever an abuse became apparent. The remedy provided in this case was probably to some extent effective, but the evil has continued more or less to prevail, and is perhaps only to be prevented by the better moral and religious instruction of the people, more especially those of the lowest grade, by whom such an abuse of the law is alone likely to be attempted.

The *7th James 1st, cap. 4*, is doubtless an important Act. It shows, among other things, how effective the local organization had then become. Not only were the justices to assemble, at stated periods, within their divisions, for the repression of vagabondism and disorder, but the several constables and tithing-men were also required to attend and deliver written reports, authenticated by the minister of the parish. The parochial authorities must necessarily have been rising every year into greater importance since the passing of the *43rd Elizabeth*, by which so large an addition was made to their duties: and with the fulfilment of these duties there would be a general and increasing desire for local self-government, and a general and increasing competency for discharging its functions—which competency, it is generally admitted, has long formed a distinguishing characteristic of the English people.

The directions for providing one or more houses of correction in every county, as well for punishing the idle and disorderly as for setting them to work, is also a matter of much interest, especially with reference to subsequent legislation. The provision thus made by the present Act, was in fact a necessary addition to the great Act of Elizabeth, since needful relief to the destitute must often include shelter; and how could shelter be given, unless in some building provided for the purpose? Destitution

Houses of
correction.

would, moreover, not unfrequently be accompanied—if, indeed, it were not caused—by riotous and disorderly habits, and the houses in which individuals bred in such habits are sheltered and relieved, would therefore of necessity be to some extent places of restraint, if not of actual punishment. This appears to have been the view of the legislature with respect to these “houses of correction,” in which it was proposed to combine punishment and employment, the idle to be employed, the disorderly punished; and which were moreover intended to be in great measure self-supporting, the inmates being restricted “to such and so much allowance only as they shall deserve by their own labour.” “Houses of correction” are first noticed in the 18th *Elizabeth*, cap. 3,[†] by which “one, two, or more abiding-houses” are directed to be provided in each county. They are again noticed in the 35th *Elizabeth*, cap. 7, by which land is permitted to be given for providing and maintaining “houses of correction or abiding-houses;” and by the 39th *Elizabeth*, cap. 5, certain impediments to the full exercise of this permission were removed, and the same power was extended, “with as great ease and little charge as may be,” to “hospitals, maisons de Dieu, abiding-places, or houses of correction.” From these beginnings sprang up, in the course of five-and-thirty years, the comprehensive provisions of this Act of James the First.

A new parliament assembled in April, 1614, and another on the 30th of January, 1621, which met again on the 20th of November in that year, ^{New parliaments.} after being twice prorogued, but no legislation took place until 1624. During this long interval of nearly fourteen years the struggle for determining the respective limits of the kingly and the popular powers was continued, and not without feelings of exasperation on both sides :

[†] Ante, pp. 171 and 190.

the king claiming an authority almost absolute, the parliament striving to confine it within constitutional limits. This struggle, with little intermission, prevailed throughout the whole of James's reign, without any abatement of pretension on his part; but, happily for himself and the country, he was more vigorous in speculation than in action, more bold in advancing claims than in enforcing them; and so the final contest was deferred to the reign of his successor, who had imbibed his father's high notions of prerogative, and in his efforts to establish them as the groundwork of his government lost his own life, and caused for a time the extinction of monarchy in England. These stirring events do not, however, fall so immediately within the scope of our present subject as to call for lengthened notice; but as they unquestionably had, both at the time and afterwards, an important influence on the condition of the people, some reference to them will be necessary as we proceed.

The king's improvidence and extravagance always kept him needy, and much of his ingenuity, or what he called "kingcraft," was exercised in devising means for supplying his daily wants. Parliament would not grant him subsidies, without his first making concessions, which would trench on what he considered his prerogative royal; and he seems to have made up his mind to dispense with parliaments altogether, and rely upon other means for meeting his necessities. Various expedients for raising money were resorted to. He restored the cautionary towns, mortgaged to Elizabeth by the Dutch, on their paying him 250,000*l*. The enormous fines occasionally imposed by his court of the Star Chamber, replenished his exchequer from time to time. "It is said by Carte that some Dutch merchants paid fines to the amount of 133,000*l*. for exporting gold coin,"^u and great reliance was placed on the so-called

^u Hallam's 'Constitutional History,' vol. i. p. 336, 4to. edition.

benevolences, exacted on the king's sole authority. In short, no expedient was left untried for furnishing the king with the means of indulging his own expensive habits, and gratifying his needy favourites. But James's necessities at length compelled him, however unwillingly, again to have recourse to parliament, which met several times between January, 1621, and February, 1622, when it was again dissolved, without anything having been done, except an exposition of grievances by the Commons, and the assertion of high prerogative by the king. In these questions the people now began to take a lively interest, and the Commons, backed by popular support, were encouraged to press their demands with greater boldness and pertinacity.

At the end of two years, however, parliament was again assembled. It met in February, 1624, and its first Act was *The 21st James 1st, cap. 1*, entitled 'An Act for the erecting of Hospitals and Working-houses for the Poor.' It continues and makes perpetual the *39th Elizabeth, cap. 5*,^v which is declared to be "a good law;" and it further enacts that the hospitals, houses of correction and abiding-places, erected or to be erected according to the purport of that statute, shall be incorporated, and have perpetual succession. We may presume therefore that the experience of their working since 1610 had shown that they were beneficial. The passing of the present Act affords a striking proof of the importance at this time attached to questions in any way affecting the poor, since, notwithstanding the excitement of the period, and the peculiar circumstances connected with the assembling of this parliament after so long an intermission, its earliest attention was given, and its first Act was directed, to this object.

The 21st James 1st, cap. 3, passed shortly after the pre-

^v Ante, p. 190.

ceding, is entitled ‘An Act concerning Monopolies and Dispensations.’ The right of granting monopolies, patents, and dispensations, had been assumed and largely exercised by all the Tudor sovereigns; and towards the end of Elizabeth’s reign the practice had been carried to such an extent, and become such a nuisance, that it required all the reverence felt for that great princess to keep the country quiet under the infliction. James, on his accession, persisted in exercising the same prerogative, notwithstanding the remonstrances and complaints to which it gave rise; and although negotiations on the subject had on several occasions taken place between him and the Commons, there had been no direct abandonment of this power, neither was it authoritatively abrogated, until the passing of the present Act. In the preamble, reference is made to a declaration of the king in 1610, “that all grants of monopolies, and of the benefit of any penal laws, or of power to dispense with the law, or to compound for the forfeiture, are contrary to his laws;” and it is then asserted that this declaration is truly consonant to the ancient and fundamental laws of the realm, but that nevertheless, upon misinformations and untrue pretences, many such grants had been obtained and unlawfully put in execution, to the great grievance of the people; and for preventing of the like in future, it is enacted that all licences and letters patent “for the sole buying, selling, making, or using anything within this realm,” or against the tenour of any law or statute, and all proclamations tending to the furthering or countenancing of the same, are, and shall be, utterly void and of none effect. The passing of this Act was doubtless an important event, and must so have been regarded by the parliament and the people. The prerogative was now formally declared subordinate to law, and, by putting an end to these iniquitous monopolies and exclusive

1623-4.
21 James I.,
cap. 3.

Patents and
monopolies
abolished.

privileges, industry was released from shackles which had long cramped its efforts, and a future, free and untrammelled, was opened out to the active and enterprising of every class.

The 21st James 1st, cap. 6, is entitled ‘An Act concerning Women convicted of Small Felonies.’
 It appears that women so convicted were not previously entitled to benefit of clergy, by reason whereof, it is said, “many women do suffer death for small causes;” and it is now enacted that any woman convicted of taking money, goods, or chattels, above the value of twelve pence, and under the value of ten shillings, in a like case as a man might have his clergy, “shall, for the first offence, be branded with a hot burning-iron upon the brawn of the left thumb with the letter T,” and be further punished by imprisonment, whipping, stocking, or sending to the house of correction, in such sort and for so long time (not exceeding a year) as the judge or justices shall think meet, according to the quality of the offence. May not the removal of this unequal action in the law, by reason of which “many women do suffer death for small causes,” be taken as indicating that respect for females was increasing with increasing wealth and civilization? Such would be a natural consequence of the spread of intelligence, as the want of such respect, and an undue depression of the female, may be looked upon as characteristic of ignorance and brutality.

1623-4.
21 James I.,
cap. 6.

Women
convicted
of “small
felonies.”

Two statutes were at this time enacted respecting *Wales*,—one, *The 21st James 1st, cap. 9*, entitled ‘An Act for the Free Trade of Welsh Cloths;’ the other, *The 21st James 1st, cap. 10*, repealing a statute of Henry the Eighth, which empowered the king, at his discretion, to alter the laws of Wales. This last statute recites that the Welsh people have been constantly loyal and obedient, and lived in all

1623-4.
21 James I.,
caps. 9 & 10.

dutiful subjection to the Crown of England; and after declaring that it is "manifest by long experience that the laws and statutes ordained for that country are in effect agreeable to the laws of England, and are obeyed with great alacrity," it enacts that the said branch of the statute of *Henry the 8th*, shall be repealed, and that neither the king nor his successors shall have power to change or make laws concerning the principality of Wales in future. The statute first named (*cap.* 9) recites that "The trade of making Welsh cloths, cottons, friezes, linings, and plaines hath been of long continuance, in the exercising whereof many thousands of the poorer sort of the inhabitants have been set on work in spinning, carding, weaving, fulling, cottoning, and shearing, whereby they not only maintained themselves and their families in good sort, but also grew to such wealth and means of living as they were thereby enabled to pay all duties, mizes, charges, subsidies, and taxations imposed or rated upon them for *the relief of the poor*, and for the service of the king and common wealth." And it then proceeds to abolish certain restraints exercised by the drapers of Shrewsbury over the dealings of their Welsh neighbours, who are thenceforth empowered to sell or barter freely to or with any persons at their pleasure.

Both these statutes possess much interest. The one shows that the interval since Edward the First annexed Wales to the English crown in 1284, had served to remove former hostile feelings, and bring the two people into amicable relationship; so that it was determined to abolish every vestige of distinction between them. The fact noticed in the preamble of the other, shows that the poor-rate had now been established in Wales, and was deemed of so much importance as to be specially named in the recital, and that even before the contributions for the service of the king and com-

monwealth. Another instance of the growing importance of the Poor Law is shown in an Act passed at this time (*The 21st James 1st, cap. 12*),<sup>1623-4.
21 James I.,
cap. 12.</sup> extending to churchwardens and overseers of the poor the protection of the *7th James 1st, cap. 5*, "for ease in pleading against troublesome and contentious suits, as fully to all intents, constructions, and purposes, as if they had been specially named therein."

In the same year 'An Act against Usury' (*The 21st James 1st, cap. 17*)<sup>1623-4.
21 James I.,
cap. 17.</sup> passed the legislature. It recites, that there was at that time "a very great abatement in the value of land, and other merchandises, wares, and commodities;" and that divers persons, as well the gentry as merchants, farmers, and tradesmen, had for their necessary occasions borrowed sums of money, &c., but that, by reason of the said general fall in the value of lands and the prices of commodities, "and the interest on loans continuing at so high a rate as ten pounds in the hundred, men are unable to pay their debts and continue the maintenance of trade, but are forced to sell their lands and stocks, and give over their leases and farms, to the great hurt and hindrance of the common wealth." This is followed by an enactment reducing the interest to *eight per cent.*, and declaring all bonds and contracts for

Rate of
interest
reduced to
8 per cent.

a higher rate invalid; and that every person who shall take or receive a higher rate of interest, directly or indirectly, shall forfeit treble the value of the amount lent. Ten per cent. was no doubt a high rate of interest, but the price of capital, like other prices, is governed by its relative abundance or scarcity; and there cannot perhaps be a stronger proof of the increase of wealth in any country than a reduction of the rate of interest, where such reduction takes place through the operation of natural causes. In the present instance, the reduction to eight per cent. we see was forced; but it

assuredly would not be maintained, unless the previous rate had been higher than circumstances warranted; and this was probably the case, although the extravagance in living then prevalent would be likely to lead to an excess in borrowing.

In the same session was passed *The 21st James 1st*,
1623-4.
21 James I.,
cap. 20. *cap. 20*, entitled ‘An Act against Swearing and Cursing.’ In its object this Act is similar to one passed in 1606 (*3rd James 1st, cap. 21*). It declares that “all profane swearing and cursing is forbidden by the word of God,” and enacts, that if
 • Prohibition
of profane
swearing. any person shall so do in the hearing of a justice of peace, or the mayor, bailiff, or other head officer of a city or town, or shall thereof be convicted on the oaths of two witnesses, “then every such offender shall, for every time so offending, forfeit and pay to the use of the poor the sum of twelve pence;” and the constable, churchwardens, and overseers of the poor are empowered to levy the same by distress and sale of the offender’s goods. It is likewise directed “that this Act shall be read in every parish church by the minister thereof, upon the Sunday, after evening prayer, twice in the year.” This reading of the Act in the churches seems well calculated for securing attention to its provisions, and is proof of an earnest desire to put an end to the vice of swearing. It may perhaps also be regarded, if not as a direct reflection on the king, at least as intended to counteract his example; for James is described as being an habitual swearer. When he gave his royal assent to this statute, he must therefore, one would imagine, have felt some twinge of conscience, unless indeed he took the lines of our great poet in their literal sense, and held—

“That in the captain’s but a choleric word,
Which in the soldier is flat blasphemy.”

The 21st James 1st, cap. 27, is styled, ‘An Act to

prevent the murdering of Bastard Children.' We have seen that by the 18th *Elizabeth*, cap. 3,^v the parents of bastard children are not only subjected to punishment for a breach of morality, but each is also compelled to contribute towards the maintenance of their child, failing in which they are to be committed to gaol: and these provisions are continued indefinitely by the 43rd *Elizabeth*, cap. 2. There are no means of ascertaining how far this enactment was effective in checking bastardy, but we may presume that it was so to some extent. It seems, however, to have caused an increase of, if it did not give rise to, another and a greater evil. The Act imposes penalties alike on both the parents, but the burthen would fall with most certainty and most heavily on the mother, which appears to have led to the practice of infanticide, now first noticed in the statutes, and for the punishment and prevention of which the present is enacted. It recites, "that many lewd women, to avoid their shame and to escape punishment, do secretly bury or conceal the death of their children, and after, if the child be found dead, the said women do allege that the child was born dead, whereas it falleth out sometimes (although hardly it is to be proved) that the said child or children were murdered by their lewd mothers, or by their consent or procurement." For preventing "this great mischief" it is now enacted, "that if any woman, being delivered of a live bastard child, shall endeavour by privately drowning or secretly burying, or any other way by herself or others to conceal the death thereof, as that it may not come to light whether it were born alive or not, in every such case the mother so offending shall suffer death, as in the case of murder, unless such mother can make proof, by one witness at the least, that the child (whose death was by

^v Ante, p. 168.

her so intended to be concealed) was born dead." If this enactment should be thought to indicate a low state of morality at that time, it may, on the other hand, be said to afford proof of an increased regard for human life. The unnatural crime of infanticide has, it is probable, been always more or less practised, and it may be feared always will be so in some shape or other; but it is doubtless on every account an imperative duty to endeavour to prevent it, and this is the object of the present Act, which forms the groundwork of all subsequent legislation on the subject.

The 21st James 1st, cap. 28, is entitled 'An Act for continuing and reviving divers Statutes,' but ^{1623-4.} ^{21 James I.,} ^{cap. 28.} it likewise contains important provisions on other matters. It totally abolishes the privilege of Sanctuary. It repeals the injudicious laws of Henry the Eighth, Edward the Sixth, and Elizabeth, for preventing the decay or letting down of houses, and for the increase of tillage; and it sanctions the exportation of corn when the prices in the home market do not exceed—wheat, 32s. the quarter; rye, 20s. the quarter; peas and beans, 16s. the quarter; and barley or malt 16s. the quarter. Wheat is subject to a custom duty on exportation of 2s. per quarter, and other corn to a duty of 16*d.* per quarter; but it is provided that the king may, at any time by proclamation, prohibit the exportation of corn.

The prices at which exportation is thus permitted must be considered low, and as indicating, whenever they occurred, an abundant supply for home consumption. In the Windsor table of prices wheat is set down at 48s., and malt at 23s. 4*d.* the quarter, in 1624, which prices appear to be about the average of the ten previous and of the ten succeeding years, a little above the first and a little under the last. But to bring these Windsor prices to the common or Winchester measure, one-ninth must be deducted, and this will give 42s. 8*d.*

the quarter for wheat, and 20s. 9d. for malt, therefore still leaving a large margin before exportation is permitted under the present Act. A proclamation had previously been issued for establishing public magazines, and empowering commissioners to purchase and deposit corn therein, whenever the prices fell below 32s. a quarter for wheat, 18s. for rye, and 16s. for barley. Very little wheat was at this time consumed by the lower orders of the people: their bread was mostly made of barley, as indeed is still the case in some parts of England, although wheaten bread is certainly the chief article of consumption by the working classes in the present day.*

If the above prices are compared with the prices below which corn was permitted to be exported in 1604, under the 1st *James* 1st, cap. 25,[†] it will be seen that a considerable rise had taken place in the intervening period.

In 1604 Corn might be exported when the price was below		In 1624 corn might be exported when the price was below	
Wheat . .	26s. 8d. per quarter.	Wheat . .	32s. per quarter.
Rye . . .	15 do.	Rye . . .	20 do.
Barley . .	14 do.	Barley . .	16 do.

It would seem, therefore, that in the course of twenty years there had been, on an average, a recognised advance of 5s. 4d. a quarter (or 20 per cent.) in the price of wheat; of 5s. a quarter (or 33 per cent.) in the price of rye; and of 2s. a quarter (or 14 per cent.) in the price of barley. A corresponding advance appears likewise to have very generally taken place in the money prices of other articles, indicating a progressive increase of wealth in the country. For

Advance in
prices.

* Sir Frederic Eden (1797) remarks—"Potatoes, which are now used by the poor in every part of England, were in King James's reign considered as a great delicacy. They are noticed among the different articles provided for the queen's household. The quantity, however, is extremely small, and the price is 2s. the pound. In 1619 two cauliflowers cost 3s., and sixteen artichokes 3s. 4d., prices which would now be deemed extravagant."—*Sir F. Eden's State of the Poor*, vol. i. p. 152.

[†] Ante, p. 223.

upwards of a century the treasure of the New World had been flowing into Europe, and the continually-increasing commerce of England brought to her a continually-increasing portion of this treasure, which thus becoming more abundant, more of it was given in exchange for other commodities.

James's reign was now drawing to its close. He died ^{1625.} on the 27th of March, 1625, at the age of fifty-nine. ^{Death of James I.} Of his character very conflicting accounts have been left us, and it was in fact a compound of contradictions, made up of high pretension and feeble action, of pedantic wisdom and practical folly. Its best feature, in connexion with our present subject and with regard to the condition of the people, was his love of peace, which uninterruptedly prevailed throughout his reign. For how much of this blessing the country was indebted to James himself, and how much to the high position the nation had attained under the wise and vigorous government of his predecessor, I will not stop to inquire. Peace was maintained for a long series of years, and the blessings attendant on peace flowed in upon the people. Population, wealth, industry, went on continually increasing, and the working classes were better employed, and obtained a larger amount of comforts in return for their labour, than at any former period. It is true that there were complaints of distress in particular places, and, when a new tax was imposed or subsidy granted, remissions were made to certain towns on account of the poverty and decay into which they were said to have fallen; but such partial distress, if it really existed, would not be inconsistent with a general state of prosperity and increase of wealth—a fact which the reduction of interest* may be taken as sufficiently proving, but which is further confirmed by a statement in Stow, describing the increase of com-

* See ante, p. 243.

merce about this time, and the building of great royal and mercantile ships, and the peopling of towns and villages, as being almost incredibly great.

At the end of James's reign, England may therefore be regarded as highly prosperous. Wales, we have seen, was "constantly loyal and obedient;"^a and Scotland, although still a separate kingdom, was no longer a source of weakness, being now subject to the same crown as England; but the most gratifying circumstance of all was the improved state of Ireland.

The policy perseveringly pursued by James ^{Ireland under James I.} with respect to that country, merits unqualified praise. It had been brought under subjection by Elizabeth,^b but on her successor devolved the task of establishing law and order, and bringing the people to adopt civilized and industrious habits. The first step taken by James for the amelioration of Ireland was to abolish the old and barbarous customs, and establish a regular and well-administered system of English law, at the same time giving to the Irish people all the rights and privileges of free citizens. Justice was administered, crimes and disorders were punished, the separate jurisdiction of the native chieftains was suppressed, and no authority but that of the sovereign and the law permitted. The dues claimed from vassals were adjusted at a fixed amount, and further exactions by the nobles were prohibited under severe penalties. The province of Ulster was newly planted with settlers from England and Scotland, by means of a London company, and the native Irish were removed from their moun-

^a See ante, p. 241.

^b "A few weeks before the death of Elizabeth, the conquest of Ireland, which had been begun more than four hundred years before by Strongbow, was completed by Mountjoy. Scarcely had James the First mounted the English throne when the last O'Donnell and O'Neill who have held the rank of independent princes kissed his hand at Whitehall. Thenceforward his writs ran, and his judges held assizes, in every part of Ireland, and the English law superseded the customs which had prevailed among the aboriginal tribes."—Macaulay's 'History of England,' vol. i. p. 65.

tains and inland fastnesses, and placed in fixed habitations in the open country, where they were taught the art of husbandry, and kept from plunder and violence. Ulster thus soon became, instead of the most wild and disorderly, the most civilized and best cultivated province of Ireland. "Such," says Hume, "were the arts by which James introduced humanity and justice among a people who had ever been buried in the most profound barbarism." This was no doubt a great achievement, and all writers agree in giving the credit of it to James; and it is by his Irish policy, rather than by any other Act or circumstance of his reign, that he will be favourably remembered by posterity.

Notwithstanding all these favourable circumstances, there was at this time a danger brewing, which, unless timely and judiciously met, would be likely to cause a serious explosion. A deep love of freedom had now spread throughout the country, and animated persons of every class. The commons, representing and largely participating in this sentiment, had during the whole of the present reign, and the latter portion of that preceding, been struggling, at first feebly, but with continually increasing earnestness, to obtain a formal recognition of their own and their fellow-subjects' rights; but, with the exception of the late declaratory Act against monopolies,^c no other measure of a satisfactory nature in this respect had been passed. It is true the Commons had asserted their right of impeachment, and remonstrated against the power assumed by the Crown of giving to proclamations the force of law; but they had not succeeded in establishing a clear, recognised, and co-ordinate authority in making laws and imposing taxes, on the possession of which their efficiency as representatives of the people would obviously depend. This great question, so important to

^c See ante, p. 240.

the peace, contentment, and general weal of the whole community, was left to be settled in the following reign.

The population of England and Wales at James's accession has been estimated at five millions,^d and by the end of his peaceful reign it probably fell little short of five millions and a half.

1625.
Amount
of the
population.

But the people had not only increased numerically, they had likewise advanced in intelligence, and risen to a higher appreciation of their position and duties as citizens and freemen. We can hardly doubt that this higher sense of public duty, this consciousness of what was due by them, and what they were entitled to claim as responsible beings, was nurtured by, if it did not originate in, the universal reading of the Scriptures, and the right of individual judgment in matters of religion established at the Reformation. The two or three generations which had since then arisen, were differently circumstanced from those which preceded them. They were no longer subjected to the rule of an intolerant Church, cramping their energies and restricting their inquiries, but were left open to free research and free discussion, and to the elevating sense of their own responsibility. They had in short become a reasoning, religious, and self-reliant

State of the
country
under
James I.

people, on whom the example of a court would have comparatively but little influence. Indeed the opportunity for such example was in the present instance very limited, for James never encouraged the congregating of persons about the court. He only wished for the society of his favourites and flatterers, with whom he could indulge without restraint. The nobility and gentry were often charged by him to return to the country, and attend to their estates. He told them that in London they appeared small like ships at sea, but in the country they would look large like ships in

^d See ante, p. 198.

a river. Whatever were the habits of the court, therefore, they produced little effect on the mass of the people, except perhaps to excite feelings of disapprobation; and a spirit of independence, with a high sense of religion approaching to what is called puritanism, almost universally prevailed.

The rapid growth of London in the period under consideration is very remarkable. It is stated on the authority of Sir William Petty, that it doubled its population every forty years, and Strype remarks that, in the thirty years between 1603 and 1633, the annual number of christenings increased from 5458 to 9997.* Yet London was at this time almost entirely built of wood, and in every respect a mean unsightly town. The Earl of Arundel first introduced the practice of building with brick. But peace is ever favourable to trade, which, being then almost entirely centered in London, brought wealth in its train for the improvement of the metropolis. As yet, however, the Dutch far surpassed us in mercantile adventure, for they traded to England with six hundred ships, whilst England sent to Holland sixty only.† Shipbuilding was nevertheless extensively practised in England, and James himself does not appear to have been negligent in this respect, for he built ten new ships in the last five years of his reign, and expended 50,000*l.* annually on his navy. A Board of Trade was established in 1622; and an attempt was unsuccessfully made to introduce the growth of silk. A company was likewise formed for discovering the north-west passage, and a new charter was granted to the East India Company, which enlarged its stock, and increased the number of its ships, one of which was of the large burthen of 1200 tons. One of the most important events of

* Stow's 'Survey,' continued by Strype, book v. cap. 31.

† Hume's History (Appendix to the Reign of James the First), vol. vi. pp. 179-187.

James's reign, however, was the establishment of the American colonies, which, although commenced by Elizabeth, made no progress until a company, formed for that purpose in London and Bristol, began a settlement in 1606, after which other settlements were formed, and were maintained with heroic constancy, under the greatest sufferings and privations.

The Poor Law, although it received some valuable improvements in James's reign, does not appear to have been yet in full operation in every part of the country. Indeed it is asserted that there were places in which no rates were made for twenty, thirty, and forty years after the passing of the 43rd of Elizabeth.

In a pamphlet attributed to Dekker, published in 1622, and entitled '*Grievous Groans for the Poor*,' it is stated that, "though the number of the poor do daily increase, all things yet worketh for the worst in their behalf; for there hath been no collection for them, no, not these seven years, in many parishes of this land, especially in the country towns; but many of these parishes turneth forth their poor, yea and their lusty labourers that will not work, or for any misdemeanour want work, to beg, filch, and steal for their maintenance, so that the country is pitifully pestered with them." This is too probably a correct representation, and it ought not to excite surprise that the law was thus in some places neglected, and in others, as we have seen, abused.* It must have required considerable time for the people in the various parishes to become acquainted with the details and objects of the law, and possibly a still longer period before they would generally become reconciled to the imposition of a poor-rate. The measure was new, and in some respects burthensome, and was certain to meet with disfavour, and not unfrequently to be evaded. But the evils which resulted

* See ante, pp. 234 and 235.

from a neglect of the law, as they are above detailed, ought to have been, and probably were, sufficient to secure its enforcement. It cannot be expected that a measure affecting so many persons of every class, and especially of the class which is the lowest in the social scale, will be altogether freed from difficulty, or be brought to work without some drawback ; but the principle of the English Poor Law is so sound, and the law itself is so well adapted to meet one of the most urgent social wants, that it must ever be maintained, so far at least as to shield the community from the worst of the evils that would arise from its neglect or abrogation.

CHAPTER VI.

Accession of Charles I. — Observance of Sunday — Enactment against tippling — 'Petition of Rights' — Dread of Popery — Parish apprenticeship — Disuse of parliaments — Commission for relief of the poor, and punishment of rogues, &c. — 'Orders' and 'Directions' of the commissioners — Proclamations — Fasts — Sunday sports and pastimes — Ship-money — Disturbances in Scotland — The Long Parliament — Execution of Strafford and Laud — Tonnage and poundage — Poll-tax — Irish rebellion — 'Remonstrance of the State of the Kingdom' — The civil war — Population in 1660 — Proclamation of Charles II. — State of England during the Commonwealth and Protectorate — Colonization — Trade of Manchester in 1641 — Increase of London — Hackney coaches — A post established — Navigation Act — Reduction of interest — Improvements in agriculture — Woollen-trade — Price of wheat — Rate of wages — Comparison of wages and cost of subsistence — Constitutional principle established.

CHARLES THE FIRST was in his twenty-fifth year when he succeeded his father. The parliament assembled in June, but shortly afterwards adjourned to Oxford, on account of the plague, which had broken out in London and was raging with great violence, upwards of twelve hundred persons having died in one week. The king was urgent to obtain supplies; the parliament were resolute for redress of grievances; and thus the conflict of the last reign was renewed with increased earnestness. Charles inherited all his father's lofty ideas of monarchical authority, with greater determination and fixity of purpose. The Commons, urged on by public opinion, and supported by public sympathy, were become more united and more resolute. Under these circumstances we cannot wonder that the session proved short and unsatisfactory. The parliament was dissolved on the 12th of August, having assembled at Oxford on the 1st of that month.

1625-1649.
Charles I.

1625.
Parliament
dissolved.

The first Act of this first parliament, affords proof of the strong religious feeling which then prevailed. It declares, that "there is nothing more acceptable to God than the true and sincere service and worship of Him according to his holy will, and that the holy keeping of the Lord's day is a principal part of the true service of God, which in very many places of this realm hath been, and now is, profaned and neglected by a disorderly sort of people, in exercising and frequenting bear-baitings, bull-baitings, interludes, common plays, and other unlawful exercises and pastimes." Wherefore it is enacted, that there shall be no meetings or assemblies of people for any sports or pastimes out of their own parish on the Lord's day, nor any bear-baiting, bull-baiting, interludes, common plays, or other unlawful exercises used by any persons within their own parishes, under a penalty of 3s. 4d., leviable by distress, or in default punishment by the stocks. Another Act of this short parliament deserves notice, as exhibiting the spirit of the time. *The 1st Charles 1st, cap. 4,* 'For the further restraint of tippling in Inns, Alehouses, and other Victualling-houses,' recites the penalties against tippling, &c., enacted by the three statutes of the last reign,* and then extends the same "to all inn, alehouse, and tavern keepers and victuallers, that shall permit or suffer tippling contrary to the true intent of any or either of the said statutes." It is not unlikely that the passing of these Acts was intended as a covert kind of censure upon the late king, who had written a book in defence and recommendation of Sunday sports, and whose habits were calculated rather to encourage than discountenance tippling.

The king's necessities soon compelled him to assemble another parliament—the unfortunate expedition to

* Ante, pp. 219, 230, and 231—1st James I., cap. 9; 4th James I., cap. 5; 21st James I., cap. 7.

Cadiz, undertaken chiefly with the not very honourable view of intercepting the Plate fleet, having exhausted all the money he could raise by writs of privy seal and other means, whilst a war with Spain, thus rashly commenced, necessarily brought upon him large additional demands. The new parliament met in February, 1626, and shortly afterwards proceeded to impeach the Duke of Buckingham, who was regarded by the nation as a chief cause of the existing evils. Charles came to the rescue of his favourite, and on the 15th of June dissolved this his second parliament, without any Act having been passed, and notwithstanding that the House of Peers petitioned for it to be allowed to sit longer.

1625.
War with
Spain.

1626.
Parliament
dissolved.

Having thus dismissed parliament, without obtaining any supplies, the king resorted to other methods for meeting the wants of his government. He levied contributions, imposed forced loans, commanded the seaport towns to furnish ships; and many persons who refused to contribute, were imprisoned. In some places resistance was made, and people shouted in the avenues of the Court, "A parliament, a parliament—no parliament, no money!" Yet, undeterred by the difficulties he encountered at home, Charles, under Buckingham's influence, and without any assignable reason, plunged into a war with France, in addition to that which he was waging with the whole Spanish monarchy, thus creating most serious difficulties abroad as well. The consequence was inevitable—his finances were speedily exhausted, and he was again compelled to call a parliament, which assembled in March, 1628, a number of gentlemen who had been imprisoned for refusing to pay the forced loan having been previously liberated. The House of Commons at its meeting was crowded, and the aggregate property of its members is said to have been above three times greater than that of the House of Lords—a proof

1627.
War with
France.

1628.
A new
parliament.

of the increase of wealth and of the importance attained by the third estate, who were henceforth destined to take a prominent part in the government of the country.

The first Act of this parliament was the celebrated *"Petition of Rights,"* justly deemed a second Magna Charta. After many delays on the part of the Court, this important Act, by which personal liberty and the inviolability of property are secured, at length received the royal assent, to the great delight of the nation. This statute (*The 3rd Charles 1st, cap. 1*) does not call for particular comment in reference to our present subject. It is sufficient to notice it as an important incident in our national history.

It appears that the religious feelings of the country, not satisfied with the prohibition of pastimes on Sunday, required a still stricter observance of that day than was then generally practised; and *The 3rd Charles 1st, cap. 2*, was accordingly passed, entitled 'An Act for the further Reformation of sundry Abuses committed on the Lord's Day.' By this Act, carriers, waggoners, wainmen, and drovers, were prohibited from travelling on a Sunday, under a penalty of 20s.; and butchers were prohibited from killing or selling victuals under a penalty of 6s. 8d., to be levied by distress and applied to the use of the poor.

With increased zeal for religion, the people appear to have felt an increased jealousy of popery. The queen was a Roman Catholic, which probably tended to strengthen this feeling; and *The 3rd Charles 1st, cap. 3*, was passed "to restrain the sending of any to be popishly bred beyond the seas." The Act recites, that "divers ill-affected persons to the true religion established within this realm, have sent their children into foreign parts to be bred up in popery, notwithstanding the

1628.
3 Charles I.,
cap. 1.
Petition of
Rights.

1628.
3 Charles I.,
cap. 2.
Strict
observance
of Sunday.

1628.
3 Charles I.,
cap. 3.
Against
sending
children to
foreign parts
to be
educated.

restraint thereof by the statute made in the first year of the late reign ;”^b and it then enacts that persons so offending shall, on conviction, be disabled from suing in the courts of law or equity, and forfeit all their goods and chattels absolutely, and all their lands for life. This must have been a great hardship on the Roman Catholics, and that it should have passed at a time when the desire for freedom and self-government was so strong, can only be accounted for by the intense dread and hatred of popery then felt by the people of every other religious denomination.

The 3rd Charles 1st, cap. 5, is entitled ‘An Act for Continuance and Repeal of divers Statutes.’

Among these, the *43rd Elizabeth, cap. 2*, and the *1st James 1st, cap. 25*, are continued, with an

additional provision respecting apprentices, namely, “That all persons to whom the overseers of the poor shall bind any children apprentices, may take, receive, and keep them as apprentices ; and also that the churchwardens and overseers of the poor may, by and with the consent of two justices, set up, use, and occupy any trade, mystery, or occupation, *only for the setting on work and better relief* of the poor of the parish, town, or place, of or within which they shall

be churchwardens or overseers.” This provision was intended to afford a double remedy, first, against the exclusive privileges of particular crafts and trades as regards the apprenticing of poor children, and, secondly, against parish officers setting up any trade, except as a means and for the purpose of better relieving the poor. With respect to the latter provision, it is not improbable that churchwardens and overseers, in a mistaken zeal for the interest of their parish, may in some instances have applied the poor-rates to establish manufactures, with a view to profit

1623.
3 Charles I.,
cap. 5.

Parish
apprentices
and parish
labour.

^b Ante, p. 213.

by pauper labour, instead of doing so "only for the setting on work and better relief of the poor;" and the prohibition of such a practice was therefore necessary, and highly proper.

This was the last Act of the present parliament, except the one granting a supply of five subsidies, to which the Commons were pledged on the king's assenting to the "Petition of Rights." But a remonstrance was prepared, setting forth the evils which afflicted the country, and accusing the Duke of Buckingham as the chief cause; and declaring also that levying the duties of tonnage and poundage without consent of parliament, was a violation of the Bill of Rights, and the ancient liberties of the people. The king, alarmed at these proceedings, and wishing to screen his favourite,

1628.
Parliament
prorogued,
and several
members
imprisoned.

suddenly prorogued the parliament, and immediately afterwards several members were committed to prison. In the following January parliament reassembled. The failure of the Rochelle expedition, and other causes, had excited strong feelings of anger and disappointment, the whole weight of which fell upon the king, now that Buckingham was gone.* The Commons forthwith entered upon a consideration of grievances, in which they persevered, notwithstanding repeated royal messages urging them to proceed with a supply. After long debates, and much angry recrimination, ending in a scene of great confusion, during which the doors were locked, and the

1629.
The
parliament
dissolved,
and nine
members
committed to
the Tower.

speaker was forcibly held in his chair, that a protest might be passed, the House adjourned on the 2nd of March until the 10th, on which day parliament was dissolved—the king, in his address on the occasion, bestowing praise upon the Lords, but severely censuring the Commons; and nine of the members who had been active in framing

* He was assassinated at Portsmouth, by Felton, on the 23rd of October, whilst preparing an expedition for the relief of Rochelle.

the protest were committed to the Tower, and subjected to heavy fines. Thus ended Charles's third parliament, leaving the country more uneasy and discontented, and the government in a more unsatisfactory position, than before.

Charles now appeared determined to govern without a parliament, and in fact none was assembled for nearly twelve years, when the Long Parliament, the last of this reign, met in 1640. He now, by his sole authority, set about establishing and increasing the revenue. The duties of tonnage and poundage were strictly levied, the rates on several descriptions of merchandise were augmented, the goods of the refractory were distrained for immediate payment, and commissioners were appointed to confirm defective titles on payment of certain fines to the Crown. Considerable sums were raised by granting monopolies, the practice of granting which had, on the earnest remonstrance of parliament, been prohibited by the 21st *James 1st*, cap. 3;^d and heavy fines were extorted for neglect of proclamations. The late king had, by proclamation, forbidden the erection of new buildings in London; but this proclamation was disregarded as being contrary to law, and new buildings continued to be everywhere erected. The owners were now summoned, and some were amerced, and others compounded by paying the value of three years' rent, and an annual fine to the Crown for ever.^e The courts of High Commission and Star Chamber likewise greatly extended their jurisdiction, imposing heavy fines, and inflicting severe and cruel punishments, to the great terror and alarm of the people. All these proceedings were regarded as indicating the king's determination to place himself above the law, and to govern by his own sole and absolute authority.

The king
governs by
his sole
authority.

^d Ante, p. 240.

^e Lingard's 'History of England,' vol. vi. p. 300.

Charles was now for the most part guided by Laud in matters connected with religion, and by Strafford in matters of civil government. These two generally acted in concert, both alike endeavouring to elevate the royal prerogative, and to put down constitutional liberty; and against them, therefore, public indignation was chiefly directed. They were both men of eminent talent, especially Strafford; but, misled by ambition, they both, in their zeal for the crown, forgot the duty which as citizens they owed to their country. Much of the violence and misgovernment which took place in the interval between 1628 and 1640 may fairly be attributed to them, although the king's exalted notions of his own prerogative, and his low estimate of popular rights,¹ might too probably have led him into like courses without their aid and counsel.

Amidst these struggles and contentions there was little leisure for attending to the condition of the people. Yet the king in 1630 issued a commission under the great seal to the lords and others of his privy council, "for putting in execution the laws for the relief of the poor, &c.," which commences by declaring that divers good laws and statutes have been made for the charitable relief of aged and impotent poor people, and for apprenticing youths in honest and profitable trades, and for setting to work idle persons, who wander up and down begging, or maintain themselves by filching and stealing. And it is then asserted that the defective execution of the said good laws, is owing to neglect of duty in some of the justices of peace and other officers; which neglect, it is said, arises from this, that little or no penalties are inflicted upon justices and others for not performing their duties, and partly also from their

1630.
Commission
issued by
Charles I. for
relief of the
poor, and
punishment
of rogues and
vagabonds.

¹ See Hume's 'History of England,' vol. vi. p. 224; and Hume was not disposed ever to take an unfavourable view of Charles's conduct.

holding those under them in awe by their power and authority, so that no complaints are made, and they are grown secure in their negligence, and the said laws are little regarded—"all which," the commission proceeds, "we, taking into our princely care, and after long and mature deliberation, find no better means to have the said laws put in full execution than by committing the oversight thereof to the special care of certain persons of principal place and dignity near unto our person." Ample powers are then given to the persons named in the commission "to inquire and inform themselves how all and every the laws and statutes which any way concern the relief of the impotent poor, the binding out of apprentices, the setting to work of poor children and such other poor people as, being able or willing to work, have no stock or means to employ themselves; the compelling such lazy and idle persons to work, as, being able and strong, do, nevertheless, refuse to labour; the maintenance, government, and well-ordering of houses of correction, and other places for relief of poor, indigent, and impotent people; the rating, collecting, and employment of such sums as by the 43rd of *Elizabeth* are appointed for the relief of soldiers and mariners; the punishment or setting on work of rogues and vagabonds; and all laws now in force for the repressing of drunkenness and idleness, the reforming abuses committed in inns and alehouses, the keeping of watches and wards duly, and how other public services for God, the king, and the commonwealth, are put in practice and executed."^s

^s The commission is dated the 5th of January in the sixth year of Charles's reign, and it is accompanied by a schedule of orders and directions, under twenty heads, for guidance of the commissioners and others acting under it, and the whole appears to have been immediately circulated in a printed form. That which I have here used was printed by Robert Barker, the king's printer, in 1630, with the following title-page:—"Orders and Directions, together with a Commission, for the better administration of Justice, and more perfect Information of his Majesty how and by whom the Laws and Statutes tending to the Relief of the Poor, the well ordering and training up of Youth in Trades, and the Reformation of Disorders and disordered Persons,

A large field of action and inquiry is thus opened to the commissioners, and they were armed with sufficient powers for the purpose, being authorised to call for such assistance, and to give such directions and instructions to justices of assize, and all other persons, as they deemed necessary for carrying the laws into effective operation; and also to appoint deputies or assistants, and to impart to them the same powers with which they themselves were armed. In this respect, and in its general scope and bearing, the commission issued on the present occasion by Charles the First, bears a marked resemblance to the commission appointed two centuries afterwards for carrying into effect the provisions of the Poor Law Amendment Act. The object of both commissions was to prevent a lax, faulty, and partial action on the part of the local authorities, and to secure an effective administration of the law through the country; for which purpose the commissioners were in both cases empowered to appoint assistants, and to give them full authority to act in their behalf. It thus appears that a similar want led to the application of a similar remedy at two very distant periods, and in which periods, moreover, the circumstances of the country were widely different.

The orders and directions issued by the commissioners in 1630, afford considerable insight into the state of the poor at that time, as well as into the local organisation for administering the law; and such portions of them as immediately bear upon these points are therefore here inserted. The ORDERS apply to justices and other high functionaries. The DIRECTIONS are of general application.

It is *ordered*—"that the justices of peace of every shire do divide and allot amongst themselves, what

are executed throughout the Kingdom; Which his Royal Majesty hath commanded to be published and inquired of by the Body of his Privy Council, whom he hath made principal Commissioners for this purpose.'

justices and what hundreds shall attend monthly at some certain place of the shire. And at such time and place the high and petty constables, churchwardens, and overseers of the poor of those hundreds shall attend, and there inquiry shall be made and information taken by the said justices, how every of these officers in their several places have done their duties in the execution of the laws mentioned in the commission annexed, and what persons have offended against any of the said laws. Where neglect or defect is found in any of the said officers in making their presentments, condign punishment is to be inflicted upon them by the justices according to law; and for encouragement to men that do inform and prosecute others for offending against these laws, liberty is left to the justices to reward the informer or prosecutor out of part of the money levied upon his or their presentment or information. The several justices of peace of every shire are, once every three months, to certify an account in writing to the high sheriff of the county of their proceedings in this way—whom they have punished, what they have levied, and how they have employed it; and the high sheriff, within fourteen days after this account is delivered, is to send it to the justices of assize for that county, who are to certify the same in the beginning of the next term to the lords commissioners; and if any of the justices of peace shall fail to make such account to the sheriff, then the sheriff shall certify such default to the lords commissioners. The justices of assize are, moreover, in every circuit to inquire, and specially to mark, what justices of peace are careful and negligent in execution of these laws and the directions given, and who are negligent and remiss. And what other things of note happen in their circuits they are to make report thereof to the king, upon their return from their circuits, every half-year."

1630.
The Com-
missioners'
"orders."

It is *directed*—"that the lords of manors and towns take care that their tenants, and their parish-
1630.
The Commissioners'
"directions."ioners of every town, may be relieved by work or otherwise at home, and not suffered to
 straggle and beg up and down in their parish. That the poor children in every parish be put forth apprentices to husbandry and other handicrafts, and money raised for placing them according to the law; and if any person shall refuse to take the said apprenticeship, being put out according to the law, such person shall be bound over to the next quarter sessions or assizes, and there be bound to his good behaviour, or otherwise ordered as shall be found fit. That the weekly taxation for relief of the poor, and other purposes mentioned in the 43rd *Elizabeth*, be, in these times of scarcity,^b raised to higher rates in every parish than in times tofore were used, and contributions had from other parishes to help the weaker parishes, especially from those places where depopulations have been, some good contribution to come for help of other parishes; and where any money or stock hath been or shall be given to the relief of the poor in any parish, such gift to be no occasion of lessening the rates of the parish. And because it is found by daily experience that the remissness and negligence of petty constables is a great cause of the swarming of rogues and beggars, therefore the high constables in their several divisions are specially charged to look unto the petty constables, that they use diligence in their offices; and the high constables are to present unto the justices the defaults of the petty constables, for not punishing the rogues,

^b At the king's accession, in 1625, the price of wheat in Windsor market, according to the Eton Tables, was 52s. a quarter. In 1630, the date of these "orders and directions," the price recorded is 55s. 8d.; but for the following year, 1631, it is 68s., which is considerably higher than it had ever been since the commencement of these Tables in 1595, or than it reached for sixteen years subsequently. A ninth must be deducted from these prices to bring them to the standard or Winchester measure.

or not presenting those that are the relievers of the rogues and beggars, the law inflicting a penalty upon constables for not punishing them, and upon such as shall relieve them. If in any parish there be found persons that live out of service, or that live idly and will not work for reasonable wages, or live to spend all they have at the alehouse, those persons are to be brought by the constables to the justices at their meetings, there to be ordered and punished as shall be found fit. The correction houses in all counties are to be made adjoining the common prisons, and the gaoler made governor of them, that so he may employ to work prisoners committed for small causes. No man is to harbour rogues in barns or outhouses; and wandering persons with women and children are to give an account to the constable, or to a justice of peace, where they were married, and where their children were christened; for these people live like savages, neither marry, nor bury, nor christen, which licentious liberty make so many delight to be rogues and wanderers."

These "ORDERS," and "DIRECTIONS,"¹ appear generally well calculated for their object. It would seem indeed that nothing could have been better devised than the commission itself, and the whole of its proceedings, as far as they can now be traced, for securing an effective administration of the law. Whether the king could legally issue such a commission, and clothe it with such powers, may be questioned; but Charles appears to have been determined at this time to govern by his sole authority, and to give to his proclamations the force of law. This is shown in the above "*orders*," any failure in the execution of which subjects the offender to punishment.

¹ They are taken from Sir F. Eden's 'State of the Poor,' vol. i. pp. 156 and 160, where the Orders and Directions are given at length, although no mention is made of the Commission whence they issued.

1630.
Proclamation
against the
erection of
houses in
London and
Westminster.

A proclamation was at this time likewise issued prohibiting the erection of houses in London and Westminster, or within three miles thereof, and also forbidding the entertainment of additional inmates in houses already existing, in order to prevent "the multiplying of the inhabitants to such an excessive number that they could neither be governed nor fed." And not long afterwards, another proclamation was directed against the practice of the nobility and gentry residing in London, which it was asserted led to ruinous excess in their expenditure, and the impoverishment of their counties; and was moreover the means of drawing great numbers of loose and idle people to London, by which the price of provision is enhanced, and the poor-rates are increased. Such at least were the reasons assigned for issuing these proclamations.

1630.
Proclamation
for prevent-
ing the dearth
of corn and
victuals.

In the same year (1630) another proclamation, professing to be for preventing the dearth of corn and victuals, was addressed to the inhabitants of London and Westminster, with the following preamble: "Whereas, by an ancient and laudable custom, no suppers were wont to be kept on Fridays, or the eves of feasts commanded to be fasted, nor upon Wednesdays or Saturdays in the Ember weeks and time of Lent, but a general abstinence from suppers on those nights; and the same course is to this day for the most part observed, not only in his Majesty's most honourable household, and in the families of most of the nobility and great men of the kingdom, but also in the inns of court and chancery, and in the colleges and halls of both universities, and all other public places of good order, and in the houses of many knights and squires that are most commended for good housekeeping according to the ancient manner of England, for which this realm hath hitherto been so much honoured. Howbeit that

Suppers not
to be eaten
on Fridays
and fasting
nights.

good and laudable custom is daily more and more neglected and broken, especially in taverns, inns, and other victualling-houses, where commonly there is more waste and excess on the fasting nights than in any time of the week besides." Wherefore his Majesty straightly charges and commands that this ancient and laudable custom be strictly observed in all "taverns, inns, ordinaries, houses of dicing and play, cooks' houses, and other victualling-houses, and that no suppers be, in any of them, had, dressed, or eaten upon any the fasting-nights aforesaid;" and his Majesty further "commands the same to the rest of his subjects in their private families in this time of scarcity, and that they would employ a portion of what is saved by this abstinence towards the relief of those that shall be in penury and want." It may be doubted whether the "time of scarcity" here again referred to was the real cause of this proclamation, but, whether it were so or not, we may feel sure that the proclamation would be of little avail in "preventing the dearth of corn and victuals," even were it generally observed; for if restricted in their suppers, people would eat more at other meals, and the quantity of food consumed would in the end be the same.

With a similar leaning to old practices, a proclamation was issued in 1633, virtually annulling the Acts passed for the strict observance of the sabbath,^k and permitting persons who had attended public worship on the Sunday, afterwards to indulge in sports and pastimes. This proclamation was ordered to be publicly read in the churches after divine service, and any of the clergy who refused to do so were punished by suspension or deprivation. Encouragement was likewise given to church-ales, wakes, bride-ales, and other accustomed festivals of the

Sports and
pastimes
permitted
after Divine
Service on
Sunday.

^k Ante, pp. 256 and 258.

Roman Catholic times, to the great disturbance of the religious feelings of a large part of the community, and helping to swell the tide of discontent.

In 1634 the important question of ship-money was raised. Writs were issued for levying this tax, accompanied by instructions addressed to the sheriffs for their guidance in so doing. The right of the king to impose a tax on his own sole authority was denied by most persons, and Mr. John Hampden refused payment on this occasion, and thus brought the question to issue before a legal tribunal. After a lengthened trial, and long subsequent deliberation, a majority of the judges pronounced in favour of the Crown; but notwithstanding this decision, the general feeling throughout the country was against the legality of the impost.

The late king had endeavoured to introduce a liturgy into Scotland, but the attempt did not succeed. Charles now, unwarned by this failure, caused a code of ecclesiastical law and a liturgy to be prepared for that country, but these were received with execrations and shouts of "Pope" and "Anti-Christ." The people crowded into Edinburgh; petitions were prepared, requiring the abolition of the liturgy, the canons, and the Court of High Commission; and a covenant was entered into, binding the subscribers to uphold the kirk and punish its opponents.^m Alarmed by these demonstrations, the king at last yielded, but it was too late. The whole nation had risen to defend their religion and their liberty, both of which they believed to be in jeopardy, and set about preparing for war with the utmost energy and enthusiasm. The king did the same, and in May, 1639, the two armies approached each other in the neighbourhood of Berwick; but the English were not hearty in the cause, and, after

^{1636-1639.}
Ship-money
levied.
Disturbances
in Scotland.

^m See Lingard's 'History of England,' vol. vi. p. 35.

various consultations, a kind of pacification was patched up, which, however, did not continue long, for early in 1640 the contest was again renewed.

The king's finances had been entirely exhausted by his former armament, and he was compelled to have recourse to parliament, which, after an intermission of nearly twelve years, met on the 13th of April, 1640, to the great joy of the nation. The king explained his necessities, and solicited a speedy supply; but the Commons determined to enter first upon a consideration of grievances, in which they sought the co-operation of the Lords; and the king, impatient of this delay, again resorted to a dissolution, immediately after which several members of the House of Commons were arrested.

1640.
Parliament
assembled
and again
dissolved,
and several
members
arrested.

Disappointed of aid from Parliament, the king endeavoured to raise money in other ways, but his difficulties hourly increased. The nation was discontented, his means were exhausted, his soldiers ill-paid and disheartened if not disloyal, and the army of his opponents, who were also his subjects, were everywhere successful. As a last resource, he called a council of the peers to his assistance, and the result was a second treaty with the Scots, and a determination to summon another parliament.

"In November, 1640, met that renowned parliament which, in spite of many errors and disasters, is justly entitled to the reverence and gratitude of all who, in any part of the world, enjoy the blessings of constitutional government."^a Thus writes a living historian, of the parliament which Charles, not without great misgivings, had reluctantly determined to meet. The alarms of the nation, the encroachment on its liberties, and the danger threat-

1640.
The Long
Parliament
summoned,
Nov. 3.

^a Macaulay's 'History of England,' vol. i. p. 97.

ening its religion, would, he foresaw, furnish themes for lamentation and invective, and the storm thus sure to be raised within the walls of parliament might, it was to be feared, spread through the country.

The first Act of this parliament (*The 16th Charles*
1640. 16 Charles I., cap. 1. *1st, cap. 1*) declares that, "by the laws and statutes of this realm the parliament ought to be holden at least once every year for the redress of grievances, and that the not holding of parliament accordingly hath produced sundry and great mischiefs and inconveniences;" for preventing which in
Parliament to be held annually. time to come, it is now enacted, that, if no

parliament were summoned within three years after the sitting of the last, the parliament was to assemble at Westminster, under writs which the lord chancellor was to be sworn in such case to issue, and, if he failed, the House of Lords were to assemble and issue writs for the Commons, and, if the Lords failed, the sheriffs were to do it, and, if the sheriffs failed, the people were to elect representatives without writs at all. By three Acts immediately following (caps. 2, 3, and 4),
1640. 16 Charles I., caps. 2, 3, & 4. subsidies are granted "for the relief of his Majesty's army and the northern parts of the kingdom;" but the money was not permitted to go into the exchequer. Commissioners are specially appointed to receive it, and its application is likewise subjected to their direction.

Before passing these Acts, the Commons had resolved on the impeachment of Laud and Strafford, and certain other of the king's ministers. The result need
Execution of Strafford and Laud. only be stated here. Strafford was beheaded on the 10th of May, 1641, and, after four years' imprisonment, Laud was beheaded on the 10th of January, 1645. Secretary Windebank and the Lord Keeper Finch, who would probably have shared a similar fate, effected their escape beyond sea.

On the 22nd of June, *The 16th Charles 1st, cap. 8*, was passed.^o The Act is entitled ‘A Subsidy granted to the King, of Tunnage and Poundage;’ and it declares “that it is and hath been the ancient right of the subjects of this realm that no subsidy, custom, impost, or other charge whatsoever, ought or may be laid or imposed upon any merchandise exported or imported, without common consent in parliament.” It then fixes the tunnage at 3s. for every tun of wine, and the poundage at 1s. in the pound on the value of other articles. This Act finally settled the great constitutional right of the Commons with respect to the imposition of taxes. Immediately afterwards another Act (*cap. 9*) was passed “for the speedy provision of money for disbanding the armies, and settling the peace, of the two kingdoms of England and Scotland.” It enacts that persons “who can dispend 100*l.* per annum, of his or her own, either in lands, leases, money, stock, or otherwise,” shall contribute 5*l.*; and other persons having larger incomes are to contribute certain fixed sums, according to their rank and station; a duke 100*l.*, an earl 60*l.*, a baron 40*l.*, a baronet 30*l.*, a knight-bachelor 20*l.*, an esquire 10*l.* Churchmen, lawyers, merchants, and members of corporations are likewise severally charged, and popish recusants are rated double. This was, in fact, a poll-tax, and would hardly have been resorted to, unless parliament felt assured that the sense of the country was with them. By the two following Acts, *caps. 10 and 11*, the courts of Star Chamber and High Commission are abolished; and by *cap. 14* the levying of ship-money is declared to have been illegal, and the sentence against Hampden in that matter is

1641.
16 Charles I.,
cap. 8.

Act of
tunnage and
poundage.

1641.
16 Charles I.,
cap. 9.

1641.
16 Charles I.,
caps. 10, 11,
and 14.

Sentence
against
Hampden
reversed.

^o All the Acts of this parliament are entered in ‘The Statutes of the Realm’ as passed in 1640, although this and several others were passed subsequently.

reversed.^p The Houses shortly afterwards adjourned, but appointed committees to sit during the recess. Towards the end of August the king proceeded to Scotland, where he succeeded in restoring some degree of quiet; and at the end of November he returned to London, having heard of the outbreak and fearful massacre of the Protestants which had a little before taken place in Ireland.

The policy of encouraging colonists from England and Scotland to settle in Ireland, adopted in the late reign, had been continued in the present; and much of the forfeited property had been bestowed on the new planters, who took up their abode among the native Irish, then comparatively in a rude and barbarous state, and taught them the arts of civilized life. The benefits arising from this mingling of the two races were manifest, and Ireland was beginning to assume the appearance of a prosperous country; but the weakness of the English government at this time, coupled with the example of resistance set by Scotland, encouraged certain of the old Irish chiefs, at the head of whom was Sir Phelim O'Neal, to rise in rebellion. Their intention to surprise Dublin castle was happily frustrated when on the eve of execution, but in other parts of the country the most furious onslaught was made upon the defenceless Protestant settlers, who were plundered and butchered almost without resistance, so sudden and unexpected was the outbreak. The accounts of the cruelties perpetrated almost exceed belief, and what adds to the horror of such atrocities is, that they were mostly perpetrated in the name of religion. The number of persons murdered in the course of this fearful insurrection has been variously stated at from thirty-seven to one hundred thousand. Clarendon says forty or

1641.
Rebellion and
massacre of
Protestants
in Ireland.

^p Ante, p. 270.

fifty thousand, and, including the whole period from the outbreak, in October, 1641, to its termination in 1643, this number is probably not exaggerated, for neither age nor sex was spared in the savage butchery.

Great alarm was excited in England by these events, and a stronger abhorrence of popery, mingled with the people's natural commiseration for the sufferings of the Irish protestants. The parliament had reassembled on the 20th of October, and largely participating in these feelings, forthwith passed an Act (*cap.* 30) ^{1641.} ^{16 Charles I.,} ^{cap. 30.} "for a speedy contribution and loan towards the relief of his Majesty's distressed subjects of the kingdom of Ireland." The churchwardens and overseers of the poor are directed, within their respective parishes, to "ask, take, receive, and gather ^{Contributions for relief of the Irish Protestants.} the gifts and charitable benevolences of all and every person and persons to and for the uses aforesaid." The money so received and gathered, together with a list of the contributors, is to be delivered to the high constable of the hundred, who is to pay over and deliver the same to the sheriff of the county; and the several sheriffs are to pay the money, and deliver the lists, to receivers named in the Act, who are to give acquittance for the same. The moneys so collected are to be distributed "to such persons and in such manner as from time to time appointed by the Lords and Commons in parliament assembled;" but it is not anywhere stated what was the amount collected, nor how the money was applied. As much of it as was expended in relief of the distressed fugitives from Ireland, would practically be in aid of the poor-rates, these persons being in a state of destitution, and therefore entitled to relief in whatever place they had sought refuge. The appointing of the churchwardens and overseers to be the agents on this occasion, shows the estimation in which these functionaries were held, and the importance attached to their office.

In November, 1641, after a long and vehement debate, the Commons passed 'the Remonstrance of the State of the Kingdom,' and shortly afterwards it was printed and distributed throughout the country. This "remonstrance" was in fact a recapitulation of all the errors and omissions, the excesses and the shortcomings, of the present reign; and the publication of such a document could not fail to widen the breach between the king and the parliament. From this time distrust and jealousy went on increasing, incidents of almost daily occurrence adding to these feelings on both sides. At length, on the 4th of January, 1642, Charles attempted to arrest the five most popular members of the House of Commons, by which rash act he confirmed the apprehensions, and strengthened the distrust, of the popular party. The tumults which followed made it unsafe for him to remain in London, and he retired to Hampton Court, "deserted by all the world, and overwhelmed with grief, shame, and remorse, for the fatal measures into which he had been hurried."^a

In February, 1642, the queen left England. In March the king proceeded to York, where many of the nobility and gentry joined him, and he began to organise a separate government. Preparations were now made on both sides for the impending conflict, and on the 25th of August the royal standard was set up at Nottingham, and an appeal was thus openly made to the arbitrement of the sword.

It will be sufficient for our purpose merely to advert to the war which unhappily followed, in which men of the same country, and even of the same family, were arrayed against each other in deadly strife. Such a contest cannot fail of being a fearful

^a Hume's 'History of England,' vol. vi. p. 472.

^r Lingard says the 22nd.

calamity, and admits of no justification short of absolute overwhelming necessity, which did not exist in the present case. True patriotism would have avoided the dreadful alternative of civil war, and endeavoured, by combining whatever was right in the adverse claims, to frame a basis for mutual concession. That both parties were to some extent right can hardly be doubted, when a Hampden is seen periling his life on one side, and a Falkland on the other. The appeal to the sword, in this as in most other instances, led to the sword's obtaining the mastery. It now fell into the hands of a man of rare genius and indomitable resolution; and whatever may be our opinion of Cromwell as a man, a citizen, or a subject, all must admit that his government, after he attained the supremacy, was eminently successful, and one of the most brilliant recorded in history. But Cromwell's career was stained with the death of his sovereign, which it is impossible not to condemn, and which no pleadings of necessity can justify. After a trial in which ^{1649.} Execution of Charles I. his accusers sat as his judges, the king was beheaded on the 30th of January, 1649, and for a time royalty was extinct in England.

The greater liberty, and generally higher social position, attained by the people, previous to and during these civil commotions, were accompanied by habits of greater self-reliance, and by a deeper sense of moral responsibility. The early growth and influence of these feelings have been apparent in the Acts passed in the late reigns for discouraging swearing and drunkenness, and for a more strict observance of the sabbath.* Even the customary licence of civil war was in the present instance little injurious to morality or religion. The conflict was in a great degree one of principle, and was freed by high religious feelings from the brutal and

* See ante, pp. 219, 230, 231, 244, 256, and 258.

sensual influences usually attendant on other wars. This was more especially the case with the soldiers on the popular side, of whom it has been said, "But that which chiefly distinguished the army of Cromwell from other armies, was the austere morality and the fear of God which pervaded the ranks. It is acknowledged by the most zealous royalists that in that singular camp no oath was heard, no drunkenness or gambling was seen, and that, during the long dominion of the soldiery, the property of the peaceful citizen and the honour of woman were held sacred."¹

The population of England and Wales at the commencement of the century was, we have seen, ^{1660.} ^{Population.} estimated at about five millions.² At the Restoration in 1660, it probably amounted to five millions and a half; but it has been estimated very considerably higher. Some check must necessarily have been caused by the civil war, although it does not appear that the framework of society was broken up, or very materially disturbed, during the contest between the king and parliament. Colonel Ludlow, in his Memoirs, says that the changes in the central or supreme government little affected the local administration, which proceeded in its accustomed course under the ordinary authorities—a proof, if such were needed, of the great advantage of habits of self-government.

On the 8th of May, 1660, Charles the Second was, by order of the parliament, solemnly proclaimed ^{Charles II. proclaimed. 1649-1685.} in Westminster Hall. On the 25th of May he landed at Dover, and proceeded to London, where he was received with such joyous acclamations, that he might well express a wonder why he had been so long kept at a distance. The people were tired of change,

¹ Macaulay's 'History of England,' vol. i. p. 122.

² See ante, p. 251.

and wearied with excitement, and now sought refuge and repose under kingly guidance. All was loyalty and confidence. No one spoke of constitutional liberty, or of defining or limiting the royal authority. The cause so long struggled for, and for which so much blood had been shed, was for the moment totally forgotten. But before entering upon a consideration of the legislative proceedings under Charles the Second, it seems desirable to take a brief survey of the general circumstances of the country at the time of his restoration.

Abroad, England had been successful in all its transactions with foreign states, whether of peace or of war. It was courted and respected by all. Its fleets visited every shore; and the name of Englishman was a title to consideration in every part of the world. At home, order and law were, with very little interruption, strictly maintained. Ireland had been reduced to subjection by the stern and vigorous hand of Cromwell, whose unswerving energy had likewise subjugated Scotland, and brought it into uniform action with England; so that the three portions of the British empire may now be said to have been, for the first time, actually united under one government. The circumstances which preceded, accompanied, and followed the periods of the Commonwealth and Protectorate, all tended to promote colonization. In the earlier period the Puritans, afterwards the Royalists, and at the Restoration the Republicans, sought refuge in the American colonies, which thus rapidly increased in population and importance, opening out new markets for our manufactures, and materially assisting the extension of commerce. It has been said that the prevalence of democratic principles at this time, led the gentry to bind their sons apprentices to merchants, and that commerce has ever since been more honourable

State of
England
during the
Common-
wealth and
Protectorate.

Colonization
promoted by
the circum-
stances of
the times.

with us, than in any other European kingdom.* The fact may partly be as thus stated, but the high estimation of commerce in this country is surely owing to its great national importance, rather than to the cause here indicated, which, if operative at all, must have been so to a very limited extent.

The trade of Manchester is represented as being considerable in 1641. The manufacturers purchased yarn from the Irish, and, after weaving it into cloth, returned it again to Ireland for sale. They also purchased in London cotton-wool imported from Cyprus and Smyrna, and worked it up into fustians, dimities, and other such stuffs, which were sent back to London for sale and exportation. This is the first notice we find of the cotton manufacture, which afterwards grew to so great a head at Manchester.† The continual growth of London was at once a proof and a consequence of the increase of commerce; but this continual growth of the metropolis was, we have seen, also a source of alarm, and led to forbidding the erection of new houses. The great resort of people thither caused it likewise, it was said, to be less easily governed than formerly, and led to a great increase in the price of provisions, and in the amount of the poor-rates. Hackney coaches were first used in London about the year 1625. Ten years later their number had so much increased, that a proclamation was issued pointing out the great inconvenience they occasioned, and commanding "that no hackney or hired coaches be used or suffered in London, Westminster, or the suburbs thereof, except they be to travel at least three miles out of the same." They were afterwards licensed, and restricted to fifty,

* Hume, quoting from Clarendon, vol. vii. p. 340.

† See extracts from the works of James Roberts, published in 1638 and 1641, and given in the 'Pictorial History of England,' vol. iv. pp. 540 and 542.

for London and Westminster. In 1634 sedan-chairs were first used, under a patent, which declared that the streets were so encumbered with coaches that people were exposed to danger, and the carriage of provisions much hindered; and the use of sedan-chairs was resorted to as a relief from this evil. In 1635 a regular post for the transmission of letters was established, and the rate of postage for a single letter was ^{A regular post established.} fixed at 2*d.* for any distance under eighty miles, 4*d.* up to a hundred and forty miles, 6*d.* for any longer distance, and 8*d.* to any place in Scotland.

In 1651 the celebrated Navigation Act was passed by the then existing parliament, with the view of securing to British vessels the carrying ^{1651. The Navigation Act.} trade between other countries and England, which was then chiefly in the hands of the Dutch. This important Act served as a shield or fence to the yet immature shipping interest of England, which grew so rapidly under the shelter thus afforded as to be, ere long, in a condition to dispense with such protection, and to stand alone and brave the competition of the world. The fence of the Navigation Law was, however, retained long after it had ceased to be useful, and even when its restrictions were positively injurious to English commerce. In the same year the legal rate of interest was reduced from eight to six per cent., ^{Rate of interest reduced to 6 per cent.} and about this time also a practice began to be adopted of people depositing their spare money with the city goldsmiths, who thus became bankers, to the great economising of capital and the encouragement of industry and enterprise. This reduction of interest and the establishing a system of banking are unmistakeable signs of the increase of wealth, and could not fail to give an impulse to the productive powers of the country, both commercial and agricultural. Indeed agriculture, at this time, appears to have been undergoing a radical improvement. Books were written

upon it, and the cultivation of clover and turnips was introduced. The art of gardening had also Improvements in agriculture. made considerable progress, and England was no longer dependent on its neighbours, Belgium and Holland, for a supply of fruits and vegetables.

The woollen-trade, in its various branches, gave employment to a vast number of people, and was Woollen-trade. regarded as the most important of our native manufactures. A million of persons were said to be engaged in it, but this is obviously an exaggeration, although some clothiers at that time employed as many as five hundred hands. The Dutch and the Flemish manufacturers maintained a decided superiority over the English till the end of the 17th century. It was not till 1668, when some immigrants from Flanders settled in England, that we succeeded in producing any of the finest cloths, or those made entirely of Spanish wool, without admixture of any wool of inferior quality.* In 1658 pocket watches were first made in England; glass was manufactured, and the importation of foreign glass was prohibited; and the East India Company (which had been reconstituted) set an example of improvement in shipbuilding, by the construction of vessels of large burthen and superior equipment.

The first mention made of tea and chocolate was about the year 1660. Coffee had been introduced earlier Tea and chocolate introduced. by the Turkey Company, by whom also sugar was imported in small quantities and at a high price.

With regard to the price of commodities, if that of wheat be taken as a standard, it will appear that a considerable increase had taken place in the last sixty years, although not nearly so great as in the half-century preceding. We have seen that in Price of wheat. 1599 the money price of wheat had increased in the course of the previous half-century, fully 100 per

* See M'Culloch's 'Statistical Account of the British Empire,' vol. ii. p. 45.

cent., according to Sir F. Eden's 'Comparative and Chronological Table of Prices.'^a In the above year the price of wheat is recorded in that table at 23s. and 27s.; but in the account of prices in Windsor market, also given by Sir F. Eden, wheat is set down at 39s. 2d. the quarter in 1599, which reduced to standard measure would be 34s. 9½d., or 9s. 10d. a quarter higher than in the Comparative Table. The Windsor account is, however, all we have subsequently to refer to, the 'Comparative and Chronological Table' ceasing in 1599; but this is not material, as, with the imperfect means of transit then existing, the price in one locality would often differ much from that in another, and no reliable average could be formed for the purpose of comparison. The only safe comparison would be between prices in the same locality, and this we find in the Windsor account, which is taken from the audit books of Eton College, extending from 1595 to 1796. In 1625 the price of wheat in Windsor market was 52s. a quarter. In 1649, the year in which Charles the First was beheaded, and in the two preceding and two following years, it was 76s. and 80s.; and in 1660, the year of the Restoration, it was 56s. 6d. a quarter. The comparatively higher price in the middle period may have been occasioned by the civil commotions then prevailing, but the price fell after Cromwell had attained the mastery, and was only 35s. 6d. in 1653, and 26s. in 1654. After this it again rose, and was 66s. 6d. a quarter in 1659, although in 1660 it fell to 56s. 6d., and four years afterwards it was as low as 40s. a quarter. It appears, therefore, limiting the comparison to the Windsor market prices exclusively, that an increase of 17s. 4d. the quarter, or about 45 per cent., took place in the price of wheat between 1599 and 1660.

^a See ante, p. 206.

An advance in the rate of wages will be found to have occurred pretty nearly corresponding with the above increase in the price of wheat. The rates established in 1495 by the 11th *Henry 7th*, and in 1593 by the magistrates of the East Riding of York, and subsequently by the justices of Rutland in 1610, have been already given and commented on.^b In 1661 the justices of Essex established the following rates of wages, harvest-time excepted :^c—

	With Board.		Without Board.	
	s.	d.	s.	d.
For common labourers, by the day, 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 haymaker	0	8	1	0
Woman do.	0	5	0	10
Weeders of corn	0	4	0	9
Mowers of corn and grass	0	10	1	6
A fallower	0	6	1	3
Man reaper	1	0	1	10
Woman do.	0	8	1	2

On comparing the above with the rates established by the Rutland justices in 1610, it appears that the wages of ordinary labourers had been increased from 7*d.* to 14*d.* a day in summer, and from 6*d.* to 1*s.* a day in winter. The wages of a mower were increased from 10*d.* to 1*s.* 6*d.* a day. The wages of a man-reaper from 8*d.* to 1*s.* 10*d.* a day, and of a woman-reaper from 6*d.* to 1*s.* 2*d.* a day; of a man haymaker from 8*d.* to 1*s.* a day, and of a woman haymaker from 5*d.* a day to 10*d.* The annual wages of servants engaged by the year are not specified by the Essex justices in 1661, and therefore cannot be compared with those of 1610; but a little later, at the sessions held at Bury St. Edmunds in 1682, the justices established the following rates, viz. :^d—

^b See ante, pp. 101 and 208.

^c Sir F. Eden's 'State of the Poor,' vol. iii. p. 102; and Ruggles' 'Letters on the Poor,' p. 68.

^d Sir F. Eden's 'State of the Poor,' vol. iii. p. 103.

	£.	s.	d.
A bailiff in husbandry, by the year	6	0	0
A chief husbandman or carter	5	0	0
A second hind or husbandman, or common servant above 18 years of age	3	10	0
A fourth, under 18	2	10	0
A dairymaid or cook	2	10	0
The best hired servants, with meat and drink, for harvest	1	2	0
An ordinary harvest-man	0	18	0

A similar increase is therefore observable in the rate of yearly wages between 1610* and 1682, as is above shown to have taken place in the daily wages between 1610 and 1660 ; so that, between the end of Elizabeth's reign and the restoration of Charles the Second, we may conclude that the rate of wages more than kept pace with the increase in the price of commodities, and consequently that the condition of the labouring classes went on improving throughout that period.

If the price of labour had not kept pace with the cost of subsistence, the condition of the labourer must have been depreciated, instead of being improved ; but happily labour and subsistence moved onward together, thus maintaining a healthy equilibrium, which, with only occasional interruptions through deficient harvests and other temporary causes, has prevailed to the present day. Thus the price of wheat in the Windsor market, on the average of the three years 1663, 1664, and 1665, was 39s. 7d. a quarter standard measure, and it continued about the same for the nine following years—it is now (*May 10th 1852*), on the average of the last six weeks, as published in the *London Gazette*, 41s. 1d. a quarter. The wages of a common farm-labourer were fixed by the Essex justices in 1661 at 1s. 2d. a day in summer, and 1s. a day in winter. The usual wages of such a labourer in the agricultural districts at present vary from 1s. 3d. to 1s. 6d. and 1s. 9d., and in some counties to 2s. Without pretending to exactitude in these comparisons, they may,

1660.
Comparison
of wages
and cost of
subsistence.

* See ante, p. 209.

on a general view, be regarded as affording proof that the condition of the labouring classes has been continually improving, the rate of wages having on the whole more than kept pace with the cost of subsistence ; and this notwithstanding the population of England and Wales has trebled in amount, it having been less than six millions at the time of the Restoration, and now amounting to eighteen millions.* Yet so immense have been the additions to the productive powers of the country, that this enormous increase in the number of the people within less than two centuries has not outrun the power of supply, or the means of employment ; whilst the variety, abundance, and comparative cheapness of what may be called the semi-necessaries of life, have greatly added to the comforts and physical enjoyments of the entire population.

Improved
condition of
the people.

Constitutional
principle finally
established.

The reign of Henry the Seventh constituted an important turning-point in the history of the English people, the great landed aristocracy having then been subjected to the power of the Crown. The reign of Charles the First was another important turning-point, the power of the Crown being then prostrated before that of the people. In like manner the restoration of Charles the Second may be regarded as another important turning-point, democracy having then, in its turn, after a brief and troubled sway, rendered endurable only by the high qualities of the great man who sprang from its ranks, and became its guide and champion, yielded the ascendancy, and fallen into a co-ordinate position with the other two powers. At the Restoration, therefore, the true constitutional principle of government by king, lords, and commons was finally recognised, since when any departure, or attempted departure from it, by either of the three co-

* The population of England and Wales, by the Census Returns of 1851, amounted to 17,922,768.

ordinates, has been speedily detected and promptly repressed.

We will in the next chapter proceed to examine the legislation connected with the relief of the poor, or bearing upon the general condition of the people, which took place after Charles's return. His accession, although it can only be said to have taken place on the 8th of May, 1660, the day on which he was proclaimed by order of the two Houses, then assembled in what was afterwards called the Convention Parliament, usually bears date from the death of his father Charles the First, in 1649, and the several statutes are thus headed accordingly.

CHAPTER VII.

Charles II. — Act of Indemnity — Reduction of interest — The army disbanded — Character of the soldiery — Navigation Act — Dutch war — Cultivation of tobacco and exportation of leather prohibited — The Settlement Act — Sir Matthew Hale on provision for the poor — Prohibition of foreign bone-lace, &c. — Exportation of sheep, wool, &c., prohibited — Export prices of corn — Export and import duties — Regulation of colonial imports — Importation of cattle — Cultivation of flax and hemp — The Bedford Level — Act to prevent the delivering up of merchant-ships — Shipbuilding — Woollen manufactures — The great plague and the Dutch war — Fire of London — The war renewed — Rebuilding of London — Regulation of silk-throwing — Punishment for burning stacks and injuring cattle — Metropolitan workhouses — Relief of poor debtors — Greenland and Eastland trade — Observance of Sunday — The Prince of Orange — Papist disabilities — Habeas Corpus Act — Parliament at Oxford — Death of the King — Accession of James II. — Monmouth's rebellion — Law of Settlement — Encouragement of shipbuilding — Illegal measures of James — Landing of the Prince of Orange — Abdication of James — The Convention Parliament — Accession of William and Mary — Bill of Rights.

THE first Act of the new reign, after the requisite sanction had been imparted to the then irregularly assembled parliament, and after the settlement of the revenue, including the duties of tunnage and poundage, was ‘An Act of free and general Pardon, Indemnity, and Oblivion’ for all things done during “the long and great troubles, discords, and wars that have for so many years past been in this kingdom.” All those who sat in judgment upon the late king were, however, excepted from pardon, and several were executed.

The first Act of a general nature requiring notice, is *The 12th Charles 2nd, cap. 13*, which recites that “the abatement of interest from ten in the hundred in former times, hath been found beneficial to trade, and to the improvement of lands by good husbandry, with many other advantages, especially the

1660.
12 Chas. II.,
cap. 11.

Act of
Indemnity.

1660.
12 Chas. II.,
cap. 13.

reducing of it to a nearer proportion with foreign states with whom we traffic; and that the like fall from eight to six in the hundred, by a late constant practice, hath found the like success, to the general contentment of the nation"—wherefore it is now enacted that none shall take above *six per cent.* in future, and that all bonds and other securities on which a higher rate of interest is reserved, shall be void. At this time, borrowers were most likely numerous, as the desire to make a loyal display on the return of the young king would be apt to lead people into unusual expenses, whilst the cavaliers and royalists, long deprived of their rents, would stand in need of loans for their present occasions. Other motives, besides the advancement of husbandry and commerce, may therefore have influenced the passing of this Act, which, however, as far as circumstances permitted it to be operative, was probably beneficial.

The disbanding of the army was a measure no less necessary on the score of economy than for the security of the government. The royalist officers, to whom commissions were now given, had not the confidence of the men. The sober, deeply religious, and sternly moral soldiers of the Commonwealth, ill accorded with the unprincipled parasites of the Restoration, and, after the first ebullition of loyalty had subsided, their fidelity could not be relied upon. The king feared them, but he praised their character and discipline, and recommended their services to the consideration of parliament, which passed several Acts (*caps. 9, 15, 16, and 21 of 12th Charles 2nd*) for raising money "to the end that the army may be disbanded and the country eased, and that the officers and soldiers may be satisfied their just arrears." *Cap. 16* recites, that some of the soldiers had used trades, others had been apprenticed to trades and not served their full time, and that others were apt and

Interest
reduced to
6 per cent.

Disbanding
the army.

1660.
12 Chas. II.,
caps. 9, 15,
16, and 21.

fit for trades—"many of whom, the wars being now ended, would willingly employ themselves in those trades they were formerly accustomed unto, or which they are apt and able to follow for getting of their living by their labour and industry, but are or may be hindered from exercising those trades in certain places because of certain by-laws and customs, and of the statute *5th Elizabeth, cap. 4*, prohibiting the use of certain trades by any person that hath not served an apprenticeship thereto." On which account it is enacted, that those who had formerly been apprenticed, and had not served their full time, should be entitled to set up and exercise a trade, and have all their privileges as fully as if they had; and that "all others of the said officers and soldiers may set up and exercise such trades as they are apt and able for, in the several towns and places within the respective counties wherein they were born, without let or molestation of any person or persons whatsoever by reason of the using of such trade."

This was, doubtless, a highly proper and useful measure. It enabled these hardy soldiers at once to fall back into the ranks of the productive classes, a privilege which they forthwith embraced with the same steady earnestness of purpose which had secured for them invariable success in the struggle of warfare. Mr. Macaulay remarks—"The troops were now to be disbanded. Fifty thousand men,* accustomed to the profession of arms, were at once thrown on the world; and experience seemed to warrant the belief that this change would produce much misery and crime, that the discharged veterans would be seen begging in every street, or would be driven by hunger to pillage. But no such result followed. In a few months there remained not a trace indicating that the most formidable army in the world had just been absorbed into the mass of the com-

* Lingard states "more than sixty thousand men in the three kingdoms." See his History, vol. vii. p. 351.

munity. The royalists themselves confessed that, in every department of honest industry, the discharged warriors prospered beyond other men, that none was charged with any theft or robbery, that none was heard to ask an alms, and that, if a baker, a mason, or a waggoner, attracted notice by his diligence and sobriety, he was in all probability one of Oliver's old soldiers."^b

The 12th Charles 2nd, cap. 18, is entitled 'An Act for the encouragement and increasing of Shipping and Navigation.' This is little more than a repetition of the Navigation Act passed in 1651, by the parliament of that day, and to which reference has already been made.^c It provides that "no goods or commodities whatsoever shall be imported into or exported out of any of his Majesty's dominions in Asia, Africa, or America, and no goods or commodities of the growth, production, or manufacture of Africa, Asia, or America shall be imported into England or Ireland, &c., except in ships which do truly and without fraud belong to England or the English colonies, and whereof the master and three-fourths of the mariners at least are English, under penalty of the forfeiture of the ship and goods;" and it further enacts, that no goods shall be carried from one port of England to another, except in English vessels; and that goods the produce or manufacture of any country in Europe, shall only be imported into England, &c., in vessels of the same country, or in English vessels.

This was no doubt an exceedingly important statute, as affecting the mercantile marine of the country. It may have been, and I think was, sound and proper at the time, although its policy has more recently been called in question. The Act of 1651 hastened, if it did not cause, the war with Holland. The Dutch were at that time the general carriers of the world, and the

^b Macaulay's 'History of England,' vol. i. p. 154.

^c Ante, p. 281.

attempt to wrest a portion of this traffic from them brought on that fearful struggle in which the two great naval heroes Van Tromp and Blake were opposed to each other, and in which the former fell. The present revival of the Act had probably some influence in rekindling the war, which raged in 1665 and 1666 between the two countries. The contest was long and severe. At first it was in favour of the English, who after four days' hard fighting drove the Dutch in a shattered condition to seek shelter in their own ports; but it ended disgracefully for England, De Ruyter having carried his fleet up the Thames, entered the Medway, destroyed the fortifications at Sheerness and Chatham, and even put the metropolis itself into a state of alarm. Notwithstanding this blot in our escutcheon, occasioned by culpable negligence on the part of the government, the naval power of England continued to increase with its increasing commerce, whilst that of its rival declined; and from the period of these great Dutch wars, the naval supremacy of England may be dated.

The 12th Charles 2nd, cap. 34, prohibits the growing of tobacco in England or Ireland, and it deserves
1660.
12 Chas. II.,
cap. 34. *attention, as showing the estimation in which our American colonies were then held. The recital commences, "Considering of how great concern and importance it is that the colonies and plantations of this kingdom in America be defended, protected, maintained, and kept up, and that all due and possible encouragement be given unto them, the strength and welfare of this kingdom very much depending upon them, in regard of the employment of its shipping and seamen; and of the vent of very great quantities of its native commodities; and forasmuch as tobacco is one of the main products of those plantations, and that the tobacco planted in these parts is not so good and wholesome, and that by the planting thereof a considerable*

part of the revenue arising upon imported tobacco will be lost"—the home cultivation of tobacco is therefore prohibited, under penalty of forfeiting Cultivation of tobacco prohibited. all that is raised, or the value thereof, and a further penalty of forty shillings for every rod or pole of ground planted, set, or sown with it. This prohibition was repeated ten years afterwards, with still more stringent regulations, on the ground of its having been evaded.

It appears that the price of leather had risen so high, owing, it is said, "to the quantities daily exported to foreign parts, that the poor sort of people are not able to buy those things made of leather which of necessity they must make use of;" and accordingly an Act was passed (*The 14th Charles 2nd, cap. 7*) "to re-
1662.
14 Chas. II.,
cap. 7. strain the exportation of leather and raw hides." But after an interval of five years another Act (*The 19th and 20th Charles 2nd, cap. 10*) recites, that "it is found by experience, since the late
1667-8.
19 and 20
Charles II.,
cap. 10. strict prohibition of the exporting of leather, that the prices thereof, and consequently of the raw hides, are very much abated, to the great discouragement of the breeding and feeding of cattle, and fall of the rents and value of land, and yet that the makers of boots and shoes, and other workers in leather, have still sold their wares very dear;" on which account, it is wisely determined to remove the restriction, and allow leather to be exported on payment of a duty of one shilling per hundredweight. The experience of the effects of prohibitive enactments afforded in this case, may be applied with advantage in others, and serve to prevent a similar tampering with supply and demand, and the free interchange of commodities, by which alone abundance and fair prices can be secured for the public.

We are now arrived at *The 14th Charles 2nd, cap. 12*, the important statute by which settlement, or the power of removal, was first established, and which is therefore usually called '*The Settlement Act*,' although it bears the title of '*An Act for the*
1662.
14 Chas. II.,
cap. 12.
The Settlement Act.

better Relief of the Poor.' The recital and chief enactments of this statute are mingled confusedly together, without system or sequence; but I will take the parts separately, according to their nature and import.

The Act begins by declaring that "the necessity, number, and continual increase of the poor, not only within the Cities of London and Westminster, but also through the whole kingdom, is very great and exceeding burthensome, being occasioned"—

1stly. "By reason of some defects in the law concerning the settling of the poor;"

2ndly. "And for want of a due provision of the regulations of relief and employment in such parishes or places where they are legally settled, which doth enforce many to turn incorrigible rogues, and others to perish for want;"

3rdly. "Together with the neglect of the faithful execution of such laws and statutes as have formerly been made, for the apprehending of rogues and vagabonds, and for the good of the poor."

And it *further* declares, that, "by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the best stock, the largest commons or wastes to build cottages, and the most woods for them to burn and destroy; and when they have consumed it, then to another parish, and at last become rogues and vagabonds, to the great discouragement of parishes to provide stocks, where it is liable to be devoured by strangers."

After these two distinct and dissimilar recitals, it is enacted, "That upon complaint made by the churchwardens or overseers of the poor of any parish, to any justice of peace, within forty days after any such person or persons coming so to settle as aforesaid, in any tenement under the yearly value of ten pounds," it shall be lawful "for any two justices of the peace, whereof one is to be of the division where any person or persons that

are likely to be chargeable to the parish shall come to inhabit, by their warrant to remove and convey such person or persons to such parish where he or they were last legally settled, either as a native householder, sojourner, apprentice, or servant, for the space of forty days at the least, unless he or they give sufficient security for the discharge of the said parish, to be allowed by the said justices; provided that all persons who think themselves aggrieved by any such judgment of the said two justices, may appeal to the justices of the peace of the said county at their next quarter sessions, who are required to do them justice, according to the merits of their cause."

The Act thus establishes a system of removal, applicable to every parish throughout the country, although the recitals, with the exception of the last, have reference to the metropolis and large towns; and the statement in the last recital does not afford ground for an enactment, which, whilst it restrains poor persons from resorting "to those parishes where there is the best stock and largest commons," at the same time restrains them from resorting to places where there is the best means of employment by which to gain their living.

It is impossible to examine this statute without seeing that it comprises objects and views having little affinity with each other. It has been described, in a report which was laid before parliament in 1851, as a fortuitous medley, compounded of two local and two general bills.⁴ The writer of this report has ably discussed the whole question of settlement, both in its origin and results. He shows that the present bill was chiefly framed and carried through parliament by the metropolitan members, who were naturally desirous of being relieved from "the continually increasing number of poor within the cities of London and Westminster," and of being enabled to

⁴ See 'Report to the Poor Law Board on the Law of Settlement,' by George Coode, Esq., barrister-at-law; ordered by the House of Lords to be printed, May 15th, 1851.

transfer them to the country parishes by means of this Act. The restriction of the power of removal to individuals occupying tenements "under the yearly value of ten pounds," is a proof of the metropolitan origin of this portion of the bill; for nothing like a 10*l.* rental could be contemplated as the limit of removability in country parishes, where the cottages of the inferior labourers, and others whom the parish authorities might consider "likely to become chargeable," would at that time rarely exceed a rental of 20*s.*, and those of respectable mechanics and tradesmen not above twice or thrice that sum.

The dread of London becoming over-populous which prevailed from Elizabeth's days downwards, and the proclamations which were issued from time to time prohibiting the erection of new buildings, and against people unduly resorting thither, to which the frequent outbreak of pestilence was attributed, all pointed to some such power of removal as a fitting remedy, and would no doubt be urged in parliament as valid grounds for the present Act. The country members were seemingly unaware of the consequences that would ensue from such an enactment; and, participating in the apprehensions as to the over-peopling of London, acquiesced in the measure, which appears to have excited little attention, and was, it is most likely, considered nothing more than a defensive Act, to prevent the dangerous and burthensome congregating of vagrants in and around the metropolis.

If all the consequences had been foreseen, we can hardly doubt that the measure would have been opposed, possibly defeated. A fuller consideration of its provisions at the time, independently of any experience on the subject, might have shown that there were serious dangers connected with such a power as was proposed to be given—that to remove persons from a parish in order to prevent their becoming chargeable, might end in practically restricting them through life to their place

of birth, destroying every incentive to independent exertion, and perpetuating ignorance, poverty, and a low state of civilization. We now know that such have been, to a great extent, the consequences of this measure, notwithstanding the frequent emendations it has received; and this might have been foreseen, as well as the frauds, ill feeling, and expensive litigation which have arisen out of it, if more consideration had been given to the subject before legislation was finally resorted to. But the habitual congregating of the vagrant classes in London, and the dread of pestilence likely to be thereby engendered, appear to have overborne or neutralised all other considerations at the time, and hastened the passing of the Act.

By this statute the industrious labourer, if driven from his place of birth by want of work, deficiency of wages, or any other cause, is made liable, on his entering another parish, to be laid hold of by the parish authorities and sent back, on the ground that he is likely to become chargeable—his only certain exemption from such liability being the occupation of a tenement of not less than 10*l.* yearly value. A like obstruction awaited the labourer or artizan who might seek to better his condition by changing his place of abode. He could nowhere feel certain of not being treated as an intruder. His claim of country was contracted to the boundaries of his parish or place of birth, within which alone the law allowed him a right of domicile, and to which therefore it was natural that he should limit his efforts and restrict his sympathies. We have accordingly seen the labourers, through the force of habit and dread of change, cling to their parish with a tenacity which no temptation could loosen. They felt that there was no security for them beyond its pale, and that, if they attempted to leave it in search of something better elsewhere, they would certainly be sent back, sooner or later, and not improbably be placed in a worse position than before.

We have also seen parishes "cleared" of labourers, and other parishes improperly burthened with them, to the easement of the one and the serious injury of the other; for these labourers, having become "settled" in the burthened parish, are entitled to be there relieved, although they may be employed in another parish, which, under the influence of a selfish policy, had been "cleared" of the labourers, who in the natural course of things would and ought to have been residing there.

These and other consequences actually arising out of the present Act, ought to have been foreseen; but no apprehensions of the kind appear to have occurred to the framers of the measure, whose only object seems to have been the repression of vagrancy, and the prevention of persons unduly congregating in London and Westminster. If they had been influenced by larger views, instead of sending back to his place of settlement a person who was destitute, or deemed likely to become so, they would have seen that all which was necessary, all that humanity or sound policy required, was to afford needful relief to destitution in the place where it occurred; taking care, at the same time, to give it in such form and on such conditions as that it should not have the effect of tempting applicants, encouraging idleness, or promoting improvidence. With relief so provided for the really destitute at the public charge, mendicancy and vagrancy would become public offences, and might properly be prohibited and subjected to punishment; and this, moreover, with a reasonable prospect of success.

The phrases "coming to settle," and "legally settled," in this Act, are not used in the sense in which the term "settled" came afterwards to be understood, but rather as it was regarded in the *27th Henry 8th, cap. 25*, and in the *1st Edward 6th, cap. 3*.^{*} The latter directs that

* Ante, pp. 121 and 131.

an idle vagrant should be branded with the letter V, and be sent to the place of his birth, and there compelled to labour as the slave of the inhabitants; but the impotent poor are directed to be conveyed to the place where they were born, or most conversant, and there nourished of alms. The vagrant and the impotent poor (neither class very numerous as compared with the entire population) are the only parties noticed in any preceding Act, in connexion with a settled domicile: but the present Act extended this connexion to all, with the exception of those persons only whose circumstances enabled them to occupy a tenement of the yearly value of 10*l.* and upwards; and the whole of the industrious and respectable labouring classes throughout the country were thus subjected to a restriction, which had previously been applied only to the idle and the impotent—to the vagrant, whose vicious habits it was necessary for the well-being of the community to punish and restrain; and to the infirm and impotent poor, whose wants it was necessary, on the score of humanity, to mitigate and relieve.

These latter classes, who alone seem to have come under the purview of the framers of the bill, and with whom alone the Act professed to deal, may not perhaps have been subjected to greater restriction than was at that time necessary, for securing adequate relief to the one and a proper control over the other. But with respect to the rest of the population, the industrious classes, on whose intelligence and energy the welfare of the community so much depends, the case is widely different. There could have been no grounds for imposing such restrictions upon them. If in pursuance of their natural and undoubted right, they quitted the place of their birth or casual abode in search of a better field for the exercise of their industry, they only fulfilled a duty which they owed to themselves and their country; and ought to have been assisted in such an endeavour,

instead of being restrained in its exercise, as they are by the present Act.

The power of removal thus established, was at first, in all probability, applied to vagrants and the infirm poor only, and some time may have elapsed before the industrious classes became aware of the existence of this power. But its operation would be no sooner felt, by the enforced return of a labourer who had wandered from his parish in search of employment, or with the view of bettering his condition, than all similarly ambitious efforts on the part of others in that parish would be checked. The self-reliance and hopefulness which stimulate to adventure, and which led the labourers forth in search of an improved position, and often imbued them with faculties for turning whatever fell in their way to the best account—these qualities, so valuable in a population, would all be paralyzed, or so modified as to operate only within the limits of their own parish, beyond which the labourer's wishes and efforts would rarely extend. He would, in fact, become a kind of serf, or slave of the soil, and his social position would be lowered accordingly.[†]

The species of bondage to which the labouring classes are subjected by the provisions of this statute is, however, in some degree mitigated by its *3rd section*, which declares “that it shall be lawful, this Act notwithstanding, for any person or persons to go into any county, parish, or place, to work in time of harvest, or

[†] The Hon. Roger North, in his discourse on the tendency of the Poor Laws, written about the period of the Revolution in 1688, but not made public until 1753, observes with respect to settlement—“Surely it is a great imprisonment, if not slavery, to a poor family to be under such restraint by law, that they must always live in one place, whether they have friends, kindred, employment, or not, or however they might mend their condition by removing, and all because they had the ill luck to be born or to have served or resided a certain time there. Such persons, if they had spirits, have no encouragement to aspire to a better condition, since, being born poor and in a place which gives no means to be otherwise, they are not allowed to go and search it elsewhere, and if they find it they are not permitted to entertain it. Then their spirits sink, and they fall into a sottish way of living, depend on the parish, who must, however wretchedly, maintain them.”

at any time to work at any other work, so that he carry with him a certificate from the minister of the parish, and one of the churchwardens, and one of the overseers of the poor, that he has a dwelling and is declared an inhabitant there." And in such case, if he fall sick, or does not return when his work is done, it is not to be accounted "a settlement," but he may be removed back to his former place of abode by order of two justices, as is prescribed in other cases. This provision, obviously intended to mitigate the stringency of the previous enactment, would seem to imply that the consequences of its unrestricted application were not altogether unforeseen. It was probably devised by the country members, whom it would enable to obtain labourers at harvest-time, without burthensome to themselves. Such labourers must, however, come from towns or villages, for no rural parish would spare any of its people at so busy a season. The rural labourer who applied for a certificate, would certainly be refused by some one, if not by all, of the three whose signatures were necessary to make it valid, unless indeed the character of the applicant were such as rendered his absence desirable; in which case the parish authorities might readily grant him the required certificate, and thus transfer to others that which was useless or burthensome to themselves. But so far as the good and well-conducted agricultural labourers were concerned, this certificate system could have little effect; they would continue chained to their parishes by a kind of necessity, which they would find it impossible to break through.

The other provisions of the Act are of little importance, compared with those relating to settlement. They chiefly refer to the establishment of workhouses within the bills of mortality, and the apprehending of rogues and vagabonds and setting them to work therein, which is indeed a further proof of the metropolitan origin of the

statute. Workhouses appear to have been regarded at that time with much favour, as affording means for employing the poor and preventing vagrancy. There were various publications on the subject both then and subsequently; but they all assumed that manufacturing operations might in such institutions be carried on with profit in a commercial sense, as well as with advantage in other respects.

This was the view taken of the institution of workhouses by that good man and eminent judge, Sir Matthew Hale, and which he explained in 'A Discourse touching Provision for the Poor,' written certainly before the passing of the present Act, which it does not notice, and probably before the Restoration, although not published until 1683, six years after his death. His opinions on the subject were, however, in all probability known to many persons at this time, and would have much weight with his contemporaries both in and out of parliament. He recommends "that justices of peace at the quarter sessions should distribute the parishes in their several counties into divisions—one, two, three, four, five, or six parishes to a workhouse, according to their greatness or smallness; and to build or procure a convenient workhouse in each division for employing the poor, and for lodging materials, and for instructing children in trade or work; and to choose a master for each workhouse with convenient salary, and two overseers to see to the issuing and return of the stock, and to take accounts of the same; and that the master and overseers of every workhouse should be incorporated, and be accountable to the quarter sessions; and that, if any person, not able to maintain himself, and able to work, shall refuse to do so, he may be forced thereunto by imprisonment and moderate correction in such workhouse."

Sir Matthew
Hale's 'Dis-
course
touching
Provision
for the Poor.'

He then proposes several judicious regulations for

the government and management of these workhouses; after which he points out in much detail the advantages of his plan. "For," he says, "no person will have need to beg or steal, because he may gain his living better by working; and no man will be so vain, and indeed hurtful to the public, as to give to such as beg, and thereby to encourage them, when he is sure they may gain their living by working. And all the laws against vagrants, beggars, and wanderers, will be then effectually put in execution, when we shall be sure they may be employed if they will; but till that, the interdicting and punishing of the beggars and givers seems a most unreasonable piece of imprudence as well as uncharitableness." He then adds, "By this means the wealth of the nation will be increased, manufactures advanced, and everybody put into a capacity of eating his own bread." And he concludes with recommending his plan as "a debt which we owe to our nature as men, a work highly necessary to us as Englishmen, and our first duty as Christians." He further remarks, with great force and truth, that "The want of a due provision for the education and relief of the poor in a way of industry, is that which fills the gaols with malefactors, and fills the kingdom with idle and unprofitable persons, that consume the stock of the kingdom without improving it, and that will daily increase, even to a desolation, in time. And this error in the first concoction is never remediable but by gibbets and whipping. But there must be a sound, prudent, and resolved method for an industrious education of the poor, and that will give better remedy against these corruptions than the after-gains of penalties can." *

It is not a little remarkable, that the plan of uniting

* Sir Matthew Hale's 'Discourse' is given at length in Dr. Burn's 'History of the Poor Laws,' published in 1764, and the chief and essential portions of it are given and commented on by Sir F. Eden in his work on the 'State of the Poor.' Both have been used in the above summary.

parishes, and providing a common workhouse, recommended by Sir Matthew Hale, should be almost identical with that which was actually established nearly two centuries after: but the similarity does not proceed further, for the modern workhouse is so ordered as to be a test of destitution as well as a medium for affording necessary relief; whilst Sir Matthew Hale proposed to make the workhouse a mart of industry and a source of profit, on the assumption that manufacturing occupations might be advantageously carried on in such establishments by means of a common rate—an assumption opposed to sound principle, and at variance with all subsequent experience. Although his proposal is open to objection in this respect, the testimony of Sir Matthew Hale, that workhouses for associated parishes afford the best means of dealing with the difficulties connected with the relief of the poor, is extremely important. His authority is of so much weight in matters of this nature, and he stands so deservedly high in general estimation, that the public will readily assent to what he so strongly recommends.

The 14th Charles 2nd, cap. 13, is entitled, ‘An Act prohibiting the importation of foreign Bone-lace, Cut-work, Embroidery, Fringe, Band Strings, Buttons, and Needlework;’ and I extract the preamble, as it affords an insight into the state of one branch of our manufacturing industry at that time. It begins by stating, that “great numbers of the inhabitants of this kingdom are employed in the making of bone-lace, &c., who, by their industry and labour, have attained so great skill and dexterity in the making thereof, that they make as good of all sorts as is made in any foreign parts, by reason whereof they have been heretofore able to relieve their poor neighbours, and maintained their families, and also to set on work many poor children and other persons who have very small means of living other than by their labours in the said art.” It is then de-

1662.
14 Chas. II.,
cap. 13.

clared that the persons engaged in this manufacture, have imported large quantities of thread and silk from foreign parts, to the benefit of the revenue, until of late that great quantities of foreign bone-lace, &c., have been brought into the kingdom by foreigners and others without paying any duty for the same, owing to which the said trade is much decayed, those employed in it much impoverished, the manufacture much decreased, and many thousand poor people like to perish for want of employment. The importation is then prohibited under penalty of forfeiture, and a fine of 100*l.*; and the selling or offering foreign bone-lace, &c. for sale, will subject the offender to forfeiture of the goods and a penalty of 50*l.* A formidable array of evils is here set out as consequent on the importation of this foreign manufacture, the chief of which are the loss to the revenue by smuggling, and the increase of the poor-rates by the numbers thrown out of employment. We gather from the above, however, that the first step in the process of lace-making was not at that time performed in England, the thread being, it appears, imported in great quantities; whilst in all probability the silk was also procured in a prepared state. Nevertheless, the extent of the manufacture, and the excellence it had attained, are evidence of the very considerable progress skilled labour had then made in England, and warrant an expectation of further improvement.

With the same view of promoting home manufacture, which, as we have just seen, led to prohibiting the importation of bone lace, the exportation of wool and fuller's earth was shortly afterwards prohibited by *The 14th Charles 2nd, cap. 18*. The recital states, "that great number of sheep, and great quantities of wool and fuller's earth, are secretly exported and conveyed into Scotland and other foreign parts, to the great decay of the woollen manufacture, the ruin of many families, and the destruction of the navigation

The importation of bone-lace prohibited.

1662.
14 Chas. II.,
cap. 18.

and commerce of the kingdom." And it is then enacted, that all such exporting of sheep, wool, or fuller's earth, or loading the same for exportation, shall subject the offenders to "suffer and forfeit as in case of felony." Of the policy of such restrictions little need be said. How far they are susceptible of being carried into effect may depend upon circumstances. But it is generally found that countries will contrive, in some way or other, to procure the commodities of which they stand in need; and it is surely better that this should be done in the way of open traffic, than that it should be effected covertly. By Scotland's being thus specifically included with "other foreign parts" to which sheep were not to be "exported," it would seem that little progress had yet been made towards a cordial union, notwithstanding the blandishments of James, and the rougher handling of Cromwell. The Scotch were now apparently turning attention to the improvement of their flocks, and they would doubtless find means to procure from beyond the border the new stock wanted for this purpose, in spite of the heavy penalty imposed by the present Act.

In the following year *The 15th Charles 2nd, cap. 7*, was passed, professedly "for the encouragement of trade." It declares that great quantities of land, at present lying waste or yielding little, might be improved to considerable profit, if encouragement were given for the laying out of cost and labour on the same. And it is therefore enacted, that when the prices of corn and grain, Winchester measure, at the havens or places where the same shall be shipped or laden, do not exceed—

	Per quartér.
Wheat	48s. 0d.
Barley or malt	28 0
Buckwheat	28 0
Oats	13 4
Rye	32 0
Peas or beans	32 0

—it shall be lawful “to ship and transport any of the said corns or grains unto any parts beyond the seas, paying the rates for the same granted by the ^{Export prices of corn.} Act of Tonnage and Poundage.” And it is also further enacted, that when the prices of corn and grain do not exceed the above amounts respectively, a custom and poundage rate shall be charged “on any which shall be imported from any parts beyond the seas,” whence it seems to follow that, when the prices shall exceed the above amounts, no custom or poundage rate will be charged on importation. For the reader’s convenience, I here insert, in parallel columns, the duties charged on export and import respectively, under the present Act, and that of “Tunnage and Poundage” (*The 12th Charles 2nd, cap. 4*), when the prices do not exceed ^{Duties on export and import.} those above stated :—

	<i>On export.</i>	<i>On import.</i>
	<i>Per quarter.</i>	<i>Per quarter.</i>
Wheat	12s. 0d.	5s. 4d.
Rye	10 0	4 0
Barley and malt	10 0	2 8
Buckwheat	10 0	2 0
Oats	6 8	1 4
Peas and beans	10 0	4 0

The liberty of exporting grain is thus only given when the market-price does not exceed a certain amount, and the same amount determines the duty to be paid on grain imported. The duties on export being fixed so much higher than those on import would naturally operate to check the former and encourage the latter, which was, no doubt, done with a view to securing the supply of the home market. With the same view, a further provision in this Act authorises all persons, when prices do not exceed the above, “to buy ^{Storing of grain permitted.} in open market, and to lay up and keep in granaries, and, after three months, to sell again, such corn or grain as, without fraud or covin, shall have been bought at or under the above prices, without in-

curing any penalty, any law or usage to the contrary notwithstanding."

These regulations continued in force for seven years, at the end of which a new arrangement with respect to the export and import of corn was established by ^{1670.} ^{22 Chas. II.,} ^{cap. 13.} *The 22nd Charles 2nd, cap. 13*, which, "for the further encouragement of tillage, and for the common good and welfare of the kingdom," enacts, that all sorts of corn and grain may be exported on payment of the prescribed duties, although the prices thereof shall exceed the rates set down in the previous Act;^b and then establishes the following regulations with regard to imports:—

	Duty payable per quarter.
Wheat may be imported when the price shall <i>not exceed</i> 53s. 4d. a quarter, on paying a custom and poundage duty of	16s. 0d.
When it <i>shall exceed</i> that price, and not be above 80s., on payment of	8 0
Rye, when the price doth not exceed 40s. a quarter, is subjected to an import duty of	16 0
Barley and malt, when the price doth not exceed 32s. a quarter, to	16 0
Buckwheat, when not exceeding 32s. a quarter	16 0
Oats, when the price does not exceed 16s. a quarter	5 4
Peas and beans, when not exceeding 40s. a quarter	16 0

But when the prices of the several sorts of grain shall exceed these rates at the time and place of importation, then the duties on imports established by the previous Act¹ are to be paid.

Every description of grain might now therefore be exported, without regard to price at the time, on payment of the duty prescribed by the "Tonnage and Poundage" Act. But with regard to imports, a higher duty is imposed than was previously fixed, until a certain price be attained, after which the previous import-duty is to be paid, the turning-price being however considerably higher than was fixed by the former Act. This applies to every description of grain except wheat, which, on being imported, is subjected to a duty of 16s.

^b The 15th Charles II. cap. 7.

¹ The 12th Charles II. cap. 4.

a quarter when the price does not exceed 53s. 4d.; and to a duty of 8s. a quarter when above that price, and not exceeding 80s. If it rise above 80s., we may presume it was intended that the duty should be altogether remitted. The price of wheat in Windsor market at the time of passing the present statute, in 1670, was according to the Eton tables 41s. 8d. a quarter, and of malt 36s. 6d. a quarter; and deducting 1-9th to bring the Windsor to the Winchester or statute measure, the prices would be respectively 37s. 0½d. and 32s. 5½d.; so there was a large margin for increase, before a reduction of duty could take place.

We can hardly fail of being reminded by a perusal of this Act, of the scale of duties established a century and a half later, for regulating the importation of corn. "The common good" was, on both occasions, the ostensible and avowed object; but it is impossible to doubt that the governing, although it may be the unconscious motive for such legislation, was the protection of the landed interest and the keeping up of rents.

We will now resume the consideration of the *The 15th Charles the 2nd, cap. 7*,^k which was interrupted for the purpose of bringing together 1663.
15 Chas. II.,
cap. 7. under one view the several enactments respecting the export and import of corn. The 4th section of the Act commences with this preamble: "And in regard his Majesty's plantations beyond the seas are inhabited and peopled by his subjects of his kingdom of England, for maintaining a greater correspondence and kindness between this kingdom and the plantations, and for keeping them in a further dependence upon it, and rendering them yet more advantageous unto it, and making this kingdom a staple, not only of the commodities of those plantations, but also of the commodities of other countries and places for supplying of them"—it is then enacted that "no commodity, the production or manu-

^k Ante, p. 306.

facture of Europe, shall be imported into any English colony, but what shall be *bonâ fide* laden and shipped in England, in English shipping, and whereof the master and three-fourths of the mariners at least are English, and which shall be carried directly thence to the said colonies, and from no other place whatsoever," under penalty of the loss of the commodities and the vessel importing them. By thus restricting the colonies in obtaining their supplies, the manufactures and shipping of England would no doubt be benefited; but in shutting out competition the great stimulus to improvement would be excluded, and the result might in the end prove injurious, although the exclusion may at first have operated beneficially. This observation, however, applies only to the mother country, for as regards the colonies, the restriction could not be otherwise than at all times injurious to them. Such was nevertheless the practice of that day, it being, as is asserted in the present Act, "the usage of other nations to keep their plantation trade to themselves."

As the colonies were subjected to restrictions for the benefit of the manufacturing and shipping interests, so again were these and the community generally subjected to restrictions for the benefit of the agriculturists. In the 10th section of the Act, it is declared that much of the richest and best land is employed in the fattening of cattle, and that, by the coming in of vast numbers of cattle already fatted, such lands are "much fallen, and like daily to fall more, in their rents and values, and in consequence other lands also, to the great prejudice and impoverishment of this kingdom." And it is then enacted, that, for every head of great cattle imported or brought into England, between the 1st of July and the 20th day of December in any year, there shall be paid a duty of twenty shillings, and for every sheep a duty of ten shillings. And in case of

Goods
imported by
the colonies
to be in
English
shipping
only.

evasion being attempted, a further sum of ten shillings is, by way of penalty, to be paid to the person Duty on the importation of cattle. who shall inform, or seize the cattle, and another sum of ten shillings to "the poor of the parish where such seizure or information shall be made." By thus preventing the importation of cattle between the 1st of July and the 20th of December, the English graziers would be secured in a market for their fat stock; whilst their foreign competitors, including the Scotch and Irish, would be able to interfere with them very little during the rest of the year.

I have dwelt thus long on the provisions of this statute, as they refer to matters of much social importance, and help to throw considerable light on the economical views then prevalent, as well as on the general circumstances of the country at that time. The same may indeed be said of *The 15th Charles 2nd, cap. 15*, 1663. 15 Chas. II., cap. 15. passed shortly after the preceding, which declares that vast quantities of linen cloth, and other manufactures of hemp and flax, and of tapestry hangings, are daily imported, to the great detriment of the kingdom and the non-employment of the poor, whilst "flax and hemp might be had here in Cultivation of flax and hemp encouraged. great abundance, and very good, if, by setting up the manufactures of such commodities as are made thereof, it would be taken off the hands of such as sow and plant the same:" it is therefore enacted, for encouraging the setting-up of such manufactures, that all persons whatsoever, whether natives or foreigners, may freely exercise the trade and occupation of breaking, hickling, or dressing hemp and flax, and spinning, weaving, making, whitening, or bleaching any sort of thread or cloth made of the same, and also the trade or mystery of making tapestry hangings. Foreigners who shall really and *bonâ fide* set up and use any of these trades the space of three years, are, on taking the oaths of allegiance and supremacy, entitled to all the

privileges of natural-born subjects. This was certainly a judicious enactment, both in its objects and in the mode by which they were sought to be attained. The careful attention now paid to all questions connected with trade, may be taken as a proof that it was better understood, and its importance better appreciated. This may in some degree have been owing to the example of Holland, with which there was now a constant intercourse. During the late troubles, moreover, Charles himself and his minister Clarendon, with many other of his adherents, chiefly resided in that country, and had witnessed the high state of opulence and civilization to which it had been raised by commercial industry, an example which could hardly be forgotten or disregarded on their return to England.

The next Act I shall notice is *The 15th Charles the 2nd, cap. 17*, for ‘Settling the Draining of the great Level of the Fens, called Bedford Level.’
1664.
15 Chas. II.,
cap. 17,
The Bedford
Level. It recites, that, after several fruitless attempts for draining the same, the great and noble work was undertaken “by Francis late Duke of Bedford, according to a law of sewers made at King’s Lynne, in the sixth year of the late reign, &c.” The Earl of Bedford and the other adventurers are now made a corporation for Fens, of which the Earl of Bedford is declared governor, and very elaborate provisions are enacted for regulating their proceedings. If, as has been said, the man who makes two blades of grass grow where one only grew before, is entitled to the gratitude of the community, the individuals who undertook the draining of this fenny, and, in its then state, nearly valueless tract of 95,000 acres, and brought it into profitable cultivation, must be admitted to have accomplished “a great and noble work, of much concernment to the whole country.” The example of the Dutch may, in this instance likewise, have had some influence, a great part of Holland having been in like

manner rescued from the waters and adapted to profitable culture. When the rivalry of neighbouring states is limited to promoting improvement and constructing works of utility, it is beneficial alike to both. The rivalry between the Dutch and the English was in part only of this nature, for it gave rise to a war deadly and protracted, of which we shall shortly have to speak.

With the increase of trade, English shipping demanded continually-increasing attention; and the king, indolent and careless in most other matters, was generally disposed to attend to this, in which his brother, the Duke of York, always took a lively interest. An important Act was now passed (*The 16th Charles 2nd, cap. 6*) 'to prevent the Delivering up of Merchant Ships.' The Act recites, "that masters and commanders of merchant-ships do often suffer their ships to be boarded and the goods to be taken out by pirates and sea rovers, notwithstanding they have sufficient force to defend themselves, whereby the merchants are much prejudiced, and the honour of the English nation is much diminished." It is then enacted, that if the commander of any English ship of the burthen of two hundred tons or upwards, and mounted with sixteen guns or more, shall yield the same to any Turks, pirates, or sea rovers, without fighting, "he shall be thenceforth incapable of taking charge of any English ship or vessel as master or commander thereof;" and a like penalty is imposed upon the master of any vessel of less burthen and fewer guns who shall yield without fighting to any Turkish ship, pirate, or sea rover, "not having at the least double his number of guns." The seamen and inferior officers refusing to fight and defend their ship, are to forfeit their wages, and suffer not exceeding six months' imprisonment at hard labour; and if the master is hindered from fighting, and compelled to surrender his ship by the violence and disobedience of his crew,

1664.
16 Chas. II.,
cap. 6.

Against
surrendering
to "Turks,
pirates, and
sea-rovers,"
without
fighting.

all so offending are to suffer death as felons ; but mariners wounded in defending and saving a ship are to be rewarded.

Six years afterwards another Act was passed, extending the reward granted to mariners wounded in defending their ships, to the widows and children of those who are slain in the performance of that duty. This Act (*The 22nd and 23rd Charles 2nd, cap. 11*) further provides for the better encouragement of building good and defensible ships, by allowing persons who shall "build, or cause to be built, any ship or vessel of three decks with a forecastle, and five feet between each deck, mounted with thirty pieces of ordnance at least," *one-tenth part* of the customs payable on the goods exported or imported in such ship, for the first two voyages to any foreign parts ; and persons who shall build ships of two decks, above three hundred tons and thirty guns, *one-twentieth part*. This was doubtless an effectual way to promote the building of large "defensible" vessels, and was probably adopted with a view to offensive operations as well ; for when so constructed they might, on occasion, be used as ships of war.

The 18th and 19th Charles 2nd, cap. 2, is entitled 'An Act against importing Cattle from Ireland, and other parts beyond the Seas.' The late Act 'for preventing the coming in of vast numbers of Cattle, whereby the Rents of Land were much fallen,'^m is declared to have been found ineffectual ; and it is further declared, that the "importation either of lean or fat cattle, dead or alive, is not only unnecessary but very destructive to the welfare of this kingdom, and is a public and common nuisance." The constables, tithingmen, headboroughs, churchwardens, and overseers of the poor, are therefore, within their respec-

1670-71.
22 and 23
Charles II.,
cap. 11.

Encourage-
ment for
building good
and defen-
sible ships.

1666.
18 and 19
Charles II.,
cap. 2.
Against
importing
cattle.

^m Ante, p. 310.

tive parishes and places, empowered to seize all such cattle; and in default of proof, by the oath of two credible witnesses, "that the same were not imported from Ireland or other place beyond sea," the same are to be forfeited, one half to the poor of the parish, and the other half to his use that shall so seize the same.

It appears, however, that this prohibition was disregarded, for in the following year the 19th and 20th Charles 2nd, *cap.* 12, declares that great number of cattle, &c., were still imported, and that divers of the constables and parish officers living near the sea, combined with the owners of such cattle, &c., for colourable seizures; wherefore it is enacted, that any other person may seize the cattle, &c., so wrongfully imported, and deliver the same to the officers, "to be kept, ordered, and disposed as is before directed;" and if the officers or inhabitants of the parish or place where any such cattle, &c., shall be imported, fail to seize the same, the inhabitants are for every default to forfeit the sum of 100*l.*, "for the use of the house of correction within the county or liberty where such default shall be." Any ship bringing cattle, &c., from Ireland or any place beyond sea, is to be forfeited, and may be seized and sold, one-half the money thereby raised to go to the poor of the parish, the other half to the use of him who shall seize the same; and the master and mariners having charge of any such ship, and the persons employed in landing, driving, or taking charge of the cattle, sheep, swine, beef, pork, or bacon so imported, are to be committed to the common gaol for three months. And further, if any persons shall conspire to evade the seizures and forfeitures upon importation of cattle, &c., in this Act specified, every such person, being thereof lawfully convicted, "shall incur the dangers, pains, penalties, and forfeitures of premunire."

These enactments afford another instance of the difficulty of stopping short of an exhaustion of penalties,

1667.
19 and 20
Charles II.,
cap. 12.
Against
importing
cattle.

if it be attempted to enforce restrictions which are opposed to the general wishes, wants, and interests of a people. In the present instance it is clear, notwithstanding the declaration to the contrary, that the cattle and provisions were wanted, on account of price or other sufficient reason, else they assuredly would not be imported; and the attempt made in these two Acts to deprive the people of a natural and necessary supply, for the purpose of benefiting a small class or section, was both unjust and impolitic, and would certainly end in failure; whilst by the creation of new and artificial crimes, and cumulative penalties and punishments, the sense of moral right would be outraged, and the feelings of the people arrayed against the law, instead of going with it, and giving to it support and efficiency.

The 18th and 19th Charles 2nd, cap. 4, entitled 'An Act for the encouragement of the Woollen Manufactures of the Kingdom,' directs that no person shall be buried "in any shirt, shift, or sheet" other than what is made of woollen only, upon pain of forfeiting the sum of 5*l.* to the use of the poor. This statute was re-enacted in 1678, with many additional provisions for detecting and punishing evasions of the law, and, among other things, directing parsons, vicars, and curates to keep a register of burials. The frequent appropriation of fines and penalties to objects connected with the relief of the poor, which appear in the Acts of this period, shows that the Poor Law was now in full operation, and recognised as one of the permanent institutions of the country.

We have now reached a most eventful period in the history of our country. At the end of the year 1665 England was involved in war with Holland, France, and Denmark; and a dreadful plague raged in London, scattering the inhabitants and destroying a hundred thousand persons before it entirely subsided. Whilst this fearful pestilence was

1666.
18 and 19
Charles II.,
cap. 4.

1665.
The great
plague, and
war with the
Dutch.

raging in the metropolis, the English fleet encountered that of the Dutch off Lowestoft, on the 3rd of June, and after a sanguinary engagement, in which the Dutch admiral was blown up with his ship and crew, and eighteen other Dutch ships were taken, sunk, or destroyed, they were compelled to retreat to their own harbours.

The Dutch displayed wonderful energy in re-equipping their fleet. The English were less active; but the two fleets again met on the 1st of June in the following year, and after four days' hard fighting, with various success, the fleets were separated by a fog, neither being in a condition to renew the combat, which, for duration and the desperate courage exhibited on both sides, was perhaps the most memorable naval engagement the world has ever known. In the following month both fleets were again at sea, and a deadly struggle was once more made for the mastery. Victory now declared against the Dutch, who were driven back, shattered and disheartened, to the Texel.

A more fearful calamity even than foreign war was now at hand: the great fire of London broke out in the night between the 2nd and 3rd of September of this year, and raged with uncontrollable fury for three days, destroying nearly the whole of the city. Not disheartened by this awful visitation, the parliament again voted liberal supplies for continuing the war; but the Dutch nevertheless found us so ill prepared, that they were enabled with a powerful fleet to insult our coasts, enter the Thames, and destroy the fortifications at Sheerness, and even to put London itself into a state of the greatest alarm. This disgrace was deeply felt, and was attributed to the improvidence and corruption of the court, which had also, the people believed, by its gross immorality, brought down the Divine vengeance upon the nation.

Shortly after these events, peace was concluded with

Fire of
London,
September,
1666.

the Dutch, each country being left nearly as before, except that both were impoverished by the war. Some sacrifice was, however, thought necessary for appeasing the people, and the Chancellor Clarendon, the most honest and able of the king's ministers, was dismissed from office, and escaped impeachment by retiring into France. The "Cabal" ministry was then formed. The Duke of York openly declared himself a member of the Church of Rome. The king submitted to become a pensioner of France, and joined Louis the Fourteenth in his war against the Dutch, and in his designs for conquering the Flemish provinces. In May, 1672, the combined English and French fleet encountered the Dutch fleet under De Ruyter at Solebay, and after fighting the entire day, the fleets separated, miserably shattered, and without advantage on either side. The year following, there were three several engagements between the combined and the Dutch fleets, all desperately fought, and all without any decided advantage to either party. In the early part of 1674 peace was, however, again made with the Dutch, the public feeling in England being strongly opposed to a continuance of the war, and the preponderating influence of France then exciting much jealousy and apprehension.

This short sketch of what was passing at this time seemed necessary, as the events exercised, and long continued to exercise, an important influence on the circumstances of the country, especially with regard to shipping and commerce, in which a large amount of capital was embarked, and no inconsiderable portion of the population were engaged.

The 18th and 19th Charles 2nd, cap. 8, entitled 'An Act for rebuilding the City of London,' is very interesting and important as affecting the security of property, and the health and comfort

1671.
Peace with
the Dutch.

1674.
War with
the Dutch.

1668.
18 and 19
Charles II.,
cap. 8.

of persons of every class residing in or resorting thither. The Act recites, that the City of London had been by a most dreadful fire lately burnt down and destroyed, and now lies buried in its own ruins. For the speedy restoration whereof, and to the end that great and outrageous fires may be prevented in ^{The re-building of London.} future, minute regulations are established for the erection of the new buildings. Four sorts of houses are described, to some one of which every new structure is to conform. The buildings are to be all of brick or stone, and to have party walls; and the height and thickness of the walls, and the roofing of each sort of house, is prescribed. Thirty-nine new churches are ordered to be erected, and a duty of a shilling a ton is laid on coals to defray the cost of the public buildings. The benefits of this Act have extended to the present day; and if all the plans of Sir Christopher Wren had been adopted, the benefits would have been still greater. But private interests, and the amount and diversity of property affected, prevented the entire adoption of the plans he proposed, which were admirable as a whole, and which, although in part only acted upon, entitle him to be regarded as a public benefactor, and warrant the high estimation in which he continues to be held as an architect.

The 19th and 20th Charles 2nd, cap. 11, is entitled 'An Act to regulate the Trade of Silk Throwing.'

It appears that the master and wardens, and part of the commonalty, of the trade or mystery of silk-throwers of the City of London, had endeavoured to put in execution an old by-law that restrained the freemen from working with above one hundred and sixty spindles, which is now declared to be a great hindrance, depriving many thousand poor families of livelihood, and putting traders to the necessity of using foreign thrown silk. The said by-law is therefore made void, and no by-law is to be made in future to

1667-8.
19 and 20
Charles II.
cap. 11.

“restrain or limit the number of mills, spindles, or other utensils used by the freemen in the said art or mystery, or to limit the number of apprentices to be taken by any of the freemen.” The restrictive by-law thus abrogated, aimed at no more than what has at some time or other been attempted by every trading or manufacturing community, with a mistaken view to their own particular benefit, as if it were possible for them to prosper as individuals, unless their “trade, craft, or mystery” prospered likewise, to which prosperity all such restrictions are positive bars. The silk-trade would now appear to have attained considerable importance in England.

A pernicious practice, arising out of a disturbed and ill-conditioned state of society, appears at this time to have prevailed in some parts of the country, to arrest which *The 22nd and 23rd Charles 2nd, cap. 7*, was passed. The Act commences by reciting that “divers lewd and evil-disposed persons have of late secretly practised unlawful and wicked courses, in burning ricks and stacks of hay, corn, and grain, destroying buildings and trees, and cutting, maiming, wounding, and killing horses, sheep, beasts, and other cattle.” For prevention whereof, and discovery of the offenders, it is enacted, that all persons convicted of any of the above offences shall suffer as in case of felony, unless such offender, “to avoid judgment of death, shall make his election to be transported beyond seas to any of his Majesty’s plantations, for the space of seven years,” before which if he returns, “he shall suffer death as a felon.” The practices here denounced, and subjected to merited punishment, have since unhappily prevailed at different periods, causing alarm, distrust, and ill feeling towards the working and poorer classes, who are all thus made to suffer through the criminal practices of an evil-disposed few. It seems almost superfluous to

1670-71.
22 and 23
Charles II.,
cap. 7.

Burning
stacks and
injuring
cattle sub-
jected to
transporta-
tion.

remark that such practices cannot be too strongly reprobated, even for the sake of the poor themselves, independently of all other considerations; and we may hope that the spread of education and intelligence will prevent their recurrence, and that the master-class will see it to be their interest, as well as their duty, to cultivate a kindly intercourse with those whom they employ, and to watch over and promote their comfort and well-being.

The 22nd and 23rd Charles 2nd, cap. 18, is entitled ‘An Act for the better regulating of Work-
houses for setting the Poor on Work.’ This 1670-71.
22 and 23
Charles II.,
cap. 18.
Workhouses
in the
metropolis. wording is general, but the Act really applies to the metropolitan parishes only. It would seem that some irregularities had occurred with respect to the corporations created by the 14th Charles 2nd, cap. 12,^a for the putting of which Act more effectually in execution, and that the poor of the several parishes within the weekly bills of mortality may for the future be duly provided for according to the intent and meaning of that Act, the present statute is enacted. It directs that all moneys assessed, or to be assessed, in pursuance of the said Act, since the 1st of March, 1665, shall be collected and paid to the treasurers of the respective corporations by or before the 29th of September, 1671. And that all moneys already collected shall be paid to the said treasurers by or before the 1st of June, 1671. And that the officers of the said corporations, and their treasurers, shall make and give quarterly accounts to the justices of peace, and they are not to raise any more moneys until there be a just account given to, and allowed by, the said justices. It further provides that the money to be levied in any of the said parishes, in any year, shall not exceed one-fourth of the poor-rates for that year; and likewise, that no assessment under the said Act shall be made on any of the parishes after the

^a Ante, p. 293.

29th of September, 1675, at which time therefore, it appears, the power of levying money for these corporations and workhouses, separately from the poor-rate, will cease, and they will come under the provisions of the general law.

About this time, likewise, *The 22nd and 23rd Charles*
1670-71.
22 and 23
Charles II.,
cap. 20.
Insolvent
debtors. 2nd, cap. 20, was passed, a measure not strictly

appertaining to the Poor Law, but yet having an important bearing upon the condition of the people. It is entitled ‘An Act for the Relief and Release of poor distressed Prisoners for Debt;’ and it recites, “Forasmuch as many persons now detained in prison are miserably impoverished, either by reason of the late unhappy times, the sad and dreadful fire, their own misfortunes, or otherwise, so as they are totally disabled to give any satisfaction to their creditors, and so become, without advantage to any, a charge and burthen to the kingdom; and by noisomeness (insuperably incident to extreme poverty) may become the occasion of pestilence and contagious diseases, to the great prejudice of the kingdom”—It is therefore enacted that any justice of the peace may, on the petition of a person imprisoned for debt, administer to him an oath to the effect that “he has no real or personal estate, in possession, reversion, or remainder, of the value of 10*l.* in the whole, or sufficient to pay the debt;” and may give a certificate thereof to be served upon the creditor, who is thereupon required to appear with the said debtor before the justices at the next quarter sessions, where if the oath be not disproved by good testimony, the said justices, being satisfied therein, are to discharge the said prisoner without fee or chamber-rent. If the creditor shall notwithstanding insist on the prisoner’s continuing in gaol, then he is “to allow and pay weekly such reasonable maintenance to the said prisoner as the justices shall order, not exceeding eighteen pence a week; and upon non-payment of the same weekly,

the said prisoner is to be set at liberty." Although obviously open to some objection, and liable to be abused, this was surely on the whole a judicious Act. No good could arise from keeping a man in confinement, who has not the means of paying his debt. It must, however, at the same time be admitted, that the certainty of being thus released, may have the effect of making a man somewhat less careful of getting into such a predicament. This was the beginning of the law in aid of insolvent debtors.

The whale-fishery had hitherto been carried on entirely by the Dutch, but it was now determined to participate with them in that lucrative and adventurous pursuit; and accordingly, *The 25th Charles 2nd*, ^{1672.} ^{25 Chas. II.} ^{cap. 7.} *cap. 7*, was passed, 'For the encouragement of the Greenland and Eastland Trades.' The Act declares that all persons residing in England, whether native or foreigners, may freely embark in the Greenland trade, and that whale-fins, oil, and blubber, taken in vessels belonging to England, may be imported free of duty; whilst oil of foreign fishing is subjected to an import duty of 9*l.* a ton, and whale-fins of foreign fishing to a duty of 18*l.* a ton. Liberty is also given for half the crew of the vessels engaged in whale-fishing to be foreign harpinierers, without being liable to extra duty; but all such vessels are to be built and equipped in England, and are to sail direct from thence. It is further enacted, "for encouragement of the ^{Encouragement of the Greenland and Eastland trade.} Eastland trade," that all persons, whether natives or foreigners, shall have free liberty to trade into Sweden, Denmark, and Norway, notwithstanding the charter granted to the Eastland Company, of which any English subject is, on demanding the same, to be admitted a member. A laudable solicitude is here manifested for encouraging trade, and in this instance the course taken was certainly in the right direction, by lessening duties and removing restrictions.

The interval between the enactment of the above statute and that of the next requiring notice, was a very unsettled period, full of alarms, jealousies, and discontent. The immoralities of the Court, and the dissolute conduct of the higher classes, the open adherence of the king's brother and probable successor to the Church of Rome, and the suspected leaning that way of Charles himself, together with the mismanagement of the affairs of the country, and the gross corruption pervading every department of the government, all tended to excite feelings of distrust and apprehension, in which parliament largely participated.

At other times, when the public feeling was disturbed by like jealousies and apprehensions, Acts^o had been passed for the strict observance of Sunday, which was always held a point of duty by Protestants of every denomination, whilst the Romanists were less strict in this respect; and any failure in the strict observance of Sunday was therefore regarded as proof of a leaning to Romanism. Accordingly, *The 29th Charles 2nd, cap. 7*, was now passed, 'For the better observation and keeping holy the Lord's Day, commonly called Sunday,' and directing that all the laws in force concerning the observance thereof, and repairing to church thereon, be carefully put in execution; "and that no tradesman, artificer, workman, labourer, or other person whatsoever, shall do or exercise any worldly labour, business, or work of their ordinary callings, upon the Lord's day, or any part thereof, works of charity and necessity only excepted." It is further ordered, with a view to discourage Sunday travelling, that if any person should be robbed when travelling on that day, the inhabitants of the hundred shall not be answerable for the robbery, any law to the contrary notwithstanding; but in order

1677.
29 Chas. II.,
cap. 7.
Observance
of Sunday.

^o See ante, p. 258.

that robbers may not thereby be encouraged, the counties and hundreds, after notice to them given, are to make "fresh suit and pursuit after the offenders, with horsemen and footmen, according to the statute,^p upon pain of forfeiting to the king as much as might have been recovered against the hundred by the party robbed, if this law had not been made."

The king's niece, the Princess Mary, was this year (1677) married to the Prince of Orange. This young prince (afterwards William the Third) was known to be a firm Protestant, and he had shown such high talents and admirable courage in resisting the grasping ambition of Louis the Fourteenth, that he was regarded as the chief bulwark of Europe against both French and Romish aggression. Called early, and at a period of overwhelming difficulty, to occupy the first place in the government of his country, one-half of which was then overrun by the armies of France, he persuaded the States to reject the humiliating conditions sought to be imposed upon them, and to put an end to negotiations which only served to weaken their courage and give confidence to their oppressor. He exhorted them to imitate their ancestors, who had preferred liberty to every other consideration, and had beaten back the disciplined armies of Spain. When asked by a timid or a treacherous counsellor, if he did not see that the commonwealth was ruined? he replied, There is one certain means by which I can be sure never to see my country's ruin—I will die in the last ditch. The alliance with the Prince of Orange was therefore hailed with the utmost satisfaction by the people of England, who saw in it a promise of security for their liberties and protection for their religion, and derived from it confidence for the future, as well as present repose and contentment.

1677.
William,
Prince of
Orange,
marries the
Princess
Mary.

^p 27th Elizabeth, cap. 13.

But the tortuous and vacillating conduct of the king, and his subserviency to France, again kindled distrust and apprehension, and the development of the so-called "Popish plot" threw the nation into a state of excitement and panic which, in the present day, it is difficult to comprehend. The parliament assembled

1678.
30 Chas. II.,
cap. 1.

in October, and under the influence of these alarms, passed *The 30th Charles 2nd, cap. 1*, 'for more effectually preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament.' This Act was

Papists
disabled from
sitting in
parliament.

evidently aimed against the Duke of York, whose exclusion from parliament was, in the then excited state of the public mind, regarded by many as only preliminary to excluding him from the succession. The Treasurer Danby was impeached. Fears and jealousies were every day increasing. The king became alarmed, and dissolved the parliament, which had sat ever since his restoration, a period of more than seventeen years. A new parliament met early in the following year (1679), under circumstances of great disquiet. The Duke of York had retired to Brussels, and a Bill, excluding him from the succession, passed the Commons by a large majority; but it proceeded no farther, and not long afterwards the parliament was prorogued—not, however, without having previously passed the Habeas Corpus Act, for which this session is entitled to the gratitude of posterity.

The important statute of Habeas Corpus (*The 31st Charles 2nd, cap. 2*) confirms and extends the protection against arbitrary imprisonment, established by the 'Bill of Rights.' It prohibits any English subject being sent to a prison in Scotland, or beyond sea, and provides that every prisoner who applies for a writ of "habeas corpus" shall, within three days, be brought into court, and have the cause of his imprisonment openly certified. It also provides

1679.
31 Chas. II.,
cap. 2.
The Habeas
Corpus Act.

that every prisoner shall be indicted the first term after his commitment, and be tried in the term following, and that, after acquittal, no one shall be tried again for the same offence. This statute could not fail of exercising an important influence on the character and condition of the people, no one being so high as not to feel his liberty secured by it, and none so low as to be beyond its protection. It was only further necessary that the seat of judgment should be freed from undue influence or control, which was subsequently attained by making the judges irremovable; after which, any man accused of transgressing the law, was secure of having a fair and a speedy trial.

Shortly after the passing of this Act, the parliament was dissolved in heat and ill-humour, and in the following October another parliament was assembled, but in no better disposition towards the Court; and this again was dissolved in the succeeding January.

In the same year (1681) another new parliament was assembled, but it now met at Oxford, 1681.
A new parliament assembled at Oxford. where it was expected it would be more conformable to the wishes of the Court. This expectation was not realised however, and it was likewise dissolved after a brief sitting, thus making three new parliaments in little more than two years. Parliament again dissolved. But this was the last of the present reign, and henceforward Charles may be said to have aimed, like his father, at subverting the constitution, and governing absolutely without the intervention of parliament.

No doubt the heats and jealousies which disturbed the latter years of the present reign, were as much owing to religious as to political differences. The dread of popery lay at the root of much that took place, and Shaftesbury gave utterance to the feeling which almost universally prevailed, when he said that "popery and slavery, like two sisters, go hand in hand; and some-

times one goes first, and sometimes the other ; but wheresoever the one enters the other is always following close behind." In the distractions of this unhappy period, much that was wrong was done on both sides. There were many victims, and among others, the amiable and patriotic Lord Russell, who was sacrificed not to popular but to regal vengeance.

Charles had at length succeeded in rendering himself for a time nearly absolute, but he probably lived under the dread of a reaction, and became gloomy and dejected. He appeared unhappy, and his health visibly declined. On the 2nd of February, 1685, he suffered an attack resembling apoplexy, and on the third day afterwards he expired, in the 55th year of his age. It would be beyond our province to attempt a description of the character of Charles the Second ; but it may be permitted to express regret at the state of degradation to which he had reduced the country by his misgovernment, and to lament the immoralities which disgraced his reign, and to which his own example afforded countenance, if it did not furnish a stimulant. He died a Roman Catholic, receiving the sacrament and absolution according to the rites of that Church, thus proving the suspicions entertained with regard to his religion well founded, and that his entire life had been a tissue of deceit.

James the Second succeeded to the crown on the death of his brother, and forthwith issued a proclamation, directing the customs and other branches of revenue to be paid as theretofore, although this could not legally be done without the sanction of parliament, which was however summoned shortly afterwards ; and its first Act was to settle on the king for life, the same revenues which had been granted to his predecessor. Its second Act was to attain the Duke of Monmouth (the natural son of the late king)

1685.
Death of
the king.

James II.,
1685-1688.

of high treason, he having landed in Dorsetshire, assembled a considerable force, and laid claim to the crown. Parliament granted the king a large subsidy for suppressing this ill-concerted attempt, which was soon put down, and Monmouth himself, with many of his misguided followers, were executed. In disregard of the existing law, on the first Sunday after his brother's funeral the king went in state to attend mass, and he afterwards sent an agent to Rome to make his submission, and to prepare for re-establishing the papal authority in England.

It will only be necessary to notice two Acts of the present reign. One is *The 1st James 2nd*,^{1685.}
cap. 17, providing for the continuance of ^{1 James II.,}
certain "good and wholesome laws," and among ^{cap. 17.}
these is the "Settlement Act,"^a which is continued for seven years. The *3rd section*, after reciting that "poor persons at their first coming to a parish do commonly conceal themselves," enacts that the forty days' continuance in a parish, intended to make a settlement, shall be computed from the delivery of notice in writing "of the house of his or her abode, and the number of his or her family, to one of the churchwardens or overseers of the poor." We thus see that the Law of Settlement had already begun to produce its natural fruits, and that further restrictions were found necessary for preventing the frauds to which it was calculated to give rise. The forty days of probation within which, under the original Act, a person might be removed, and which it appears had been evaded, are now made to commence from the date of the notice which, on entering a parish, every person is required to give of his family and place of abode. This would, it was supposed, prove effective for preventing a fraudulent concealment of residence, and it

^a The 13th and 14th Charles II. cap. 12. See p. 293.

must be confessed that the notice here required to be given seems well adapted for that purpose.

The other statute of this reign requiring notice, is
1685.
1 James II.,
cap. 18. *The 1st James 2nd, cap. 18*, entitled ‘An Act
 to encourage the building of Ships in England.’

It declares that “for some years past, and especially since the laying a duty upon coals brought into the river Thames,” shipbuilding has greatly decayed, and that, owing to the freedom enjoyed by foreign ships and vessels bought and brought into this kingdom, equal to that of English-built ships, the merchants and others have not been able to build as formerly, “which hath caused many of our English shipwrights, caulkers, and seamen to seek employment abroad,” whereby the building-trade is decayed, and the importation of timber, iron, hemp, and other commodities used in building and fitting-out ships, is greatly lessened, to the loss of employment for shipping, and all trades dependent thereupon, and to the great advantage of foreign nations. It is therefore enacted that all foreign ships and vessels which shall hereafter be bought and brought into England, and employed in carrying goods or merchandise from port to port, shall pay five shillings a ton above the duties payable on goods and merchandise in English-built ships, one-half for the use of the chest at Chatham, the other half for the relief of wounded and decayed seamen, their widows and children. Foreign-built ships, already belonging to English owners, are, in like manner and for like purposes, to pay one shilling a ton extra. Whether shipbuilding had decayed, as asserted, cannot now be ascertained; but an extra duty of five shillings a ton on foreign-built ships would, no doubt, secure the coal and coasting trade to those of English build, although at the cost of the home consumers, who would have to pay for the commodities as much more proportionally as the freight in English ships exceeded

Duty
imposed on
foreign-
built ships.

what would be charged by foreigners or in foreign-built vessels. The consequence of an increase of charge is shown in the Act itself, which points to the "laying a duty upon coals brought into the Thames" as one cause of the decay in shipbuilding. In the above list of articles imported and used in building and fitting-out ships, iron is included. What a contrast does this present to what is seen at the present day, when nearly the whole world is supplied with iron from England—such is the change which has taken place in little more than a century and half!

In his address to the parliament, on its assembling in November, the king had assumed a high and authoritative tone. He told them that the militia had been found of little use in the late rebellion, and that he had therefore raised a regular force, comprising certain officers not qualified for employment according to the existing law, but that he had dispensed with its provisions in their favour, and he demanded a supply for the maintenance of this new army. It was known that a preference had been shown for Roman Catholics in selecting the officers for this new force; and it was also known that commissions had been given to certain Roman Catholic noblemen to raise troops for opposing Monmouth. At this time, moreover, numbers of French Protestants were compelled, by the revocation of the Edict of Nantes, to seek refuge in England, and they everywhere made known the persecutions to which they had been subjected on account of their religion. The old abhorrence of popery and dread of tyranny were thus revived, and the Commons, before granting a supply, voted an address, praying the king to dismiss all such officers as refused to take the test; and the Lords showed equal zeal in the cause. This address was very ill received by the king, who with much anger and vehemence refused to comply with its prayer. Shortly afterwards he prorogued the parlia-

ment, which never met again ; and after four other prorogations it was dissolved, James apparently intending to govern in future without a parliament, as his father and his brother had each attempted to do.

1685.
Parliament
dissolved.

Having thus freed himself from the control of parliament, James proceeded unchecked in his career of absolutism, continually outraging the religious feelings of the people, by an open display of devotion to a church whose machinations they feared, and whose doctrines they abhorred. The Court was filled with persons of that persuasion, both lay and clerical ; “ many new chapels were opened, a colony of Carmelite friars was established in the City, a body of Franciscans in Lincoln’s-inn-fields, a community of Benedictine monks at St. James’s, and the Jesuits opened a large school in the Savoy.”^r The pope’s nuncio was openly received, and father Petre, a Jesuit and the king’s confessor, was raised to the dignity of a privy councillor, and by the king’s command took his seat accordingly ; whilst in Ireland, Tyrconnel, the lord deputy, took all opportunities of dismissing Protestants, civil as well as military, and filling their places with Romanists.

These proceedings excited great alarm throughout the country, and most people now turned their eyes towards the Prince of Orange, the king’s nephew and son-in-law, and who in right of his wife had heretofore stood next in succession to the crown. But this was no longer the case, for after the death of his first wife, the daughter of Clarendon, the king had married Mary of Modena, who had just given birth to a son ; so that there could be no hope of a Protestant successor, and the most gloomy apprehensions prevailed. In the Prince of Orange seemed to lie the only chance of safety. In him alone the nation could confide for

^r See Lingard’s ‘History of England,’ vol. viii. pp. 379 and 411. Lingard was himself a Roman Catholic.

defending its liberties and protecting its religion ; and all parties, Whig and Tory, Churchman and Dissenter, united in inviting him over. The prince responded to the invitation, and after various delays and impediments, which it required all his genius and resolution to overcome, he landed in Torbay with a considerable force on the 5th of November, 1688, and published a declaration setting forth the object of his coming.

1688.
William
Prince of
Orange lands
at Torbay.

Before quitting Holland, the prince had taken leave of the States in a solemn public audience. He thanked them for their kindness to him from his childhood, and assured them of his gratitude. The confidence they then placed in him was, he said, unbounded ; and he prayed that God might blast all his prospects, if he did not make them a suitable return. He was departing on a foreign expedition, not to dispossess others of their rights, but to establish their religion on a permanent basis. He recommended the princess to their protection ; and of this he prayed them to be assured, that if he fell, he should fall their servant ; and if he lived, he would live their friend. He was answered on behalf of the States by the Pensionary Fagel, who said, that such confidence did they repose in the prince's wisdom and patriotism, that they had unreservedly placed their army, their navy, and their treasure in his hands. They had ordered a solemn fast to be observed through the seven provinces for the success of his arms ; and they earnestly prayed that God would render him the deliverer and protector of the Protestant faith. One thing only they begged of him in return, that he would not unnecessarily expose his person. The loss of him would be to them a greater calamity than the loss of both army and navy.*

His taking
leave of the
States.

This scene is said to have made a deep impression on

* See Lingard's 'History of England,' vol. viii. p. 471.

all who were present ; and I notice it here, although it does not strictly come within the limits of our present subject, in order to show the high estimation in which William of Orange was held in his own country, of which he had been the deliverer, before he came as a deliverer to England. I have done so likewise, for the purpose of marking the contrast between the simple and elevated sentiments of William and his compatriots, and the low and degrading influences that prevailed in the Court, and to some extent pervaded the country, during the reign of the Stuarts. It was indeed full time that higher motives, juster views, and a purer morality should be implanted, to save the nation from becoming utterly corrupt ; and in this respect William may also be said to have been a deliverer.

On the prince's landing, the king became alarmed, and retracted such of his measures as had given most offence ; but it was then too late. The number who at first joined the prince was less than he had been led to expect, but he nevertheless continued to advance, and was every day joined by increasing numbers of all classes. The king's cause was soon seen to be desperate, and he endeavoured to quit the country, but was apprehended at Faversham and brought back. After a time, however, and to the relief of all parties, he again escaped and crossed to France : thus showing himself as feeble in maintaining his authority, as he had been forward in claiming implicit obedience ; and affording a memorable example of the instability of sovereign power, when unsupported by the confidence of the people.

William entered London on the 18th of December, and was received with universal acclamations. On the 21st he summoned the peers to deliberate on the state of the country, and advise him as to what should be done ; and shortly afterwards he invited all who had sat in the House of Commons during the reign

James
escapes to
France.

William
enters
London.

of Charles the Second, together with the aldermen of London, and a deputation of the common council, to attend him for the like purpose. It was determined, both by the peers and commons, that a convention of the states of the realm should be summoned, and that in the interim the prince should take upon himself to administer the government. This was no light task, but William set about it with his accustomed vigour, and singleness of purpose. All magistrates were continued in office. The revenue was ordered to be collected, and a loan of 200,000*l.* was obtained from the City, such was the reliance on the prince's word. In a few days all disorder was at an end; everything wore its usual aspect, and a sense of security everywhere prevailed.

On the 22nd of January, 1689, the Convention assembled, consisting of about ninety Protestant peers, lay and clerical; all the commoners who had sat in any parliament of Charles the Second (about 150); and the lord mayor, the aldermen, and 50 common councillors of London. The Convention resolved that James, by withdrawing himself from the kingdom, had abdicated the government, and that the throne was thereby become vacant; and a Bill was passed settling the crown upon the prince and princess of Orange, and afterwards on the princess Anne. A similar convocation had been assembled in Scotland with a similar result. In both cases the prince abstained from interfering with the deliberations, and declared his readiness to abide by the sense of the country, whatever it might be.

1689.
Convention
parliament
assembled.

The crown
settled on
William and
Mary.

This great revolution, which has ever since been regarded as the final settlement of the English constitution, was thus effected without bloodshed, and with the smallest possible amount of violence and disorder. Down to that period, the three elements combined in it, instead of working harmoniously within their respec-

tive orbits, had often been seen in a state of antagonism, the aristocratic element at one time predominating, the kingly at another, and then the democratic. The conflicts between these several powers appeared to have terminated at the restoration of Charles the Second, when the constitutional limits of each were openly declared and recognised; but the want of principle in Charles, and the bigotry of the late king, together with the exalted notions of sovereign authority inherited by both, led them each to aim at rendering themselves independent of their two co-ordinates, and substituting an absolute for a constitutional government. The result of these attempts has just been seen; and with respect to the future, a declaration of rights, framed by the Convention as an accompaniment to the Act settling the crown, defined the rights of the people, the privileges of parliament, and the limits of the royal authority, with such precision as thenceforward left no room for doubt or difference.

The Bill of
Rights
passed.

It may possibly be thought that these events have been dwelt upon at greater length than was necessary with reference to our immediate subject; but the revolution which placed William of Orange on the throne of England, constituted a grand epoch in the history of the English people, and exercised so important an influence on their social condition, that it could hardly have been more briefly noticed. It has been well remarked by Mr. Macaulay, that "the highest eulogy which can be pronounced on the revolution of 1688 is this, that it was our last revolution. Several generations have now passed away since any wise and patriotic Englishman has meditated resistance to the established government. In all honest and reflecting minds there is a conviction, daily strengthened by experience, that the means of effecting every improvement which the constitution requires may be found within the constitution itself."

CHAPTER VIII.

William and Mary — Convention Parliament — Repeal of hearth-tax — Exportation of corn — Irish war — Tithe of hemp and flax — Revision of the law of settlement — Increase of poor-rates — Progress of the Poor-Law — Population in 1688 — Increase of wealth — Price of wheat — Highway robberies — Button manufacture — Shipbuilding — Triennial Act — Coinage — Greenwich Hospital established — Growth of hemp and flax — Bank of England — East India Company — Amendment of settlement-law — Manufacture of lustrings — Peace of Ryswick — Exportation of corn — The “seven barren years” — Reduction of the army — Inland navigation — Vagrancy — Act of settlement — War of the Spanish succession — Death and character of William — Progress of the Poor-Law — Mr. Locke’s report on the poor — Bristol workhouse — Amount of poor-rates — Population in 1701 — Wages — Mr. Gregory King’s scheme — Summary of events in William’s reign.

THE first Act of the Convention Parliament was to impart a legal sanction to their proceedings.

Accordingly *The 1st William and Mary, cap. 1*,^a ^{1689.} ^{1 William and Mary, cap. 1.} was passed ‘For preventing all Doubts and Scruples which may arise concerning the Meeting, Sitting, and Proceeding of this present Parliament;’ and it enacts that the Lords Spiritual and Temporal, and Commons, there sitting on the 13th of February, are the two Houses of Parliament, and so shall be adjudged, notwithstanding any want of writs of summons, or other defect of form. “And that this and all other Acts shall be taken and adjudged in law to begin and commence upon the said 13th of February, on which day their Majesties, at the request and by the advice of the lords and commons, did accept the crown and royal dignity of king and queen of England.”

The collection of the tax imposed by the 14th Charles

^a The Convention Parliament assembled on the 22nd January, 1689, but in the ‘Statutes of the Realm’ all the Acts are headed as being passed in 1688, the year then ending in March, as it continued to do until the reformation of the style in 1751.

2nd, cap. 10, of 2s. annually for every fire-hearth and stove, commonly called "hearth-money," was much complained of by the people, and in proof of the new government's readiness to attend to their wishes, the tax was abolished by *The 1st William and Mary*, 1689. 1 William and Mary, cap. 10. cap. 10, which declares, "that the said tax cannot be so regulated but that it will occasion many difficulties and questions, and that it is in itself not only a great oppression to the poorer sort, but a badge of slavery upon the whole people, exposing every man's house to be entered into and searched at pleasure by persons unknown to him."

The 1st William and Mary, cap. 12, is entitled 'An Act for encouraging the Exportation of Corn.' It declares that the exportation of corn, when the price is low in this kingdom, "hath been found by experience a great advantage, not only to the owners of land, but to the trade of this kingdom in general;" and it then enacts, that when the prices of grain shall not severally exceed—

	A quarter.
For malt or barley	24s.
„ rye	32
„ wheat	48

—every merchant or other person exporting the same on board an English ship, whereof the master and two-thirds of the crew are British subjects, shall be entitled to a bounty of 2s. 6d. a quarter on barley or malt, 3s. 6d. a quarter on rye, and 5s. a quarter on wheat, whether ground or unground. These bounties were intended to bring about an exportation, which in the natural course of things would not have taken place; and if large stocks of grain were at that time accumulated, such a forced exportation might afford a certain relief to the corn-grower: but this relief would be obtained at the cost of the rest of the community, and might be followed by proportionally higher prices whenever a less abundant or deficient harvest

Bounty on
the exporta-
tion of corn.

occurred.^b The price at and under which the exportation of wheat would now be entitled to a bounty of 5s. a quarter, is the same as was fixed in 1663, by the 15th *Charles 2nd.*^c for allowing its exportation, namely, 48s., subject then, however, to an export duty of 12s. a quarter. In 1670 exportation was permitted without restriction on payment of the above duty,^d but the duty on importation depended upon an assumed medium price of 53s. 4d. In that year, the price of wheat in Windsor market, according to the Eton tables, was 37s. 0½d. a quarter, statute measure; and the average price for the whole of the 17th century is stated by Mr. Tooke, on the authority of Arthur Young, to have been 38s. 2d. a quarter.^e

England and Scotland were now in quiet subjection to William's government, but in Ireland the Roman Catholics, headed by Tyrconnel, declared for James, who with a French force joined his Irish adherents, and endeavoured to bring the Protestants of Ulster under subjection, in which however he failed, owing to the gallant resistance he everywhere encountered, and particularly at Londonderry and Enniskillen. Parliament was not unmindful of what was passing in that country, and by *The 1st William and Mary*, cap. 13, granted a poll-tax of 10s. on every 100l. of income, towards reducing Ireland to subjection, declaring at the same time, that they were highly sensible of the deplorable condition of the king's protestant subjects there, occasioned by the rebellion of the Earl of Tyrconnel and his adherents. War was also, on an address from the Commons, declared against France.

James, with
a French
force, lands
in Ireland.

1689.
1 William
and Mary,
cap. 13.

^b Mr. Tooke, in his 'History of Prices,' vol. i. p. 29, says, "It is impossible to discover any cause for the remarkably low prices from 1685 to 1692, but that of a succession of favourable seasons, acting upon a probably extended cultivation."

^c See ante, p. 306.

^d See ante, p. 308.

^e See Tooke's 'History of Prices,' vol. i. p. 55.

The Convention Parliament was dissolved in January, 1690, and in March a new parliament assembled, to whom William declared his intention of proceeding to Ireland. He had already sent thither a considerable force, and on the 14th of June he landed at Belfast, and was speedily joined by volunteers from all parts of the country. James retired southwards behind the Boyne, which William crossed on the 1st of July, and defeated his opponents, heading the attack himself. James quitted the field shortly after the action commenced, and fled first to Dublin, and then to France. But it was not until October in the following year (1691) that the Irish war was brought to a close by the surrender of Limerick.

1690.
A new
parliament
assembled.

Battle of the
Boyne, and
surrender of
Limerick.

The 3rd William and Mary, cap. 3, entitled 'An Act for the better ascertaining the Tithes of Hemp and Flax,' is deserving of notice, as showing the view taken by parliament of the value of these crops, especially in affording employment. The Act commences by reciting, that "the sowing of hemp and flax is exceeding beneficial to England, by reason of the multitude of people that are and would be employed in the manufacturing of those two materials, and therefore do justly deserve great encouragement." And "whereas the manner of tithing hemp and flax is exceeding difficult, creating thereby grievous chargeable and vexatious suits between parsons, vicars, impropriators, and their parishioners," it is enacted that four shillings per acre shall in future be paid for tithe of flax or hemp, the same to be recoverable as other tithes in case of non-payment by the grower. As far as the difficulties complained of were removed by this statute, it would doubtless be beneficial; and its declaration of the importance of growing hemp and flax, which is in accordance with the views of the best informed agriculturists of the present day, would probably lead to their increased cultivation.

1691.
3 William
and Mary,
cap. 3.

It again became necessary to revise the law of settlement, and important additions were made to it by the 3rd *William and Mary*, cap. 11, which declares that the 14th *Charles 2nd*, cap. 12, and the 1st *James 2nd*, cap. 17,¹ “have been found by experience to be good and wholesome laws,” and they are accordingly continued. “But forasmuch as the said Acts are somewhat defective and doubtful, for supplying and explaining the same,” it is now enacted, “That the forty days’ continuance in a parish intended by the said Acts to make a settlement, shall be accounted from the publication of a notice in writing, which the person shall deliver of his or her abode, &c., to the churchwarden or overseer of the poor, which notice the churchwarden or overseer is required to read or cause to be read publicly on the next Lord’s day, immediately after divine service, in the church or chapel of the said parish. And the said notice is to be registered in the book kept for the poor’s accounts.” The mere delivery of a written notice to a churchwarden or overseer, as before directed, was, it appears, found to be insufficient, and the notice is now therefore required to be read publicly in church, so that all the parishioners may be made aware of the new comer, and perhaps have also a voice in ejecting him, if their officers should be remiss or over indulgent. Should the churchwarden or the overseer neglect to read the notice, or to register the same, as directed, he is in every such case made liable to a penalty of 40s., leviable by distress.

This Act further provides, that a person who serves any public annual office in a parish during one whole year, or who pays his share towards the public taxes or levies of the parish, shall be deemed to have a legal settlement therein. And also, that if any unmarried person be

1691.
3 William
and Mary,
cap. 11.
On settle-
ment.

Settlement
acquired by
holding
office, or
paying rates,
or serving
for a year,
or being
apprenticed.

¹ Ante, pp. 293 and 329.

lawfully hired in any parish for one year, such service shall be deemed a good settlement therein. And likewise, that if a person shall be bound an apprentice and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement. These were all important extensions of the settlement law, or rather of the conditions on which settlement is based : But the serving an office, hiring for a year, binding and habitation as an apprentice, are all matters liable to question, and to become in lapse of time subjects of litigation, as in fact we know them to have largely been.

Some embarrassment had apparently been caused by parish officers refusing to receive persons removed by order of justices under the *14th Charles 2nd, cap. 12*,^s that Act only providing in such case that the officers might be indicted. By the *9th section* of the present Act a more summary mode of punishment is established ; and if any churchwarden or overseer shall thereafter refuse to receive any person so removed, they are to forfeit five pounds to the use of the poor of the parish from which the person was removed, "to be levied by distress and sale of the offender's goods, under warrant of any justice of the peace of the county, riding, city, or town to which such person was removed."^a

The Act then proceeds (*section 11*), "And whereas many inconveniences do daily arise in cities, towns, and parishes, where the inhabitants are very numerous, by reason of the unlimited power of the churchwardens and overseers of the poor, who do frequently upon

^s Ante, p. 293.

^a The Hon. Roger North, in his Discourse written about this time, when the effects of the law had already become apparent, says, "The poor are imprisoned in their towns, and chained down to their wants, so that they are deprived of means to mend their condition, if their own wits or their friends should suggest any, by removing to places more proper for them either for sort of work or of friends to employ them. But if any chance to move for an experiment, they are then sent back, and tossed from pillar to post in carts, till they return to their old settled misery again. No town willingly receives a poor man, though they want poor people to do the ordinary works of husbandry, because they say his family may become a charge to the parish." See also ante, p. 300.

frivolous pretences (but chiefly for their own private ends) give relief to what persons and number they think fit, and such persons, being entered into the collection bill, do become after that a great charge to the parish, notwithstanding the occasion or pretence of their receiving collection (or relief) oftentimes ceases, by which means the rates of the poor are daily increased, contrary to the true intent of the statute of Elizabeth:" for remedying of which, and preventing like abuses in future, it is enacted that a book or books should be kept in every parish, wherein the names of all persons who receive collection are to be registered, with the date when they were first admitted to have relief, and the occasion which brought them under that necessity. And yearly in Easter week, or oftener if necessary, the parishioners are to meet in their vestry, or other usual place, before whom the said book is to be produced; and all persons receiving collection are to be then called over, and the reasons of their taking relief examined, and a new list made and entered of such persons as shall be thought fit to receive collection; and no other person is to be "allowed to have or receive collection at the charge of the said parish, but by authority under the hand of one justice of peace residing within such parish; or if none be there dwelling, in the parts near or next adjoining, or by order of the justices in their respective quarter-sessions, except in cases of pestilential disease, plague, or small-pox, for and in respect of such families only as are or shall be therewith infected."

Persons
relieved to
be registered
and examined
by the vestry.

The 12th section of the Act records another instance of maladministration. It recites that "many church-wardens and overseers of the poor, and other persons interested to receive collections for the poor, and other public moneys relating to the churches and parishes whereunto they belong, do often misspend the said moneys, and take the same to their own use, to the

great prejudice of such parishes, and the poor and other inhabitants thereof." And it further states, that when actions were brought against such churchwardens and overseers to recover the moneys so misapplied, the judges sometimes refused to admit the parishioners as witnesses, although they were "the only persons that could make proof thereof;" and it is now therefore enacted, that any parishioners, except such as receive alms, pensions, or gifts out of the collections, shall be admitted to give evidence in all such cases.

Parishioners
may give
evidence in
suits insti-
tuted by the
parish.

We thus see that, at the end of ninety years from the 43rd of *Elizabeth*, serious abuses prevailed, as well in the collection as in the application of the poor-rates. The churchwardens and overseers are here first complained of, as dispensing the funds with which they were intrusted to improper objects, and likewise as improperly applying them to their own use. The instances of such misappropriation may possibly not have been at that time very numerous, or very flagrant; but in some shape, and to some extent, they would doubtless occur, being more or less incidental to all parochial government. The degree and extent would depend much upon circumstances, and upon the prevailing character of the period. Where corruption is rampant in high places, a low state of moral feeling may be looked for in the rest of the community. This was the case in England during the reigns of the Stuarts; and it is not therefore improbable, even at that early stage of the Poor-Law, that the abuses above complained of may have largely prevailed. The legislature sought to devise a remedy by interposing the authority of the parishioners in vestry, which would, no doubt, prove beneficial by securing publicity; but there would still be party feuds, and occasional partialities and favouritism; and so long as the poor-rates continued exclusively under parochial management, without other

control or effective supervision, abuses would be sure more or less to prevail.

The amount of the poor-rates in England and Wales at this time (1691) ~~has~~ been variously estimated, but there is no account that can be ^{1691.} ^{Amount of} ^{poor-rates.} relied upon as being accurate. In 1677, Andrew Yarranton (as quoted by Sir F. Eden),¹ in a work entitled 'England's Improvements by Sea and Land,' estimates them at upwards of 700,000*l.*; and in a table prepared by Mr. Gregory King, on data said to be collected, with great labour and expense, by Mr. Arthur Moore, "a very knowing person," also quoted by Sir F. Eden, the poor-rates for England and Wales, in the latter end of Charles the Second's reign (say between the years 1680 and 1685), are estimated at 665,362*l.* We may, therefore, perhaps venture to set them down as amounting, in 1691, to nearly 700,000*l.* Mr. Gregory King's table contains an estimate of the population by Davenant, founded upon the number of houses on the hearth-tax books, in each county, at Lady-day, 1690, which are 1,319,215. Davenant allows six persons to a house, and makes the population amount to 7,915,290; but this is evidently an exaggeration. Mr. Gregory King takes the same data of the hearth-tax books, and, after making certain allowances and corrections, he assumes that in 1696 there were 1,300,000 inhabited houses in England and Wales, and, reckoning 4·17 persons to a house, and allowing 77,440 for soldiers, sailors, and vagrants, he estimates the entire population in 1696 at five millions and a half, or the same as we took it to be at the Restoration in 1660.^k But if Mr. King had allowed 4½ persons to a house, as he would probably have been warranted in doing, it would have given a quarter of a million more. On the whole,

¹ See Sir F. Eden's 'State of the Poor,' vol. i. pp. 198 and 230; also M'Culloch's 'Statistical Account of the British Empire,' vol. i. p. 398.

^k See ante, p. 278.

it may, perhaps, be assumed that, at the Revolution in 1688, the population of England and Wales was somewhat over five millions and a half, and that the poor-rates amounted to rather more than two shillings and sixpence per head on the population.

1688.
Population.

This charge of the poor-rate was deemed oppressive; it was much complained of at the time, and many pamphlets were written, and many schemes promulgated, and suggestions made, with a view to lessening the burthen. All these schemes, however, united in recommending that employment of some kind, either in workhouses specially adapted for the purpose, or in some other way, should be found for poor persons who were willing to work, and that those who were not willing should be compelled to labour. In all, moreover, it was assumed that such employment would be remunerative, and there seems to have been no apprehension of its interfering in any way with the independent labourer, or that it would derange the natural operation of supply and demand in the labour market.

But not only was the poor-rate felt to be oppressive,—it was, at the same time, seen to be rapidly increasing, which gave rise to serious alarms for the future. Thus, in a pamphlet entitled ‘Bread for the Poor,’ printed at Exeter in 1698, quoted by Mr. Ruggles, and attributed to Mr. Dunning, it is stated that the charge of maintaining the poor in some parishes in Devonshire had, within sixty years, “advanced from 40s. to 40*l.* a year; in others twice that sum, and mostwheres double within twenty years, and like to double again in a short time;”¹ and the poor’s-rate of the entire county, estimated at 38,991*l.*, is declared to be 30,000*l.* more than it was fifty or sixty years before. The writer then assumes

Alarms at
the continual
increase of
the poor-
rates.

¹ Ruggles’ ‘History of the Poor,’ pp. 91 and 93.

that the poor-rate in Devonshire is in the proportion of 1 to 21 with the rest of the kingdom, and the entire amount in 1650 is, on this data, set down at 188,291*l.*, and in 1698 at 819,000*l.* This certainly does appear a formidable increase in half a century; and if it could be reasonably inferred that such a rate of increase would continue, it might warrant the apprehensions which at that time seem to have been felt. But in 1650 Elizabeth's law was not yet in full operation, although each succeeding year it was becoming more and more so; and thus the charge would, independently of any inherent tendency so to do, go on increasing in amount, until the law was universally acted upon, and until the cases requiring relief, and the relief afforded, attained a certain equilibrium.

The continually progressive increase of the poor-rates in the first century after the passing of the 43*rd* of *Elizabeth*, presented therefore, if rightly considered, no grounds for alarm. Such an increase ought to have been looked for, as the natural consequence of establishing an organised system of relief where none had existed before; and its ratio would necessarily lessen, as the object for which the relief had been established was fulfilled. At the same time however, it must be admitted, that there is in Poor-Law relief a strong tendency to increase, and that careful supervision is necessary to keep it within its due and legitimate bounds, without which it might become a positive evil. This tendency, and the danger thence arising, must have been perceived, and will account for the alarm which prevailed on the subject at this time and at certain subsequent periods.

The increase of Poor Law relief is not, taken singly, a proof of increasing poverty in the great mass of the people, neither does it indicate a diminution in the general wealth of the country. It may, indeed, be viewed as indicating the reverse: for where wealth

most abounds, there will relief be most abundant—want ever dogging wealth at the heels. Hume, quoting from Sir Josiah Child, says “that, in 1688, there were ^{1688.} on the 'Change more men worth 10,000*l.* than ^{Increase of wealth.} there were in 1650 worth 1,000*l.*; and that 500*l.* with a daughter was, in the latter period, deemed a larger portion than 2,000*l.* in the former; and that besides the great increase of rich clothes, plate, jewels, and household furniture, coaches had augmented a hundred-fold.”^m A Board of Trade was established; our colonies in America were greatly strengthened and extended; English shipping rapidly increased; new manufactures in iron, brass, silk, &c., were formed. The art of dyeing woollen cloth, and of manufacturing glass and crystal, were introduced from Flanders and from Venice. On all sides, in short, unmistakeable evidences of growing wealth and improvement were at this time apparent, coincident with an increasing charge for the relief of the poor—which, although assuredly not a source of wealth, may be taken as indicative of its existence, and as being calculated to promote its security, by preventing the occurrence or mitigating the pressure of extreme want in individual cases.

The price of wheat in Windsor market, as given in the Eton tables for Lady-day 1689, was 30*s.* a quarter; in 1690 it was 34*s.* 8*d.*, and in 1691 it was 34*s.*, which, deducting 1-9th to bring Windsor to standard measure, will be 26*s.* 8*d.*, 30*s.* 10*d.*, and 30*s.* 2½*d.* respectively. Owing to unfavourable seasons the price was much higher throughout the eight following years, the average being 55*s.* a quarter; but for a like period afterwards it again fell to about the former level. Taking the average of the one period at 29*s.*, and of the other at 55*s.*, it will give a medium of 42*s.* for the sixteen years comprising periods of high and low prices, or 3*s.* 10*d.*

^m Hume's 'History of England,' vol. viii. p. 329.

a quarter above the average assumed for the whole of the seventeenth century.^a The general rate of wages appears to have continued nearly stationary, notwithstanding the increase of manufactures and other sources of employment, the demands of which must therefore have been supplied by the ordinary growth of the population. The war with France^o no doubt caused a drain of men, as well as a drain of money; but although at the time exhaustive, neither this war nor the war of the following reign, were probably in the end material checks to population, or to the increase of wealth; for by defeating the ambitious designs of Louis the Fourteenth, England acquired greater influence and consideration throughout Europe, and the people were stimulated to greater activity and enterprise in every department of industry and social improvement.

We learn from contemporary writers that robberies on the highway were now of frequent occurrence, and *The 4th William and Mary*, cap. 8, was passed expressly "for encouraging the apprehending of highwaymen." The highways and roads are declared to be of late more infested with thieves and robbers than formerly, for want of due and sufficient means being used for the discovery and apprehension of the offenders; "whereby so many murders and robberies have been committed, that it is become dangerous in many parts for travellers to pass on their lawful occasions." For remedy of this state of things, it is enacted that a gratuity of 40*l.* shall be given for the apprehension and conviction of every such offender, and in case any person should be killed in endeavouring to apprehend a robber, his heirs or executors are to be entitled to the reward; and as a further inducement "to take, apprehend, prosecute, and

1692.
4 William
and Mary,
cap. 8.

Highway
robberies.

^a See ante, p. 339.

^o War had been declared against France in 1689, on its espousing the cause of James II. See ante, p. 339.

convict such robber," his horse, arms, money, and other goods taken with him, are given to the person who apprehends him; and it is further enacted, that any robber, being at large, who shall discover and convict two other robbers, is to be entitled to a pardon for his former offences. The evil must have been great to warrant the application of such remedies, which lowered the dignity and moral purity of justice, by thus allying it with crime.

The 4th William and Mary, cap. 10, after reciting that, by the 14th *Charles 2nd*,^p foreign buttons made of thread or silk are prohibited to be imported or sold in England, goes on to state, that, because buttons made of hair are not expressly mentioned in the said Act, "many persons, enemies to the manufacturers of this kingdom, taking advantage of the said omission, do daily import such great quantities of hair buttons, that the button-trade of England is very much decayed, and many thousands of poor people that were formerly kept at work in the said trade are likely to perish for want of employment." The importation of hair buttons is now therefore specially prohibited. We gather from this Act, that a change in fashion had taken place in the preceding thirty years, buttons of thread and silk being superseded by those made of hair. These were also after a time supplanted by metal buttons of various kinds, which in their turn again gave place to those made of silk. This last change, however, caused much greater derangement than the preceding, the machinery used in making metal buttons being unsuited to any other material, and the skilled worker in metals being thereby unfitted for the manipulation of silk. These changes must always occasion loss and inconvenience, as well as a certain amount of privation and suffering to the people em-

1692.
4 William
and Mary,
cap. 10.

^p Ante, p. 304.

ployed; but industry and intelligence will speedily adjust the one, and find a remedy for the other.

We have seen what was done in the late reigns for the encouragement of shipbuilding.^a Another Act was now passed (*The 5th and 6th William and Mary, cap. 24*) ‘For building good and defensible Ships.’ It enacts, that all persons who shall, within ten years after the 1st of May, 1694, build or cause to be built any ships or vessels of not less than 450 tons burthen, having three decks, reckoning the orlop for one, and six feet between each deck, with a forecastle, quarter-deck, and round-house, and not less than ten ports of a side, mounted with two-and-thirty pieces of ordnance, eighteen on the lower decks of thirty hundredweight each at least, and those on the upper deck of two-and-twenty hundredweight each at least, with other ammunition proportionably, shall, for the first three voyages of every such ship, receive to their own use and benefit one-tenth of the customs duties that would be payable upon the goods exported and imported on the said ships. But it is also provided, that if, after the said first three voyages, any of such ships shall be altered, whereby they shall be made less defensible, then every ship so altered, with the guns, tackle, ammunition, and apparel thereof, shall be forfeited, one-half to the crown, the other half to the informer. The object of this Act is to encourage the building a larger description of vessels, with a heavier armament, than what is specified in the Act of Charles the Second;^r and it probably led to the building of many “good and defensible ships;” but vessels built and equipped as this Act requires, are adapted for long voyages and distant traffic, and for encountering the casualties of war, rather than for the purposes of general commerce.

1694.
5 and 6
William
and Mary,
cap. 24.

Encourage-
ment for
building good
defensible
ships.

^a Ante, pp. 313, 314, and 330.

^r Ante, p. 314.

Public attention had been of late much directed to the state of our shipping, in consequence of the generally unsatisfactory results of our naval operations; for although the fleets of England and Holland were acting in concert, they were unable to effect anything of importance against the naval power of France, with the exception of the battle of La Hogue in 1692, when the French, being outnumbered in the proportion of three to two by the combined fleet under Admiral Russell, were defeated with considerable loss of ships and men, but without loss of honour, which indeed was rather thought to be on the side of the victors.

The 6th and 7th William and Mary, cap. 2, recites, “that by the ancient laws and statutes frequent parliaments ought to be held, and that frequent new parliaments tend very much to the happy union and good agreement of the king and people;” and it enacts that a new parliament shall be called every third year, whence it has usually been called the Triennial Act. This important statute received the royal assent on the 22nd of December, 1694, and six days afterwards Queen Mary died of virulent small-pox, to the infinite grief of her husband, and deeply lamented by the nation.

After the death of the queen, a great accession of care and anxiety fell upon the king, whom many persons, forgetful alike of his high qualities and the benefits he had conferred on the nation, decried as a foreigner, and as being, since the death of his wife, no longer entitled to wear the crown. He stood now almost alone, a beacon amid the gloom, surrounded by disaffection, treachery, and corruption. Most of the public men of the day kept up a secret intercourse with the exiled family, and revealed the king’s plans and designs to the enemy. Fraud and dishonesty prevailed in every department, to an extent which it required all William’s vigilance, patience, and judgment to counteract, and

1694.
6 and 7
William
and Mary,
cap. 2.
Triennial
Act.

1694.
Death of
Queen Mary.

which only his high principle and indomitable courage enabled him to control. The people were not however insensible to his merits, and the parliament responded to his demand of supplies, for enabling him to oppose French aggression and maintain the liberties of Europe, of which he was now as emphatically the defender, as he had been of the liberties of England.

A new parliament was assembled in 1695, shortly after William's return from a successful campaign in Flanders; and this, his first parliament since he reigned alone, immediately passed 'An Act for remedying the ill state of the Coin of the Kingdom.' This, at all times a measure attended with much cost and difficulty, was now more especially difficult on account of the war, which brought a heavy expenditure upon the country, and interrupted the ordinary operations of trade. The Act (*The 7th and 8th William 3rd, cap. 1*) begins by reciting, that "a great part of the silver coin of the realm appears to be exceedingly diminished by persons who have practised the wicked and pernicious crime of clipping, until at length the course of the moneys within this kingdom is become difficult and very much perplexed, to the unspeakable wrong and prejudice of his Majesty and his good subjects in their affairs, as well public as particular; and no sufficient remedy can be applied to the manifold evils arising therefrom, without recoinning the clipped pieces." It was then determined to proceed with all possible expedition to a new coinage, strictly adhering to the established standard; and parliament provided 1,200,000*l.* by a duty on windows, to cover whatever loss might ensue. There was much controversy at the time with respect to this measure, and two men of great eminence, Newton and Locke, took a distinguished part in supporting it, wisely judging, that in a commercial country as England had then become, a sound currency is as essential as pure air is necessary to

1695.
7 and 8
William III.,
cap. 1.
For a new
coinage.

the individual. Prosperity may not always be secured by the one, nor health by the other: but without the first, commerce would be paralyzed; and without the last, health cannot be hoped for.

Mints were accordingly erected in York, Bristol, Exeter, and Chester, for the purposes of the recoinage, which perfectly succeeded; and in less than a twelve-month, the currency of England, which had been the worst in Europe, is said to have become the best. The people generally were deeply interested in this change, not alone on account of its influence upon the foreign trade through the medium of the exchanges, but also as it affected the rate of wages and the prices of commodities at home. A progressively depreciating currency is ever injurious to the working classes, who in effect go on receiving less and less for their labour, whilst they pay more and more for their subsistence. By establishing a real and permanent standard of value, a great boon was therefore conferred upon them, perhaps even greater than upon the rest of the community.

The 7th and 8th William 3rd, cap. 21, entitled 'An Act for the Increase and Encouragement of Seamen,' possesses peculiar interest, as by it that great national institution, *Greenwich Hospital*, was established. The Act recites, that "the seamen of this kingdom have, for a long time, distinguished themselves throughout the world by their industry and skilfulness in their employment, and by their courage and constancy manifested in engagements for the defence and honour of their native country." And for their encouragement, and to induce greater numbers to betake themselves to the sea, it is declared fit and reasonable that some provision should be made for those who, by age, wounds, or other accidents, become disabled, and also for the widows and children of such as shall be killed or drowned in the sea-

1695-6.
7 and 8
William III.,
cap. 21.
Greenwich
Hospital
established.

service. The king and the late queen had, by their letters patent, granted the palace and grounds at Greenwich as an hospital for such purpose; and commissioners with suitable powers were now appointed, and a sum payable annually out of the treasury is assigned, together with a payment of 6*d.* per month out of the wages of every seaman, both in the merchant-service and in the navy, "for the better support, carrying on, perfecting, and maintaining the said hospital." It is then enacted that all mariners, watermen, fishermen, lightermen, and seafaring persons generally, above eighteen and under fifty years of age, may register themselves for service in the royal navy; and every man so registered is to be allowed, whether in actual service or not, a bounty of forty shillings annually over and above such other pay as he may be entitled to in his Majesty's service. And every registered seafaring man, being disabled, and producing a certificate thereof from the captain, master, surgeon, and purser of his ship, is to be admitted into the said hospital, and there provided, during his life, with convenient lodging, meat, drink, clothing, and other necessaries. The widows and the children of seamen who are killed or drowned in the sea-service, and who shall not be able to maintain themselves, are also to be received into the said hospital, where the children are to be educated, and kept until they are fit to be put out, or able to maintain themselves. "All which shall be done so far as the said hospital shall be capable to receive such disabled seamen, and such widows and children, and as the revenues thereof shall extend for the purposes aforesaid."

By the people, and especially by the seafaring portion of them, the establishment of Greenwich Hospital was regarded as a great boon. It showed them that they were cared for. It excited their gratitude. It kindled emulation and a love of country, and it became a link between them and the Government, and has so

continued ever since. The system of registry was not of long duration, but *Greenwich Hospital* continues to fulfil the important ends for which it was instituted, and still stands in more than pristine dignity, with its river flowing in front, its wooded heights rising behind, and the Royal Observatory cutting the sky in the background. These are all objects of interest and beauty, watched for, admired, and pondered over by the crews of every vessel arriving or departing from the port of London, and of every craft passing or repassing on the Thames. Foreigners view the structure with admiration, natives with pride. The aged seamen point to it as a haven of rest, and with the young it is an incentive to a sailor's adventurous life. To the wise benevolence and patriotism of William and Mary the country is indebted for this fine institution, which was planned and executed amidst the turmoil of war, and at a period of great difficulty and anxiety both foreign and domestic. A nobler monument could not have been raised to their memory.

By *The 7th and 8th William 3rd, cap. 39*, it is declared, that "great sums of money and bullion are yearly exported out of this kingdom for the purchase of hemp, flax, and linen, which might in great measure be prevented by being supplied from Ireland, if such proper encouragement were given as might invite foreign Protestants into that kingdom to settle;" and it is then enacted, that any native of England or Ireland may import into England directly from Ireland any sorts of hemp or flax, and all the productions thereof, "free from all manner of customs duties whatsoever." And it is also enacted, as a further encouragement, that English-made sailcloth may be exported free from duty, whether in the bolt or in sails ready made. The inducement here held out to "foreign Protestants" to settle in Ireland, with a view to increasing the growth and

1695-6.
7 and 8
William III.,
cap. 39.

For encour-
aging the
growth of
hemp and
flax.

manufacture of flax and hemp, is evidently intended for Englishmen, to whom, with the Irish themselves, the privilege of importing the products into England free from duty is alone given. This Act is framed on the true commercial principle of affording encouragement by reducing the charges; and, like the *3rd William and Mary, cap. 3*,* it rightly estimates the importance of growing and manufacturing hemp and flax ourselves, instead of obtaining it from abroad in exchange for "great sums of money and bullion;" but it goes beyond the previous Act, by extending to Ireland the encouragement given in furtherance of these objects.

In 1693 the scheme of a national bank, similar to those of Genoa and Amsterdam, was much discussed, and a subscription was raised for ^{1693.} *The Bank of England*, carrying it into effect. The government viewed the plan with favour, as a means of supporting public credit, and giving increased facilities to trade. In the following year the governor and company of the bank were incorporated by charter, having a capital of 1,200,000*l.*, which was lent to government, and on the security of which the bank was empowered to issue its notes. In 1696 the bank became involved in difficulties, and its notes were at a considerable discount; but by *The 8th and 9th William 3rd,* ^{1696-7, 8 and 9 William III., cap. 20.} *cap. 20*, a new subscription was authorised, and certain additional powers were given to the corporation; among others, that, during the continuance of the Bank of England, "no other bank shall be erected, established, permitted, suffered, countenanced, or allowed by Act of Parliament within this kingdom." Thenceforward the bank continued to increase in usefulness and importance, with the increasing wealth and importance of the country. In 1693 likewise, another great incorporation, that of the East India Company, ^{1693. East India Company.}

* Ante, p. 340.

received a renewal of its charter for twenty-one years, on the condition of its annually exporting British produce and manufactures to the amount of 100,000*l.* at least; and its capital stock was increased from 750,000*l.* to 1,500,000*l.* The company was originally incorporated by Elizabeth in 1600, its capital then amounting to no more than 30,000*l.*; but it had gone on progressively increasing, first as a purely trading association, and then by the acquisition of territory and combining sovereignty with commerce, until, through the force of circumstances, it rose to be a substantive power in the East, and at home an important element of national aggrandizement. The people of England had a deep interest in each of these great incorporations, which, by facilitating the influx and diffusion of wealth, and the increase of manufacturing industry, were in an eminent degree calculated to promote the general welfare, and urge forward the stream of social improvement.

The settlement law¹ was still working unsatisfactorily, notwithstanding the various amendments which had been applied to it within the last thirty years; and another amendment was now attempted by 1696-7.
8 and 9
William III.,
cap. 30. *The 8th and 9th William 3rd, cap. 30*, entitled, ‘An Act for supplying some Defects in the Laws for the Relief of the Poor.’ The Act commences with this important recital:—“Forasmuch as many poor persons, chargeable to the parish or place where they live merely for want of work, would in any other place where sufficient employment is to be had, maintain themselves and families without being burthensome to any parish; but not being able to give such security as will or may be required upon their coming to settle themselves in any other place, and the certificates that have been usually given in such cases having been oftentimes construed into a notice in handwriting, they

¹ See ante, p. 293.

are for the most part confined to live in their own parishes or places, and not permitted to inhabit elsewhere, though their labour is wanted in many other places where the increase of manufactures would employ more hands." Nothing can be clearer or more to the point than the statement here given, of the hardships inflicted by the law of settlement upon the labouring classes, and for which a remedy is sought to be provided in the present statute, by enacting that poor persons, coming to reside in any parish, shall bring with them and deliver to the parish officers a certificate, under the hands and seals of the churchwardens and overseers of the parish to which they belong, owning and acknowledging the persons therein mentioned to be legally settled in that parish; and such certificate, being allowed and subscribed by two justices of peace, will render it imperative upon that parish to receive and provide for the persons named therein, whenever they shall become chargeable, or be forced to ask relief in the parish to which they had come; and then, and not before, such persons may be removed to the parish which granted them the certificate.

And in order "that the money raised only for the relief of such as are as well impotent as poor, may not be misapplied and consumed by the idle, sturdy, and disorderly beggars," it is further enacted, that every person receiving relief of any parish shall, together with his wife and children, openly wear upon the shoulder of the right sleeve a badge or mark with a large Roman P, and the first letter of the name of the parish whereof such poor person is an inhabitant, cut thereon either in red or blue cloth. And if any such poor person shall refuse or neglect to wear such badge, any justice of the peace may, upon complaint, punish such offender, by ordering the relief or usual allowance on the collection to be reduced, suspended, or altogether withdrawn, or else by committing

Persons
receiving
relief to wear
a badge.

such offender to the house of correction, there to be whipped and kept to hard labour not exceeding twenty-one days. And if any churchwarden or overseer shall relieve any such poor person not wearing a badge or mark as aforesaid, and be thereof convicted, he is in every such case to forfeit the sum of twenty shillings, one half to the informer, the other half to the poor of the parish.

It appears that the expenses arising out of the settlement law, already began to attract attention. In the *3rd section* of the present Act it is directed, "for the more effectual preventing of vexatious removals and frivolous appeals," that the justices in their general or quarter sessions, upon any appeal before them concerning the settlement of any poor person, or upon proof before them made that notice of any such appeal had been given, may award and order the party in whose behalf the appeal shall be determined, or to whom such notice was given, such costs and charges as the said justices shall think just and reasonable, to be paid by the churchwardens and overseers, or any other person against whom such appeal shall be determined.

The *4th section* of the Act recites, that some doubts had arisen touching the settlement of unmarried persons hired for a year, and it therefore enacts, "That no person so hired shall be adjudged to have a good settlement in any parish or township, unless such person shall continue and abide in the same service during the space of one whole year." Settlement by hiring and service was therefore already giving rise to doubts, and threatening to lead to litigation, a threat which was afterwards abundantly fulfilled. Doubts, it is also said, had arisen, whether the persons to whom poor children had been assigned as apprentices under the *43rd of Elizabeth*, were compellable to receive them, owing to which doubts "the law had failed of its due execution;" and the *5th section* therefore enacts,

that such persons are bound to execute the indenture, and receive the said poor children, and make due provision for them, under a penalty of 10*l.*, to be applied to the use of the poor of the parish. All the provisions of this Act are important, and manifest increasing familiarity with the details of Poor Law administration, now everywhere in activity; and giving rise, it must be confessed, to some of the abuses usually attendant upon uncontrolled local management. As defects in the law became apparent, and as these abuses became known, the legislature endeavoured from time to time to amend the one, and prevent the other; and there is sufficient evidence that the working of the law, and the law itself, much occupied the attention of thinking people of every class at that time.

The 8th and 9th William 3rd, cap. 36, deserves our attention on account of its preamble, which declares that "there are great quantities of alamodes and lustrings consumed by his Majesty's subjects, which till of late years were imported from foreign parts, and thereby the treasure of this nation much exhausted; but that the same are now manufactured in England by the Royal Lustring Company, to as great perfection as in any other country, whereby many thousands (of the poor) may be employed." Heavy penalties are then enacted against smugglers of foreign lustrings, which are all subjected to a high duty, and some altogether prohibited. This Act is expressly framed for the purpose of raising up a native, to supersede a foreign manufacture. Instead of buying in the best and cheapest market, the framers of the Act are for a time content with a dearer, and possibly an inferior article, in the hope that this forbearance will enable them to obtain supplies from native producers, as good and as cheap as can be procured in any foreign market. It amounts in short to a present sacrifice, in order to secure a future benefit;

1696-7,
8 and 9
William III.,
cap. 36.

and if the effort be judiciously made, if all that is essential for the purpose can be created or obtained at home, if time and practice are alone wanting to bring the native up to a level with the foreign production as regards price and quality, the wisdom of making such a sacrifice, and affording such protection, can hardly be disputed.

It must nevertheless be remembered, that all such protection is costly as well as enervating, and its duration ought therefore to be limited to the secure establishment of the new manufacture. If continued longer, it will not only inflict a needless loss upon the community, but will also be a cause of weakness to the new undertaking ; as the shelter placed at first round a young plant will cause it to become tender and unhealthy, unless, after it has struck root and acquired strength, the shelter be removed. Without such shelter, the young plant might have withered and died, and unless at first protected, the new manufacture might never have risen into life. In both cases protection may at first be useful ; but it must not be carried further, nor continued longer, than is necessary for the enrooting of the one, or the introduction and fair development of the other. These points attained, each should be left free and open to grow, harden, and expand by its own natural energies.

The war against France had now continued nearly nine years, and William had throughout exhibited all the qualities of a great general, except that he was, as we are told, often led by his high courage to expose his person too unguardedly in battle. Although repeatedly worsted, and thwarted in his designs by treachery and intrigue, he always rose, Antæus-like, stronger after defeat ; and now, the object for which the war was undertaken having been accomplished, by reducing the power of France within limits not incompatible with the liberties of Europe, William determined to bring it to a close ; and the peace of Ryswick was signed, to the great

The Peace
of Ryswick
signed on the
20th of Sept.
1697.

The 10th William 3rd, cap. 3, recites that “The price of corn is become very great, and in some parts excessive, and in several parts of Europe is scarcer and dearer than in England; on which account it is likely persons will for their private advantage export great quantities to foreign parts, whereby the

^y Ante, p. 341.

price here will be further enhanced, if a timely remedy be not provided." The exportation of corn, &c., Exportation of corn prohibited. is then prohibited for one year, under penalty of forfeiture, and the imprisonment of the master, mariners, and others acting therein. At the same time, and with a like view, *The 10th William 3rd, cap. 4*, was passed, prohibiting distillation from corn, and the exportation of beer and ale. This was one of the series of barren years, commencing in 1693, and ending in 1699, which prevailed throughout the whole of Europe, and everywhere causing great distress and privation. The price of wheat in 1698, according to the Eton tables, was 60s. 9d. the quarter, Winchester measure, and the average of the entire seven years was 57s. For the seven preceding years, according to the same tables, the average price was 31s. 9d., and for the following seven years it was 30s. 5d., in both cases not much above one half.

The high price during what are usually called "the ^{1692-9.} seven barren years," may perhaps to some ^{The "seven barren years."} extent, and especially in the first year or two of the series, have been caused by the bounty on exportation established in 1689,* which, as far as it was acted upon, would lead to a reduction of the general stock of grain below what it would have fallen to, if left to the natural operation of supply and demand; and the country would thus be found with a less reserve to mitigate the pressure, when the scarcity came upon it. The intensity and duration of the scarcity must have caused a vast amount of suffering. Mr. Tooke, in his 'History of Prices,' adduces testimony of the prevalence of cold springs and wet ungenial summers between 1692 and 1699, to account for its occurrence; and he quotes Mr. M'Culloch's 'Account of the British Empire,' to the effect, that during these "seven ill years," the distress

* See ante, p. 338, 1st William and Mary, cap. 12.

was so great in Scotland, that several extensive parishes were nearly depopulated, and that farms remained unoccupied for several years afterwards.* This long-continued scarcity must have caused a material addition to the poor-rates, the amount of which, and their continual increase, were loudly complained of; and various schemes were devised by Mr. Locke and other ingenious persons to remedy the evil. All these schemes were, however, based upon the assumption, that remunerative employment could be found for every one, and that such employment should be provided at the risk and charge of the public.

At the conclusion of the war in 1697, the army was reduced to 10,000 men, to the great regret of the king, who in the then state of Europe considered a larger force necessary. The jealousy of a standing army was, however, too strong to allow of the king's wishes in this respect being complied with, and the troops were accordingly disbanded, and an Act was passed ^{1698.} (The 10th William 3rd, cap. 17) "to enable ^{10 Wm. III.,} such officers and soldiers as have been in his Majesty's ^{cap. 17.} service during the war to exercise trades, &c." This statute is framed on the model of the 12th Charles 2nd, cap. 16,^b and it enacts that all such officers and soldiers "may set up and exercise the several trades, mysteries, or occupations, without any let, suit, or molestation of any person or persons whatsoever." The disbanded soldiers were thus enabled at once to mingle with, and become merged in the productive classes, as was the case with the soldiers of the Commonwealth after the Restoration. Without such a provision, many would in all probability have remained in idleness, a burthen and a source of danger to the community.

Two Acts which deserve to be noticed (*The 10th William 3rd, caps. 25 and 26*) were passed this year,

* See Tooke's 'History of Prices,' vol. i. p. 30.

^b Ante, p. 289.

for making and keeping navigable the rivers Aire and Calder, and the river Trent, both of which ^{1698.} measures, the preambles assert, will greatly promote trade and commerce. These Acts may be regarded as the commencement of a series of efforts for the creation of inland water-communications, which were steadily continued until the country was supplied with the means of transit necessary for developing its resources, and which at the same time added immensely to its powers of production, and to the field of profitable employment. The network of canals, and rivers made navigable, which were successively formed to meet the wants of the respective districts, constitute the completest system of internal navigation which any country, excepting Holland, ever possessed; and the example of the Dutch in this respect, there is every reason to believe, gave rise to, and greatly aided, these useful undertakings in England.

The 11th William 3rd, cap. 18, is entitled ‘An Act ^{1698-9.} for the more effectual Punishment of Vagrants, ^{11 Wm. III.,} and sending them whither by law they ought ^{cap. 18.} to be sent.’ It commences by declaring that “many parts of this kingdom are extremely oppressed by the usual method of conveying vagabonds or beggars from parish to parish in a dilatory manner, whereby such vagabonds or beggars, in hopes of relief from every parish through which they are conducted, are encouraged to spend their lives in wandering from one part of the kingdom to another; and, to delude charitable and well-disposed persons, frequently forge counterfeit passes, testimonials, or characters, whereby the charitable intentions of such persons are often abused.” For remedy whereof it is enacted, that all vagabonds, beggars, or other persons whatsoever, who shall apply or be brought to any constable, headborough, tithingman, or other officer, with any pass, testimonial, letter of request, or other

Persons with passes and testimonials, &c., to be taken before a magistrate.

writing, pretending thereby to be relieved or conveyed, shall be taken before the nearest justice for examination ; and if found such as ought by law to be punished, the justice is to send them to the house of correction ; or if otherwise, then to order them to be immediately conveyed to the town in the next county through which they would have to pass ; and the constable or other officer is forthwith to convey them to the house of correction, or to such town, accordingly. The justice is further required to give a certificate of the number of such persons so ordered to be punished or conveyed, as also the manner how, and whether by cart, horse, or foot, and what number of persons such constable or officer had occasion to employ to bring such persons before him, or to convey them as aforesaid.

In this Act, an endeavour is made to provide for a contingency sure to arise under the law of settlement. By "sending them whither by law they ought to be sent," of course is meant the place where they are legally settled ; and doing this was, it appears, attended in many places with a charge "extremely oppressive," as well as with delay and other evils, among which other evils must be included the difficulty of ascertaining the place of settlement, and the ill-feeling, litigation, and expense thence often arising. The practice of referring every case of difficulty in Poor Law administration to the justices, has we see already begun ; and as most of these difficulties are more or less connected with settlement, the passing of that law must have greatly added to the labours and responsibilities of the local magistracy, and frequently placed them in a position of great difficulty, by requiring them to decide in cases where the grounds for decision were at best doubtful and obscure.

The last statute of William's reign requiring notice—and this less from its immediate connexion with our present subject, than on account of its general importance—is *The 12th and 13th*

1700-1.
12 & 13
William III.,
cap. 2.

William 3rd, cap. 2, usually called the 'Act of Settlement.' After reciting that, "it had pleased Almighty God to take away our Sovereign Lady Queen Mary, and also the most hopeful Prince William, Duke of Gloucester, to the unspeakable grief and sorrow of the king and his good subjects; and his Majesty having particularly recommended a further provision to be made for the succession to the Crown in the Protestant line, for the happiness of the nation and the security of our religion," it enacts, that the Princess Sophia of Hanover, granddaughter of James the First, and her issue, being Protestants, shall succeed to the Crown and regal government of these kingdoms, after the king and the Princess Anne of Denmark, and in default of their leaving issue. "And thereunto the Lords Spiritual and Temporal and Commons in parliament assembled, in the name of all the people of this realm, themselves, their heirs, and posterities, do faithfully promise to stand to, maintain, and defend to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary."

We are now arrived at the commencement of another century, and nearly at the close of William's reign, although a new call for his exertions at this time arose, in consequence of the sickly and imbecile King of Spain having, on his death-bed, bequeathed the whole of his vast possessions to the Duke of Anjou, grandson of Louis the Fourteenth. The concentration of the French and Spanish monarchies in the hands, or under the influence, of so ambitious a monarch as the King of France, excited the most lively apprehensions. The parliament and the people joined heartily in supporting the measures which the king deemed necessary for averting the consequences threatened by such a concentration. The old alliance against French aggression was renewed, the forces by land and sea were increased,

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and war against France was almost unanimously advocated, partly with a view to curtail a power become dangerous to the other nations of Europe, and partly also on account of the young Pretender's having been acknowledged by Louis as King of England^c—an insult which aroused the deepest resentment in the entire English people.

William's health had for some time appeared to be failing, but his mind was fresh and vigorous, and he continued to fulfil all the duties of his high station with exemplary punctuality. On the 21st of February, 1702, however, his horse fell with him whilst riding to Hampton Court, and fractured his collar-bone. The fracture was set, and he returned to Kensington the same evening. But he continued feeble afterwards, and on the 3rd of March was seized with fever and ague, which on the 8th brought his life to a close, in the 52nd year of his age, after reigning a little more than thirteen years. William's character ^{1702.} ^{Death of the king.} is best shown by his actions. Perhaps no sovereign was ever beset with greater difficulties, and none ever more thoroughly succeeded in overcoming them. To him the nation is indebted for the practical working out and final settlement of our free constitution, which he left perfect and entire as a legacy to the English people. May they ever cherish it as a treasure above all price!^d

^c His father, late James the Second, died at St. Germain's on the 16th of September, 1701.

^d It has been said of William, by no common authority, that he was the greatest sovereign England ever possessed; an observation no less just in itself, than honourable to the distinguished individual by whom it was made. See Prince Albert's speech at St. Martin's Hall, June 17th, 1851, on the celebration of the 150th anniversary of the *Society for the Propagation of the Gospel in Foreign Parts*, from which the following is an extract:—"This Society was first chartered by that great man William the Third—the greatest sovereign this country has to boast of; by whose sagacity and energy was closed that bloody struggle for civil and religious liberty which had so long been convulsing this country, and then were secured to us the inestimable advantages of our constitution and of our Protestant faith. Having thus placed the country upon a safe basis at home, he could boldly meet her enemies abroad, and contribute to the foundation of that colonial empire which forms

On the death of William, the Princess Anne succeeded to the Crown, in conformity with the Act of Queen Anne. 1702-1714. Settlement, and at once declared her determination to follow the line of policy marked out by the late king. Before entering upon an examination of the legislative proceedings of Anne's reign however, it will be convenient to take a brief survey of the state of the country, and of the Poor Law operations, at the time of William's decease, or rather at the commencement of the 18th century.

We have seen that the poor-rates had gone on increasing in amount, which was, indeed, inevitable as the law came into fuller and more complete operation, and ought to have been expected. But the Progressive increase of the poor rates. rates are said to have increased more rapidly, and were consequently regarded as more burthensome, after the Revolution in 1688 than before : and this may be true, it being far from improbable that the Law of Settlement, enacted in 1662, would lead to such a result. At the period of the Revolution, settlement would be beginning to produce its natural fruits in impeding the free transference and interchange of labour ; and by restricting men in their efforts for self-support, it would give them a kind of equitable claim on the parish purse—a claim which they would, in all likelihood, not permit to lie dormant. Any increase which may have taken place in the poor-rates at this period, beyond the increase naturally arising from the continually augmenting population of the country, and from more fully and generally carrying into effect the provisions of the Poor Law, may therefore, I think, be attributed to the Settlement Law.

That great alarm was felt during the latter part of William's reign, on account of the continually increasing amount of the poor-rates, is certain. The king more than

so important a part of our present greatness ; and honour be to him for his endeavour to place this foundation upon the Rock of the Church."

once adverted to it in addressing parliament. In 1698 he said, "I think it would be happy if some effectual expedient could be found for employing the poor, which might tend to the increase of our manufactures, as well as remove a heavy burthen from the people." And in the following year he said, "The increase of the poor is become a burthen to the kingdom, and their loose and idle life does in some measure contribute to that depravation of manners which is complained of, I fear, with much reason. Whether the ground of this evil be from defects in the laws, or in the execution of them, deserves your consideration. As it is an indispensable duty that the poor who are not able to help themselves should be maintained, so I cannot but think it extremely desirable that such as are able and willing should not want employment, and such as are obstinate and unwilling should be compelled to labour." In his speech the next year he again adverted to the subject, and said, "The regulation and improvement of our trade is so public a concern, that I hope it will ever have your serious thoughts; and if you can find proper means of setting the poor at work, you will ease yourselves of a very great burthen, and at the same time add so many useful hands to be employed in our manufactures and other public occasions."*

Another instance of William's solicitude on the subject is furnished by the Board of Trade, which he established in 1696,[†] and of which that eminent philosopher and good man, John Locke, was appointed a member. In addition to all matters appertaining to trade, the Commissioners were instructed "to consider of proper methods for setting on work and employing

* These passages are quoted from Sir Frederic Eden's 'State of the Poor,' vol. i. p. 247. He gives them as extracts from Chandler's 'Debates.'

† The Board of Trade which had been established in the reign of Charles the Second, like other objects of utility in that dissolute period, was of brief duration.

the poor, and making them useful to the public."

Mr. Locke's
report on the
poor.

Accordingly, in the following year, the Commissioners presented a Report, drawn up by Mr. Locke, in which it is stated that "the multiplying of the poor, and the increase of the tax for their maintenance, is so general an observation and complaint that it cannot be doubted of; nor has it been only since the last war that the evil has come upon us; it has been a growing burthen on the kingdom these many years, and the two last reigns felt the increase of it as well as the present." Mr. Locke considers the evil to proceed neither from scarcity of provisions nor want of employment, but that it is caused by the relaxation of discipline and the corruption of manners. He is of opinion that above one half of those receiving parish relief are able to earn their own livelihood; and as the greater part of them "are neither wholly unable nor unwilling to work, but, either through want of work being provided for them, or their unskilfulness in working, do little that turns to public account." He recommends that working-schools shall be set up in each parish, and that the materials used in these schools, and in setting the other poor people to work, shall be provided by a common stock in each hundred. He appears to think, that all who are able to work should be furnished with suitable employment at the public charge, and that such employment would be remunerative to the community, whose interest it would therefore be to provide it. Numerous minute regulations, all more or less open to objection, are proposed for carrying out this view, which, together with stringent measures for the suppression of vagrancy, constitute the substance of Mr. Locke's recommendations; as they do, indeed, of the various other schemes promulgated about this time, of which Sir Frederic Eden gives a detailed account, but it is unnecessary to notice them here.

It was with a like view to the profitable employment of the poor that, in 1697, the several parishes of the city of Bristol were, by an Act of Parliament, formed into a *Union*, having a common workhouse, and the management being vested in a corporation appointed for the purpose. This appears to have been accomplished mainly through the exertions of Mr. John Carey, one of whose objects was to effect thereby an equalization of the rates in all the parishes within the city limits,—no doubt a legitimate object; but Mr. Carey also advocated the workhouse as being “the best means of restraining idleness,” and in which “the poor of both sexes and all ages may be employed in beating hemp, dressing and spinning flax, or in carding and spinning wool and cotton. The design being to provide places for those who care not to work anywhere, and to make the parish officers more industrious to find them out when they know whither to send them, by which means they would be better able to maintain the impotent.” The establishment of a workhouse of this description, under such supervision, could hardly fail of materially reducing the poor-rates in the united parishes; and in a publication, some years afterwards, Mr. Carey declares “that it has had this good effect, that there is not a common beggar or disorderly vagrant seen in their streets, but charity is given in its proper place and manner; and the magistrates are freed from the daily trouble they had with the poor, and the parishes they lived in are discharged from the invidious fatigues of their settlements, when a great deal of what should have maintained them was spent in determining what parishes were to do it.” The example and success of Bristol in this respect, shortly led to the passing of similar Acts for Worcester, Hull, Exeter, Plymouth, Norwich, and other places.

Of the amount of the poor-rates at the commencement of the eighteenth century, we have very imperfect means of judging. In a pamphlet entitled 'The Grand Concern of England Explained,' they were estimated in 1673 to amount to 70,000*l.* a month, or 840,000*l.* per annum.⁵ A pamphlet published at Exeter, in 1698, entitled 'Bread for the Poor,' and having the initials of Richard Dunning prefixed, estimates the charge for the poor throughout the kingdom at above 819,000*l.*⁶ The author of a pamphlet entitled 'A Present Remedy for the Poor,' published in 1700,⁷ and cited in a note by Sir F. Eden,¹ says, "There is, every year, a million of money collected in this kingdom from all parishes for the relief of the poor." These are, it must be admitted, not perfectly reliable authorities, but, when coupled with what has already been adduced, they will, perhaps, warrant our assuming that, in 1701, the poor-rates in England and Wales fell little short of 900,000*l.*

With respect to the amount of the population, the information we possess is nearly as uncertain as with regard to the poor-rates. We have assumed that, at the Revolution in 1688, the population of England and Wales was somewhat over five millions and a half;⁸ and we may perhaps be warranted in setting it down at five millions and three-quarters in 1701, notwithstanding that it has been estimated at considerably less.

A table by Mr. Finlaison, the actuary, inserted in the Population Returns for 1831, and founded on calculations deduced from the Returns of Births, Marriages, and Deaths, and other sources of information, gives the

⁵ See Sir F. Eden's 'State of the Poor,' vol. i. p. 189.

⁶ See 'Pictorial History of England,' book ix. p. 844.

⁷ See Sir F. Eden's 'State of the Poor,' vol. i. p. 264.

⁸ See ante, p. 346.

population in 1700 at 5,134,516. Mr. Finlaison's calculations also lead to the conclusion that it decreased in the ten subsequent years, and in 1710 he estimates it at no more than 5,066,337, which is about the same as we have reckoned it at in 1603, on the accession of James the First, and would show it to have been stationary in the seventeenth century. But in the absence of periodical pestilence, or the frequent occurrence of some other great calamity, such could hardly have been the case. The wars and disturbances, social and political, which took place during that period, and the plague which on two occasions broke out in the metropolis, may have checked the natural tendency to increase; but the general condition of the country and the people went on improving in despite of these circumstances, and it seems highly improbable that the population did not keep pace with such improvement. That it did so keep pace, may be inferred from the steady increase shown by Mr. Finlaison to have taken place after 1710. His table gives the population, in 1750, at 6,039,684; in 1770, at 7,227,586; in 1790, at 8,540,738; and in 1801, when the first census was taken, at 9,172,980. The writer in the 'Pictorial History of England,' who has evidently given much attention to this intricate question, differs widely from Mr. Finlaison, and estimates the population in 1660 at 6,500,000, and in 1688 at 7,000,000.^m This pretty well accords with the statements of the earlier writers; but it is probably above the truth, as Mr. Finlaison's estimate seems to be below it. Mr. Charles Smith, the author of the Corn Tracts, writing in 1765, estimates the population a few years previously, say in 1760, at 6,000,000,ⁿ which is nearly half a million less than Mr. Finlaison's table would make it. On the whole,

^m See 'Pictorial History of England,' book vii. p. 654, and book ix. p. 841.

ⁿ See 'Pictorial History,' book ix. p. 850; and Tooke on Prices, vol. i. p. 60.

we find no reason for altering the conclusion at which we had arrived, namely, that, at the commencement of the eighteenth century, the population of England and Wales amounted to about 5,750,000.

In the social condition of the people at this time, there was probably little change, beyond the general improvement certain to take place, when the corrupt and arbitrary government of the Stuarts was replaced by one of an opposite character. The institutions of the country remained unchanged; but the spirit in which they were administered, was altogether different after the Revolution of 1688.

The seven unproductive years had terminated^o with 1699, after which the seasons again became favourable, and prices resumed their wonted range. The rate of

Rate of wages. wages may be presumed to have continued stationary; and as they are not adverted to by the numerous writers of the period, they may also be presumed to have been on the whole satisfactory. Sir Matthew Hale in 1683 puts the wages of a day-labourer at 10s. a-week, or 26*l.* a-year.^p The Hon. Roger North, about 1688, says that in Norfolk, Suffolk, and Essex a labourer earned 12*d.* a-day, whilst in Oxfordshire it was 8*d.*, in the North 6*d.*, and in Cornwall, he had been informed, it was no more than 2*d.*; but in these last three instances, the labourer probably received provisions as well as money. In the same year Mr. Gregory King, in a curiously elaborate table, inserted entire by Sir F. Eden, gives the wages of artizans and handicraftsmen at 2*s.* 6*d.* a-day, or 38*l.* a-year, and of common labourers and out-servants at 1*s.* a-day, or 15*l.* a-year. This table is so curious and

Mr. Gregory King's scheme.

interesting, that I will here insert it for the purpose of comparison :—

^o See ante, p. 364.

^p See Sir F. Eden's 'State of the Poor,' vol. i. p. 216; also p. 228.

A Scheme of the Income and Expense of the several Families in England,
calculated for the year 1688.

Number of Families.	Ranks, Degrees, Titles, and Qualifications.	Heads per Family.	Number of Persons.	Yearly Income per Family,	Yearly Income in general.
				£. s.	£.
160	Temporal lords	40	6,400	3200 0	512,000
26	Spiritual lords	20	520	1300 0	33,800
800	Baronets	16	12,800	880 0	704,000
600	Knights	13	7,800	650 0	390,000
3,000	Esquires	10	30,000	450 0	1,200,000
12,000	Gentlemen	8	96,000	280 0	2,880,000
5,000	{Persons in greater offices and places}	8	40,000	240 0	1,200,000
5,000	{Persons in lesser offices and places}	6	30,000	120 0	600,000
2,000	{Eminent merchants and traders by sea}	8	16,000	400 0	800,000
8,000	{Lesser merchants and traders by sea}	6	48,000	198 0	1,600,000
10,000	Persons in the law	7	70,000	154 0	1,540,000
2,000	Eminent clergymen	6	12,000	72 0	144,000
8,000	Lesser clergymen	5	40,000	50 0	400,000
40,000	Freeholders of the better sort	7	280,000	91 0	3,640,000
120,000	Freeholders of the lesser sort	5½	660,000	55 0	6,600,000
150,000	Farmers	5	750,000	42 10	6,375,000
15,000	{Persons in liberal arts and sciences}	5	75,000	60 0	900,000
50,000	Shopkeepers and tradesmen .	4½	255,000	45 0	2,250,000
60,000	Artizans and handicraftsmen	4	240,000	38 0	2,280,000
5,000	Naval officers	4	20,000	80 0	400,000
4,000	Military officers	4	16,000	60 0	240,000
500,586		5½	2,675,520	63 18	34,488,800
50,000	Common seamen	3	150,000	20 0	1,000,000
364,000	{Labouring people and out- servants}	3½	1,275,000	15 0	5,460,000
400,000	Cottagers and paupers	3¼	1,300,000	6 10	2,000,000
35,000	Common soldiers	2	70,000	14 0	490,000
..	{Vagrants, as gipsies, thieves, beggars, &c.}	..	30,000	10 10	60,000
1,349,586	. . . . . Neat Totals	4½	5,500,520	32 5	43,498,800

The yearly income of these 5,500,520 persons is thus estimated at 43,498,800*l.*; and Mr. Gregory King reckons the twenty-one first and largest classes of recipients to increase the wealth of the kingdom by spending less than their incomes, and the five last (including vagrants, &c.) to decrease it by spending more. This is a fanciful division, and of course there is no pretension to exactitude in the above figures. The scheme can be regarded as nothing more than an approximation, and possibly a

wide one. But there is no reason for supposing that Mr. King inserted anything which he did not himself believe to be true, and his researches and computations are at least entitled to respect. Davenant remarks approvingly that he had examined this table, and tried it with some little operations of his own on the same subject, and compared it with the schemes of other political arithmeticians. The 60,000 artizans and handicraftsmen appear a very small number compared with the farmers, labouring people, and out-servants; and such a proportion would warrant the inference that, down to the time of the Revolution, agriculture was still the almost exclusive occupation of the country, and that, notwithstanding a certain advance had been made in commerce and manufactures, they were each yet in their infancy. This is further evidenced by the incomes of "eminent merchants and traders by sea" being set down at no more than 400*l*.—a sum showing that the position of the trader, and the capital employed in trade, were alike inconsiderable, in comparison with what is seen at the present day.

The commercial intercourse with India had long been embarrassed and much impeded by the conflicts and contentions of rival parties, as well at home as in that country; and it was not until towards the end of William's reign, that arrangements were made for bringing about an amalgamation of these various interests, and consolidating them into one comprehensive association. This at length was accomplished, and a new corporation was formed, under the title of "The United Company of Merchants of England trading to the East Indies," the charter for which was, however, not finally settled and signed until after Anne's accession. The two great corporations of the Bank of England and the East India Company, the greatest the world has ever known, whether viewed in reference to their immediate operations or to their results, and under each of which the author of this work deems it an

honour to have served, may thus be said to have both had their origin in William's reign;^a during which, and notwithstanding the pressure of war throughout the greater portion of it, and the interruptions and burthens thereby imposed upon trade and manufacturing industry, we nevertheless find that the currency had been restored and a new coinage issued; that the Bank of England and a system of public credit had been established; a board of trade and plantations organised; our colonies in North America and the West Indies greatly extended; our settlements and trade in the East enlarged and put under better management; our fisheries much improved; our shipping more than doubled; the noble institution of Greenwich Hospital founded; inland water-communications commenced; the Triennial Act passed; the preliminary steps taken for bringing about a legislative union with Scotland, which shortly afterwards was happily effected; and our power by sea and land, and our influence in the affairs of Europe, advanced to the first rank.

Summary
of events in
William's
reign.

Such were the results of the Revolution of 1688, and the thirteen years of William's government, spite of the difficulties attending its commencement, and the war and other embarrassing circumstances by which it was continually put in jeopardy. At no other like period of our history do we find a like amount of advantages secured; but with William came in well-defined constitutional liberty out of which these and other benefits naturally flowed; and no sooner was peace concluded in 1697, than the enterprise, industry, and creative powers of the country burst forth free and unshackled, repairing and supplying with wonderful energy whatever had been misdono or omitted, surpassing all that had hitherto been achieved, and laying the foundation for future advances on the road of improvement.

^a See ante, p. 357.

CHAPTER IX.

Accession of Anne — The Mutiny Act — The “truck system” prohibited — Sea-apprenticeship — Worcester workhouse — Pauper labour — Plymouth workhouse — Education of the poor — Augmentation of small livings — Union with Scotland — Game-laws — General scarcity — Prices of wheat — New churches — Norwich workhouse — The woollen and sailcloth manufactures — Peace of Utrecht — Reduction of interest — Condensation of laws relating to vagrancy — The queen’s death — Summary of the events of her reign — Population — State of the Poor-Law — Amount of poor-rates — Increase of shipping — Extended importance of the colonies.

It has been already stated* that Anne, on her accession, determined to follow the line of policy marked out by the late king. The Duke of Marlborough was appointed captain-general, and sent as ambassador extraordinary to Holland, where he was received with great joy; and war against France and Spain being shortly afterwards declared, he was made commander-in-chief of the allied armies. The industrial operations of the country must doubtless have been impeded by the war, the taxation required for its support causing the withdrawal of capital from its legitimate employment. Yet so strong and elastic had the country become in its internal resources, and such was the energy imparted by the confidence every man felt, and the freedom with which every man acted under the shield of the constitution, that the check to commerce was scarcely perceptible. If stopped in one direction, it found vent in some other, and trade and manufacturing industry continued to advance, and the country to prosper, even during the ravages of a wide-spread and protracted war.

The first statute of the present reign to be noticed, is *The 1st Anne, stat. 2, cap. 20*, entitled ‘An Act for

* See ante, p. 370.

punishing Officers and Soldiers who shall mutiny or desert,' &c. It commences by reciting that the raising or keeping a standing army in time of peace, unless it be with the consent of parliament, is against law; and it then declares it to be necessary that the forces now on foot should be continued, and others raised, for the safety of the kingdom, for the common defence of the Protestant religion, and for the preservation of the liberties of Europe. "And whereas no man may be forejudged of life or limb, or subjected in time of peace to punishment by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless, it being requisite, for retaining such forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow;" it is enacted, that any officer or soldier who shall excite, cause, or join in any mutiny or sedition, or shall desert, is to suffer death or such other punishment as by a court martial shall be inflicted. There are numerous other provisions regulating musters, quartering of soldiers, furnishing carriages, keeping the accounts, &c., all essential for the due government of an army, but not necessary to be here described. This is a continuation of the Mutiny Act passed in the first year of William and Mary, and renewed with more or less variations in the following years of William's reign, as it has ever since continued to be; for without it the army could not be kept together or governed. It is here, however, chiefly noticed as showing that the jealousy of an army independent of parliament which had been caused, or, if not caused, had certainly been increased, by the alarms respecting that formed by James the Second for the purpose of making him

1702.
1 Anne,
stat. 2,
cap. 20.
The Mutiny
Act.

absolute, remained undiminished; and that the only way in which a standing army could thenceforward be endured by the English people, was by its being subjected to the joint authority of the Crown and parliament.

The 1st of Anne, stat. 2, cap. 22, declares that frauds
1702.
1 Anne,
stat. 2,
cap. 22. are daily committed by persons employed in the woollen, linen, cotton, and iron manufactures, by embezzling the materials with which they are intrusted, to the great prejudice of trade; and it is enacted, that any person so offending shall, on conviction, forfeit double the value for the use of the poor. And, in order "to prevent the oppression of the labourers and workmen employed in these manufactures," it is further enacted, that all payments for work by them done shall be in lawful coin of the realm, and not by any commodities in lieu thereof, on pain of forfeiting double the value of what was due for such work. This was even-handed justice, and in the long run would be advantageous to both parties. The master's property should be protected, and the labourer's wages should be paid to him in the common medium by which all other interchanges of value are adjusted. If the employer were permitted to substitute provisions or other commodities for the current coin of the realm, it would deprive the labourer of the free disposal of his own earnings, and might subject him to fraudulent oppression, against which he would have no defence, and for which he would be without redress. This provision proves that the welfare of the working classes was an object of solicitude to the legislature at that time, which thus promptly interposed its protection against an evil too apt to arise, and which, under the designation of the "truck-system," has only been put an end to by recent legislation, if indeed it has been entirely suppressed even at present.

The Truck
System.

In the year following, *The 2nd and 3rd Anne, cap. 6*,

for apprenticing boys to the sea-service, was passed, under the title of 'An Act for the Increase of Seamen and better Encouragement of Navigation and Security of the Coal Trade.' The main object of this

Act is essentially similar to that aimed at in the 4th sec. of the 27th *Henry 8th*, *cap.* 25,^b

1703.
2 and 3
Anne,
cap. 6.

by which governors, justices, head officers, and constables of cities, towns, and parishes, are empowered "to take up all children between the ages of five and thirteen who are begging or in idleness, and appoint them to masters in husbandry, or other crafts, to be taught, by which they may get their livings when they shall come of age." The present Act empowers any two

or more justices of the peace in their several divisions, and all mayors and other chief officers of cities and towns corporate, and likewise the churchwardens and overseers of the poor, with the approbation of such justices, mayors, and other chief officers, to bind and put out any boy of the age of ten years or upwards who is chargeable or whose parents are chargeable to the parish wherein they inhabit, or who shall beg for alms, to be apprentice to the master or owner of any English ship or vessel, until such boy shall attain the age of one-and-twenty; and such

Apprenticing
youths to
the sea.

binding is declared to be as effective in law as if the boy were of full age, and by indenture had bound himself. The boy's age is to be inserted in the indenture, and the churchwardens and overseers of the parish whence the boy was bound, are to pay to the master the sum of fifty shillings to provide the boy with sea-clothing and bedding, and are to send the indenture to the collector of customs, who is to endorse, record, and transmit a certificate of the same to the Admiralty; and no such apprentice is to be impressed, or suffered to enlist in the royal navy, until he reach the

^b Ante, p. 124.

age of eighteen. It is likewise further enacted, that the masters or owners of all vessels between 30 and 50 tons burthen are to take one such apprentice, and for the next 50 tons one more, and an additional one for every 100 tons afterwards; and the churchwardens and overseers are to convey such apprentices to the port whence they were to sail; and two justices, dwelling in or near to such port, and the mayor or other head officer of any city or corporation near adjoining thereto, are empowered to inquire into and determine all complaints against masters for hard or ill usage of their apprentices.

This is no doubt a highly important statute, both in regard to its principle and its provisions. The training up of youths in industrial occupations, and the "encouragement of navigation," are each most desirable objects, and they are sought to be attained by enabling parish officers, with the consent of two magistrates, to apprentice to the sea-service all such youths as, by reason of their own or their parents' poverty, are unable to maintain themselves, or who have become chargeable, or been found begging—thus checking the increase of vagrancy, as well as promoting the "increase of seamen;" and in order that these important objects may with greater certainty be accomplished, the masters of all vessels of 30 tons and upwards are compelled to take a number of apprentices in proportion to their tonnage.

The youths who come under the provisions of this Act, as was the case under the Act of *Henry the 8th*, are placed in charge of the magistrates and parish officers, on whom the parental duties and authority are thus devolved, whenever the real parents neglect, or are from absence poverty or other cause, unable to perform them. This is, in fact, taking pauperism at its source, and snatching its youthful victims from the stream, ere they are hurried along beyond help or rescue. The importance of such a provision can hardly be over-estimated on social grounds, independently of

the political considerations involved in it. To what extent it was acted upon we have no means of ascertaining; but the obligation on fishing and trading vessels to carry apprentices in proportion to their tonnage was continued to a recent period, and the parish officers still stand *in loco parentis* to poor orphan and deserted children.

The Act for establishing a workhouse at Bristol, has already been noticed;° and in 1703 a similar Act was passed 'For the erecting a Workhouse, and for setting the Poor on work, in *the City of Worcester.*' This Act (*The 2nd and 3rd Anne, cap. 8*) commences by declaring, that the numbers of poor people have of late years very much increased, and particularly in the city of Worcester; and that public workhouses have been found most effectual for the prevention and removal of the great mischiefs consequent thereupon, "as from the good success of several workhouses lately erected doth more particularly appear." Wherefore it is enacted, that the mayor and certain other of the city authorities, with four other persons to be annually chosen in each of the several parishes out of the ablest and discreetest inhabitants, shall be a corporation to continue for ever, under the designation of "The Guardians of the Poor of the City of Worcester." The corporation so constituted is empowered to raise money, not exceeding the amount of the last year's poor-rate, for providing such hospitals, workhouses, or houses of correction, as may be deemed necessary; and is to relieve the poor of all the several parishes as if they were one parish; and have power to examine churchwardens and overseers upon oath; and to "search and see what poor persons there are come into and residing within the said city;" and may direct the constables to apprehend any rogues, vagabonds, sturdy beggars,

1703.
2 and 3
Anne,
cap. 8.
Worcester
workhouse.

° Ante, p. 373.

or idle or disorderly persons, and cause them to be kept at work in the said buildings, for any time not exceeding six months. The corporation is further empowered to contract with other parishes in the same county for receiving and setting their poor to work (such reception not to confer settlement), and to provide the materials and things necessary for employing such poor, and to compel beggars and idle people to enter any such workhouse, hospital, or house of correction, and set them to work therein ; and likewise to detain and keep at work any poor children who shall beg, or whose parents shall beg or be chargeable, until they are of the age of fifteen, and then to bind such children apprentices, for any term not exceeding seven years, to any honest person willing to receive them. The guardians are moreover empowered to inflict punishment on any person within the said workhouses, hospitals, or houses of correction, who shall misbehave or not conform to the rules.

This is a near approach to the modern workhouse, the chief difference consisting in its application to purposes of police, rather more than as a means of relief ; whereas our present workhouses are applied entirely to the latter object. There is some difference also with respect to the employment of the inmates. In modern workhouses employment is chiefly regarded as a test of destitution, and as a means of promoting health and maintaining good order. But in all the older establishments employment was provided with a view to profit, and for the purpose of turning pauper labour to account, regardless of its effect upon the labour-market, and the position of the independent labourer. In the present instance, however, this effect seems to have been in some measure foreseen, for the *30th section* provides, "that no cloth or stuff, either woollen or linen, manufactured in the workhouse or houses of correction, shall be sold by retail within the city of Worcester and the

liberties thereof, by any officer or agent of the said workhouse, on pain of forfeiting double the value thereof to any person who shall sue for the same." The cloth and stuff made in the workhouse must, therefore, be used by the inmates, or else be sent to a distance. In the latter case it might not, it is true, interfere with the produce of labour in Worcester; but it would certainly interfere with independent labour somewhere, and to the extent of such interference would it be injurious. This consequence was clearly pointed out by De Foe in 1704, in his comments upon a bill which had been introduced by Sir Humphrey Mackworth for setting the people to work. De Foe says, "If they will employ the poor in some manufacture which was not made in England before, or not bought with some manufacture made here before, then they offer at something extraordinary. But to set poor people at work on the same thing that other poor people were employed on before, and at the same time not increase the consumption, is giving to one what you take away from another; putting a vagabond in an honest man's employment, and putting diligence on the tenters to find out some other work to maintain his family."

Pauper
labour
interferes
with and
displaces
industrial
labour.

Four years afterwards *Plymouth* obtained an Act, *The 6th Anne*, cap. 46, similar to the above, and having nearly the same preamble. It is unnecessary therefore to describe it in detail, but there is one provision which requires notice. *The 10th section* provides for the appointment of "some pious, sober, and discreet person, well qualified for a *schoolmaster*, who shall in some convenient room within the said workhouse read daily morning and evening prayers at certain hours, to be for that purpose fixed and stated to the poor people and others belonging to the said workhouse; and also shall, by catechising and otherwise, every Saturday in the afternoon, and upon

1707.
6 Anne,
cap. 46.
Plymouth
workhouse.

holy days, instruct the poor children and other poor persons belonging to the said house in the fundamental parts of the Protestant religion, according to the doctrine of the Church of England; and shall teach

A school-master is to be appointed, and the children instructed.

every the said poor children to read, and write, and cast accompts, and shall also teach such of the said poor children as have a capacity and inclination to learn, the art of navigation, and such part of the mathematics as tend thereunto." This considerate care for the mental culture of the lowest and most friendless of our people, is quite refreshing. It is the first instance of the kind we have met with in the course of our investigations, and we hail it with infinite satisfaction. Hitherto restriction and coercion have been the rule. There has been nothing in the way of enlightenment, no attempt to improve the creature by cultivating the faculties with which God has endowed him, no endeavour to raise him socially by elevating his moral feelings, or imparting the purifying influence of religious instruction. The law found him ignorant, idle, vicious, and instead of correcting, it gave strength and permanence to these characteristics. But in this Act we see a new spirit awakened, at least in one locality, and education is brought in to remedy the omissions of an earlier period, and to lay the foundation for future improvements.

The 2nd and 3rd Anne, cap. 20, providing for the augmentation of small livings, is an Act of considerable importance as regards the poor, with whom the clergy are necessarily brought into close communication, and the efficacy of whose ministry will very much depend upon the social position which they are enabled to occupy. The recital declares that "a sufficient settled provision for the clergy in many parts of the realm has never yet been made, by reason whereof divers mean and stipendiary preachers are in many places entertained to serve the

1703.
2 and 3
Anne,
cap. 20.

cures and officiate there, who, depending for their necessary maintenance upon the good will and liking of their hearers, have been and are thereby under temptation of too much complying, and suiting their doctrines and teaching to the humours rather than the good of their hearers." The arrears of tenths and first-fruits due to the Crown are then remitted, and the whole revenue arising from tenths and first-fruits is thenceforth "settled for a perpetual augmentation of the maintenance of the clergy in places where the same is not already sufficiently provided for." The queen is further empowered by letters patent under the great seal to erect a corporation for administering the same, together with such donations and bequests as well-disposed persons, encouraged by her Majesty's example, shall contribute to so pious and charitable a purpose. It adds greatly to the merit of this donation, that it was made during the pressure of an expensive war.

In the following year, the honour and manor of Woodstock were conferred upon Marlborough, by *The 3rd and 4th Anne, cap. 4*, which details the achievements that gave rise to this noble gift with perfect clearness and simplicity, and at the same time records and does justice to the efforts which had been made by the late king. The Act begins by declaring, that the eminent services performed by Marlborough are well known to all Europe, and it then recites the results of the Duke's three campaigns, ending with the relief of the Empire and the battle of Blenheim. We cannot doubt that Marlborough's victories kindled a spirit of emulation and energy throughout the country, and led many to enter upon an active life, who might else have wasted their days in indolence, or possibly become a burthen to the community. The demands of the war moreover, although in the main wasteful and anything but reproductive, would yet put various occupations in a state of greater

1704.
3 and 4
Anne,
cap. 4.

activity, and thus Marlborough's campaigns may be regarded as exercising a certain influence on the social condition and character of the people, and are not to be overlooked in a work of this nature. The same may be said of the operations by sea, which were at this time nearly as successful as those by land. Among other advantages obtained by our navy, it is only necessary to mention the taking of Gibraltar, which was this year (1704) captured by Sir George Rooke, in a manner evincing the greatest gallantry and devotion on the part of all engaged in the enterprise. The war continued eight years longer, when, the objects for which it was waged having been accomplished, by reducing the power of France within limits not incompatible with the liberties of Europe, negotiations for peace were opened at Utrecht, and so far settled as to be noticed in the queen's speech to parliament on the 5th of June, 1712.

The next event requiring notice, is the Union with Scotland, in comparison with which the French war was a matter of very minor importance. This great measure, so beneficial in its results to the people of both countries, took effect on the 1st of May, 1707.
1707.
Union with
Scotland. Negotiations on the subject had been in progress from the very commencement of the queen's reign, and even before that time; but the difficulties which presented themselves, as well in England as in Scotland, and especially in the latter, seemed almost insurmountable. By the resolute perseverance of the real patriots in both countries, however, these difficulties were at length overcome, and *The 6th of Anne, cap. 11*, confirming the articles of union agreed upon by the Commissioners appointed on behalf of the two kingdoms, received the royal assent, and became the law of the land. The benefits arising from this measure can hardly be overstated. Since the union, England and Scotland have alike gone on improving in a

most remarkable manner. Each has assisted the other, and the jealousy and ill feeling which had previously prevailed, have entirely disappeared. The auguries of evil have proved unfounded, and if the two people have not actually become blended into one, they are yet happily so far identified in interest, and so united in habits and feelings, as no longer to take opposite views on any question affecting the honour or the interest of the United Kingdom. In one respect, however, there has been, and still is, a difference: the Poor Law of the two countries has never been assimilated, and although a nearer approach to it has recently been made, there is still a marked difference in the mode of providing for the relief of the destitute, on the north and on the south of the Tweed.

The 6th of Anne, cap. 16, is entitled ‘An Act for the better Preservation of Game.’ It enacts that any higgler, carrier, innkeeper, or victualler, having game in his possession, or who shall buy, sell, or offer to sell the same, shall, upon conviction, forfeit for every hare, pheasant, &c., the sum of five pounds, one half to the informer, the other half to the poor of the parish; and in default of payment, the offender is to be committed to the house of correction for three months on the first offence, and four months on the second offence, “without bail or mainprise.” The Act further provides, “That any person who shall destroy, sell, or buy any game, and shall within three months make discovery of any higgler, chapman, carrier, innkeeper, &c., that hath bought or sold, or offered to buy or sell, or had in their possession, any hare, pheasant, partridge, &c., so as that any one shall be convicted of such offence,” such discoverer is not only exempted from punishment for having himself killed and then sold the game, but is to be rewarded by receiving, in his capacity of informer, half the penalty imposed by the Act: that is, he retains the money paid to him by the higgler

1706.
6 Anne,
cap. 16.
The game-
laws.

or chapman for the game he unlawfully killed and sold, and also receives half the amount of the fine on every conviction obtained through his treachery. The object of this provision was, no doubt, to sow distrust between the higgler and the poacher, and, by discouraging the one from buying, to put a stop to the other's killing, the game. The last Act on this subject was the *4th William and Mary, cap. 23*, which declares that the game "had been very much destroyed by many idle persons, who afterwards betake themselves to robberies, burglaries, or other like offences, and neglect their lawful employments." For remedy whereof it directs that the houses of suspected persons may be searched, and if game be found, and not satisfactorily accounted for, the offending party is subjected to a penalty of not less than five nor more than twenty shillings, and in default of payment he is to be imprisoned for a period not exceeding a month nor less than ten days, with hard labour. Here we find the penalty imposed indifferently upon the poacher and the receiver; but by the present Act (the *6th of Anne*), we see that the prime culprit is rewarded in order to facilitate the punishment of the secondary offender or receiver. Such a sanction, not only to breaches of the law, but also to breaches of moral rectitude, must have tended to demoralise those of the working classes on whom the temptation to destroy game would most powerfully operate, and even to extend beyond these, and shed an evil influence over the rest of the population.

The *6th of Anne* was limited to three years' duration, but it was continued and made perpetual by *The 9th of Anne, cap. 27*, which declares that it "hath been found an useful law for the preservation of the game of the kingdom." Some additions are, however, made to it. Killing game in the night is prohibited. Lords of the manor are restricted from appointing more than one gamekeeper, whose

1710.
9 Anne,
cap. 27.
The game-
laws.

name is to be entered with the clerk of the peace ; and if any game shall be found in the possession of any person not qualified to kill game, "or entitled thereto under some person so qualified, the same shall be adjudged to be an exposing thereof to sale within the intent and meaning of the Act," and would of course subject such person to the penalties it imposes. The advantages to be derived from the preservation of game, ought to be very great and very certain to warrant the restrictions in this and the previous statutes ; but for the direct incentives to fraud and falsehood which they hold out, there can be no warranty ; and it is, perhaps, no exaggeration to say, that these laws for the preservation of game have done more to pervert the rural population, and to cause the spread of vice and poverty, than any other Act or circumstance of the period. The law, nevertheless, continued in force for a series of years with very little change.

There was a scarcity throughout Europe in 1709, and *The 8th of Anne*, cap. 2, was passed, prohibiting the exportation of corn, malt, flour, &c. The 1709.
8 Anne,
cap. 2. recital is similar to that of the *10th William 3rd*, cap. 3,^d and the Act prohibits, until the end of September in the following year, the exportation of any corn, meal, malt, starch, flour, &c. ; but if the price of corn in the public markets shall decrease in the mean time, the queen is empowered, by proclamation, to rescind all or any of the said prohibitions. It does not appear, however, that the price did decrease. Mr. Tooke^e gives the price of wheat at Lady-Day, 1708, at 27s. 3d. ; at Lady-Day, 1709, 57s. 6d. ; and at Lady-day, 1710, 81s. 9d. ; "being (as he says) a rise of 200 per cent. in two years." And he adds in a foot-note, "The winter of 1708-9 is one of the most memorable of any in the last century for severity and duration. In this country,

^d Ante, p. 363.

^e See Tooke's 'History of Prices,' vol. i. pp. 35, 36.

and throughout the greater part of the Continent, the frost began in October, and continued, with few intermissions, into a very advanced period of the spring. The summer following was cold and wet; and the dearth with which Europe was visited in 1709, as the consequence of the severe winter and the cold and wet summer, appears to have been very severe and very general." He further remarks that "there can be no doubt but that there was on the continent of Europe, as well as in this country, a considerable proportion of deficient harvests in the seven years ending in 1715, as compared with the preceding seven years." Whenever a deficient harvest occurs, it must necessarily be followed by an increase of price, and by more or less privation and suffering among the people; and where there are, as sometimes happens, and as was the case between 1708 and 1715, a series of such deficient harvests, the privation must be proportionally greater, for wages are adjusted with reference to the average range of produce and prices, and not to the occasional occurrence of deficiency or excess.

An Act was passed in 1710 materially affecting the social well-being of the inhabitants of the metropolis, which had so greatly increased in extent and population, that the number of churches and the means of religious instruction had become altogether insufficient for meeting the wants of the people. The poorer classes, by whom such instruction is especially needed, of course suffered most from the deficiency; and to remedy this evil, *The 9th of Anne, cap. 17*, was passed, providing for the erection of fifty new churches in London and Westminster, "for the better instruction of all persons inhabiting the several parishes wherein the same shall be built, in the true Christian religion, as it is now professed in the Church of England, and established by the laws of this realm;" and

1708-9.
Winter
extremely
severe,
followed
by great
scarcity.

1710.
9 Anne,
cap. 17.

the money for this purpose, is directed to be raised by a duty on coals brought into the port of London.

We cannot doubt that with the increase of population additional churches were necessary, neither can we doubt that this measure was attended with benefit, especially to the poorer sort of people. In no long time, however, the metropolis again outgrew, and is still outgrowing its means of church accommodation, and renewed efforts were and are called for to supply the want, which continues far in advance of whatever has been done, or it may be feared of what is likely to be done, in the way of supply.

Fifty new
churches
in the
metropolis.

We have seen what was done for providing work-houses at Bristol, Worcester, and Plymouth.^f

In 1711 *The 10th of Anne, cap. 15*, was passed for erecting a workhouse at Norwich. It declares that "the poor in the city of Norwich, and county and liberties of the same, do daily multiply, and idleness, laziness, and debauchery amongst the meaner sort do greatly increase, for want of work-houses to set them to work, and a sufficient authority to compel them thereto, as well to the charge of the inhabitants and grief of the charitable and honest householders, as the great distress of the poor themselves." And for remedy thereof, it is enacted, that the mayor, recorder, stewards, justices of peace, sheriffs, and aldermen for the time being, together with thirty-two other persons chosen respectively out of each of the four great wards of the city, shall be a corporation, under the name of "*Guardians of the Poor of Norwich*," with power to provide one or more hospitals, workhouses, or houses of correction, together with the necessaries for setting to work and employing the poor therein, of what age or sex soever they may be. The guardians are further empowered

1711.
10 Anne,
cap. 15.
Norwich
workhouse.

^f. Ante, pp. 373, 385, and 387.

to compel idle or lazy people begging or seeking relief, and such other poor as receive alms or collection-money, or who, by the laws in force, ought to be maintained and provided for within the said city, to dwell and work in such hospital, workhouse, or elsewhere; and also to set to such work as they shall think them able and fit for all persons sent into such houses of correction; "and to detain and keep in the service of the said corporation, or set to work, until the age of sixteen, any poor child or children of the said city or the liberties thereof begging relief, and afterwards to bind out such children apprentice for any number of years, not exceeding seven, as they shall think convenient." The guardians are also empowered to inflict such punishment as to them shall seem reasonable, on any of the poor persons within the said houses, or that shall be set to work by them, who shall misbehave or not conform to the rules. And three of the guardians (the governor or deputy-governor being one) are empowered to issue warrants for apprehending "any rogues, vagrants, or sturdy beggars, or idle, lazy, and disorderly persons, within the said city and liberties, and to cause them to be conveyed, kept, and set to work in the said workhouses, hospitals, or houses of correction, for any time not exceeding three years."

Large powers are thus, we see, given for repressing idleness and vagrancy, as well as for relieving poverty; but the exercise of these powers at Norwich, as at other places where workhouses are established, was chiefly directed to providing employment that would be remunerative, and this moreover on the assumption that such employment could not be obtained in the ordinary way by the individuals themselves. A dearth of employment may no doubt occur in every community, and especially when it is chiefly occupied in manufactures, as was then the case at Norwich; but the consequences of such dearth, can only be effectually guarded

against by prudence and forethought on the part of the labouring classes; for if in every such case, employment were to be furnished at the public charge, the governing principle of supply and demand would, as has been before shown,⁵ be subverted, and the evil would become chronic, instead of being occasional. This objection applies to the employment organised in workhouses with a view to profit, as much as to any other. It is not carried on to supply a want, nor even in anticipation of a want, but with a totally different object; and to the extent to which it is carried, it is certain to forestal other employment and derange the application of capital, and to inflict an injury on the best workmen for the sake of the worst.

The 10th of Anne, cap. 26, is entitled 'An Act for Regulating, Improving, and Encouraging the Woollen Manufacture, and for the better Payment of the Poor employed therein.' The preamble declares that, owing to the ill practices of some makers, and the unskilfulness of others, English broad-cloths have gotten into disrepute both at home and abroad, and that the workers or poor labourers employed in making them have had goods and wares imposed on them in payment for their labour, "instead of ready money, to the great discouragements of the good makers and fair dealers." Regulations are then laid down for measuring and sealing such cloths, &c.; and it is enacted that "every clothier, clothworker, cardmaker, or any other person concerned in the trade of the woollen manufacture, shall make payment in money for all work done in relation thereunto, and shall not impose any sort of goods or wares in lieu of payment for such work," under a penalty of twenty shillings for every offence, to be determined by one justice of peace where the

1711.
10 Anne,
cap. 26.

Workmen's
wages to be
paid in
money, and
not in goods.

⁵ See ante, p. 387.

same shall be committed, half the penalty to go to the informer, the other half to the poor of the parish.

The care here manifested for the reputation of our cloth manufacture, shows that neither the exciting incidents of the war, nor the party feuds then raging with unusual acrimony, prevented attention being given to the commercial interests of the country. Care is likewise again most creditably manifested for the welfare of the operatives, whom the legislature now, as in the first year of the present reign,^h come forward to protect from the evils and impositions of the "truck or tommy system." This mode of payment may probably, in some shape or other, have always more or less prevailed; but there can be no doubt that it is open to abuse, and liable to become the occasion of much injustice and hardship to those whom the Act designates as "poor labourers," but who were not "poor" in the strict sense of the term, as they acquired the means of living by their own independent exertions. The provision requiring employers to pay wages in money, and the penalty imposed on those who, instead of so doing, paid in "any sort of goods or wares," was unquestionably a wise and just restriction.

In the following year *The 12th Anne*, cap. 12, was passed 'For the better Encouragement of the Making of Sailcloth,' which is declared to be of great benefit to the nation, employing many thousands of the poor; but that, owing to the duties on hemp and flax imported, and the drawback on foreign-made sailcloth exported, the makers of British sailcloth suffer discouragement. It is therefore enacted, that, over and above the duties payable upon imported sailcloth, a further duty of one penny per ell should be paid; and as "hemp and flax imported draws back nothing of the duties paid for the same when wrought into British

^{1712.}
12 Anne,
cap. 12.

^h Ante, p. 382.

sailcloth," a bounty of one penny is allowed "for every ell of British-made canvas fit for or made into sails," which shall be exported by way of merchandise during the next seven years. This was doubtless an encouragement to the British manufacturer, but it was at the expense of the British consumer, who would thus have to pay a penny an ell more for foreign sailcloth, and be exposed to whatever additional charge might arise from the bounty on the exportation of the British-made article. These consequences are too obvious not to have been perceived at the time; but the importance in a political point of view of encouraging the home manufacture of sailcloth, and the employment thereby afforded "to many thousands of the poor," appear at that time to have overruled the economical considerations involved in the question.

This year (1712) hostilities with France were brought to a close by the treaty opened at Utrecht for a general peace,¹ the preliminaries of which were settled in the month of June, although the peace was not formally proclaimed in London until the 4th of May following. This peace gave rise to much controversy, and was as strongly denounced by one political party, as it was strenuously defended by the other; but whatever were its merits or demerits at the time, it is now generally considered "impossible to justify the course of the negotiation which ended in the peace of Utrecht."² Both countries were left exhausted by their long protracted struggle, yet England suffered comparatively so little, and so rapidly recovered, as to be able shortly afterwards, by *The 13th Anne*, cap. 15, to reduce the interest of money from six to five per cent., thus proving the elastic energy of the country, and the wonderful powers of renovation it possessed through the industry of its people.

1712.
Peace of
Utrecht.

1713.
13 Anne,
cap. 15.

Rate of interest reduced to five per cent.

¹ See ante, p. 390.

² See Hallam's 'Constitutional History,' vol. ii. p. 369.

Notwithstanding the lamentation set forth in the preamble to the Act, about the decrease in the value of land at home, and of merchandises abroad, we find that the estimated value of our exports had increased nearly fifty per cent. in nine years, having, in 1705, amounted to only 5,308,966*l.*, whilst, on an average of the three years from 1713 to 1715 inclusive, they reached 7,696,573*l.*, a proof that the reduction of interest was not caused by any falling off in the means of employing capital.

The last statute of this reign which I shall notice is ^{1713.} *The 13th Anne, cap. 26,* ‘For reducing the Laws ^{13 Anne,} relating to Rogues, Vagabonds, Sturdy Beggars, ^{cap. 26.} and Vagrants, into one Act, and for the more effectual punishing such Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and sending them whither they ought to be.’ After this long and significant title, the preamble recites, that many parts of the kingdom are extremely oppressed by the conveying of vagabonds or beggars from county to county; persons being conveyed as vagrants who ought not to be so. For remedy of which it is enacted, “That all persons pretending themselves to be patent gatherers or collectors for prisons, gaols, or hospitals, all fencers, bear-wards, common players of interludes, minstrels, jugglers, all persons pretending to be gipsies or wandering in the habit or form of counterfeit Egyptians, or pretending to have skill in physiognomy, palmistry, or the like crafty science, or pretending to tell fortunes or like phantastical imaginations, or using any subtle craft or unlawful games or plays; all persons able in body who run away and leave their wives or children to the parish, and, not having wherewith otherwise to maintain themselves, use loitering, and refuse to work for the usual and common wages, and all other idle persons wandering abroad and begging (except soldiers, mariners, or seafaring men licensed by a

Relating to
rogues, vaga-
bonds, and
sturdy
beggars.

testimonial in writing of some justice of peace), shall be deemed rogues and vagabonds." It is then directed, that if any such rogue or vagabond be found in any parish or place wandering, begging, or misordering him or herself, the constable or any other person there dwelling is to apprehend and convey him or her before a justice of peace, to be dealt with according to law. Justices are moreover empowered to direct general and privy searches at night, for apprehending such rogues, vagabonds, and sturdy beggars; and may also make examination upon oath, and "by any other ways and means they shall think most proper," into the condition, place of abode, and place of birth, of all vagrants, &c., apprehended and brought before them; and are to cause the same to be put in writing and signed by the person so examined, and then to be transmitted to the quarter sessions, to be filed and kept on record. And if it shall appear that any such person has obtained legal settlement in any place, he is to be sent thither; but if no such settlement hath been obtained, he is to be sent to the place of his birth; and if his place of birth cannot be known, then he is to be sent to the parish or place where he last begged or misordered himself, without having been there apprehended. On this last parish is therefore *now* thrown the responsibility of finding out the vagrant's place of birth or place of settlement, and, failing in that, to provide for him according to law.

Privy search
for rogues,
vagabonds,
and sturdy
beggars.

This penalty upon negligent parishes would no doubt operate as a strong incentive to cause the apprehension of beggars and vagrants; and after they are apprehended, the justices are by the Act further empowered, before sending such persons to their place of birth or settlement, to cause them "to be stripped naked from the middle, and openly whipped until his or her body be bloody, or else to send them to the house of correc-

tion, there to be kept to hard labour." And if the justices at quarter sessions shall adjudge any such person to be a dangerous and incorrigible rogue, "they shall cause him to be publicly whipt three market-days successively at some market-town near, and afterwards to be kept at hard labour for such time as they in their discretion shall think meet; and in case any rogue so committed shall break out of prison, he is for such offence to be deemed guilty of felony and to suffer as a felon." There are other provisions regulating the mode in which beggars, &c., are to be passed to their places of birth or settlement, and prescribing the form of the passes and certificates, and how the expenses are to be defrayed; but these details it is not necessary here to describe.

The 18th section of this Act provides, that in case any person shall, upon examination before a justice, be found to have committed "any of the acts of vagrancy mentioned, or used the trade or life of a common beggar or vagabond for the space of two years last past, or be a dangerous and incorrigible rogue within the intent of this law," the justice is in such case empowered to commit such offender to the custody of any person or persons, or body politic or corporate, willing to receive him as apprentice or servant, who may detain, keep, employ, and set him to work, either in Great Britain or in any of her Majesty's plantations, or in any British factory beyond the seas, for the space of seven years. An appeal to the quarter sessions is however allowed, in case the person so committed shall think fit to avail himself of the privilege.

By the 24th and two following sections, masters of vessels are prohibited from bringing from Ireland, the Isle of Man, the Islands of Guernsey, Jersey, and Scilly, or any of the foreign plantations, any native of such places being

Vagrants
and common
beggars.

Beggars from
Ireland, the
Isle of Man,
&c.

rogue, vagabond, or beggar, "or a person likely to live by begging," under a penalty of five pounds, and payment of the expenses incurred in apprehending and sending back such person; and the masters of vessels bound for any of these places are required, under a like penalty of five pounds, to take on board and carry back any such persons (who are however to be first openly whipped), upon a warrant from any justice of peace, and upon payment of the sum therein ordered. And it is further enacted, that in case any constable or other officer shall fail of his duty, or be remiss and negligent in apprehending and punishing rogues or vagabonds, he shall for every offence forfeit 20s. to the use of the poor of the parish.

Penalty on
parish-
officers.

By the last section, the 39th *Elizabeth*, cap. 4,^m and the 1st *James* 1st, cap. 7,ⁿ are repealed, as is also so much of the 7th *James* 1st, cap. 4,^o as relates to privy search. The present Act is in fact little more than a recapitulation of those statutes, omitting the branding of vagrants directed by the 1st of *James*, but in all other respects it is very similar; and a revival of so much severity in the comparatively humane and civilised period of Anne, seems to indicate that mendicancy and vagabondage had increased, owing possibly to the circumstances arising out of the war in which the country had been so long engaged.

We have now reached the end of the reign of "The good Queen Anne," the endearing title by which she was long remembered by the people. The queen died on the 1st of August, 1714, in her fiftieth year, and was sincerely and universally lamented.

1714.
Death of
Queen Anne.

We have also arrived at the end of the Second Part of our work, and a brief survey of the position we have thus reached may here be useful.

The reign of Queen Anne was not of long duration,

^m Ante, pp. 186, 214, and 237.

ⁿ Ante, p. 214.

^o Ante, p. 233.

but it was filled with incidents of great importance, both foreign and domestic. The disturbing circumstances unavoidably attendant on the Revolution had, under her mild influence, in great measure subsided, and the several powers of the constitution had become adjusted into a quiet and harmonious action. The Protestant succession in the House of Hanover was firmly established, and the crown devolved upon George the First on the queen's decease, with as little obstruction as if it had passed in the ordinary line of descent. The union with Scotland no doubt materially contributed to this result; for although the adherents of the exiled family were still numerous in that country, its union with England, and the blending of the two people which thence ensued, served as a counterpoise to this circumstance, at the same time that the greatest benefits were thereby secured for both countries in other respects. Ireland was quiet and improving, and no longer a source of weakness to the empire; and British prowess and British influence were more felt and more fully recognised than they perhaps had been at any preceding period. Considerable advances were likewise made in arts, literature, and science, and the writers of Anne's reign may vie with those who preceded or who have followed them.

We have assumed that the population of England and Wales at the commencement of the year 1701 amounted to about five millions and three-quarters.^P The waste of war during nearly the whole of Anne's reign would probably prevent any material increase at the time, whatever might be its effect afterwards, so that at the queen's decease we may still reckon the population at the same amount; which however is, as we have shown, considerably above what is estimated by some authorities, and considerably

1714.
Population.

^P See ante, p. 374.

under what is estimated by others, and may therefore perhaps be taken as not very wide of the truth.

As regards the state of the Poor Law, it is only necessary to say that it rested essentially on the three statutes—the 43rd of *Elizabeth*, cap. 2,^a the 14th *Charles 2nd*, cap. 12,^r and the 13th of *Anne*, cap. 26.^s The Act of Elizabeth establishes the principle of a compulsory rate, and prescribes the mode in which it is to be raised, and the objects to which it is to be applied. The 14th of *Charles 2nd* establishes the right of settlement and the power of removal. The 13th of *Anne* describes who are to be deemed rogues, vagabonds, and sturdy beggars, and directs how they are to be dealt with. These statutes constituted “the sum and substance” of the laws for the relief of the poor at this period, as in fact they long continued to do, and may even be said almost to do at the present day. The importance of providing education for the poor was recognised in the Act establishing the Plymouth Workhouse, by requiring the appointment of a schoolmaster.^t And the duty of providing adequate means of religious instruction for the people generally, was recognised by the Act establishing fifty new churches in the metropolis.^u The laws regulating trade and manufactures had been improved, and the fair earnings of the operative classes were secured to them by the abolition of the truck system.^x But the rural population were subjected to the evil influence of the game-laws, which, in the shape they had now assumed, were calculated to encourage treachery and falsehood, and to cause the spread of demoralization.^y

There is little certainty as regards the amount of the poor-rates, notwithstanding that the law was now in full operation in every part of the coun-

1714.
Poor-rates.

^a Ante, p. 191.

^t Ante, p. 337.

^r Ante, p. 293.

^u Ante, p. 394.

^y Ante, p. 391.

^s Ante, p. 400.

^x Ante, pp. 382 and 398.

try. At the commencement of the century we have, on such information as we could obtain, estimated those rates in England and Wales to have amounted to somewhere about 900,000*l.*,^a and, considering the circumstances of the times, and the tendency in all such charges to increase, we may set them down at 950,000*l.* in 1714, which accords pretty nearly with the authorities cited by Sir F. Eden.^a This is, however, considerably above what a statement of 'Local Taxation,' compiled by the late Mr. Rickman, and printed by order of the House of Commons in 1839, would warrant. The average of the poor-rates for the three years 1748, 1749, and 1750, according to that statement, was 730,137*l.*; but as Mr. Rickman describes the returns for these years as being very defective, and as those of 1776 (against which he makes no such charge) give 1,720,317*l.* as the amount levied in that year, it seems more likely that the former amount should have been set down too low, than that there should have been an increase of nearly a million between 1749 and 1776. I have therefore ventured to disregard the returns of 1748, 1749, and 1750, and have assumed the amount of the poor-rates at the end of Anne's reign to have been as above.

The several workhouses which had been erected at Bristol and elsewhere, together with the superior organization for administering relief, and for preventing the application of the rates to improper objects, in all the parishes united for providing a common
 Workhouses. workhouse, must have brought about a more regular and a more economical mode of proceeding with regard to the poor; for although these workhouses were not founded on the best principle, nor probably conducted in the best manner, they would necessarily be a vast improvement upon the practice

^a Ante, p. 374.

^a See Sir F. Eden's 'State of the Poor,' vol. i. p. 264.

that previously prevailed, when in each separate parish relief was given according to the fancy or discretion of the persons who happened to be the overseers at the time.

Of the price of provisions, and the rate of wages, sufficient notice has already been taken ; and as respects the condition of the people, it is only necessary to remark, that there is every reason to believe it went on improving, concurrently with the general improvements of the period. The Plymouth Workhouse Act, in 1707,^b by expressly providing for the religious instruction of poor children, and for teaching them "to read and write and cast accompts," and directing that such of them as have capacity to learn shall be taught "the art of navigation and such part of the mathematics as tend thereto," affords evidence that much attention was then given to education ; for if so much were required for the children of the poorest and lowest class, those immediately above them would surely not be neglected : whilst the general advance of the country in wealth and intelligence, and the free and popular institutions which happily existed in England, could hardly fail to bring about a corresponding improvement in the general condition of the people in other respects.

We have seen that the interest of money was in 1713 reduced from six to five per cent.,^c whilst at the same time there was a considerable increase in the amount of exports, added to which, it may be further stated, that the tonnage of British shipping had likewise increased, it having in 1700 amounted on an average of three years to 293,703 tons, and on a like average of three years in 1714 it had risen to 421,431 tons,^d an increase of upwards of one-third in that period. These figures may appear insignificant com-

^b Ante, p. 387.

^c See ante, p. 399.

^d See 'Pictorial History of England,' book ix. p. 706.

pared with what is seen at the present day; but they afford evidence of the progressive state of the country, and show that the reduction of interest in 1713 was caused by the growth and abundance of capital, not by a decrease in the means for its profitable employment.

The British North American colonies had gone on steadily extending their boundaries and augmenting their population, assisted in both respects, rather than retarded, by the wars, political convulsions, and religious feuds, which from time to time occurred in Europe. Our settlements in the West Indies, and our factories in the East, were also every year becoming of more importance. These circumstances may in great measure account for the increase of shipping and exports above noticed; but the close connexion with Holland during the wars of William and of Anne may also have had some influence in this direction, by exciting in our traders and mariners a spirit of commercial industry and enterprise similar to that for which the Dutch were then so much distinguished, and which, as in the case of Venice at an earlier period, raised them to be the first in wealth, and, notwithstanding their limited territory, to be nearly second in power, among the nations of Europe.

END OF PART THE SECOND AND OF VOL. I.

A HISTORY
OF THE
ENGLISH POOR LAW

IN CONNECTION WITH
THE STATE OF THE COUNTRY AND THE
CONDITION OF THE PEOPLE

BY
SIR GEORGE NICHOLLS, K.C.B.
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THE NEW EDITION
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AND A BIOGRAPHY

BY
H. G. WILLINK
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"Whenever, for the purposes of government, we arrive, in any state of society, at a class so miserable as to be in want of the common necessities of life, a new principle comes into action. The usual restraints which are sufficient for the well-fed, are often useless in checking the demands of hungry stomachs. Other and more powerful means must then be employed; a larger array of military or police force must be maintained. Under such circumstances, it may be considerably cheaper to fill empty stomachs to the point of ready obedience, than to compel starving wretches to respect the roast beef of their more industrious neighbours: and it may be expedient, in a mere economical point of view, to supply gratuitously the wants even of able-bodied persons, if it can be done without creating crowds of additional applicants."

BABBAGE, *On the Principles of Taxation*. London 1851.

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ON the death of Queen Anne, George the First^{1714.} ascended the throne under the provisions of the Act of Settlement,¹ but the partisans of the exiled family secretly endeavoured to foment jealousies and dis-

¹ The 12 & 13 William III. cap. 2, *ante*, vol. i. p. 348.

content, and to stir up hostility to the government. Several persons of rank were impeached, others were arrested, and at length the Jacobites in Scotland broke out into open rebellion. There was likewise an insurrection in England, but after proclaiming the Pretender in the North, and being joined by the Scottish malcontents, the insurgents were compelled to surrender at Preston; and about the same time the Highlanders under the Earl of Mar, were defeated at Dumblaine, and the rebellion was so far put down as no longer to excite serious apprehension. At this juncture the Pretender came over in disguise, and joined his discomfited partisans in Scotland; but he was soon compelled to re-embark, and all hopes of success were for the present abandoned, both by him and his followers. The smouldering embers of disaffection still remained, however, and continued to keep alive an uneasy and unsettled feeling in the country, and in some degree to influence the policy of the government throughout the reigns of the first two sovereigns of the House of Hanover.

1714.
1 George I.
stat. 2,
cap. 5.

The Riot
Act.

One of the earliest Acts of the new reign was 1 George I. stat. 2, cap. 5, for preventing tumults and riotous assemblies. After declaring that many rebellious riots and tumults have of late taken place, and are yet continued and fomented by persons disaffected to his Majesty, it enacts that if twelve or more persons tumultuously assemble together to the disturbance of the public peace, and, on being required by proclamation in the king's name to disperse, shall notwithstanding riotously continue together the space of one hour after such proclamation, the offenders shall be adjudged felons, and suffer death as in case of felony. The form of the proclamation is given, and it is directed to be openly read "with a loud voice" by the justice of peace, or other person authorised, as near to the said rioters as he can safely come, first com-

manding silence ; and after the proclamation has been so read, the rioters may be forcibly dispersed, in doing which if any of them shall happen to be killed or hurt, the justice and others affecting such dispersion are held harmless. There is likewise a similar provision with respect to tumultuously assembling and demolishing or injuring churches, chapels, dwelling-houses, barns, and other buildings, the offenders therein being declared guilty of felony ; in addition to which, the damage done by them is to be repaid by the hundred. This is *The Riot Act*, and it has continued in force to the present day.

Shortly afterwards, the celebrated Septennial Act was passed (1 George I. stat. 2, cap. 38). It begins by reciting the 6 & 7 William and Mary, cap. 2,¹ by which the continuance of every parliament is limited to three years, and declares it to have been found by experience very grievous and burthensome, occasioning much greater expenses and more violent and lasting heats and animosities than were ever known before. It then enacts, that the present and all future parliaments shall have continuance for seven years. The passing of this Act must have helped to give stability to the government at that time, although it was then, and has ever since continued to be, objected to by many persons, as tending to a dangerous increase of the influence of the Crown. With the view of curtailing such influence, it was subsequently provided by the 1 George I. stat. 2, cap. 56, that no person having a pension from the Crown for any term or number of years, either in his own name, or in the name of any person for his benefit, shall sit or vote as a member, under a penalty of twenty pounds for every day in which he shall so sit or vote. The passing of this Act would seem to negative the assumption as to the undue or dangerous influence of the Crown ; but the solicitude

1715.
1 George I.
stat. 2,
cap. 38.

The Sep-
tennial Act.

1715.
1 George I.
stat. 2,
cap. 56.

¹ *Ante*, vol. i. p. 334.

evinced by it for the independence of parliament is worthy of all praise.

1717.
4 George I.
cap. 11.

Persons
convicted
of larceny
to be trans-
ported for
seven
years.

The proneness to disorder, and the disregard of law which prevailed at this time, are evidenced by the passing of 4 George I. cap. 11, which declares that the laws in force against robbery, larceny, and other felonies, have not proved effectual to deter persons from being guilty of these crimes. It also declares that there is great want of servants in many of the American colonies, and it enacts, that persons convicted of grand or petit larceny, or felonious stealing, or of any offence within benefit of clergy, and who are liable to be whipped or burnt in the hand, "or have been ordered to any workhouse,"¹ may be sent to some of his Majesty's colonies in America for the space of seven years, and be made over to the use of any person who shall contract for such transportation for that period. And persons convicted of offences for which the penalty of death ought by law to be inflicted, may be transported, and so assigned to serve, for fourteen years. And if any such offenders shall return before the end of the terms respectively assigned to them, he or she so returning are made liable to be executed as a felon.

The 5th section of the Act declares that there are many idle persons under the age of one-and-twenty, lurking about in London and elsewhere who want employment, and may be inclined to enter into service in some of the American colonies, but that having no power to contract for themselves, "it is not safe for merchants to transport them or take them into such service." Wherefore it is enacted, that where any person between the ages of fifteen and twenty-one shall be willing to enter into service in the American colonies, it shall be lawful for any merchant to contract with such person to serve for a term not exceeding

¹ Pauperism and crime are thus treated as equal offences.

eight years, provided the person so binding him or herself comes before the lord mayor in London, or before two justices of peace if elsewhere, and acknowledges such consent and signs such contract, his doing which is to be certified to the next general quarter-sessions, and registered without fee and reward. This provision seems well calculated to relieve the metropolis and other large towns, from the number of young persons generally found idling about in such places, where they too often become initiated in vice and depravity. To remove them from the temptations by which they are surrounded, and place them for eight years beyond the reach of such demoralising influences, even although it were under a species of petty slavery, would be giving them a better chance for becoming useful members of society, than if they remained at home. So thought the framers of the present Act; and as the removal of these young persons was to be with their own consent, and guarded against fraudulent coercion by the intervention of the magistrates, there seems no insuperable objection to the mode in which it is here sought to be accomplished.

Youths
idling
about Lon-
don and
othertowns
may serve
in the
colonies.

The 5 George I. cap. 8, is in its import not very dissimilar to the statute just quoted. It commences by reciting, that "divers persons run or go away from their places of abode into other counties or places, and sometimes out of the kingdom, some men leaving their wives, a child, or children, and some mothers run or go away, leaving a child or children upon the charge of the parish or place where such child or children was or were born, or last legally settled, although such persons have some estates which should ease the parish of their charge in whole or in part." And it enacts, that it shall be lawful for the churchwardens and overseers of the poor of the parish or place where such wife, child, or children shall be left, under the warrant of two justices, to seize so much of the goods and chattels,

1718.
5 George I.
cap. 8.

Desertion
of families.

and receive so much of the annual rents, of such husband, father, or mother, as such justices shall order, towards the discharge of the parish for bringing up and providing for such wife, child, or children. And the justices in quarter-sessions are further empowered to make an order, enabling the churchwardens and overseers to dispose of such goods and chattels by sale or otherwise, or so much of them as shall be deemed necessary for the aforesaid purposes; and the churchwardens and overseers are directed to account to the quarter-sessions for all money so received by them.

This Act brings to light a new incident in poor-law administration. The obligation imposed upon parishes, of providing needful relief for all persons belonging to or settled in them, has, we here see, led to the desertion of families, sometimes even, it would seem, by persons possessed of sufficient means for their support. To guard against this gross abuse of the law, and this abandonment of natural duty, it is now provided that the property of such persons may be seized by the parish officers, and applied to supporting the individuals so abandoned. A man may have deserted his family, and gone away to another county or place, or to another kingdom, but if he has left property of any kind behind him, it will now be made available for the support of the wife or the children whom he has forsaken. This Act is highly instructive, as showing the abuse to which every compulsory system of relief is more or less liable, even to the extent of blunting natural sympathies, and neutralising parental affection. It moreover shows the necessity for keeping a watchful eye upon the administration of all such relief, and for a jealous supervision of the laws by which it is prescribed.

1718.
5 George I.
cap. 28.

The 5 George I. cap. 28, is entitled "An Act for the further Punishment of Persons who shall unlawfully destroy Deer," etc. It recites, that "disorderly

and riotous persons, in defiance of the laws, have of late in great numbers, with armed force, entered parks and other closed grounds where deer are kept, whereby bloodshed and murder hath frequently happened, and great mischief may ensue"—for prevention of which it is enacted, that any person who shall, without consent of the owner, enter a park or any enclosed ground where deer are kept, and wilfully wound or kill the same, or be aiding or assisting therein, shall, on conviction, be transported to one of the plantations in America for seven years. In the following year another Act was passed which, like the present, indicates the existence of a spirit of violence and disorder in the rural population at that time. The object of this last Act (6 George I. cap. 16) is declared to be for the better preservation of woods, etc.; and it recites, that "divers lewd, lawless, turbulent, and disorderly persons, sometimes in an open riotous and tumultuous manner, and at other times in a clandestine malicious and private manner, do enter the woods, plantations, parks, etc., of lords of manors and others, and make great havoc and destruction by cutting down, spoiling, plucking up, and carrying away wood, poles, fruit-trees, etc., there growing; and also by breaking open, throwing down, levelling, or destroying the hedges, gates, and fences, etc., to the great injury of such lords of manors and other owners." Doubts are then said to have arisen whether these offences are punishable by 1 George I., passed in 1715, for encouraging the planting of timber, fruit, and other trees, and for better preserving the same; and it is therefore enacted that the lords and other owners shall have remedy and satisfaction from the inhabitants of the parish, town, hamlet, or place adjoining such woods, etc., for the damage done, in the same manner and form as is directed by the Statute of Westminster (13 Edward I. sec. 46), "for dykes and hedges overthrown by persons in the night,

Against
destroying
deer, etc.

1719.
6 George I.
cap. 16.

For better
preserva-
tion of
woods.

or at any other season when they supposed they were not espied." And the offenders are, on conviction, to be committed to the house of correction, with hard labour, for three months.

1721.
8 George I.
cap. 24.
Against
piracy, etc.

The above Acts are noticed chiefly on account of the information they afford as to the state of the country at that time. The people were, we see, over-prone to rebel against the restraints of the law, and to disregard the rights of property—a state of things unfavourable to social improvement, and to the progress of honest industry. This, moreover, was not confined to the land; for two years afterwards it was found necessary to pass “An Act for the more effectual Suppressing of Piracy at Sea.” This Act (8 George I. cap. 24) declares, that the number of piracies, felonies, and robberies upon the seas, is of late very much increased, and that many idle and profligate persons have turned pirates, “whereby the trade into remote parts will greatly suffer, unless some further provision be speedily made.” It is accordingly enacted, that if the commander of any vessel or other persons shall trade with, or furnish any pirate or robber upon the seas with ammunition, provisions, or stores of any kind, or shall confederate or correspond with any pirate, knowing him to be such, they shall be adjudged guilty of felony, and suffer accordingly. “And to the end that a further encouragement may be given to all seamen and mariners to fight and defend their ships from pirates,” it is also enacted, that in case any of them shall be maimed or disabled in so doing, they shall be provided for in Greenwich Hospital preferably to mariners disabled by age. And masters and seamen not fighting and defending their vessels when attacked by pirates, as far as they are able, are to forfeit their wages, and be subject to six months’ imprisonment.

In what degree these disorders were attributable to the partisans of the House of Stuart, it is impossible to

say,—there may have been, and probably were other causes, but the political disquiet following upon the change of dynasty was assuredly one, if it were not indeed the chief.

The 7 George I. cap. 7, is entitled “An Act to preserve and encourage the Woollen and Silk Manufactures,” and it affords another instance, in addition to the many already cited, of a disposition in the legislature to force trade and manufactures into other channels than those in which they would naturally flow. The recital declares it to be “most evident that the wearing and using of printed, painted, stained, and dyed calicoes in apparel, household stuff, furniture, and otherwise, does manifestly tend to the great detriment of the woollen and silk manufactures, and to the excessive increase of the poor, and if not prevented may be the utter ruin and destruction of the said manufactures, and of many thousands whose livelihoods do entirely depend thereupon.” The wearing or use of printed or dyed calico is then prohibited under a penalty of five pounds, and the selling of the same, unless it be for exportation, is likewise prohibited under a penalty of twenty pounds. These prohibitions of the use of calico appear extraordinary to us at the present day, when our ordinary clothing and the furniture of our houses so largely consist of this material, and when, moreover, such vast numbers of our people “whose livelihoods do entirely depend thereupon,” are employed in the manufacture of cotton. But this only the more clearly proves the short-sighted policy of such restrictive legislation. Every attempt to force into use articles which are less eligible or less liked, and to prohibit the use of articles which are more liked and deemed more eligible, is sure in the long run to fail, and be the occasion of needless expense and privation to the people for whose benefit it is, as in this instance, professed to be intended. The extent to which our cotton manufactures have since

1720.
7 George I.
cap. 7.

For encour-
aging silk
and woollen
manu-
factures.

grown, the amount of employment they afford, and their immense importance to the country, place the above prohibitions in a point of view more markedly objectionable, and even absurd, than would be the case in most other instances; but all such interferences are essentially of the same character, and must be judged by the same standard.

1720.
7 George I.
cap. 12.

For regu-
lating
buttons
and button-
holes.

The above observations apply with equal force to 7 George I. cap. 12, by which it was attempted to encourage the manufacture of a particular kind of button and button-hole. It commences by reciting two statutes, one passed in the late, the other in the present reign (8 Anne, cap. 11, and 4 George I. cap. 7), in which it was enacted, "that no buttons or button-holes made of cloth, serge, drugget, frize, camblet, or any other stuffs, should be made, set, or bound on any clothes or wearing-garments whatsoever, by any tailor or other person," under a penalty of five pounds for every dozen of buttons and button-holes so set on and made. The present Act declares that these prohibitions have not been effectual, and that buttons and button-holes made of cloth and other stuffs are still usually made, set, and bound on clothes, etc., to the great impoverishment of the manufacturers of buttons and button-holes made of silk, mohair, and thread. Wherefore, in the present Act, the prohibition is repeated, but the penalty is reduced from five pounds to forty shillings for every dozen of such buttons and button-holes so illegally set on or made, the magnitude of the higher penalty probably rendering it ineffective.

1720.
7 George I.
cap. 13.

For regu-
lating
journey-
men
tailors.

The above Act for regulating buttons and button-holes is immediately followed by 7 George I. cap. 13, "For regulating Journeymen Tailors." This Act declares that "great numbers of journeymen tailors in and about the cities of London and Westminster, and others who have served apprenticeships, or been brought up in the art and mystery of a tailor, have lately

departed from their services without just cause, and have entered into combinations to advance their wages to unreasonable prices and lessen their usual hours of work, which is of evil example, and manifestly tends to the prejudice of trade, to the encouragement of idleness, and to the great increase of the poor"; and it then enacts that all covenants or agreements between such persons for advancing their wages, or for lessening their usual hours of work, are illegal and void, and every person offending therein is, on conviction, subjected to two months' imprisonment with hard labour.

The prohibiting of combinations may then have been necessary, but the Act does not stop there; it goes on to prescribe the hours of work, which are to be from six in the morning until eight at night, with an allowance by the master "of one penny halfpenny a day for breakfast, and one hour for dinner"; and it also prescribes the amount of wages, which between the 25th of March and the 24th of June are not to exceed two shillings a day, and for the rest of the year one shilling and eightpence. It further provides that, if any journeyman tailor shall quit service before the expiration of the term for which he was hired, or before completing the work for which he was retained; or if he, "not being retained or employed, shall refuse to enter into work or employment after request made for that purpose by any master tailor, for the wages and hours limited as aforesaid, unless it be for some reasonable and sufficient cause to be allowed by two justices of the peace," every person so offending is to be committed to hard labour in the house of correction for any time not exceeding two months. And if any master tailor or other person shall pay greater wages than the Act prescribes, he is to forfeit for every offence five pounds, one-half to the informer, the other half to the poor of the parish. To discourage idleness and prevent the increase of the poor, are assigned as

reasons for the passing of this Act; and they are no doubt legitimate objects of legislation, or rather, it may be said, object, for they can hardly be separated, poverty being the usual concomitant of idleness. But it may be questioned whether thus prescribing the hours of work, and the amount of wages, was the way to attain this object,—whether it would not, on the contrary, tend to produce an opposite result, by promoting and perpetuating indolence and poverty in the class of operatives to which the legislation applied? Yet this Act continued in force for nearly half a century, and until modified by 8 George III. cap. 17.¹

The South
Seascheme.

1721.
7 George I.
stat. 2.

About this time the public were much occupied with the South Sea scheme. The hopes and the fears, the frauds and the follies connected with this speculation, extended to every class from the highest to the lowest, and intensely agitated the whole community. The Acts 7 George I. caps. 1, 2, and 5, were passed in reference to this matter, and afterwards, in 1721, 7 George I. stat. 2, was passed, under the title of “An Act for making several Provisions to restore the Public Credit, which suffers by the Frauds and Mismanagements of the late Directors of the South Sea Company and others.” The publications of the day teemed with dissertations and denouncements on the subject, but notwithstanding the dishonest practices to which it gave rise, and the many evils by which the so-called “South Sea Bubble” was accompanied and disgraced, it may not have been without a certain amount of beneficial influence on the enterprise and industry of the country, by enlarging the views of commercial men, and pointing out new fields of action for the hardy and adventurous, and new channels for the profitable employment of capital.

1722.
9 George I.
cap. 7.

The 9 George I. cap. 7, applies immediately to our main subject, and is entitled “An Act for Amending

¹ See *post*, p. 71.

the Laws relating to the Settlement, Employment, and Relief of the Poor.” It recites the clause of 3 William and Mary, cap. 11,¹ which provides that in every parish a book should be kept, wherein the names of all persons receiving relief, and the occasion thereof, should be registered, and that no other person should be allowed relief, except in case of pestilential disease, plague, or smallpox, but by authority of a justice of peace, residing in or near the parish, or by order of the justices in quarter-sessions—under colour of which provision it is declared, “many persons have applied to some justices of peace without the knowledge of any officers of the parish, and thereby, upon untrue suggestions, and sometimes upon false and¹ frivolous pretences, have obtained relief, which hath greatly contributed to the increase of the parish rates”—for remedy whereof it is enacted, that no justice of peace shall order relief to any poor person, until oath be made of some reasonable cause for having relief, and that application had been made for it to the overseers of the poor, or to the vestry of the parish, and was by them refused; nor until the overseers had been summoned to show cause why the relief should not be given. And it is further directed, that any relief which may be ordered by a justice of peace, is to be recorded in the parish book, and is to be continued only so long as the cause for it continues; and also, that any overseer or parish officer who shall give relief not so ordered and recorded, “except upon sudden and emergent occasions,” shall forfeit and pay the sum of five pounds to the use of the poor of the parish.²

Justices
not to order
relief with-
out first
communi-
cating with
the over-
seers.

The churchwardens and overseers of the poor are

¹ *Ante*, vol. i. p. 323.

² For remarks upon this restriction of the justices' powers, and a comparison of English and Scotch Poor Law policy in this respect, see *History of Scotch Poor Law*, p. 88.

Parishes
may unite
in provid-
ing a house
for keep-
ing and
maintain-
ing their
poor.

moreover empowered, with the consent of the vestry, “to purchase or hire any house or houses, and to contract with any persons for the lodging, keeping, maintaining and employing any or all such poor persons in their respective parishes, etc., as shall desire to receive relief, and there to keep, maintain, and employ all such poor persons, and take the benefit of their work, labour, and service.” Where any parish shall be too small to hire or purchase a house for the poor of their own parish only, two or more such parishes may, with the approbation of the vestry and the consent of any justice of peace dwelling in or near the same, unite in purchasing or hiring such house for keeping and maintaining the poor of the parishes so uniting, and there to lodge, keep, and maintain them accordingly, and have the benefit of their labour. It is further enacted, that the churchwardens and overseers of any parish having such house or houses may, with the consent of vestry, “contract with the churchwardens and overseers of any other parish for the lodging, maintaining, or employing any poor persons of such other parish as to them shall seem meet,” such persons not thereby to acquire a settlement. And in case any poor persons shall refuse to be lodged and maintained in such house or houses, they are to be “put out of the book in which the names of persons who ought to receive relief are registered, and shall not be entitled to ask or receive relief from the churchwardens and overseers.”

We here see that the system of relief had reached a head, which the organisation of the smaller parishes was unequal to control, and aid was sought, first by providing a workhouse in the larger parishes, and then by enabling the smaller ones to unite for that purpose, and lastly, by empowering a parish, having a house of sufficient size, to contract for the maintenance and employment of the poor of other parishes, thus extend-

ing its usefulness beyond the limits of the parish to which it belonged.

In these efforts to establish a species of test for the prevention of fraud, and the guidance of parish officers in administering relief, we may trace the germ of what was afterwards accomplished in this respect. The insufficiency of individual judgment for deciding upon the claims and representations of applicants—whether they are actually and unavoidably destitute, or that destitution is simulated and unreal—whether, if existing, it was occasioned by idleness or vice, or was owing to circumstances beyond the applicant's control. On these points, the insufficiency of personal judgment seems in the present Act to be tacitly admitted, and an attempt is made to relieve the parish authorities from a portion of their responsibility, by enabling them to offer lodging and maintenance in the parish houses, which if the applicant should refuse, he will be no longer entitled to relief of any kind. The power now given to contract with persons for maintaining and employing the poor, “and taking the benefit of their labour and service,” will obviously be liable to abuse, and is therefore of doubtful policy; but it shows that the evils of pauperism were at this time of such magnitude as to call for extraordinary remedies, and this contract system was resorted to as one. Its results will appear in the provisions of a future Act.¹

The 5th section provides, that no person shall be deemed to acquire a settlement in any parish by purchase of any estate or interest therein, of less value than *thirty pounds*, to be “*bonâ fide paid*”; and such settlement is to continue so long only as the purchaser retains and occupies the property, failing in which, he is liable to be removed to the place where he was last legally settled “before the said purchase and inhabiting therein.” It must be presumed that settlement had

Workhouse Test

The purchase and occupancy of a tenement of not less than £30 value necessary for giving a right of settlement.

¹ See 45 George III. cap. 54, *post*, p. 137.

been, at least in some instances, acquired by means of fraudulent purchase or occupancy, and this not altogether by the poor themselves, but with the aid or by the connivance of other persons, having an interest in procuring such settlements to be made in parishes where they would not be called upon to contribute. To guard against the fraudulent evasion of a legal liability, it is now we see provided that £30 must be "*bonâ fide* paid" by the purchaser and occupant of a tenement, in order to confer a right of settlement, and that such right is only to continue so long as he holds and occupies the premises, which of course are rated to the relief of the poor. It is likewise enacted, that a payment of the scavenger or highway rate shall not confer a right of settlement, "any law to the contrary in anywise notwithstanding." This refers to 3 William and Mary, cap. 11,¹ which provides that any person who pays rates and taxes, or holds a public annual office in a parish, obtains thereby a right of settlement. But this is now found to be productive of inconvenience, as the payment of a trifling scavenger or highway rate, might lead to a parish being burthened with a charge to which it was not justly liable, and from which it would otherwise be legally exempt. We have here another instance of the fraud and injustice to which the law of settlement is apt to give rise.

Shortly after the passing of the present Act, many parishes took advantage of its provisions by hiring or erecting workhouses, or by uniting or contracting with other parishes for the maintenance and employment of their poor; and it was found that in either case the proceeding led to a reduction of the rates. A work was published in 1725, and republished in 1732, giving an account of upwards of a hundred of these establishments in different parts of the country. The substance of this account is abstracted in considerable detail by

¹ *Ante*, vol. i. p. 323.

Sir Frederic Eden,¹ but it is here only necessary to observe respecting it, that although in every instance the use of the workhouse was at first successful in causing a considerable reduction in the cost of relief, yet it was not permanently effective for the purpose, the charge after a time increasing, and continuing to do so, until in most cases it exceeded the amount at which it had previously stood. This result cannot now occasion surprise, for these workhouses were established, and mainly conducted, with a view to deriving profit from the labour of the inmates, and not as being the safest means of affording relief by at the same time testing the reality of their destitution. The workhouse was in truth at that time a kind of manufactory, carried on at the risk and cost of the poor-rate, employing the worst description of the people, and helping to pauperise the best. The ultimate tendency of establishments so founded, and so conducted, was to increase the burthen of relief, to lead the entire labouring population to a dependence upon the rates, and to bring them down to the lowest level individually and socially.

Notwithstanding the enactments of 5 & 6 of the present reign, caps. 28 and 16,² robberies and violence still prevailed, and confederacies were formed in various parts of the country, exciting terror, exacting contributions, and committing various illegal Acts; for preventing which, 9 George I. cap. 22, was now passed. It declares that many ill-designing and disorderly persons have of late, under the name of "*blacks*," confederated to support one another in illegal practices; "and have in great numbers, armed with swords, fire-arms, and other offensive weapons, several of them disguised and with their faces blackened, unlawfully hunted in forests belonging to his Majesty and in the

Character
and results
of the work-
houses
established
under 9
George I.
cap. 7.

1722.
9 George I.
cap. 22.

¹ Sir F. Eden's *State of the Poor*, vol. i. pp. 269-288.

² *Ante*, p. 7.

parks of divers of his subjects, and destroyed, killed, and carried away the deer, robbed warrens, rivers, and fishponds, and cut down plantations; and have sent letters in fictitious names demanding venison and money, and threatening some great violence if such their unlawful demands should be refused, or if they should be interrupted in, or prosecuted for, their wicked practices; and have actually done great damage to several persons who have either refused to comply with such demands or have endeavoured to bring them to justice"—for remedy of which, it is enacted, that any person who shall commit any of the above offences, or shall maliciously kill or maim any cattle, or shall set fire to any building or to any stack of corn, straw, hay, or wood, or shall maliciously shoot at any person, or forcibly rescue any person in custody for any of the above offences, "shall be adjudged guilty of felony, and shall suffer death without benefit of clergy." It is likewise enacted, that the hundred shall be answerable to an amount not exceeding £200, for the damage any person may have suffered by the commission of any of the above-named offences, the same to be recovered by action against any of the inhabitants of the hundred. For the better discovery of offenders, justices are empowered to issue warrants authorising officers to enter houses, and search for venison stolen or unlawfully taken, etc.; and if any person shall be killed, or lose an eye or the use of a limb, in apprehending offenders under this Act, such person (or his representatives as the case may be) is entitled to receive from the county the sum of fifty pounds.

1725.
12 Geo. I.
cap. 30.

The above Act was subsequently continued by 12 George I. cap. 30, and must therefore be presumed to have proved beneficial. The punishments it inflicts seem severe, but the occasion for them appears to have been urgent. Burning houses and cornstacks, killing

and maiming cattle, and destroying plantations, are offences which the community is bound on the principle of self-preservation to spare no efforts for putting them down. The plundering of parks and fishponds may be deemed a more venial offence, but this is very much a question of circumstances and degree; for if associations, armed and banded together, were formed for the purpose of committing these depredations, and resisting or overawing the proprietors or the officers of the law, it became equally essential to the general weal that such practices should be abolished, and that nothing necessary to this end should be omitted.

We have seen what was done in 1720 for regulating journeymen tailors.¹ The 13 George I. cap. 34, is now passed “to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of wages.” The recital declares, that great numbers of weavers and others have lately entered into unlawful combinations to regulate the prices of goods, and to advance wages, and have committed great violences and outrages, “and by force protected themselves and their wicked accomplices against law and justice,” so that it is necessary more effectual provision should be made against such unlawful combinations, etc. It is accordingly enacted, that all covenants and bye-laws for regulating the prices of goods, or advancing wages, or lessening the hours of work, are and shall be illegal and void; and that any person knowingly entering into the same in future, or that shall attempt to put any such illegal bye-law or agreement into execution, shall, on being convicted thereof before two or more justices of peace, be committed to hard labour for three months in the house of correction or county jail, as the justices may determine. It is further enacted, that if weaver or woolcomber etc., shall quit his service before the expiration of the

1725.
13 Geo. I.
cap. 34.

¹ *Ante*, p. 10.

term for which he is hired, or if he fails to finish his work according to agreement, unless for some reasonable cause, to be judged of and allowed by two justices, he shall be committed to hard labour in the house of correction for any time not exceeding three months. And if any woolcomber, etc., wilfully destroys goods or work wherewith he is intrusted, he is to pay the owner double the value thereof, or be committed to hard labour for not exceeding three months.

Payment
by way of
truck pro-
hibited.

The Act moreover directs, that clothiers, or persons concerned in making woollen cloths, etc., shall pay the people whom they employ the full wages agreed upon in money; and if any clothier, etc., shall pay the weavers and the people he employs any part of the wages agreed upon "in goods, or by way of truck, or in any other manner than in money, contrary to the true intent and meaning of this Act," he is to forfeit the sum of ten pounds, one-half to the informer, the other half to the party aggrieved. This is an extension of the penalty imposed by 10 Anne, cap. 26,¹ which is only twenty shillings, one-half to the informer, the other half to the poor of the parish; but by increasing the penalty to ten pounds, and dividing it between the informer and the workman, an almost irresistible inducement would be created for giving effect to the Act, and preventing its evasion through fraud and collusion. On the other hand, the masters are protected against violence or dictation on the part of their workmen, the Act providing that, if any person shall assault or abuse a master clothier, etc., for not complying with the rules of any of the fore-mentioned illegal associations, or shall write or send any message or letter to such master threatening to burn or destroy any buildings, or to cut down or destroy any of his trees, or to maim or kill any of his cattle, for not complying with the demands of his workmen,

¹ *Ante*, vol. i. p. 375.

etc., he shall on conviction be declared guilty of felony, and be transported for seven years. As far as protecting the workmen from fraudulent payments, and the masters from violence and dictation, these enactments were doubtless right. But to prohibit the workmen from agreeing together and peaceably combining to obtain an increase of wages, would place them at a disadvantage with regard to their employers, and was carrying legislative interference beyond what either the justice of the case or sound principle warrants.

We have now reached the close of the reign of George the First. He died suddenly at Osnabruck, on his way to Hanover, on the 11th of June 1727. His character has been variously drawn, but all must admit that, as a sovereign, he exhibited considerable talent and much energy under circumstances of more than ordinary difficulty.

The most material circumstance in connection with the Poor Laws which occurred in his reign, is the increase in the number of workhouses, through the greater facilities afforded by 9 George I. cap. 7,¹ for providing these establishments, and for adapting them to the purposes of relief. Numerous Acts for the formation of roads, and for making rivers navigable, and extending and improving the means of transit and inland communication were likewise passed, all being evidences of increasing wealth and the greater intelligence and industry of the people. Inoculation for the smallpox, which had long been practised in Turkey, was introduced in England by Lady Mary Wortley Montagu, and a palliative was thus furnished for one of the worst scourges by which humanity is assailed.

George the Second succeeded to the Crown on the death of his father; and the new parliament, which

George II.
1727-1760.

¹ *Ante*, pp. 12 and 13.

assembled in the January following, expressed in warm terms their sense of the benefits the country enjoyed under the government then happily established, and promised to support his Majesty in whatever was necessary for its maintenance, and for upholding the national honour.

1733.
6 Geo. II.
cap. 31.

Regarding
bastard
children.

The first Act of the present reign requiring notice, is 6 George II. cap. 31, entitled "An Act for the Relief of Parishes from Charges arising from Bastard Children." Its recital declares, that "the laws now in being are not sufficient to provide for the securing and indemnifying parishes and other places, from the great charges frequently arising from children begotten and born out of lawful matrimony"; and it enacts, that if any single woman shall be delivered of a bastard child that is chargeable, or likely to become chargeable, or shall declare herself to be with child, and that such child is likely to be born a bastard and to be chargeable, and shall upon oath before a justice of peace charge any person with having gotten her with child, it shall be lawful for such justice, on application of the overseers of the poor, to cause the immediate apprehension of such person, and to commit him to prison, unless he gives security to indemnify the parish, or to appear at the next general quarter-sessions and abide the orders there made. If however the woman making the charge should happen to die or be married before she is delivered, or if she miscarry, or appear not to have been with child, the person so apprehended is to be discharged from his recognizance; and so likewise, if no order shall be made upon such person (under 18 Elizabeth, cap. 3¹) within six weeks after the woman's delivery, the man is to be discharged from his imprisonment. It is however specially provided, that no justice of peace "is to send for any woman before she shall be de-

18 Eliza-
beth,
cap. 3.

¹ *Ante*, vol. i. p. 165.

livered, and one month after, in order to her being examined concerning her pregnancy. or supposed pregnancy, nor to compel any woman before she shall be delivered to answer to any questions relating to her pregnancy."

The charges arising from bastardy must have been found burthensome to parishes, and this Act was intended to afford a remedy, by enabling the woman to procure the apprehension, and eventually the imprisonment of the man to whom she had improperly submitted, and whom she may perhaps even have tempted to the commission of the crime. But it may well be doubted whether the remedy sought to be applied, did not in this instance, as in so many others, turn out a bane rather than a benefit, and instead of shielding female virtue and relieving parishes from charge, tend to weaken the defences of the one, and increase the burthens of the other.¹

Two Acts closely connected with our subject were passed about this time, and require some notice. The 5 George II. cap. 31, and 6 George II. cap. 2, are both Acts referring to an association entitled "*The charitable corporation for relief of the industrious poor, by assisting them with small sums upon pledges at legal interest.*" This association was established a few years previous, with the avowed purpose of assisting the poor, and most likely many worthy persons aided in its formation; but, like some other associations ostensibly formed for a like purpose, it was worked for the benefit of a few designing men, at the cost of their dupes and followers. This seems to have been early ascertained in the present instance, and the first-named Act provides for the appointment of a commission for taking and determining all claims made by the creditors of this (so-called) "charitable corporation," as well as of persons claiming a share or interest in its stock or

1732.
5 Geo. II.
cap. 31,
and 6
George II.
cap. 2.

¹ See pp. 240, 258, 278, 306, 317, and 359, *post*.

funds, and also requiring its promoters to appear before the Commissioners of Bankruptcy. The second Act extends the time for effecting these objects, and provides against the fraudulent realising or assigning any debts due from such promoters. The number of sufferers by this scheme must have been considerable, or they would hardly have commanded the early and earnest sympathy of the legislature, as they appear to have done. That the association would have failed of serving the class for whose benefit it professed to be intended, even independently of the frauds which tainted its administration, cannot well be doubted. To hold out inducements to the "industrious poor" to borrow "small sums upon pledges," is surely not the way to promote provident habits among them. On their industry, prudence, and forethought, their condition in life will mainly depend; and anything that tends to divert them from relying upon these qualities, or which draws off their attention to other means, either for meeting a casual want, or for the supply of one that is more permanent and general, can hardly fail of being injurious.

1734.
7 Geo. II.
cap. 21.

Against
robbery
and vio-
lence.

The 7 George II. cap. 21, declares "that many of his Majesty's subjects have of late frequently been put in great fear and danger of their lives, by wicked and ill-disposed persons assaulting and attempting to rob them"; and to the end that all persons may be deterred from committing such offences, and for the greater punishment of such offenders, it is enacted, that if any person shall with any offensive weapon assault or menace, or forcibly demand money or goods of any other person with intent to commit robbery, every person so offending shall be adjudged guilty of felony, and be liable to transportation for seven years; and if he breaks jail, or returns before the expiration of the seven years, he is to suffer death. With an extended traffic and increasing wealth, the temptations to acts of

robbery and dishonesty were no doubt increased, and the only preventives would be a larger diffusion of moral and religious instruction, or a greater certainty and severity of punishment. To impart the first, even where a right appreciation of its advantages exists, would require time and preparation. The last is more readily attainable, and we accordingly find it in most cases the one that is adopted; at least adopted in the first instance, and generally persevered in until, like other prompt and powerful appliances, it produces a disease of its own, possibly as bad as that for which it was deemed a specific, and more chronic and intractable. //

The 11 George II. cap. 22, recites, that “many disorderly and evil-minded persons have of late assembled in great numbers and committed great violences, and done many injuries, with intent to hinder the exportation of corn, whereby many have been deterred from buying and following their lawful business therein, to their great loss and damage, as well as the great damage and prejudice of the farmers and landholders, and of the nation in general”—for preventing of which disorderly practices it is enacted, that all persons so offending shall, on conviction, be subjected to imprisonment and hard labour for a period not exceeding three months, nor less than one month, and likewise be once openly whipped in the town or seaport near which the offence was committed. For a second like offence they are declared guilty of felony, and are to be transported for seven years. The damages committed are recoverable from the hundred, to the extent of £100, in like manner as in the case of robbery on the highways. At this time a bounty was allowed on corn exported, and the quantity which this bounty caused to be sent out of the country, seems to have alarmed the people who resided in the neighbourhood of the ports whence the corn was shipped, and

1738.
11 Geo. II.
cap. 22.

raised a cry and a dread of scarcity and high prices, to guard against which they endeavoured to prevent its exportation.

Of the impolicy, and indeed the injustice of such bounties, that is, of taxing the whole community for the benefit of a part, there can be no doubt; but it does not appear that at the time of passing this Act there was any material increase of price, although in the year following there was a scarcity, which, but for the forced and artificial exportation under the influence of the bounty, would probably have been less felt.

1739-40.
Winter
extremely
severe. The
Thames
frozen over.
High price
of corn.

The winter of 1739-40 was exceedingly severe. The frost set in at Christmas, and lasted till the end of February. The Thames was frozen over, and tents and booths were erected on the ice. The cold was so intense that many persons perished, and the people generally suffered great distress through the stoppage of their usual occupations. Mr. Tooke refers to the winter of 1739-40 as "one of extraordinary severity and duration,"¹ followed, he says, by a very deficient harvest, so that the price of wheat, which at Lady-day, 1739, had been 31s. 5d. the quarter in Windsor market, rose at Lady-day, 1740, to 41s. 9d., and at Michaelmas to 56s.; and he further states that the price in the Oxford market at Michaelmas, 1740, was 59s., whilst at Michaelmas, 1738, it had only been 20s. 2d. The scarcity was deemed sufficient to call for legislative interference, and 14 George II. cap. 3, was passed, prohibiting the exportation of corn, etc., for one year. This prohibition and a favourable harvest the following year, had the effect of reducing the price to 32s. at Michaelmas, 1741.¹

1740.
Prices of
corn. Ex-
portation
prohibited.

1740.
13 Geo. II.
cap. 29.
Exposed
and de-
serted
children.

The 13 George II. cap. 29, recites, that in October of the year preceding, "His Majesty, in compassion to the numbers of poor infants who are liable to be exposed to perish in the streets, or be murdered by their indigent

¹ Tooke's *History of Prices*, vol. i. p. 43.

and inhuman parents," had granted a charter of incorporation "to the governors and guardians of the hospital for the maintenance and education of exposed and deserted young children," enabling them to purchase lands, erect buildings, and do whatever might be necessary for the purpose; but that, "by reason of the laws now in force for the relief of the poor, many difficulties may arise in carrying into execution the good intents of the said charter, and further powers are requisite." Accordingly such further powers are now granted, and the governors are authorised "to receive, maintain, and educate all or as many children as they shall think fit," and it is declared that all persons whatsoever may bring any child or children to such hospital to be received, maintained, and educated therein, and that no churchwarden or overseer shall stop or molest any person bringing such child or children, under a penalty of forty shillings. No parish officer is to have authority in such hospital, and no settlement is to be gained by a residence therein. The governors are authorised to employ the children in any sort of labour or manufacture, or to hire or let out the labour of such children, or to bind them apprentices to any persons willing to take them, or to place them out as mariners or servants, "until the age of twenty-four if a male, and twenty-one if a female," and every such binding or hiring is to be held as effectual "as if such children were of full age, and by indenture or otherwise had bound or hired themselves."

Institutions similar to the above had long existed on the Continent, especially in France and Italy; but this was the first Foundling Hospital established in England. The object of its promoters was to prevent the exposure and the murder of illegitimate children—doubtless a praiseworthy object; but the facility afforded by such institutions, for hiding or averting the

consequences of a vicious indulgence, experience has shown to be an incentive to incontinence. The shame and the burthen consequent upon a departure from female virtue, are probably its most potent safeguards; and if these be removed, by enabling the mother to obtain with secrecy, as regards herself, a maintenance for her child, better in all respects than the wife of an ordinary labourer would be able to obtain, an increase of bastardy and the demoralisations which accompany it, must be expected to follow. Such, wherever foundling hospitals have been established, whether in France, in Italy, in England, or in Ireland, has been found to be the result; and they may therefore be held, in no slight degree, to create the evil which they are intended to mitigate or to cure.¹ But it may be further remarked, that wherever a system of poor-law relief prevails, foundling hospitals are especially to be deprecated. The really destitute, whether infant or adult, are alike provided for if the law be rightly administered, and that moreover in a way least calculated to outrage or pervert moral influences; and the establishment of a foundling hospital must, in such cases, not only be uncalled for, but would prove an absolute evil.²

1739.
War
declared
against
Spain, with
which
France
takes part,
and both
support the
cause of the
Pretender.

The serious outrages committed by the Spaniards on our commerce rendered a war with Spain inevitable, which was accordingly proclaimed in October 1739, France shortly after taking part against us, and both declaring in favour of the Pretender. The support thus given to his cause by France and Spain, whilst it greatly encouraged his adherents, excited alarm and

¹ A graphic account of the consequences resulting from such establishments is given in the *Quarterly Review* (No. CVII.) for April 1835, in an article on "English Charity," attributed to Sir Francis Head, in which the reader will find much interesting information on this and other matters either immediately or remotely connected with the relief of the poor and the condition of the people.

² The foundation and subsequent history of the Dublin Foundling Hospital are described and commented upon by the author in the *History of Irish Poor Law*, pp. 35, 44, 45, and 248.

distrust in England, and an Act was passed (17 George II. cap. 6), declaring the nation to be “threatened with an invasion by a French power, in concert with disaffected persons at home, to the subversion of the Protestant religion and the laws and liberties of the kingdom,” and empowering the king to secure and detain all suspected persons.

1744.
17 Geo. II.
cap. 6.

The young Pretender landed in the west of Scotland, assembled the Highland clans, and then marching to Edinburgh caused his father to be proclaimed at the Market Cross. He afterwards defeated the king's troops at Prestonpans, which added to the number of his followers. An army was sent against him under the Duke of Cumberland, but before it could reach the North, the Pretender had quitted Edinburgh, captured Carlisle, and advanced to Manchester. He was there joined by a few English of little note, and then proceeded to Derby, where his father was again proclaimed with the usual formalities. But finding that the English people adhered to the government, he determined, as a last resource, to retreat to Scotland, where, in April 1746, he was entirely defeated at Culloden, and his followers dispersed. In the following year (1747) our navy obtained two victories over the fleets of France, and in 1748 a general peace was established by the treaty of Aix-la-Chapelle.

1745.
The Pre-
tender
defeats the
king's
troops at
Preston-
pans.

1746.
The Pre-
tender
defeated at
Culloden.

1748.
Peace of
Aix-la-
Chapelle.

The legislation of a period generally indicates the nature of the offences at the time most prevalent; and in 1741, 14 George II. cap. 7, was passed “For preventing the Stealing and Destroying Sheep and other Cattle.” It recites, that “evil-disposed persons have of late made it their practice, secretly in the night, to drive away and steal great numbers of sheep, and likewise to kill great numbers of sheep and to strip off their skins, and then steal the carcasses, leaving the skins behind to prevent discovery; and also to kill and cut open the sheep, and take out and steal their

1741.
14 Geo. II.
cap. 6.

Against
stealing or
destroying
sheep or
cattle.

inward fat, leaving the carcasses behind to prevent being discovered; by which wicked practices many persons have been very greatly injured, and put to very great charges in having their sheep and other cattle watched." In order to prevent such evil practices, it is now enacted, that if any person shall feloniously drive away or steal any sheep or other cattle, or shall wilfully kill any of the same with the felonious intents above specified, all persons convicted of such offence "shall suffer death, as in cases of felony, without benefit of clergy"; and the person apprehending any such offender, will be entitled to a reward of £10, to be paid by the sheriff of the county where the offence was committed. By 15 George II. cap. 34, this Act is to be "deemed and taken to extend to any bull, cow, ox, steer, bullock, heifer, calf, and lamb, as well as sheep, and to no other cattle whatsoever"—leaving deer under the protection of the previous law.¹

1742.
15 Geo. II.
cap. 27.

Against
stealing
cloths,
wool, and
yarn.

With a like intent of protecting property unavoidably much exposed, 15 George II. cap. 27, was passed for preventing cloths, yarn, or wool, from being stolen. The recital declares, that "clothiers, and others concerned in the woollen manufacture, are under a necessity of letting their cloth and other woollen goods remain upon the rack or tenters, as also of suffering their wool to lie exposed, in the night-time, in order the better to dry and prepare the same, whereby the said goods are liable to be stolen by wicked and evil-designing persons, who are encouraged thereto by the difficulty of proving the identity of the goods stolen." It is therefore enacted, that in case any such goods so left out to dry, etc., shall be taken away or stolen, any justice of peace, on complaint thereof within ten days, may issue a warrant authorising the search of the premises of suspected persons, and if any of the stolen goods be found therein, forthwith to apprehend all the persons having

¹ *Ante*, 5 George I. cap. 28. p. 7.

such goods in their possession ; and if they do not give a satisfactory account of how they became possessed of such goods, they are to be adjudged to have stolen them, and for the first offence are to forfeit and pay treble the value to the owner thereof, and in default of payment be committed to gaol for three months. For a second offence the committal is to be for six months, and a third offence entails the penalty of transportation for seven years. The punishment in this case is much less severe than that awarded against sheep-stealers by the preceding Act, but was probably not on that account less effective. In both cases the owners are of necessity compelled to leave their property much exposed, one in the open field, the other in the bleach-ground ; and therefore some special attention seems to have been required for guarding it from depredation.

The 17 George II. cap. 3, is entitled "An Act to oblige Overseers to give Public Notice of Rates made for the Relief of the Poor, and to produce the same." It declares in the recital, that great inconveniences often arise through the unlimited power of churchwardens and overseers of the poor, who often for private ends make rates in a secret and clandestine manner, contrary to the true intent of the statute of Elizabeth. For remedy whereof it is enacted, that notice shall be given publicly in the church, of every rate allowed by the justices for the relief of the poor, the Sunday next after such allowance, without which notice no rate is to be held valid. It is further provided, that every inhabitant shall be permitted to inspect such rate "at all seasonable times, and may obtain a copy of the whole, or any part thereof, "paying at the rate of sixpence for every twenty-four names." And if any churchwarden, overseer, or other authorised person, shall not permit a parishioner to inspect the rates, or shall refuse or neglect to give copies thereof, they are to forfeit and pay to the party aggrieved the sum of twenty pounds. This

1744.
17 Geo. II.
cap. 3.

Overseers
to give
notice of
making a
rate, etc.

is a highly important statute, as regards the making and levying the poor-rate. By securing publicity, it provides the best safeguard against abusive or partial assessments, and the want of such a guard had evidently been felt by the ratepayers. But something more was still necessary, for preventing an improper disbursement of the money raised, and here also we find publicity resorted to as a means of protection.

1744.
17 Geo. II.
cap. 38.

Overseers
to account.

Overseers
on quitting
office, to
deliver to
their suc-
cessors a
perfect
account of
the money
received
and dis-
bursed, etc.

The 17 George II. cap. 38, recites, that “by reason of some defects in 43 Elizabeth, cap. 2, the money raised for the relief of the poor is liable to be misapplied, and there is often great difficulty and delay in raising of the same.” For remedy whereof it is enacted, that the churchwardens and overseers shall yearly, within fourteen days after quitting office, deliver to their successors a true and perfect account, fairly entered in a book to be kept for the purpose, of all sums of money by them received, or rated and assessed and not received; and of all goods, chattels, stock, and materials in their hands, and of all moneys disbursed by them, and of all other things concerning their said office; and they are also to deliver over to their successors the moneys, goods, and other things remaining in their charge. In case the churchwardens and overseers shall refuse or neglect so to make and deliver such account, or shall refuse or neglect to deliver over to their successors the moneys, goods, and other things in their hands, the justices are empowered to commit them to gaol, until they deliver such account, or have paid and delivered the money, goods, and other things as herein is directed. The account is to be signed and attested on oath by the churchwardens and overseers, and the ratepayers are to be permitted at all seasonable times to inspect the same on payment of sixpence, and to obtain copies of the whole, or any part thereof, on paying sixpence for every hundred words, and so on in proportion for any greater or less number. If any one feels aggrieved

by any rate or assessment, or shall object to any person's being put on or left out of the rate, or to the sum charged on any person therein, or by anything done or omitted to be done by the churchwardens and overseers, or by any justice of peace, such person, on giving reasonable notice, may appeal to the next quarter-sessions, which is empowered to receive and finally determine the same.

Succeeding overseers are empowered to levy arrears of rate, and the goods of persons assessed, and refusing to pay, may be distrained for the amount. Overseers are moreover protected against vexatious actions, on account of want of form, or irregularity of procedure. And as persons frequently remove out of parishes without paying the rates assessed on them, and other persons enter and occupy the premises during part of the year, "by reason whereof great sums are annually lost to such parishes"—it is enacted that the person coming into occupation shall be liable to pay the rate that was due by his predecessor when he quitted the premises. Parish officers refusing or neglecting to obey the Act are, on proof thereof before two justices of the peace, to forfeit not less than twenty shillings, nor more than five pounds, to the poor of the parish.

The person entering on occupation is liable for the rate due.

The amount at which property is rated should obviously be open to revision whenever a change takes place in its actual value, whether arising from improvement, deterioration, or any other cause; and 17 George II. cap. 37, was passed for preventing disputes with regard to the rating, etc., of "improved wastes, and drained and improved marsh-lands." It recites, that "in divers counties great quantities of waste and barren lands, and lands which were formerly fen or marsh ground, or covered with water, have been of late years improved or drained, and are now of very considerable value, and the inhabitants and occupiers thereof ought to pay a proportionable part of the rates

1744.
17 Geo. II.
cap. 37.

Rating of reclaimed and improved lands, etc.

for the relief of the poor, in like manner as other inhabitants and occupiers, and likewise to bear and pay a proportionable part of all other parochial rates: but great difficulties frequently arise in determining to what parish such lands belong or ought to be rated,"—wherefore it is enacted, that the occupiers of all such improved lands, etc., shall be rated to the relief of the poor and other parochial charges, within the parish which lies nearest to such lands, etc., and in the same way as any other description of property is rated. And if any dispute or difference should arise therein, it is to be determined on appeal by the persons interested, at the next general quarter-sessions of the peace. We here see evidence that great improvements had been effected, and were in progress, in the drainage and reclamation of waste lands, a sure proof of the growing prosperity of the country.

1744.
17 Geo. II.
cap. 5.

The 17 George II. cap. 5, is entitled "An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons." This is the well-known Vagrant Act, which has substantially remained in force to the present day, although not without receiving considerable modifications. The subject had been previously twice legislated upon in the present reign, first by 10 George II. cap. 28, and next by 13 George II. cap. 24, each of these Acts being, however, based upon the statute 13 Anne, cap. 26.¹ The present Act takes a more comprehensive view of the question than was done in any preceding statute, although it begins as usual by reciting that "the number of rogues, vagabonds, beggars, and other idle and disorderly persons daily increases, to the great scandal, loss, and annoyance of the kingdom." It then divides the several offenders into three classes, namely, the *disorderly*, the *rogues*

¹ Vol. i. p. 377. This is 12 Anne, statute 2, cap. 23, in the common octavo edition of the Statutes.

and vagabonds, and the *incorrigible rogues*, and assigns specific punishments to each.

The *first* class comprises—all persons who threaten to run away, and leave their wives or children to the parish; all persons who unlawfully return to a parish, from whence they have been legally removed; all persons who, not having wherewith to maintain themselves, live idle without employment, and refuse to work for the usual wages; all persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms—persons so offending are to be deemed *idle and disorderly*, and may be committed by a justice of peace to hard labour in the house of correction, for any time not exceeding one month. Any person may apprehend such offenders and carry them before the justice, and thereby be entitled to a reward of 5s.; and if an offender shall resist, or escape from the person so apprehending him, he is to be subjected to the higher punishment of a rogue and vagabond.

The *second* class comprises—all persons who run away, and leave their wives and children chargeable to the parish; all persons going about as patent gatherers, or gatherers of alms, under pretences of loss by fire or other casualty, or as collectors for prisons, gaols, or hospitals; all fencers and bearwards; all minstrels and jugglers; all common players of interludes, and persons who for hire or reward act or perform, or cause to be acted or performed, any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, not being authorised by law; all persons pretending to be gipsies, or wandering in the habit or form of Egyptians, or pretending to have skill in physiognomy, palmistry, or like crafty science, or pretending to tell fortunes, or using any subtle craft to deceive and impose, or playing or betting at any unlawful games or plays; all petty chapmen

and pedlers, wandering abroad, not being duly licensed ; all persons wandering abroad and lodging in alehouses, barns, outhouses, or in the open air, and not giving a good account of themselves ; all persons wandering abroad and begging, pretending to be soldiers, mariners, seafaring men, or pretending to go to work in harvest ; and all other persons wandering about and begging—persons so offending are to be deemed *rogues and vagabonds*.

The *third* class comprises—all persons apprehended as rogues and vagabonds, and escaped from the persons apprehending them, or refusing to go before a justice, or to be examined on oath, or refusing to be conveyed by a pass as herein directed, or giving a false account of themselves ; and all rogues and vagabonds who shall break or escape out of any house of correction ; and all persons who, after being punished as rogues and vagabonds and discharged, shall again commit any of the said offences—all such are to be deemed *incorrigible rogues*.

Apprehen-
sion of
rogues and
vagabonds,
etc.

Any person apprehending a rogue and vagabond, or an incorrigible rogue, and carrying him before a justice, will thereby be entitled to a reward of 10s., and the justice is required to examine the offender as to his circumstances and place of settlement, and make a written record of such examination, and transmit the same to the next quarter-sessions to be there filed. The justice is likewise empowered to order any such offender to be publicly whipped, or to be sent to the house of correction until the next general quarter-sessions, or for any less time, and, after such whipping or confinement, to pass such offender to his place of settlement in the form prescribed. If the defender be committed until the next general quarter-sessions, and if the justices there assembled adjudge him to be a rogue and vagabond, or an incorrigible rogue, they may order the former to be kept at hard labour for any

further time not exceeding six months, and the latter for any further time not exceeding two years nor less than six months, with such whipping as they in their discretion think fit, and afterwards pass him to his place of settlement. If any incorrigible rogue break prison, or make his escape before the time limited, or if he again commit a like offence, he is to be deemed guilty of felony, and may be transported for seven years.

The justices are moreover empowered, once a ^{Privy search for rogues and vagabonds.} quarter, or as often as need be, to direct a general privy search in one night, throughout their several divisions, for finding and apprehending rogues and vagabonds; and every justice may, on information of rogues and vagabonds being within his jurisdiction, issue his warrant for their apprehension. The justices are likewise empowered to regulate the passing of rogues, vagabonds, and incorrigible rogues, and to direct how they are to be conveyed, whether "by horse, cart, or on foot," and what is to be allowed for the same; and if, on searching a vagrant, it be found that he has money or effects wherewith to pay the whole or any part of the charge for apprehending and passing him to his place of settlement, the justice is to order the same to be so applied accordingly. Justices may also direct masters of ships bound to Ireland, or to the Channel Islands, to take on board and convey thither any vagrants belonging to these places, and the master refusing or neglecting so to do, is liable to a penalty of £5.

The 19th section directs that "the parish or place ^{Rogues and vagabonds when apprehended to be kept at work.} to which any rogue, vagabond, or incorrigible rogue is passed, shall take care to employ in work, or place in some workhouse or almshouse, the persons so conveyed to them, until they betake themselves to some service or other employment. And in case they refuse to work, or shall not betake themselves to some service

Lunatic
and insane
persons to
be secured.

or other employment, the overseers may cause such persons to be carried before some justice of the peace, in order to be sent to the house of correction, there to be kept for hard labour. If the place of settlement of any of these offenders cannot be ascertained, so that he may be passed thither, the justices are to order him to be detained and employed in the house of correction until he can provide for himself, or can be placed out in some lawful calling as a servant, apprentice, soldier, mariner, or otherwise, either at home or in the colonies, which the justices in sessions are empowered to do, in such manner as they may think fit. By the 20th section, the justices are empowered to direct constables, churchwardens, and overseers of the poor, to apprehend lunatic and insane persons, and cause them to be locked up in some secure place, and if the justices deem it necessary, to be there chained; and the charges of removing, keeping, maintaining, and curing any such lunatic or insane person during such restraint, are to be defrayed, under an order of two justices, out of any property belonging to such person, and if he has no means or effects, then by the parish to which he belongs.

Harbour-
ing of
rogues and
vagabonds
prohibited.

“And whereas persons, hereinbefore described to be rogues, vagabonds, or incorrigible rogues, are much encouraged in wandering about by the reception they too often meet with in villages and places where they are permitted to lodge in houses, barns, and other buildings, by means whereof, and their falling sick there, great expenses are sometimes brought upon parishes”—for remedy thereof the 23rd section enacts, that any person who permits such an offender to lodge or take shelter in his house or outbuildings, and does not apprehend and carry him before a justice of peace, or give notice to some constable so to do, shall forfeit a sum not exceeding 40s., nor less than 10s., one-half to the informer, the other half to the poor of the parish.

The 24th section recites, that "it was often found that persons offending against the Act had children with them, whom they bring up in a dissolute course of life, destructive to such children and prejudicial to the kingdom, in which a race of disorderly persons will increase if such children are suffered to remain with such offenders"—and it therefore enacts, that where any such child is above the age of seven years, the justices in quarter-sessions may order such child to be placed out as a servant or apprentice to any person willing to take it, until the child shall arrive at the age of twenty-one, or for any less term, as to the justices may seem meet. "And whereas women wandering and begging are often delivered of children in places to which they do not belong, whereby they become chargeable to the same, the 25th section provides, that in every such case the churchwardens and overseers may detain such woman until they can safely convey her before some justice to be examined and committed to the house of correction, until the next general quarter-sessions, when the justices there assembled "may, if they see convenient, order her to be publicly whipped and detained in the house of correction for any further time not exceeding six months"; and the child, if a bastard, is not to be deemed settled in the place where it was so born, but in the place of the mother's settlement, to which it may be passed under the provisions of the present Act.

Children of rogues and vagabonds to be apprenticed or put to service.

The mother may be whipped or imprisoned.

It is obvious how much the efficient working of this Act must depend upon the existence of a well-managed jail or house of correction, without which the Act would be in great measure nugatory. The justices in quarter-sessions are accordingly empowered by the 30th section, on its being presented by the grand jury that the houses of correction are insufficient either in number or extent of accommodation, to build, provide, or enlarge such houses as may be deemed necessary,

Justices empowered to provide houses of correction.

and to raise the money required for that purpose, and to visit and regulate the same. These provisions, combined with the other powers which the Act confers upon justices to search for, arrest, whip, pass, and convict offenders, give them a large discretion in dealing with the vagrant classes, whom they are empowered to judge and punish according to the several degrees of culpability in each case.

The evil of vagrancy and vagabondism must be presumed to have been extremely burthensome, to call for such repeated enactments for its repression, within the short period of thirty years. The 13 Anne, cap. 26, was passed in 1714, and comprised the substance of all the previous laws on the subject, together with whatever additions were then considered necessary, the whole systematically arranged, and seeming to leave no room for further legislation. Yet the present Act is the third which has since been passed, enlarging and still further methodising the law for the suppression of this social evil, the difficulty of dealing with which is evidenced, not alone by these repeated enactments, but also by the larger discretionary powers confided to the justices. Such powers must have been deemed necessary for mastering the evil, or they would not have been conferred; and although they may in some instances have been injudiciously or oppressively exercised, there is reason to believe that they were on the whole beneficial, and helped to reduce the vagrancy within limits not incompatible with the advance of civilisation, and the growing prosperity of the country.¹

Dr. Burn, in his *History of the Poor Laws*, published in 1764, gives a striking summary of the series of enactments for punishing vagrancy, from the earliest period down to the passing of the present Act, and which he declares to be worthy of the savages of

¹ For general remarks on vagrancy, see *History of Scotch Poor Law*, pp. 206 and 207.

America—"almost all severities having been practised against vagrants, except scalping"; but none of which, he says, wrought the desired effect. And he subsequently, with great force and truth, adds: "The prevention of poverty, idleness, and a loose and disorderly education, even of poor children, would do more good to this kingdom than all the gibbets, and cauterizations, and whipping-posts, and gaols in the kingdom; and would render these kinds of discipline less necessary and less frequent."

The 19 George II. cap. 21, was passed "for more effectually preventing profane cursing and swearing." ^{1746.} 19 Geo. II. cap. 21. It recites that "the horrid, impious, and execrable vices of profane cursing and swearing, so highly displeasing to Almighty God and loathsome and offensive to every Christian," are becoming so common as to justly provoke the divine vengeance. The laws in being having failed to prevent these crimes, are repealed,¹ and it is now enacted, that if any person shall profanely curse and swear, and be thereof convicted before a justice of the peace on the oath of one or more witnesses, the person so offending, if a day-labourer, soldier, or sailor, shall forfeit one shilling; if under the degree of gentleman, two shillings; and if above that degree, five shillings. For a second offence the forfeit is to be double, and for a third and every other offence treble the above sums. Justices are empowered to inflict these fines on persons offending in their presence, or within their hearing; and all constables, tithingmen, and peace officers are required to seize and secure any such offender, if unknown, and carry him before a justice; and if known, to make information before a justice, in order that the offender may be punished. If a justice fails in fulfilling his duty under this Act, he is to forfeit five pounds, and a constable or other officer so failing is to forfeit forty

Against
profane
swearing.

¹ Namely, 21 James I. cap. 20; and 6 & 7 William III. cap. 11.

shillings, one half to the informer and the other half to the poor of the parish.

This Act goes considerably beyond that of 21 James I. cap 20.¹ Not only are justices and peace officers subjected to penalties if they fail in duly punishing offenders, but in order to secure a strict and impartial execution of the law, the offenders are divided into classes, on each of which a distinctive fine is imposed, an offender in the rank of a gentleman forfeiting five shillings, where a person of inferior position would forfeit two, and a day-labourer or common soldier or sailor, would forfeit one. We may gather from this, as indeed we learn from other sources, that swearing was not confined to the lower orders of the people, but prevailed also among the higher; and the Act is accordingly framed to bear pretty equally upon each. It could hardly fail of checking, in some degree, the prevalent profanation; but the most certain corrective will be found in a better education, and in the spread of sound religion.

1747.
20 Geo. II.
cap. 19.

Justices
may decide
between
masters,
servants,
and ap-
prentices.

The 20 George II. cap. 19, is an Act “for the better adjusting and more easy recovery of the wages of certain servants; and for the better regulation of such servants, and of certain apprentices.” The laws in being are first declared insufficient and defective, and it is then directed that all differences between masters or mistresses, and servants in husbandry hired for one year or longer, or between masters and mistresses and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers employed for a certain time, shall be heard and determined by one or more justices of the county or place where such masters or mistresses reside. The justice is empowered to take, upon oath, the complaint of a master touching the misconduct of any servant, etc., and to examine into and adjudge the same, and to punish the offender

¹ *Ante*, vol. i. p. 237.

by commitment to the house of correction, "or otherwise abating some part of his or her wages." And the justice is likewise empowered to take, upon oath, the complaint of any servant, etc., and to summon the master, inquire into the matter of complaint, and determine accordingly, "although no rate or assessment of wages has been made that year by the justices of the shire where such complaint shall be made."

With respect to apprentices, put out by the parish or otherwise, "upon whose binding out no larger sum than £5 was paid," two or more justices of the county or division are empowered, on complaint by any such apprentice "touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill-treatment," to summon the master or mistress, and examine into the matter of complaint, and upon proof thereof to their satisfaction, to discharge such apprentice by warrant under their hands. The justices are likewise empowered, on complaint made upon oath by any master or mistress, "touching or concerning any misdemeanour, miscarriage, or ill-behaviour" on the part of their apprentice, "to hear, examine, and determine the same, and to punish the offender by commitment to the house of correction, there to remain and be corrected and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by discharging such apprentice in manner before-mentioned.

The justices of peace are now, therefore, not only empowered to fix and determine the rate of wages in the several occupations throughout England, but they are also empowered to judge and determine whatever differences may arise between the employers and the employed, either with respect to wages, or any other cause of complaint. The last occasion on which the power of limiting wages appears to have been exercised,

was a little more than twenty years previous to the passing of the present Act, when the justices of the county palatine of Lancaster, “upon conference with discreet and grave men of the said county,” on the 22nd of May 1725, established the following as a maximum scale :¹—

	Without Meat and Drink.	With Meat and Drink.
£ s. d.	£ s. d.	
A bailiff in husbandry or chief hind, by the year, not above	...	6 0 0
The best millers not above	10 0 0	5 0 0
A chief servant in husbandry that can mow } or sow, and do other husbandry well . }	...	5 0 0
A common servant in husbandry of 24 and } upwards }	...	4 0 0
A man-servant from 20 to 24 years of age . . . . .	...	3 10 0
A ditto from 16 to 20 ditto . . . . .	...	2 10 0
The best woman-servant, being a cook, or } able to take charge of a household . }	...	2 10 0
A chambermaid, dairymaid, and washmaid, } or other mean servant }	...	2 0 0
A woman-servant under 16 years of age . . . . .	...	1 10 0
LABOURERS BY THE DAY.		
The best husbandry labourer, from the midst of March to the midst of September	0 1 0	0 0 6
An ordinary sort of husbandry labourer, ditto	0 0 10	0 0 5
The best husbandry labourer, from the midst of September to the midst of March not above	0 0 10	0 0 5
The ordinary sort of ditto	0 0 9	0 0 4
Man haymaker	0 0 10	0 0 6
Woman haymaker	0 0 7	0 0 3
A mower of hay	0 1 3	0 0 9
Man shearer	0 1 0	0 0 6
Woman shearer	0 0 10	0 0 6
Hedgers, ditchers, palers, and thrashers	0 0 10	0 0 6
Masons, carpenters, joiners, plumbers, tilers, } slaters, coopers, and turners, who are not } master workmen }	0 1 0	0 0 6
The master workman who has others working } under him }	0 1 2	
Bricklayers, plasterers, white-limers	0 1 0	0 0 6
A master bricklayer, who has others working } under his direction }	0 1 2	
A pair of sawyers, by the day	0 2 0	0 1 0
A master tailor	0 1 0	0 0 6
A journeyman tailor and apprentice	0 0 10	0 0 5
WORK IN GREAT.		
For an acre of oats, 7 yards to the rood	0 5 0	
For an acre of barley, ditto	0 6 0	
For an acre of wheat, ditto	0 7 0	

¹ See Sir F. Eden's *State of the Poor*, vol. iii. p. 106.

	Without Meat and Drink.	With Meat and Drink.
	£ s. d.	£ s. d.
Thrashing, winnowing, or fanning a quarter } of oats }	0 1 0	
Ditto barley, beans, and peas ,,	0 1 6	
Ditto wheat and rye ,,	0 2 0	
WHEELWRIGHTS.		
Sawing a rood of boards, 22 feet to the rood ,,	0 8 0	
Hewing a gang of fellies ,,	0 1 0	
Making a plough ,,	0 2 0	
BRICKMAKERS.		
For casting the clay, moulding it according to the statute, making the kiln and burn- ing it, having straw and other necessities laid by, for every thousand of six score to the hundred }	0 3 0	
HEDGERS AND DITCHERS.		
For a new ditch out of the whole ground, 4 feet wide, 3 feet deep, 18 inches in the bottom, double set with quicks, and setting a hedge upon it, after the rate of 8 yards to the rood, and gathering sets for the same	0 1 0	
For making a rood of ditch of like breadth and depth, without quicks	0 0 10	
For making a rood of a usual hedge, the stuff laid by .	0 0 3	
COLLIERS.		
Miners in high delfe (a standing delfe), for 24 baskets (a tunn)	0 1 0	
Miners in low delfe (a sitting delfe), for 24 baskets .	0 1 3	
PAVIOURS.		
For paving every square yard, having the usual founda- tion made, and the materials laid by	0 0 1	

The above order shows the minute precision with which the justices exercised the powers conferred upon them for regulating the rates of wages, and the remuneration of labour ; and the scale therein prescribed affords a means of comparison with what is usually paid on like occasions on the present day. In 1725 the price of wheat in Windsor market, according to the Eton Tables, was 43s. 1¼d. a quarter, Winchester measure. At the time I now write (1853) the Mark Lane price of wheat is 44s. the quarter, scarcely differing from what it was a century and a quarter ago,

Comparison of 1725 with 1853.

whilst wages have at least doubled since then, and the price of clothing has fallen more than one-half. There can therefore be no doubt that a far greater portion of the comforts and conveniences of life are now attainable by the working classes than could be obtained by them at the previous period, and their general condition must necessarily be so far improved.

1749.
22 Geo. II.
cap. 27.

Against
combina-
tions of
workmen.

The penalties against the combination of workmen in certain trades, imposed by several previous statutes, including 13 George I. cap. 34,¹ together with the other provisions of those Acts, are now extended by 22 George II. cap. 27, to all journeymen and other persons employed in hat-making, or in the manufacture of silk, mohair, fur, hemp, flax, cotton, iron, leather, or wool—in short, all combinations of workmen whatever are prohibited. Such a prohibition can only be justified, on the ground of its being necessary for the protection of life and property, or for the preservation of the public peace; but no such cause of justification was adduced on the present or on the previous occasions, and this absolute prohibition of all combinations whatsoever must therefore be held to have gone beyond the limits of justice and sound policy.

1749.
22 Geo. II.
cap. 44.

Enabling
soldiers,
etc., to
exercise
trades.

Shortly after the above, 22 George II. cap. 44, was passed, enabling officers, mariners, and soldiers to exercise trades, “many of whom, the wars being now ended,”² would, it is said, willingly employ themselves in trades, but are hindered from so doing by the statute of Elizabeth, “and because of certain bye-laws and customs in certain places.” It is therefore enacted, that all officers, mariners, and soldiers who have been employed in his Majesty’s service since his accession, and have not since deserted, may set up and exercise such trades as they are apt and able for, in any place within the kingdom, without let or molestation. This

¹ *Ante*, p. 19.

² By the peace of Aix-la-Chapelle, see *ante*, p. 29.

Act is nearly a repetition of 12 Charles II. cap. 16,¹ differing only according to the different circumstances of the two periods. In both cases the Acts must have been beneficial, by helping to change the sword into the ploughshare, and enabling individuals, no longer required for the purposes of war, to become associated with the productive classes in the operations of peace. The Acts must have been beneficial also in overruling, although only to this limited extent, the narrow and exclusive bye-laws, customs, and privileges claimed and enforced by the operatives in many trades, impeding improvement, enhancing price, and restricting the free exercise of industrial art—some of which restrictions, it is greatly to be lamented, remain even to the present day (1853).

The year 1751 is chiefly remarkable for the correction of the calendar, by 24 George II. cap. 23. The Act recites, that “the legal supputation, according to which the year beginneth on the 25th of March, differs from the usage of neighbouring nations, and hath been found attended with divers inconveniences”; and it therefore directs that the 1st of January next following shall be the first day of the year 1752, and that each succeeding new year shall commence on the 1st of January next preceding the 25th of March; and that the day immediately following the 2nd of September 1752, shall be accounted the 14th of September, “omitting for that time only the eleven intermediate nominal days of the common calendar.” This was a change that had long been desired by all intelligent persons; but it was unpopular at the time, and long continued to be so with a large portion of the community, who regarded the change as a species of sacrilege.

The 25 George II. cap. 37, recites, “that the horrid crime of murder has of late been more frequently per-

1751.
24 Geo. II.
cap. 23.

Change of
style.

1752.
25 Geo. II.
cap. 37.

¹ *Ante*, vol. i. p. 275.

petrated than formerly, and particularly in and near the metropolis, contrary to the known humanity and natural genius of the British nation ; and that it has therefore become necessary that some further terror and peculiar mark of infamy be added to the punishment of death, now by law inflicted on such as shall be guilty of the said heinous offence." It is accordingly enacted, that persons found guilty of wilful murder shall be executed the day next but one after sentence is passed, and that the body shall then be given for dissection, unless the judge should appoint it to be hung in chains ; but in no case whatever is the body of a murderer to be buried without being first dissected or anatomised. The prompt execution of the criminal, followed by hanging in chains or dissection, would seem calculated to strike a wholesome terror into persons so brutalised, as to be insensible to the dread and horror of murder which nature has implanted in the human heart as a protection for human life. But yet the history of crime appears to lead to an opposite conclusion, and to show that punishments of extreme severity tend to harden the evil-disposed, and to render them more daring and more reckless. The true remedy in this, as in all similar cases, is prevention, not punishment.

Street robberies and defective police.

The metropolis appears to have been at this time, and for some years previous, without the protection of an efficient police, and life and property were consequently insecure. In 1728 the audacity of the street robbers got to such a height, that they formed a design to rob the queen in St. Paul's Churchyard, as she returned from supping in the City ; and the design would probably have been executed, but that they were engaged in robbing one of the aldermen (Sir Gilbert Heathcote) when the queen's carriage passed. It was not until 1736 that the City was lighted with glass lamps throughout the year ; and in 1744 the lord mayor

and aldermen, in an address to the king, represent, "that divers confederacies of great numbers of evil-disposed persons, armed with bludgeons, pistols, cutlasses, and other dangerous weapons, infest not only the private lanes and passages, but likewise the public streets and places of usual concourse, and commit most daring outrages upon persons whose affairs oblige them to pass through the streets, by terrifying, robbing, and wounding them; and these acts are frequently perpetrated at such times as were heretofore deemed hours of security." It is further stated, that some of the officers of justice have been shot at, some wounded, and others murdered, in endeavouring to discover and apprehend the said culprits, by which means they are intimidated from executing their duty. This was certainly a most unsatisfactory state of things, and its existence in the metropolis at that time was alike disgraceful to the government and injurious to the public.

The law of settlement again required amendment, and 31 George II. cap. 11, was now passed for that purpose. It recites the 7th section of 3 William and Mary; cap. 11,¹ which declares an apprentice, bound by indenture and inhabiting in a parish, to be settled therein. The Act then recites, that in consequence of that law, "great numbers of persons have been unwarily bound apprentices by certain deeds, writings, or contracts, *not indented*, by which binding many of them have suffered great loss and damage, on account of their having been refused a settlement in such parish where they have been so bound and resided forty days, and have been removed to the parish where their last legal settlement was before such apprenticeship, where they have had no encouragement to exercise their trades, or opportunity to gain a livelihood." It is therefore enacted, that no person who has been, or

1758.
31 Geo. II.
cap. 11.

¹ *Ante*, vol. i. p. 323.

who shall hereafter be, bound an apprentice by any deed, writing, or contract, shall be liable to be removed from the parish where he has been so bound and been resident forty days, on account of such deed not being indented.

We see in this provision another instance of the antagonism introduced by the law of settlement. Each parish seeks to relieve itself by apprenticing out its children, or casting out its superfluous or useless members upon some other parish, which again endeavours to rid itself of the burthen by taking advantage of every loophole afforded by the law. Litigation is thus kept up, augmenting expenditure, and increasing the evils of pauperism; whilst, with respect to the working classes, the recital of the Act furnishes a conclusive argument against settlement as affecting them, by declaring that many of them, when removed back to the place of their legal settlement, had there “no encouragement to exercise their trades, nor opportunity to gain a livelihood”—that they were, in short, by such removal, forced into a state of pauperism and dependence, instead of being permitted to earn their living by their own industry, in the place best suited for such purpose.

1757.
30 Geo. II.
caps. 1, 7,
and 9.

On the assembling of parliament at the end of 1757, three Acts were passed (30 George II. caps. 1, 7, and 9) prohibiting the exportation of corn and flour, and permitting their importation free of duty. From 1741 to 1756 the seasons had been favourable, and the harvests abundant, and under the stimulus of a bounty, the exportation of corn had been throughout the period very considerable—so that when a deficient harvest occurred in 1756, the scarcity was immediately felt, and tumults broke out in many places, popular clamour being everywhere directed against the engrossers, who, it was asserted, by hoarding up great quantities of grain, had created an artificial scarcity, and deprived their fellow-creatures of bread, with a view to their

1756.
A deficient
harvest.

own private advantage. The price of bread and of provisions generally rose very high, and there was much suffering among the people. Before the harvest of 1756 had been ascertained to be materially deficient, the price of wheat in Mark Lane rose from 22s. to 26s. a quarter. In January 1757 the price rose to 49s. and 50s.; in February, to 47s. and 51s.; in March, to 46s. and 54s.; in April, to 64s.; the same in May; and in June, to 67s. and 72s.¹ The harvest of 1757, although somewhat deficient, was less so than the one preceding, and the six following years were highly productive. In 1759 all sorts of grain continued to fall in price, and great plenty is described as existing in every part of the kingdom; and in that year, by 32 George II. cap. 8, the exportation of corn is again freely permitted.

The average price of wheat during the seventeenth century is given by Arthur Young at 38s. 2d. a quarter, and for the sixty-six following years at 32s. 1d., being a fall of 16 per cent.; whilst, according to the same authority, the wages of agricultural labourers, which on the average of the seventeenth century had been 10 $\frac{1}{4}$ d. a day, were for the following sixty-six years a shilling, being a rise of 16 per cent. Within these periods, therefore, a rise in the rate of wages appears to have taken place coincidently with a fall in the price of corn;² and the comparison of prices adduced and commented on by Mr. Malthus, in his chapter on the corn wages of labour, seems to warrant the conclusion that a labourer, during the latter half of the seventeenth century, would be able to purchase with his day's earnings three-quarters of a peck of wheat, whilst, during the first half of the eighteenth century, wages having risen and corn fallen, the labourer would be able to purchase a whole peck.³ These increased earnings

Prices of
wheat and
rates of
wages.

¹ See Tooke on *Prices*, vol i. pp. 48 and 55.

² *Ibid.*

³ See Malthus's *Principles of Political Economy*, pp. 240 and 252, 2nd edition.

would be applied to procuring an increase of comforts and conveniences, and in establishing a generally higher standard of living; and with this elevation in the people's physical condition, there would be a corresponding improvement morally and socially. If better clothed, better fed, and better housed, they would also be better conducted, they would have more to lose and less to gain by violence and disorder, and would be therefore less prone to resort to either—they would, in short, be elevated individually as well as socially.

1760.
Death of
George II.

George the Second died suddenly, and without any previous illness, on the 25th of October 1760, in his seventy-seventh year. His eldest son Frederick, Prince of Wales, had died ten years before, leaving a son, who now, as George the Third, succeeded to the throne.

CHAPTER XI

A.D. 1760-1786

Summary at the close of George II.'s reign—Accession of George III.—Schemes for Poor Law reform—Poor children in London parishes—Sir Jonas Hanway's Act—Fraudulent payments to the poor—The Magdalen Asylum—The Marine Society—Lying-in hospitals—Plan for parochial annuities—Regulation of wages and labour—Scarcity—Import and export of corn—Repeal of laws against "forestallors," etc.—American war—War with France and Spain—General scare—Results of the war—Population—Road, enclosure, and canal bills—Poor-rates—The steam-engine—Debates in parliament first published—Labourers' cottages—Parish apprenticeship—Gilbert's Act—Gipsies—Discharged soldiers and sailors—Poor law revenue and expenditure—Charitable donations.

BEFORE entering on the reign of George the Third, it will be well to take a brief survey of the position at which we have arrived. After the Treaty of Aix-la-Chapelle in 1748, peace prevailed until 1756, when war with France was again declared; but although only then openly declared, the colonial possessions of the two countries had in fact been carrying on hostilities for three years previously. The war continued throughout the remainder of George the Second's reign, Austria uniting with France, and Prussia being the ally of England. Quebec was captured and Canada conquered in 1759, and the French power in North America was nearly annihilated; whilst in India, Clive's victory at Plassey on the 23rd of June 1757, was followed by the acquisition of the province of Bengal, and the establishment of English ascendancy throughout the East.

The extension of our colonies naturally led to an extension of commerce, and the official value of our

George III.
1760-1820.
Increase of
trade.

exports, which on an average of the three years 1726, 1727, and 1728, amounted to £7,891,739, in 1748 was £11,141,202, and in 1760 was £14,693,270, being thus nearly doubled in the course of the present reign, a proof of the great advance in wealth and industry within that period. There can be no doubt that the Increase of
population. increase of population kept pace with the advance of the country in other respects. At the end of Anne's reign in 1714, without pretending to exactitude, we have estimated the population at five millions and three-quarters.¹ In 1801 the first census was taken, by which the population of England and Wales, including the army and navy, was then ascertained to amount to 9,172,980. At the close of the reign of George the Second we may therefore, I think, venture to set it down at seven millions, although, in Mr. Finlaison's table before referred to, the population in 1760 is put at only 6,479,730.

The amount of expenditure for relief of the poor partakes of the same uncertainty as the amount of the population. In 1715, at the close of the reign of Queen Anne, I have estimated the poor-rates at £950,000,² and the complaints of their continual increase were almost incessant throughout the two following reigns. But no definite information on the subject was obtained until 1776, when an Act was passed directing the overseers of every parish to make a return of the amount assessed and disbursed for relief of the poor, and other purposes, by which it appeared that the total amount levied in that year, in England and Wales, was £1,720,317, of which £189,517 went in payment of county-rates, leaving £1,530,800 for the relief of the poor,³ and "litigations about settlements, removals, appeals, or other disputes," the amount of

1760.
Amount of
the poor-
rates.

¹ *Ante*, vol. i. p. 382.

² *Ante*, vol. i. p. 383.

³ See statement of "Local Taxation," printed by order of the House of Commons in 1839.

this latter item being £35,072, 0s. 8d. It may therefore be assumed that in 1760 the total charge for relief of the poor would fall little short of a million and a quarter.

Various plans for remedying the evil of pauperism, and preventing the growth of the charge for relief of the poor, were propounded about this time, several of which are described by Sir Frederic Eden, the chief of them being by Mr. Hay in 1735, by Mr. Alcock in 1752, by the Earl of Hillsborough and the celebrated Henry Fielding in 1753, and by Mr. Bailey in 1758. It is unnecessary to go into a detail of these various schemes, which were all mainly founded upon an increase in the number of workhouses, and on the employment of the inmates with a view to profit. None of these schemes were carried into effect, and they are chiefly deserving of notice, as showing the alarms and dissatisfaction which then prevailed with respect to the general operation of the law, and especially as regards settlement, the injurious consequences of which to the rate-payers and the working classes, as well as to the poor themselves, are strongly insisted upon by some of the writers. In 1759 a Committee of the House of Commons was appointed to investigate the subject, and a report which it made contains many judicious observations; but nothing further was done, and the question of the Poor Laws remained as before, excepting only that these various movements served to keep public attention more alive to the subject than might otherwise have been the case.

With the increase of employment consequent upon the increase shown to have taken place in exports, and the larger amount of the necessaries of life shown to be obtainable for the same amount of labour,¹ we are warranted in assuming that the general condition of the people was at this time materially improved. That

Schemes
for reform-
ing the
poor law
adminis-
tration.

Improved
condition
of the
people.

¹ See *ante*, p. 44.

such was the case is moreover evidenced by the increased consumption of tea, of which article only 141,995 lbs. were imported in 1711, whilst in the years 1759 and 1760 the importation amounted to 2,515,875 lbs., and perhaps, in the then state of England, no better test of advance in comfort and refinement could be named than an increasing use of tea. Mr. Charles Smith, author of the *Corn Law Tracts*, estimated¹ in 1765 that, of the six millions of people then supposed to be existing in England and Wales, 3,750,000 were consumers of wheat, 739,000 of barley, 888,000 of rye, and 623,000 of oats. Considerably more than half the population would thus appear to subsist on wheat instead of the inferior grains, a proof this of the improved condition of the people. The cultivation of the potato had also become general, thus making a large and most valuable addition to the means of human subsistence: but, it must be confessed, at the same time coupled with this danger, that the potato, being more easily and cheaply raised and prepared for use than any description of corn-crop, would be liable to become too exclusively the food of the people; whilst, owing to the tendency of the root to decay, and its never enduring beyond a year, any casual failure in the crop might occasion great privation and suffering.

Manufac-
tures,
mines,
canals,
etc.

Some improvements had been made in the steam-engine, but James Watt had not yet arisen to impart almost vitality to that wonderful machine. The woollen manufacture was still our great staple. Cotton was little used, spinning machinery not being yet invented; but Boards were established both in Ireland and in Scotland for the encouragement of the linen trade, and the manufacture of silk was making considerable progress. Iron-works were rapidly extending in the north, although the furnaces of Kent and Sussex were not yet abandoned. The mines of Cornwall

¹ See also Tooke on *Prices*, vol. i.

furnished a large supply of copper annually, and 30,000 persons were estimated to be employed in manufacturing articles of copper and brass. In 1758 the Duke of Bridgewater commenced forming the great water-communication which bears his name, for connecting Manchester with the neighbouring coalfields and with the port of Liverpool, and which reflects so much credit upon his energy and foresight, as well as upon the originality and skill of his engineer, Brindley. The success of that undertaking gave rise to others of a like nature; and navigable canals went on increasing, as the formation of turnpike roads had been increasing—the canals and the roads alike proving the advance of the country in wealth, enterprise, and industry, during the reign of George the Second.

Thus, adopting the sentiments and nearly the words of Mr. Hallam,¹ in the comparatively more peaceful period which followed the reigns of William and Anne, and especially in that portion of it which was under the prudent rule of Walpole, the seeds of our commercial greatness were gradually ripened. It was evidently the most prosperous season that England had ever experienced; and the progression being uniform, the reign of George the Second may not disadvantageously be compared, for the real happiness of the community, with the more brilliant period which has ensued. The labourer's wages had never commanded so large a portion of the means of subsistence. The public debt, though its magnitude excited alarms at which we are now accustomed to smile, did not press very heavily on the nation, as is shown by the low rate of interest, the government three per cent. securities having generally stood at par. The national debt at the Revolution in 1689 amounted to £664,263; at the accession of Queen Anne in 1702 it was £16,394,702; at the accession of George the First in

¹ See Hallam's *Constitutional History*, vol. ii. p. 446.

1714 it was £54,145,363; at the accession of George the Second in 1727 it was £52,092,238; and at the peace of Paris in 1763, three years after the accession of George the Third, it was £138,865,430.¹

After this brief summary of the circumstances existing at the end of George the Second's reign, we will proceed to consider the legislation and detail the events which took place during the long and eventful reign of his successor.

Geo. III.
1760-1820.

George the Third was in his twenty-second year when he ascended the throne, on the death of his grandfather, the late king. The war in which the country was engaged, and in which Spain shortly afterwards took part against us, continued to be conducted with success, and was terminated at the end of 1762 by the Treaty of Paris; France then restoring Minorca, and ceding the Canadas, Cape Breton, and Louisiana, together with all pretensions to Nova Scotia, and Spain ceding the Floridas. Nova Scotia had been settled, and the town and port of Halifax founded, in the late reign, so that England now possessed the whole North American continent. The war in Germany was brought to a close early in the following year, on terms favourable to our ally the King of Prussia; and at this time, therefore, England may be regarded as standing high, if not the highest, among the powers of Europe.

Legislation was extremely active and multifarious throughout the reign of George the Third, although in the earlier part of it little comparatively was done with regard to the Poor Law; and it is now proposed to notice such portions of this legislation as appears necessary for exhibiting the social condition of the people in connection with the progress of the Poor Law, together with such brief reference to passing events as will keep the general state of the country before the reader.

¹ See M'Culloch's *Statistical Account of the British Empire*, vol. ii. p. 435.

We have just seen, that at the close of the late reign, the rates levied for relief of the poor in England and Wales had risen to a million and a quarter, and that much alarm was felt at the continual increase which year after year was taking place in their amount. This increase, and this alarm, led to the promulgation of various schemes for reducing the burthen of the rates, and for averting the evils which were supposed to be either caused or greatly augmented by their administration. It has not been thought necessary to give a detailed description of all these various schemes, but two were proposed which require to be noticed—namely, that by Dr. Burn, in deference to his high authority and great experience; and that by Mr. Cooper, recommending hundred-houses, many of which had been established, and were still continuing to be established, and generally with a good result. We will begin with the last.

Mr. Cooper's work on Charitable Institutions and the Poor Laws was published in 1763. He recommends that in every large hundred, and, where they are small, in two or three hundreds united, houses should be established, each house to comprise an infirmary for the sick and disabled poor, with means of employment for those who are able to work, and of correction for such as are able and not willing. Mr. Cooper proposes that these houses should be under the management of the gentry and clergy of the hundred, and he cites, as an example of their operation, the two small hundreds of Colnies and Carlford, in Suffolk, which were incorporated for the purpose by 29 George II. cap. 79, and where, he says, above £2000 had been saved in the four years from 1758 to 1762.¹ This, and other examples of a like nature, led to the establishing many such houses, as well in hundreds as in towns and large country parishes; but in every instance the inmates

1763.
Mr.
Cooper's
scheme of
hundred-
houses.

¹ See Sir F. Eden's *State of the Poor*, vol. i. p. 343.

were employed with a view of obtaining profit by their labour, and in order that the burthen of the rates might thereby be lightened. This was made the chief object in all these houses, whether incorporated or parochial; and this object was, it must be admitted, as in the case of Colnies and Carlford, at first and for a time attained, although an opposite result would eventually be certain to follow. The workhouse in some shape or other continued, however, to be regarded as a fence against excess in the poor-rate, and formed henceforward a chief element in almost every scheme for lessening its amount or preventing its increase.

1764.
Dr. Burn's
plan of a
paid over-
seer ;

Dr. Burn, in his *History of the Poor Laws*, published in 1764, appears chiefly to rely for a corrective upon the activity and intelligence of a superior description of overseer, about the degree of high constable, to be specially selected for the office and paid accordingly, whose duty it should be to overlook and control the ordinary overseers, and to take measures for the relief and employment of the poor; "and particularly to provide work, according to the manufactures of the several places, or to set up some easy manufacture, if there should chance to be none."¹ For he says, "Here is now work for all the poor, if they were ten times as many as they are; here are more poor to be provided for, because we are become much more populous; here is scope to make the poor exceeding useful, and to render their lives comfortable and easy."² This information, coming from so high an authority as Dr. Burn, must have been exceedingly welcome to those whom he designates as "the poor"; but their forced and artificial employment in the way he recommends would necessarily cause an excess of production, and bring poverty and want upon others who, but for such interference, might have lived by their labour and maintained an industrious independence.

¹ See Dr. Burn's *History of the Poor Laws*, pp. 214 and 215. ² *Ibid.*

Another of Dr. Burn's recommendations was to put an end to begging, without which he thinks other efforts will be fruitless, and this it is proposed to effect by punishing *the giver*. He says: "If none were to give, none would beg, and the whole mystery and craft would be at an end in a fortnight. Let the laws continue, if you please, to apprehend and punish the mendicants; but let something be also done effectually against those who encourage them. If the principal is punished, it is not reasonable the accessory should go free. In order to which, let all who relieve a common beggar be subject to a penalty."¹ This is, in fact, nothing more than was enacted by 14 Elizabeth, cap. 5,² but such prohibitions are practically of little avail, for as long as the people's sympathies are excited by the appearance of want, so long will the charitably disposed be impelled to give. The best preventive of the unreasoning benevolence which Dr. Burn denounces, will be found in the people's being convinced that the really destitute are relieved and properly provided for at the public charge. When this is done, there will still be room for the exercise of private charity in its best form, by administering to the less obtrusive but not less urgent wants arising from sickness, or other casualties, which are not of rare occurrence among those of the industrious classes whose spirits are too high to allow of their asking for aid, and who suffer in obscurity and silence, whilst the clamorous and less deserving obtain relief.

The paid overseer recommended by Dr. Burn, and the hundred or associated workhouse recommended by Mr. Cooper, were each excellent as means for improving Poor Law administration, and both continued to be more and more resorted to for that purpose. But the paid overseer was not, as Dr. Burn recommended, made the superior of the ordinary overseers, but their

¹ See Dr. Burn's *History of the Poor Laws*, p. 207.

² *Ante*, vol. i. p. 156.

assistant, and, as such, was shortly seen in most large parishes, and was generally selected on account of his qualifications for the office. The workhouses of that day, although faulty in their application and management, were yet, to some considerable extent, effective for economising expenditure, for sifting real from simulated destitution, and for separating the unavoidably destitute from others whose distress was occasioned by idleness or vicious indulgence, and who, if industrious, would not require relief.

1761.
2 Geo. III.
cap. 22.

The first Act of the present reign requiring notice is 2 George III. cap. 22. It is limited to the Metropolis, and applies only to parishes within the Bills of Mortality, that is, to the seventeen parishes within the City walls, and the twenty-three without, the liberty of the Tower, and the ten parishes of Westminster. An efficient register in a prescribed form is ordered to be made by the churchwardens and overseers in each parish, of "all infants under the age of four years which on the 1st day of July shall be in the workhouse, hospital, or other place or places provided for the maintenance of the poor, or under the care of the churchwardens and overseers, with the times they were received, their names, age, and whatever relates to them as far as can be traced"; and also, that after the said 1st of July, a like registry shall be kept of "all infants under the age of four years, who shall be brought to any workhouse, hospital, or place provided for the maintenance of the poor, or be under the charge of the churchwardens and overseers in their respective parishes, with the times of their admittance, and all circumstances relating to them." These registries are to be continued annually, and duly authenticated, and carefully preserved with the parish books, under a penalty of 40s. for every omission or neglect.

The information obtained by the registry thus prescribed, led five years afterwards to the passing of

another Act, chiefly through the exertions of *Sir Jonas Hanway*, after whom it is usually named. A Committee of the House of Commons had been appointed to investigate the subject, and although the evidence laid before it was probably exaggerated, the Committee's Report showed that there were grounds for legislative interference on behalf of the poor children, numbers of whom perished annually through neglect, improper treatment, and the want of purer air than was to be found in the crowded streets of the metropolis. The 7 George III. cap. 39, accordingly directs, that all children under the age of six years, in the parishes comprised within the bills of mortality, who on the 1st of July 1767 shall be under the care of vestries, directors, managers of the poor, or parish officers, and all children who shall thereafter be received into the workhouses, etc., of such parishes, if above two and under six years of age, shall within fourteen days be sent into the country, to a distance of not less than three miles from any part of the cities of London and Westminster; and that "all children who after the said date shall be born in or be received into any workhouses, etc., belonging to the said parishes, being under the age of two years and not suckled by the mother, shall within fourteen days after their birth or reception be sent into the country to a distance of not less than five miles." The children so put out, are to be nursed and maintained at the charge of their respective parishes, not less than 2s. 6d. per week being directed to be paid until the child arrives at the age of six—after which, and until the child be bound an apprentice or return to the workhouse, not less than two shillings per week. A gratuity of ten shillings is likewise directed to be given to every nurse who, having taken charge of a child under nine months old, shall nurse and rear it satisfactorily for a whole year afterwards.

1767.
7 Geo. III.
cap. 39.

Sir Jonas
Hanway's
Act.

Guardians
of the
parish poor
children.

It is moreover directed that, "in order the more effectually to guard against all dangerous consequences which may arise to the said children from false parsimony, negligence, inadvertency, or the annual change of parish officers, five noblemen and gentlemen, inhabitants of each parish, shall be appointed and chosen, under the title of *guardians of the parish poor children*." They are to continue in office three years, and to visit and inform themselves fully of the condition of the children; and in case of neglect or improper conduct, whereby the health or the life of a child may appear to be in danger, the guardians are to report the same to the parish authorities, and if a remedy be not forthwith applied, the guardians are then to inform a justice of peace, who is "empowered to give such orders and directions therein as he shall think most proper."

Apprentic-
ing of
parish poor
children.

The Act likewise contains provisions for the apprenticing of parish poor children, the fee in each case not to be less than £4, 2s., half to be paid within seven weeks, and the remainder at the end of three years. But "whereas it often disturbs the peace of domestic life, checks marriage, and discourages industry, to place out boys to the age of twenty-four years," it is therefore enacted that boys as well as girls may be apprenticed "for the term of seven years, or till they shall attain their respective ages of twenty-one years, and no longer."¹

These Acts may scarcely appear to require this lengthened notice, not being of general application, and therefore not having a general interest; but they are nevertheless important as evidencing the humane and kindly feeling towards the poor as a class, and towards the helpless and infant poor in particular, which then prevailed. This feeling may be traced in

¹ This was afterwards made general by 18 George III. cap. 47. See *post*, p. 81.

every section of the present Acts, in some cases perhaps carried to an excess, but everywhere contrasting strongly with much of our previous legislation. Infant life is no doubt placed more or less in jeopardy in all great towns, and in the close and densely peopled districts of the metropolis the danger must be proportionally greater. In these districts, or in some confined and ill-managed workhouse, the infants supported by the parish were nurtured, and if they survived, there they were reared, not healthily or intelligently, but with mental faculties undeveloped, and physical powers feeble and attenuated. To remove such infants to the open influence of sun and air, must in itself have been a great good ; and if this were accompanied by suitable means of education, the chief wants, natural and social, to which these poor children were exposed, would be supplied. The community would then have performed the duty devolved upon it, by training them up to become instruments of usefulness and strength, instead of leaving them to perish or to become a burthen and a source of weakness. Education was eventually, although imperfectly, provided ; but this deficiency was again after a time corrected, each step in advance preparing the way for further improvement.

The 9 George III. cap. 37, is an Act containing miscellaneous provisions respecting bricks, tiles, lottery tickets, and other matters ; but its last clause provides for the protection of the poor from fraudulent payments by parish officers. It enacts, “ that if any churchwarden or overseer, or other person authorised or intrusted by them to make payments for the use of the poor, shall knowingly make any such payments in base or counterfeit money, or in other than lawful money of Great Britain,” upon complaint thereof being made to a justice of peace, such justice is required to summon the person charged with such offence, “ and

1769.
9 Geo. III.
cap. 37.

Penalty on
paying the
poor in
base
money.

upon his non-appearance or confession, or upon proof on oath by a credible witness, in a summary way to adjudge the party so offending to forfeit for each offence a sum not less than ten nor more than twenty shillings, leviable by distress, and to be applied to the use of such poor persons of the parish as the justice shall direct." The silver currency was at this time much worn and deteriorated, and was further depressed in value by the admixture of spurious money fraudulently imported for the purpose of circulation. In every instance of debasement in the coinage, from whatever cause arising, the poorest class are most open to injury, and are the first and greatest sufferers ; and the present enactment shows that the interest of this, the most helpless class, was not now neglected.

1769.
9 Geo. III.
cap. 31.
Magdalen
Asylum.

Another instance of the benevolent attention at this time paid to the condition of the inferior and helpless classes, is afforded by the "Act for establishing and well governing an Hospital for the reception, maintenance, and employment of penitent Prostitutes." This Act (9 George III. cap. 31) recites, "that in the year 1758, a charitable society was entered into by several noblemen and gentlemen and others for establishing a house for the reception, maintenance, and employment of penitent prostitutes, and the same hath been from time to time carried on and supported by voluntary subscriptions, and many persons have received relief from the said charity"; and in order to promote the same good designs, and render them permanent and effectual, the society is now incorporated under the above title, and empowered to erect the requisite buildings on land given for the purpose in St. George's Fields ; and thus an "asylum" was provided, and is continued to the present day, for these the most degraded and most unfortunate of our fellow-creatures, who are at once the objects and the victims of man's vicious indulgence.

Three years after the above Act, and in a like benevolent spirit, 12 George III. cap. 67, was passed ^{1772.} 12 Geo. III. cap. 67. "For Incorporating the Members of the Marine Society, and for the better empowering and enabling them to carry on their charitable and useful Designs." The Act recites, that in 1756 a society was formed for placing out men and boys to the sea-service and other charitable purposes, which society, by the voluntary donations and subscriptions of well-disposed persons, had, in addition to clothing and fitting out 5451 seamen for the navy, and other charities, "also clothed, fitted, and placed out as servants or apprentices to officers in the king's ships, and to the merchant-service, 6306 boys who had no visible means of support, and who voluntarily offered themselves." It is then declared that the society hath been of use and advantage to the nation, and that if it were established upon a permanent foundation, and vested with proper powers, for "fitting out and apprenticing or placing out poor distressed boys to and for the service of the Royal Navy, and other ships and vessels belonging to English subjects, it would be of much more extensive use, as a means of supplying his Majesty's ships in time of war with seamen properly bred up and qualified for that service, and contributing to the commercial interests of the nation in time of peace, and also by assisting the inward police thereof in providing for the idle and consequently most dangerous members of society." Accordingly, it is enacted, that the members shall be and are incorporated by the name of "The Marine Society," and ample powers are given them for effecting these objects. ^{The Marine Society incorporated.}

The hospital for the maintenance and education of exposed and deserted children, founded in 1740,¹ and the Marine Society now established, are each addressed to the common object of protecting infancy and early

¹ See *ante*, p. 26.

youth from perishing through want, or becoming the victims of crime. With respect to the "Foundling Hospital," there were circumstances tending to counteract the good which it seemed calculated to effect; but as regards the Marine Society, there was no such drawback. To take boys out of the streets of the metropolis, from the purlieus of vice and contamination, and place them in a way of becoming useful, would not only be to them a positive good, and add to the productive power and strength of the nation, but would also prevent a positive evil and the cause of national weakness and deterioration. Of the benefits the Marine Society has conferred upon the country, as well as upon the objects of its benevolent exertions, there can be no doubt; and it happily exists and continues to confer like benefits in the present day.

1773.
13 Geo. III.
cap. 82.

Lying-in
hospitals
to be
licensed.
The chil-
dren to
follow the
mother's
settlement.

In the year following, 13 George III. cap. 82, was passed "For the better Regulation of Lying-in Hospitals," etc. The Act recites, that "through the humane and benevolent assistance of well-disposed persons, many hospitals and places have been established for the charitable reception of pregnant women, which have afforded great relief in times of the utmost distress, and therefore merit support and encouragement": but inconvenience is said to have arisen from the number of bastard children born in such places, which have brought unreasonable charges upon the parishes wherein such hospitals are situated, "to their great and unjust oppression." It is therefore enacted, that no such hospital or place shall be established, or continue to be used, for the reception of pregnant women, unless a licence be first obtained from the justices assembled in general or quarter-sessions of the county or division, such licence to be stamped and registered. And in order that it may be more generally known, there is to be inscribed over the principal entrance in large letters, "Licensed for the public recep-

tion of pregnant women, pursuant to the Act," etc. And it is then further enacted, that no bastard child born in any such hospital or place, shall be legally settled in or be entitled to relief from the parish wherein it is situated, but shall follow the mother's settlement, any law or usage to the contrary notwithstanding. The owner or person having the charge and management of every such hospital, is also required, before admitting any pregnant woman, to take her before a justice, to be examined upon oath whether she is married or single ; and if she shall not be able at the time of her admission to go and be so examined, then so soon as she shall be sufficiently recovered ; and the particulars of her examination are to be entered in a book kept for that purpose by the owner or manager of the hospital, and signed by the justice. After the woman shall be delivered, she may be kept and detained in such hospital "till she shall be adjudged in a fit condition to be discharged, and been examined with respect to the place of her legal settlement"; but it is provided, that such detention shall not in any case be longer than six weeks after the woman's delivery, unless it be with her own free consent. A penalty of fifty pounds is imposed on the owner or manager of every such hospital, who wilfully neglects or refuses to comply with the directions of this Act, and churchwardens and overseers are subjected to a penalty of ten pounds for a like offence ; the penalties in each case to be applied, one-half to the poor of the parish, and the other half to the parties suing for the same.

The above Acts, passed in the early part of the reign of George the Third, possess much interest, as exhibiting the spirit by which the public of that day were actuated. They are all expressly designed to aid and give permanent and increased effect to institutions originating in private benevolence, supported by private charity, and carried into operation by the exertion of

private individuals, who thus became, as it were, the pioneers of legislation, enabling it to proceed on assured grounds, tested by time, and proved by experience.

1772.
Baron
Maseres'
plan of
parochial
annuities.

About this time likewise (1772), with similar benevolent views, but also with the further object of lightening the pressure of the poor-rates, a measure for establishing life annuities in parishes for the benefit of the poor was proposed by Baron Maseres, and a Bill for the purpose was introduced, and passed the House of Commons, but was rejected by the Lords. Baron Maseres declared that his design in the proposed measure was "to encourage the lower ranks of people to industry and frugality, by laying before them a safe and easy method of employing some part of the money they could save out of their wages, or daily earnings, in a manner that would be most strikingly for their benefit"—to which end, in every parish in which there were two churchwardens and two or more overseers of the poor, the rateable inhabitants were to be made a body corporate, and empowered to grant deferred annuities not in any circumstance exceeding £20 per annum, and to commence at the age of fifty if a man, and at the age of thirty-five if a woman. The price of the annuities was set forth in a table computed for the purpose, and appended to the Bill, the minimum being £5. The money received in payment for such annuities was to be invested in government securities; and in addition to the security of the capital thus accruing, the purchasers were to have the further security of the poor-rates. This was the substance of the proposed measure; and without going into the many objections to which it is open, it may be sufficient to remark, that the labouring man's being compelled to hoard up his small savings until they amounted to five or ten pounds before he could lay them out in the purchase of an annuity, must go far to endanger his ever doing so, and be certain to render the measure abortive. A ready

and secure means for the investment of the working man's weekly savings as they arise, and thus to put them out of the way of danger, is what was then wanted, and what has since been to a great extent supplied by the establishment, first, of Friendly Societies, and more recently of Savings Banks, each admirable in their way, and calculated to promote and encourage provident habits in the labouring classes.

Although ill adapted for its immediate object, the scale of annuities proposed by Baron Maseres was framed in accordance with correct principle, and worked out by him in all its details with great mathematical skill. The honesty and benevolence of his intentions are also undoubted, and the way in which his propositions were received and adopted by one section of the legislature is another proof of the readiness with which plans for improving the condition of the people were at that time received, and the earnestness with which they were welcomed. This scheme of Baron Maseres was founded upon the ascertained average duration of life, on which the calculations for government and other annuities were based, and by which the various Life Assurance Societies continue to be in a great measure guided. The question of Life Assurance in its several branches much occupied the attention of mathematicians at that time; and to what was then done by Dr. Price, the Baron Maseres, and other eminent persons in the elucidation of this subject, we are indebted for the many institutions for assuring life which at present exist, and which have conferred, and still confer, important benefits on individuals, on families, and upon the community in general.

In 1768 the regulation of the wages and the hours of work of the London tailors again occupied the attention of parliament. This class of operatives was very numerous, and their frequent combinations against their employers led, we are told in the preamble, "to

1768.
8 Geo. III.
cap. 17.

Regulating
journey-
men
tailors.

the prejudice of trade, to the encouragement of idleness, and to the great increase of the poor.” We have seen that a remedy for these disorders was attempted by 7 George I. cap. 13;¹ but it is now declared that doubts and difficulties had arisen touching prosecutions under that Act, and that many subtle devices were practised in order to evade it, owing to which its due execution had been greatly obstructed. The 8 George III. cap. 17, was accordingly passed, and, after reciting these circumstances, it enacts that throughout the year the hours of work shall be from six in the morning till seven in the evening, “with an interval of one hour only for refreshment,” and that the wages of tailors shall not exceed 2s. 7½d. per day, except at a time of general mourning, when for one month they may be raised to 5s. 1½d.; and any master tailor who pays, or any workman who receives, greater wages than these, is subjected to the penalty of imprisonment with hard labour for two months. On application made for that purpose, the mayor, aldermen, and recorder in sessions assembled, may alter the above specified hours of work and rates of wages, and prescribe others, which after due notice are to be equally binding; and in order to guard against evasion by employing workmen who do not reside within the City of London, or five miles thereof, it is enacted, that any master tailor so doing “shall for every such offence forfeit the sum of five hundred pounds, one-half to the king and the other half to the person suing for the same.”

The working hours prescribed by this Act, are less than was ordered by 7 George I. cap. 13, and the wages are considerably higher, being 2s. 7½d. per day throughout the whole year, instead of 2s. per day for four months, and 1s. 8d. per day for the remainder. The three-halfpence a day for breakfast is, however, no longer given, but double wages are allowed during

¹ *Ante*, p. 10.

times of general mourning, which would thus become to the tailors a season of rejoicing. On the whole, and without reckoning anything for such general mournings, it appears that circumstances had so changed in the forty-eight years between the statute of George the First and the passing of the present Act, as to call for a rise of fully one-third in the wages of London tailors, the utmost earnings which could be obtained in 313 working days, according to the scale established in 1720 (including the breakfast-money), being £29, 15s. 5d., whilst by the present scale the earnings in 313 days may amount to £41, 1s. 5d., and this notwithstanding the time for work is on each day an hour less.

This is certainly a marked increase in the price of labour in one department of industry within somewhat less than half a century, and it might have shown the legislators of that period the impolicy, if not the positive injustice, of fixing by a permanent scale, that which is in its nature variable, and which ought in a great degree to depend upon the skill of the workman, and the character of his work. It is possible that an increased demand in the tailoring trade may have had some influence in causing a rise in the tailor's wages at this time; but the chief cause of the increase was probably owing to other circumstances, to which we will now briefly advert.

During the first four years of the present reign the harvests had generally been abundant. Not only was the produce sufficient for the home supply, but there was a bounty on exportation of 5s. a quarter, and in the years 1763 and 1764 no less than 820,000 quarters of wheat were exported, the entire annual consumption in England and Wales being then estimated at only four millions of quarters.¹ With the last of these years, however, this period of abundance terminated, and in 1765 two Acts were passed—one, 5 George III. cap.

¹ See Tooke's *History of Prices*, vol. i. p. 64.

1766.
Great
scarcity.
Exporta-
tion of
wheat and
flour pro-
hibited.

31, "to discontinue the duties upon wheat and flour imported, and the bounty on exportation"; and the other, 5 George III. cap. 32, enabling government "to prohibit the exportation of wheat, flour, etc., during the recess of parliament, at such time and in such manner as the necessity of the time may require." On the re-assembling of parliament in November of the following year (1766), they were informed, in the speech from the throne, that, "the urgency of the necessity for the preservation of the public safety against a growing calamity could not admit of delay, and that an embargo had been laid on wheat-flour going out of the kingdom."

This scarcity was not confined to England, but prevailed very generally throughout Europe. In 1767 the harvest was again deficient, and the privation and suffering of the people caused discontent and rioting in various parts of the country. The harvests in the two following years were less unfavourable; but for the five years including 1770 and 1774, they were again markedly deficient, and the dearth thence arising occasioned a renewal of distress and alarm, which prevailed to such an extent in London, that in 1773 the corporation offered a bounty of 4s. a quarter for the importation of 20,000 quarters of wheat. In 1774 it appears that 269,235 quarters of wheat were imported into England, and 544,641 quarters in 1775. A comparison of these imports, with the exports stated above to have taken place eleven years previous, will assist us in judging of the amount of privation and distress which the people must have endured in the intervening period. The price of wheat would necessarily vary with the productiveness of the season, and accordingly we find by the Eton Tables, that the average for the ten years from 1755 to 1764 was 37s. 6d., and from 1765 to 1774 it was 51s.¹—a difference of 35 per cent., and

¹ These statements are mostly abstracted from Tooke's *History of Prices*, vol. i. pp. 62-74.

corresponding nearly with the increase which the Act just cited makes in the tailor's wages, compared with the scale established in 1720.

1772. 5/ It was in this period of scarcity, and during the discontents and disturbances which it occasioned, that 12 Geo. III. cap. 71, was passed "For repealing several Laws therein mentioned against Badgers, Engrossers, Forestallers, and Regrators." The Act recites that "it hath been found by experience that the restraints laid by several statutes upon dealing in corn, meal, flour, cattle, and sundry other sorts of victuals, by preventing a free trade in the said commodities, have a tendency to discourage the growth and to enhance the price of the same; which statutes, if put in execution, would bring great distress upon the inhabitants of many parts of this kingdom, and in particular upon those of the cities of London and Westminster"; and it is accordingly enacted that the said several laws, "being detrimental to the supply of the labouring and manufacturing poor of this kingdom, shall be, and the same are hereby declared to be, repealed." The passing of such an Act under the then existing circumstances, manifested considerable advance in economical science, and it may be added in political courage also, within the last few years, for the measure was not only opposed to popular prejudices, but was calculated, as the people then for the most part believed, to raise prices and increase their privations.

1772.
12 Geo. III.
cap. 71.
Laws
against
forestal-
lers, etc.,
repealed.

The nation was now entering upon that painful struggle, which ended in the separation of the North American colonies from the parent State, and their consequent assumption of independence. The celebrated Stamp Act was passed in March 1765, and raised a storm in the colonies which its repeal in the following year failed to allay. The right of taxation was asserted on one side, and repudiated on the other; and this difference grew to such a head, and so strongly

The
American
colonies.

excited the passions of men in both countries, that compromise became impossible, and the dread alternative of war was at last resorted to.

In 1768 the merchants and people of Boston entered into an agreement not to import goods of any kind from England, except hooks and lines for fishing, and salt, coals, lead, hemp, and wool-cards, these being articles of prime necessity; and the merchants and people of New York and other States, shortly afterwards did the same. In 1770 great riotings took

1770.
Riots in
Boston.

place in Boston, and the soldiers were compelled to quit the town; and in 1773 some cargoes of tea which arrived from England were seized by the populace and thrown into the sea. Early in September 1774 a

1774.
Congress of
delegates
at Phila-
delphia.

congress of delegates from the several States assembled at Philadelphia, and their first act was to frame a Declaration of Rights. They then entered into a non-

consumption, non-importation, and non-exportation agreement, to be observed by every American citizen, and the French Canadians were invited to join and take up arms against the English. The first actual

1775.
Battle of
Bunker's
Hill.

collision in this deplorable contest was on the 19th of April 1775, at a place named Concord; and in June of the same year the battle of Bunker's Hill took place.

In July congress framed their plan of confederation, and appointed Washington the commander-in-chief of

1776.
Declara-
tion of
independ-
ence issued.

the American armies. In March following, the British forces were compelled to evacuate Boston, and on the 4th of July 1776 the solemn declaration of American

1778.
France
joins the
Americans
against
England.

independence was promulgated. In March 1778 it was publicly announced that France had recognised the independence of the North American provinces, and made a treaty of amity and commerce with them.

The French had indeed all along given encouragement to the colonies, and covertly supplied them with arms and ammunition; but this open and avowed treaty with our revolted provinces excited the greatest

indignation in England, and led to war between the two countries; and in June 1779, Spain took part with France, and commenced the siege of Gibraltar. In the summer of 1780 an "armed neutrality" was entered into by the northern powers, and the Dutch, acting under French influence, manifested such decided hostility, that in December letters of reprisal were issued against Holland; so that at the end of 1780, England had all the chief powers of Europe, with the exception of Austria, directly or indirectly arrayed against her, and covertly or openly aiding her revolted colonies; and in 1781, Austria also joined the "armed neutrality."

1779.
Spain
takes part
with
France.

1780.
Armed
neutrality
of the
northern
powers
against
England.

1781.
Holland
and Austria
join the
armed
neutrality.

The war was carried on with various success, but on the 20th of January 1783 the preliminaries of a general peace were signed at Paris, by which the American provinces were declared to be "free, sovereign, and independent," thus leaving England, as was then believed, shorn of her greatness and crippled in her resources. The result has, however, shown how unfounded was this conclusion, both the parent State and its offspring having acquired strength by the separation, and each having advanced at a rate which neither probably would have attained if they had continued united. In announcing this event to parliament, the king declared that he had sacrificed every consideration of his own to the wishes of his people. He prayed that England might not suffer from so great a dismemberment, and that it might entail no calamitous consequences on America; he expressed a hope that religion, language, interest, and affections would yet prove a bond of union between the two countries, to which end neither attention nor disposition should be wanting on his part. And afterwards, when Mr. Adams arrived as envoy from the United States, the king, addressing him, said, "I was the last man in the kingdom, sir, to consent to the independence of

1783.
Prelimin-
aries of a
general
peace
signed at
Paris.

America ; but, now it is granted, I shall be the last man in the world to sanction a violation of it."

Expenses
of the war,
and in-
crease of
the national
debt.

The expenses of the war had necessarily been very great. At the end of the "Seven Years' War," in 1763, the national debt amounted to £128,583,635, and the interest thereon to £4,471,771. At the conclusion of this war, in 1783, the debt had increased to £244,118,635, and the interest to £9,302,328, thus nearly doubling the principal of the debt, and more than doubling the annual charge upon it. It is clear that these vast additions to the national burthens could not have taken place, unless there had been an increase in some degree commensurate in the national resources, despite of the great extent and pressure of the war, and the circumstances which gave rise to it. The population appears to have gone on steadily increasing, and there is reason to believe that little short of a million were added to the number of the people between 1760 and 1780.¹ This would require a corresponding increase in the means of subsistence ; and we accordingly find that enclosure bills were passed in great numbers, the average being forty-seven per annum in the first twenty-five years of the present reign, whilst during the last reign the annual average only amounted to seven. There was a similar increase in road and canal bills, and the efforts of the country evidently kept pace with the demands upon it.

Increase of
the popula-
tion.

Increase
of road and
enclosure
bills.

Increase of
the poor-
rates.

One of these demands, and that not the least important or the least embarrassing, was the rate for the relief of the poor. In 1776 the amount levied under this rate in England and Wales, according to the returns furnished by the overseers, in conformity with the provisions of 16 George III. cap. 40, was £1,720,316 ;

¹ See *ante*, p. 54. See also a Table, by Mr. Finlaison, of the National Debt Office, showing the estimated increase of the population at several periods, as given in the Census Returns of 1831, and also inserted in M'Culloch's *Statistical Account of the British Empire*, vol. i. p. 399.

and like returns, subsequently obtained, for 1783, 1784, and 1785, show that the amount levied in these years was £2,132,486, £2,185,889, and £2,184,904. The money actually expended in relief of the poor in the year ending at Easter 1776, according to these returns, was £1,529,780, 0s. 1d.; and for the average of the three years last named, or say for 1784, it was £2,004,238, 5s. 11d.; showing an increase in eight years of £474,458, 5s. 10d., and far outrunning the ratio of increase in the population, to which it might be expected more nearly to conform. The excess was probably owing to the interruptions of commercial industry consequent on the war, which would throw many persons out of employment, and compel them to resort to the poor-rates for assistance.

In 1775 an Act was passed, vesting in *James Watt* ^{1775.} "the sole use and property of certain steam-engines, ^{The steam-engine.} commonly called *fire-engines*, of his invention," the patent for which he had originally taken out in 1769. It was a fortunate coincidence, that the spinning machinery should have been invented by Arkwright about the same time with Watt's steam-engine. The two inventions were calculated to work together, and without the one the other would have been far less effective; whilst in combination they must be held to have added more to the productive power of the country than all other circumstances taken together. Mr. Watt's double-acting engine, equable in its working, and applicable to almost every kind of mechanical operation, was not patented until 1782. The perfecting of the steam-engine gave additional value to our mines of coal and minerals, by enabling them to be worked at greater depths, and more economically. In our iron, cotton, woollen, linen, and other manufactories, it likewise soon became the chief motive power, lessening the cost of production, and thus causing an increase of demand, and an extension of employment. The call for

human labour was therefore not lessened by Mr. Watt's great invention, but was rather increased by it. The labour was also of a higher character, and was chiefly directed to objects requiring skill, consideration, and mental effort, whilst the operations dependent upon mere force were effected by mechanical means.¹

1771.
The
debates in
parliament
are pub-
lished.

These circumstances are all more or less connected with the condition of the people, and must not be overlooked in treating of the Poor Laws. For like reason the practice of publishing the debates in parliament calls for notice. This first took place in 1771, and much useful information was in consequence disseminated through the country, as well upon poor law as on other matters; and thenceforward the sentiments of the people grew to be more in unison with those of the legislature, each acting upon and enlightening the other, and eventually bringing about a more general harmony and assimilation of views. The notice of these incidental topics has carried us somewhat beyond the period of poor law legislation at which we had arrived, but it seemed desirable to carry them down to the termination of the American War, and thus to anticipate the occasion for again recurring to such matters, at least for some time.

1775.
15 Geo. III.
cap. 32.

The Act of Elizabeth against building cottages,² is now declared, by 15 George III. cap. 32, to have "laid the industrious poor under great difficulties to

¹ Some idea of the importance of this invention, and the vast addition made by it to the productive powers of the country, may be gathered from a statement made at a public meeting, in 1824, by Mr. Boulton, the son of Mr. Watt's partner, and then also the partner of Mr. Watt's son. He said that there had been furnished from their establishment alone a power equal to about one hundred thousand horses; and that, assuming this power to be exercised three hundred days in the year, the annual saving by the substitution of steam for horse-power would not be less than three millions sterling. It has since been calculated that the united steam power of Great Britain alone "is equivalent to the manual labour of upwards of 400,000,000 men, or more than double the number of males supposed to inhabit the globe."—*Quarterly Review*, vol. civ. 1858.

² *Ante*, vol. i. pp. 175 and 176.

procure habitations, and tends to lessen population, and in other respects has been found inconvenient to the labouring part of the nation," and it is accordingly repealed. The restrictions imposed by Elizabeth's Act would no doubt be found inconvenient if not impracticable as the people increased in numbers and civilisation ; but the prohibition of more than one family inhabiting the same dwelling was wise and beneficent, and it would have been well if this had been retained when the other restrictions were abolished. The crowding of the labouring population into habitations of insufficient size and defective arrangement, within which the decencies of life cannot be observed, has been, and unhappily still continues to be, a great evil and cause of demoralisation, which cries loudly for redress. People thus circumstanced become deteriorated in every way. They are dwarfed in stature, injured in health, and lowered in their moral feelings and perceptions. They are of less use as operatives, of less value as subjects, and less estimable in all the social relations of life.

Labourers'
cottages.

By 43 Elizabeth the churchwardens and overseers were empowered, with the consent of two justices, to bind out the children of such parents as are not able to maintain them, to be apprentices until, if a man-child, he attained the age of twenty-four, and, if a woman-child, the age of twenty-one.¹ The 18 George III. cap. 47, now declares, "that it has been found by experience that the said term respecting men-children is longer than is necessary, and that, if such man-child was bound only till he came to the age of one-and-twenty, all the benefits intended by the said Act would be preserved, and the hardships brought on such parish apprentices by the length of their apprenticeship would be avoided, and the good harmony between master and apprentice would be better maintained." And this is

1778.
18 Geo. III.
cap. 47.

Appren-
ticeship
limited to
the age of
21.

¹ *Ante*, vol. i. p. 181 ; also 7 George III. cap. 39, *ante*, p. 63.

enacted accordingly, doubtless to the satisfaction of all parties ; for to retain a man beyond the mature age of twenty-one in a state of servitude nearly approximating to slavery, could hardly be advantageous to the master, and must have been irksome and oppressive to the man, and likely, as the Act intimates, to engender ill-feeling and hostility between them.

1780.
20 Geo. III.
cap. 36.

Many Acts had been passed incorporating certain parishes, hundreds, and districts, and empowering them to borrow money, and provide houses of industry, and frame regulations for managing their poor ; but doubts appear to have arisen with respect to their powers for apprenticing poor children ; and 20 George III. cap. 36, was passed in order to remove these doubts, and also “ for ascertaining the settlement of bastard children born in the house of industry within such districts.” It recites that several Acts had been passed for the relief and employment of the poor in particular incorporated hundreds or districts, giving power to bind poor children apprentices under certain restrictions, but there were doubts as to whether persons are compellable to receive and provide for such poor children ; and it then enacts that the persons to whom any poor children shall be so bound shall receive and provide for them, in like manner as persons are now obliged by law to receive and provide for children apprenticed by the churchwardens and overseers with the assent of two justices ; and any person refusing or neglecting so to do is subjected to a penalty of ten pounds, to be applied to the relief of the poor of the incorporated district. But it is provided that no one who is not an inhabitant and occupier in the parish to which the poor child belongs, shall be compelled to take such child as an apprentice ; and it is further provided that every bastard child born in the house of industry shall be deemed to belong to the parish or place where the mother is legally settled. Subsequently, by 42

George III. cap. 46, overseers and guardians of the poor are required to keep a register, in a prescribed form, of all the children bound out by them as apprentices, under a penalty of £5, and each entry in the same is to be approved and signed by two justices.

The 22 George III. cap. 83, is entitled "An Act for the better Relief and Employment of the Poor." It is ^{1782.} 22 Geo. III. cap. 83. usually quoted and referred to as "Gilbert's Act," ^{Gilbert's Act.} having been introduced by that gentleman, who was member for Lichfield, and had for several years applied himself with exemplary perseverance to the amendment of the Poor Laws, and to bettering the condition of the poor. On every account, therefore, this Act requires especial attention. It commences by declaring, that notwithstanding the many laws for the relief and employment of the poor, and the great sums of money raised for those purposes, their sufferings and distresses are nevertheless very grievous, and that by the incapacity, negligence, or misconduct of overseers, the money raised for the relief of the poor is frequently misapplied, and sometimes expended in defraying the charges of litigations about settlements indiscreetly and unadvisedly carried on. It then recites, that "by 9 George I. cap. 7,¹ power is given to churchwardens and overseers to purchase or hire houses, and contract for the lodging, keeping, maintaining, and employing the poor, and taking the benefit of their service for their maintenance, and where any parish, town, or township should be found too small, to unite two or more for those purposes; which provisions, from want of proper regulations and management in the poor-houses or workhouses that have been purchased or hired under the authority of the said Act, and for want of due inspection and control over the persons who have engaged in those contracts, have not had the desired effect, but the poor in many places, instead of

¹ *Ante*, p. 21.

finding protection and relief, have been much oppressed thereby." And then it is enacted, that "so much of the said clause as respects the maintaining or hiring out the labour of the poor by contract within any parish, township, or place which shall adopt the provisions of this Act, shall be repealed, and every contract or agreement made in pursuance thereof shall become null and void."

The causes of failure above described are now attempted to be remedied, first by exonerating churchwardens and overseers from the duty of relieving the poor, and restricting them to the collection of the rates and accounting for the same; and secondly, by appointing visitors and guardians, in whom, with the justices of the district, the entire management and control of the poor is thenceforward to be vested in all parishes which shall, at a public meeting to be held for the purpose, adopt the provisions of this Act. Such adoption must be by not less than two-thirds in number and value of the owners or occupiers assessed at £5 per annum and upwards, signing an agreement in a prescribed form, which form also contains an engagement to provide a proper workhouse. Two or more parishes may, if not more than ten miles distant from the workhouse, unite by an agreement signed in like manner, and subscribed at foot by two justices; and the parishes so united are empowered to borrow money on security of the poor-rates, and are to contribute towards the expense of providing and fitting up the workhouse "in due proportions, according to the amount of money raised by the poor-rates in each, on a medium of three years preceding such agreement." But the expense of the victuals, beer, and firing for the poor, and for the governor and assistants, "with all other small incidental expenses," are to be defrayed monthly by the several parishes, "according to the number of poor which shall be sent from each, and the time they shall

have resided there within such month." Each parish is, moreover, to provide suitable clothing for the poor sent to the house ; but any parish may withdraw from this agreement at the end of the first three years, or any succeeding three years, on giving twelve months' notice, if it be so determined at a public meeting of the parishioners duly summoned and qualified as aforesaid.

A guardian for each parish, and the governor of the workhouse, are to be appointed by the justices of the district, out of names submitted by the parishioners who have signed the agreement. The guardian is to attend monthly meetings, and is to receive a salary, and be invested with all the powers and authorities of an overseer of the poor, except with regard to making and collecting rates, which is still to be performed by the churchwardens and overseers, who are "to pay to the guardian such sums as he shall, from time to time, have occasion to employ for discharging the bills and other necessary expenses attending such workhouse, and the poor belonging to such parish." One of the guardians is to be appointed treasurer by the justices of the district, on their own selection, or on recommendation of the other guardians ; but the visitor is to fix his salary, which however is not to exceed £10. The visitor is likewise to be appointed by the justices of the district, out of three persons recommended by the guardians as being "respectable in character and fortune, and fit to be put in nomination for the office of visitor." He is empowered to appoint a deputy, and the governor and treasurer are to obey his directions in all things. It is evidently contemplated that the visitor will be selected from among the justices, or at least will be of like social position with them ; and as his authority is nearly absolute in all matters connected with the management of the workhouse, and the affairs of the incorporation, it may be said that with him and

with the justices the relief and management of the poor will rest, wherever the provisions of this Act are adopted.

The 29th section provides, "That no person shall be sent to such poorhouse, except such as are become indigent by old age, sickness, or infirmities, and are unable to acquire a maintenance by their labour; except such orphan children as shall be sent thither by order of the guardian or guardians of the poor, with the approbation of the visitor, and except such children as shall necessarily go with their mothers thither for sustenance." With respect to the rest of the poor, it is provided by the 32nd section, "That where there shall be in any parish, township, or place, any poor person or persons, who shall be able and willing to work, but who cannot get employment, the guardian of the poor of such parish, etc., on application made to him by or on behalf of such poor person, is required to agree for the labour of such poor person or persons at any work or employment suited to his or her strength and capacity, in any parish or place near the place of his or her residence, and to maintain, or cause such person or persons to be properly maintained, lodged, and provided for, until such employment shall be procured, and during the time of such work, and to receive the money to be earned by such work or labour, and apply it in such maintenance as far as the same will go, and make up the deficiency, if any"; and if there shall be an excess, it is within a month to be given to the person who has so earned it, "if no further expenses shall be then incurred on his or her account to exhaust the same."

If a guardian shall refuse to find employment, or to afford relief to any poor person applying for the same, on complaint thereof by or on behalf of such poor person to any justice of peace, the justice is empowered (by the 35th section), after inquiry upon oath into the

circumstances of the complaint, "either to order him or her some weekly or other relief, or direct such guardian to send such poor person to the poorhouse, to be kept and provided for there, or else to procure him or her maintenance and employment in the manner before directed"; and for every neglect or refusal to obey such order, the guardian is to forfeit the sum of five pounds. But if it appear that the complainant is an idle or disorderly person, the justice may commit him to the house of correction for any time not exceeding three months, nor less than one. It is likewise provided that if any poor person shall refuse to work, or run away from the work provided for him, the guardian is to make complaint thereof to some justice of peace, who shall inquire into the same upon oath, and on conviction punish the offender by imprisonment with hard labour for any time not exceeding three months, nor less than one.

The 31st section directs that idle and disorderly persons who are able but unwilling to work or maintain themselves and their families, shall be prosecuted by the guardians of the parish in which they reside, and punished in the manner directed by 17 George II. ;¹ "and if any guardian shall neglect to make complaint thereof against every such person or persons to some neighbouring justice, within ten days after it shall come to his knowledge, he shall for every such neglect forfeit a sum not exceeding £5, nor less than 20s.," one moiety to the informer, the other to the use of the incorporation.

The 30th section provides, that infants of tender years, "who from accident or misfortune become chargeable to the parish where they belong," may with the approbation of the visitor be sent to the poorhouse, or else be placed with some reputable person in the neighbourhood, at such weekly allowance as shall be

¹ *Ante*, p. 35.

agreed upon, until of age to be put into service, or bound apprentice to husbandry or some trade or occupation ; and a list of the children so placed out, and by whom kept, is to be given to the visitor, "who shall see that they are properly treated, or cause them to be removed and placed under the care of some other person, if he finds cause so to do." But no child under the age of seven years is to be separated from its parents without their consent.

Such are the chief provisions of this Act, both as regards the relief of the poor, and the management of the parishes incorporated under it. Mr. Gilbert is said to have intended the present Act as temporary only, until a measure on a more comprehensive scale could be matured ; but although certain explanations and amendments were made by 33 George III. cap. 35, by 41 George III. cap. 9, by 42 & 43 George III. caps. 74 and 110, and by 1 & 2 George IV. cap. 56, the Act has continued in force without material alteration to the present day (1853), the explanations and amendments being merely on matters of detail, but leaving the Act untouched in its main provisions. It is elaborately drawn, and the schedules attached to it are framed with extreme minuteness, to which circumstance it may be owing that such repeated explanations and amendments were afterwards found necessary.

With respect to the management of the unions incorporated under Gilbert's Act, it is important to remark that the governing machinery was devised with the view of excluding the ordinary parochial authorities from taking part in it, the whole power being placed in the hand of a higher class. This accords with the views of Dr. Burn, who, in his *History of the Poor Law*, denounced the incapacity and misconduct of overseers, and their oppression of the poor, in much the same terms as are used in the preamble of the present Act. The remedy then proposed by him is

also nearly the same ; and this need not excite surprise, for both Dr. Burn and Mr. Gilbert were active magistrates, both taking a prominent part in the affairs of their respective districts, and they would both naturally feel that the more power they and men of their position possessed, the more good would be done, and more evil evaded. Hence we find, in the Gilbert incorporations, the justices of peace and the visitors invested with almost absolute power, the guardians being little more than the instruments for carrying the visitors' directions into effect ; and under then existing circumstances this may possibly have been the preferable course. Such, it may also be remarked, continued for the most part to be the view taken by the legislature down to the amendment of the Poor Law in 1834, the tendency of each successive Act, connected with the relief of the poor, being to place more and more power in the hands of the local magistracy ; and this was done on precisely the same grounds as were stated by Dr. Burn and Mr. Gilbert, namely, that the overseers were harsh and incompetent, and not sufficiently attentive to the wants of the poor. In 1834 there was a reaction in this respect, and the tide of public opinion ran perhaps over-strongly in the opposite direction, attributing an undue share of blame to the magistracy ; but of this we shall have to speak hereafter.

According to the present Act, none are to be relieved in the house except such as are indigent through old age, sickness, or infirmity, and orphan children and infants with their mothers. The house is therefore strictly a poorhouse, and to designate it a workhouse seems a misnomer. With respect to this class of poor, little need be said. If they are to be maintained at the public cost, it may be done under proper regulations in a house of this description better perhaps than in any other way. But there is another class of poor mentioned in the Act, those, namely, who

are able and willing to work, but cannot find employment, and for whom it is directed to be found "near the place of his or her residence." By this provision, the Act appears to assume that there can never be a lack of employment, that is of profitable employment, and it makes the guardian of the parish answerable for finding it near the labourer's own residence, where, if it existed, the labourer might surely by due diligence find it himself. But why, it may be asked, should he use such diligence, when the guardian is bound to find it for him, and take the whole responsibility of bargaining for wages, and making up to him all deficiency? He is certain of employment. He is certain of receiving, either from the parish or the employer, sufficient for the maintenance of himself and his family; and if he earns a surplus, he is certain of its being paid over to him. There may be uncertainty with others,—the farmer, the lawyer, the merchant, the manufacturer, however industrious active and observant, may be subject to uncertainties in their several callings—not so the labourer, he bears as it were a charmed life in this respect, and is made secure, and that too without the exercise of care or forethought. Could a more certain way be devised for lowering character and destroying self-reliance? It is true the labourer is liable to be punished if he refuses to work, or runs away from the work provided for him, but why should he do either? He may work badly, or work little, but he will surely work in some sort or in some way, in order to secure his maintenance, if not to avoid punishment. He will however work as a serf, and not as a man conscious that his character and his earnings will depend upon his own conduct, industry, and skill.

The only limitation the Act interposes in forming the Gilbert incorporations is, that none of the parishes shall be more than ten miles distant from the work-house. This limitation has been taken to apply to the

nearest part of a united parish, so that the remote parts, if the parish were a large one, might be considerably more distant. But in truth the limit was not always observed, and parishes situated at a greater distance were often included, having non-incorporated parishes interposed between, so that many of the Gilbert unions were found, when examined after the passing of the Poor Law Amendment Act, to consist of a number of parishes disjoined and dotted about without order or natural connection, and seriously obstructing the formation of eligible and compact unions under the new law.

The number of Gilbert incorporations existing in 1834 was sixty-seven, comprising nine hundred and twenty-four parishes. Since then fifty-three have been dissolved, and the parishes have been included in poor-law unions. Fourteen of these incorporations, comprising two hundred and three parishes, still remain (in 1853), causing much inconvenience, and hindering many parishes from being put into union at all, as in some cases it would not be possible to form an efficient union unless the Gilbert incorporation were first dissolved. This ought, indeed, to have been done by the Poor Law Amendment Act at the outset, or at any rate the commissioners should have been empowered to do it, when and as they found the dissolution necessary, for enabling them to carry the Act into execution throughout the country.

In 1783 The Act of Elizabeth "For the Punishment of Vagabonds calling themselves Egyptians,"^{1783.} was repealed by 23 George III. cap. 51, which declares that it "is and ought to be considered as a law of excessive severity." This repeal, and the grounds assigned for it, may be cited in proof of the increasing humanity and civilisation of the age. In the year following¹ an Act was passed with a preamble similar

^{23 Geo. III.}
cap. 51.

¹ *Ante*, p. 46.

to what we have seen on like occasions heretofore, for enabling “such officers, mariners, and soldiers as have been in the land or sea-service to exercise trades.”¹

1784.
24 Geo. III.
cap. 6.

But the present Act (24 George III. cap. 6) includes the wives and children of such officers, mariners, and soldiers, all of whom, it is declared, “may set up and exercise such trades as they are apt and able for, in any town or place, without let, suit, or molestation of any person whatsoever”; and such officers, mariners, and soldiers, and their wives and children, are not, during the time they exercise such trades, to be removable from such place to their last legal place of settlement, unless they shall become actually chargeable. This exemption from the penalty of removal, must have been a great boon to these men, who had served and deserved well of their country; but who might, without this protection, have been subjected to great hardship on account of their families. The Act would seem to imply, moreover, that the habits and character of our soldiers and sailors were in some degree changed. Having wives and families to be cared for, they must be presumed to have become more orderly, moral, and domestic, than they were at the commencement of the century.

1786.
26 Geo. III.
cap. 56.

Returns
of money
raised and
expended
under the
Poor Law
ordered to
be made.

The 26 George III. cap. 56, is an important Act, for which we are indebted to Mr. Gilbert, who ten years previously had procured the passing of a similar Act, for obtaining returns from the overseers of all moneys raised and expended under the Poor Law. That Act (16 George III. cap. 40) we omitted noticing in its order of date, but a summary of the returns obtained under it is given at page 94. These returns are peculiarly interesting, being the first of the kind which were made; and they afford a means of comparison with the returns obtained under the present Act. It will, therefore, be necessary to notice them

¹ *Ante*, vol. i. pp. 275 and 344; vol. ii. p. 46.

in connection with these last returns, as well as briefly to describe the Acts in which the returns originated.

Both Acts (16 & 26 George III. caps. 40 and 56) commence by declaring that “the great and increasing expenses of maintaining and providing for the poor, and the continual distresses of the poor notwithstanding, make it highly expedient for the legislature to take that subject into their most serious consideration; and that information of the state of the poor and the nature of those expenses is necessary, in order to enable parliament to judge of proper remedies to redress those grievances”—it is therefore enacted, that a sufficient number of copies of the Act, and of the schedules annexed, shall be sent to the clerks of the peace throughout England and Wales for distribution to the acting justices of peace, and also for delivery by the high constable of one copy of the printed schedules to the overseers of the poor of every parish, who are to fill up and return the same, and afterwards to attend and verify by their oaths such answers and returns, at a meeting to be appointed for that purpose by the justices previous to the 20th of October; and the justices are empowered “to examine such overseers upon oath, touching any matters contained in such questions and answers, and to call for the accounts for the preceding year, if they see fit, in order to explain and verify the said accounts as shall be then made.” The returns are then to be transmitted to the Clerk of Parliament, “with all convenient speed, in order that the same may be inspected by members of both Houses,” upon pain of forfeiting for every neglect and default on the part of any clerk of the peace, high constable, or overseer, of a sum not exceeding ten, nor less than five pounds; but if any overseer shall knowingly or wilfully make a false or imperfect return, he is, for every such offence, to forfeit the sum of fifty pounds.

There are a few differences in the wording of the two Acts, which it is not material to notice. The present Act requires the returns to be made for three consecutive years, in order to show an average, instead of for one year only, as directed in 1776. Both the Acts are very full and minute in their directions, and the schedules of questions and answers are so framed, as hardly to admit of being misunderstood or evaded by the overseers and other local functionaries; so that the returns, as given below, may be assumed, on both occasions, to be on the whole pretty accurate.¹

Amount raised by assessment in England and Wales,			
in the year ending at Easter, 1776	.	.	£1,720,316 14 7
Ditto ditto in the year 1783	£2,132,486	12 2	
Ditto ditto in the year 1784	2,185,889	7 8	
Ditto ditto in the year 1785	2,184,904	18 10	
<hr/>			
Medium of these years	.	.	2,167,760 ² 6 3
<hr/>			
Increase of assessment in eight years	.		£447,443 11 8
<hr/>			
Amount expended in relief of the poor in England and			
Wales in the year ending at Easter, 1776	.	.	£1,529,780 0 1
Ditto ditto on the average of the three years			
1783, 1784, and 1785	.	.	2,004,238 5 11
<hr/>			
Increase of expenditure in eight years	.		£474,458 5 10
<hr/>			
Amount expended out of the poor-rates for certain			
purposes not immediately connected with the relief			
of the poor, in the year ending at Easter, 1776,			
viz. :—			
For county rates	.	£137,656 10 8	
In litigation	.	35,072 0 8	
For payment of rents	.	80,296 14 7	
<hr/>			£253,025 11
Ditto ditto on an average of the three years,			
1783, 1784, and 1785, viz. :—			
For county purposes	.	£119,280 6 10	
<hr/>			119,280 6 10
<hr/>			
Carried forward	.	.	£372,306 12 9

¹ See Sir F. Eden's *State of the Poor*, vol. i. pp. 363–372.

² This is given as £2,167,750 in the tabulated statement of “Local Taxation,” printed by order of the House of Commons in 1839.

Brought forward	£372,306	12	9
Repairing churches, roads, clocks, pounds, salaries to ministers, etc.	£44,231	0	11
Overseers' journeys and attend- ances on magistrates	24,493	18	6
Entertainments at parish and other meetings, etc. . . .	11,713	0	9
Expenses of law, examinations, and other proceedings relative to the poor	55,791	2	6
Expended in setting the poor to work	15,892	8	10
		271,401	18 4
Apparent increase on these items in eight years ¹	£18,376	12	5

The increase of Poor Law expenditure in eight years is thus shown to have been considerable, and might well warrant the alarm which seems to have prevailed on account of the rapid augmentation of this burthen. In the items not included in actual or net relief of the poor, we see that litigation and law expenses, entertainments, payment of rents and payment of wages, or, as it is called, setting the poor to work, are separately named. These sources of abuse appear already to have attained considerable head, and we know that very little improvement took place with respect to them until half a century afterwards, when these and other evils, which had grown up and become engrafted into the system, were put an end to by the passing of the Poor Law Amendment Act.

Immediately after requiring the overseers to furnish returns of the moneys raised and expended under the Poor Law, another Act was passed (26 George III. cap. 58), directing the ministers and churchwardens to make like returns, upon oath, "of all charitable donations for the benefit of poor persons in the several parishes and

1786.
26 Geo. III.
cap. 58.

Returns of
all charit-
able dona-
tions.

¹ It should be noticed, however, that the items are given in more detail in the last returns, and are probably therefore more correct. For the items of separate charge in 1776, Sir F. Eden quotes the Annual Register of 1777.

places within that part of Great Britain called England." The Act commences by declaring it to be "proper that the legislature, who are directing inquiries into the state and condition of the poor, should be informed of the several charitable donations for the use and benefit of poor persons"; and it then prescribes forms for making the returns, in the main similar to the poor-rate returns, and with similar penalties for default or neglect. The Act is directed to be read in open court at the ensuing Midsummer quarter-sessions, and "also by the officiating minister in every parish church or chapel in England, the first Sunday on which Divine service shall be performed after the 31st day of July 1786, immediately after such service."

A summary of the returns obtained under this Act is given by Sir Frederic Eden, and amounts (taking the receipts from land and money together) to the sum of £258,710, 19s. 3d. per annum.¹ But the committee appointed to consider the returns remark that they "were in many instances very defective and obscure, and that there was reason to believe very considerable further sums would appear to have been given for similar purposes, whenever proper means could be found for completing their discoveries by extending the inquiry to corporations, companies, and societies, as well as feoffees, trustees, and other persons." This has since been done, and the opinion expressed by the committee has been fully borne out, the entire annual amount of such charities being £1,209,395, 12s. 8d., besides £312,545, 5s. 4d. for educational purposes, making together £1,521,940, 18s., as appears by the summary of the Reports of the Charity Commissioners published in 1842. The present Act was, however, a good beginning, and it was important also as recognising the connection between these "charities," and the administration of relief under the Poor Law.

¹ See Sir F. Eden's *State of the Poor*, vol. i. p. 373.

CHAPTER XII

A.D. 1786-1803

Reign of George III. continued—Proposed universal benefit society—Visitation of poorhouses—Defective management and organisation—Punishment of vagrants—Prohibition of begging—Neglect of families—Parish apprentices—Friendly societies—Restrictions on the removal of the poor—The law of settlement—Out-door relief—"Roundsmen"—Justices may order occasional relief—Speech and Bill of Mr. Pitt on the Poor Laws—Mr. Bentham's *Observations*—Commercial treaty with France—Trial of Warren Hastings—French revolutionary war—Bank Restriction Act—Union with Ireland—Imports and exports—National debt and revenue—Population—Prices of corn and provisions—Rate of wages—Berkshire bread-scale—Increase of poor-rates—State of the country—Collection of poor-rates—Limit to liability of justices.

THE plan proposed by Baron Maseres in 1772, for 1786. establishing life annuities in every parish for the benefit of the poor, has already been noticed.¹ In 1786 Mr. Acland, with a like benevolent intention, proposed a scheme for establishing a kind of universal friendly or benefit society, by contributing to which at certain prescribed rates, according to age and other circumstances, all persons might, independently of the Poor Law, assure for themselves adequate support in the time of sickness, infirmity, and old age. Mr. Acland proposed that an association should be established by Act of Parliament for the whole of England, to which every one between the ages of twenty and thirty should be compelled to subscribe, in manner following—a labourer earning 10d. a day, and a man-servant having 1s. 6d. a week or £4 a year wages, or if a female, 1s. 3d. a week or £3 a year wages, to pay to the common stock, the man 2d. weekly, the woman 1½d. Persons

Mr. Acland's scheme for establishing a universal benefit society.

¹ *Ante*, p. 70.

disabled by accident or infirmity, or being married and having one or more children, are not, however, compellable to subscribe, but may do so if they think fit, as may also persons between the ages of thirty and fifty, on payment of one year's subscription by way of entrance-money, and an additional shilling for every year they exceed the age of thirty. The churchwardens and overseers are in virtue of their office to be the treasurers of the association. In case of sickness or accident happening to any subscriber, notice thereof is to be given to the minister, or to a churchwarden or overseer of the parish, who is forthwith to visit the member, and send the parish apothecary to attend him if necessary; and in order that all persons may have proper assistance at such times, every parish is to agree with some neighbouring apothecary for the supply of medicine and attendance, one half of the apothecary's salary to be paid by the parish, the other half by the association. The subscriber of $1\frac{1}{2}$ d. a week, if sick or disabled, is to be entitled to receive 4s. a week bed-lying pay, 2s. a week walking pay, and 1s. a week for every child above two. The subscriber of 2d. a week, if sick or disabled, is entitled to 6s. a week bed-lying pay, 3s. a week walking pay, and 1s. $4\frac{1}{2}$ d. a week for every child above two. There are other provisions extending the proposed association to persons possessed of property, and superior in condition to labourers or servants; but the above particulars are all that need here be noticed as bearing upon the Poor Law, which this plan was intended in great measure to supersede.

The continually increasing amount of the poor-rates, coupled with the other evils arising out of the law as then administered, caused much alarm at this time, as it long continued to do, and as we have seen it had done previously. The law of settlement was not the least prominent of these evils. By binding the labourer to his parish, it destroyed his energy, and prepared him

for becoming a pauper, at the same time giving rise to litigation and expense, and thus in every way adding to the burthen of the rates. Various remedies were proposed; among the rest this scheme of Mr. Acland's, of which it is only necessary to remark, that however well intended and unobjectionable in principle, it was, like that of Baron Maseres, unsuited to the circumstances of our population, and therefore impracticable. Mr. Gilbert also in the following year (1787), partaking of ^{1787.} the prevalent alarm, and dissatisfied apparently with ^{Mr. Gilbert's} the working of the Act which bears his name, proposed ^{scheme.} a scheme somewhat similar to that which he had introduced in 1765, but dividing the country into smaller districts of not more than thirteen parishes, with an entirely new local executive in each. He proposed to vest the whole power and control in a Board of County Commissioners, chosen by the justices, who were likewise to appoint committees in the several districts. Workhouses were moreover to be provided in each district, and on these, and the regular attendance of the gentry at the county boards, the chief reliance was placed for securing good management and effecting all that was desired. We are indebted to Mr. Gilbert for organising the returns of Poor Law expenditure, on which account, rather than for his Act of 1782, his present scheme is entitled to notice, although not adopted or favourably received at the time that it was promulgated.¹

The 30 George III. cap. 49, is entitled "An Act to ^{1790.} empower Justices and other persons to visit Parish ^{30 Geo. III.} Workhouses," etc., and after reciting "that the laws ^{cap. 49.} now in being for the regulating parish workhouses or poorhouses have been found in certain instances deficient and ineffectual, especially when the poor in such houses

¹ The above particulars of Mr. Acland's and Mr. Gilbert's schemes are abridged from the detailed accounts of them given in Sir F. Eden's *State of the Poor*, vol. i. pp. 373 and 388.

Parish
poor-
houses,
etc., may
be visited,
and justices
may give
such orders
as are
necessary
for remov-
ing cause of
complaint.

are afflicted with contagious or infectious diseases, in which cases particular attention to their lodging, diet, clothing, bedding, and medicines is requisite," it goes on to enact that any justice of peace, or any physician, surgeon, or apothecary, or the officiating clergyman of the parish, when authorised by warrant of such justice, may at all times visit any parish workhouse or poor-house within the county or division where such justice resides or has jurisdiction, and may examine into the state of the poor people therein, and their food, clothing, and bedding, and into the condition of the house, etc.; and if there be found cause of complaint, the same is to be certified to the next quarter-sessions, at which the overseers of the poor and the master of such house are to attend, to answer such complaint. And the justices in quarter-sessions assembled, after hearing the parties, are empowered to make such orders and regulations for removing the cause of complaint as to them shall seem meet. But it is likewise provided, that in case there be occasion for immediate interference, application is to be made to one or more other justices of the county or division, "and thereupon the said justices shall and may make such order for the immediate procuring medical and other assistance, or of sufficient or proper food, or for the separation or removal of such poor as shall be afflicted with any contagious or infectious disease, as they shall think proper to direct, until the next quarter-sessions of the peace be held, to which the said justices are to certify the same; and the justices assembled at such quarter-sessions are required to make such order for the further relief of the poor in such workhouse or poorhouse as to them shall seem meet and proper." Incorporated workhouses are, however, expressly exempted from these provisions.

The parish
poor-
houses.

That the organisation and management of parish poorhouses, miscalled workhouses, should have been

found defective, and requiring inspection and control, can hardly excite surprise, seeing that at a comparatively recent period they were actually little better than receptacles for the idle, the dissolute, and depraved, together with some who were infirm or imbecile, and a few who were simply destitute and dependent,—the whole living promiscuously together, the young and the old, the males and the females, the dissolute and the orderly, without discipline or classification. And when it is added that these buildings were not always constructed for workhouses, but often hired or purchased for the occasion, were generally of insufficient size, and always unsuitable in arrangement, and that their management was subject to negligence, partiality, and fraud,—it would have amounted almost to a miracle if they had not been, as is above indicated, seats and sources of contagion, and a sort of pest-houses where diseases, social, moral, and physical, were generated and nurtured, and whence they spread into and contaminated the surrounding districts.

Such parish houses, attended by such consequences, the author has seen, and it was after seeing them that he entertained first the hope, and then the conviction, that these sources of evil were capable of being converted into instruments of good—that they might be made tests of destitution, as well as an economical and effective means for affording relief. He saw that the old ill-managed workhouse led to an increase of pauperism and depravity, and he also saw reason to believe that a well-managed workhouse would help to check the one and prevent the other—that whilst the former was the worst appendage to a parish, the latter might become the best; and he accordingly endeavoured to bring about the change in the parish where he resided. The results surpassed his expectation, and subsequent experience affords a reasonable assurance,

that if the workhouse principle, on which the modern Poor Law is founded, continues to be judiciously applied, it will avert the dangers and neutralise a great majority of the evils necessarily inherent in all established modes of relieving the poor. The old incorporated workhouses, whether under Gilbert's or any local Act, were not established or conducted in conformity with this principle, and they therefore failed of being permanently beneficial. They were nevertheless better than the earlier parish poorhouses referred to in the above Act, and they at first and for a time were no doubt effective in bringing about a reduction of the rates; but they soon ceased to be useful in this respect, whilst the erroneous principle on which they were established led to evils greater even than those they were intended to correct. This was particularly the case in many of the large incorporations, the managers of which, by endeavouring to make a profit of pauper labour, went a long way towards making all the labouring population paupers.

1792.
32 Geo. III.
cap. 45.

The question of how rogues and vagabonds should be dealt with has, we have seen, continued at times to occupy the attention of the legislature from an early period; and now 32 George III. cap. 45, was passed to explain and amend 17 George II. cap. 5,¹ which was also an amending Act, and by which it was at the time believed the subject was definitively settled. The preamble of the present Act declares that "great abuses are committed in conveying from one place to another by passes persons who are not rogues and vagabonds, or in conveying persons who are rogues and vagabonds without complying with the directions of 17 George II., which directs that such persons only shall be conveyed by pass under the hand and seal of a justice of peace, who have been first publicly whipped, or confined in the house of correction"; and it is now enacted that

¹ *Ante*, p. 34.

when a justice shall order a rogue or vagabond to be passed according to the provisions of that statute, such rogue or vagabond shall be first publicly whipped, or be sent to the house of correction for at least seven days, and the justice is to certify the same in the pass. But a female, although convicted as a vagabond or incorrigible rogue, is in no case whatever to be whipped, any law to the contrary notwithstanding. And as the present mode of conveying vagrants in the custody of a constable is frequently found insufficient, "from the misconduct and negligence of constables"—it is enacted that the justices at general or quarter-sessions may order rogues and vagabonds to be conveyed either by the master of the house of correction or his servants, or by a constable, as they shall think proper; and they are also empowered to direct what rates and allowances shall be made for passing or maintaining rogues and vagabonds, and likewise to make rules and orders for the more regular proceeding therein.

The 7th section recites, "And whereas soldiers travelling from one place to another, having a certificate from their officers or the Secretary-at-War are permitted to beg, and that mariners or seafaring men discharged are licensed to beg by some testimonial or writing under the hand and seal of a justice of the peace, and that such permission to beg is highly improper"—it is therefore enacted, that every soldier and mariner wandering abroad and begging, shall be deemed a rogue and vagabond within the meaning of the Act. And because "several persons, by their wilful default and neglect, permit their wives and children to become chargeable to their respective parishes," the 8th section enacts that if any poor person shall not use proper means to obtain employment, or if, being able, he neglects his work, or spends his money in the alehouse or otherwise improperly, or if he does not apply a proper proportion of his earnings towards the mainten-

Rogues and vagabonds to be punished before they are passed. But female vagabonds not to be subjected to whipping.

Soldiers and mariners prohibited from begging, and persons neglecting to support their families subjected to punishment.

ance of his wife and family, by which default or neglect they or any of them become chargeable, he is in either of such cases to be deemed an idle and disorderly person, and subjected to the punishment directed for such persons by the forementioned Act.

All these provisions are not only important in themselves, but remarkable as indicating the state of public opinion on the subject at the time. The exemption of females from the punishment of whipping is a proof of advance in civilisation, as discontinuing the licence to beg theretofore given to discharged soldiers and sailors, is a proof of advance in the right appreciation of public order. The penalty to which men are subjected who fail in duly supporting their families, is also an advance in the recognition and enforcement of a great social duty; whilst making the punishment of rogues and vagabonds more strictly imperative before they are "passed," proves the legislature to have been thoroughly impressed with the evils of vagrancy, and thoroughly earnest in their endeavours to put it down.

1792.
32 Geo. III.
cap. 57.

Parish
appren-
tices.

Some further regulation of parish apprentices had now become necessary, and 32 George III. cap. 57, after referring to certain provisions on the subject in 43 Elizabeth, 8 & 9 William III. cap. 30, and 18 George III. cap. 47,¹ proceeds: "And whereas, in the event of the death of the master during the term of such apprenticeship, the agreement for service on the part of the apprentice is at an end, but the covenant for maintenance on the part of the master still continues in force, and in consequence thereof such apprentices do frequently, on the death of their master, leave their master's house, and, after living in idleness, return again and become a burthen on their master's effects, which is attended with great inconvenience and hardship to the family and personal representatives of such master, and is at the same time an inducement to

¹ *Ante*, vol. i. pp. 181, 340-42; vol. ii. p. 81.

such apprentices to continue in a disorderly and idle course of life"; it is therefore enacted that on the death of a master or mistress of any parish apprentice, upon whose binding out not more than five pounds has been or shall be paid, the covenant for maintenance is not to continue in force longer than three months, during which time the apprentice must live with and serve the executors of such masters or mistress, or such other persons as the executors may appoint. It is also declared to be "just and reasonable that such apprentice should be obliged, during the term of his apprenticeship, to make some satisfaction by his labour to the family or representatives of his deceased master, for the advantages he has received from his apprenticeship in his childhood, when his services could not be equal to the expenses of his maintenance"; and it is accordingly enacted that within such three months two justices of peace may, on application by the representatives of the deceased master or mistress, order and direct that the apprentice shall, for the residue of the term named in his indenture, serve any one of the persons so making application as the justices shall think fit, provided such person has lived with and formed part of the family of the deceased. But if no such application be made, or if the justices think the apprenticeship should not be continued, it is then to cease in like manner as if the full term had expired. And because no provision has been made for discharging a parish apprentice when a master or mistress has become insolvent, or so reduced as to be unable to maintain or employ him, it is now provided that two justices of the peace, on application by such master or mistress, may inquire into the circumstances, and discharge such apprentice from his apprenticeship, if they shall find cause for so doing.

It appears by the 7th section of the Act, that persons were often compelled "to take a greater number of parish apprentices than it was convenient for them

Appren-
tices not to
be assigned
to other
masters
without
consent
of two
justices.

to maintain or employ in their own families, and are therefore forced to place out or assign over such apprentices to other persons." All such assignments are now directed to be made subject to the consent of two justices, and by endorsement on the indenture of apprenticeship, as is also the consent of the person to whom the apprentice shall be assigned; and forms of such assignment and consent are given in the schedule.

We have seen that upon proof of "any misuse, refusal of necessary provisions, cruelty, or other ill-treatment" of any apprentice by the master or mistress, two justices are empowered to discharge such apprentice from his or her apprenticeship.¹ It is now declared that instances of such ill-treatment frequently occur, and in order "that the expectation of such discharge should not operate as an inducement to such ill-treatment," it is enacted, that where any apprentice shall be so discharged, the justices may also order the master or mistress to deliver up to the apprentice his or her clothes and wearing apparel, and also to pay to the churchwardens and overseers of the parish a sum not exceeding £10 "for again placing out such apprentice for his or her benefit, as to such justices shall seem meet"; and also to pay a sum not exceeding £5, in case such master or mistress shall refuse to deliver up such clothes and wearing apparel. The justices may also, if they think fit, compel the churchwardens and overseers to prosecute the master or mistress for ill-treatment of any apprentice, and order the costs and expenses of such prosecution to be paid, one-half by the parish to which the apprentice belongs, and the other half by the county; and where any master or any mistress shall be convicted of such offence, they are not to have any other apprentice bound upon them, but whenever they would be compellable to take a parish apprentice, any two justices may order and direct such

Masters
and mis-
tresses to
be prose-
cuted for
ill-treat-
ment of
appren-
tices.

¹ *Ante*, p. 42 (20 George II. cap. 19).

persons to pay to the parish officers a sum not exceeding £10, nor less than £5, for the purpose of binding out the child.

The law likewise extends its protection to masters and mistresses, by empowering two justices to hear and determine complaints against parish apprentices “touching or concerning any misdemeanour, miscarriage, or ill-behaviour,” and to punish or otherwise to discharge any such apprentice from his apprenticeship. But “as it is expedient to prevent the expectation of such discharge being an inducement to such ill-behaviour on the part of the apprentice,” it is now enacted, that in all cases where any apprentice shall be so discharged, such justices may, if they think proper, punish such offender by commitment to hard labour in the house of correction for any time not exceeding three months.

Apprentices to be punished for ill-behaviour.

We here see both the progress and the results of enforced apprenticeship, collected as it were into a focus. The 43 Elizabeth empowered churchwardens and overseers, with the consent of two justices, to put out poor children to be apprentices “where they shall see convenient”; and at first perhaps there was little difficulty in applying the law, or in judging of the convenience indicated. This state of easy application and contented acquiescence could hardly, however, be of long continuance. The parish officers and the justices would, in the exercise of their discretion, be apt to take a different view of what was “convenient” from that entertained by the party to whom the apprentice was proposed to be bound, and hence would be apt to arise resistance and evasion on one side, and angry pertinacity, or possibly the indulgence of partial or vindictive feelings on the other; and thus the apprenticing of poor children would give rise to feuds, bickerings, and oppression, to the injury of the parish and all persons connected with it.

Progress and results of enforced apprenticeships.

The disinclination to receive parish apprentices

seems at length to have become so strong as to render some kind of compulsion necessary; and accordingly, by 8 & 9 William III. cap. 30,¹ it was enacted that where any poor children are appointed to be bound apprentices, the person or persons to whom they are so appointed shall receive and provide for them under a penalty of £10. But masters were not likely to view with favour, or to treat with kindness, apprentices thus forced upon them; and in order to guard against misusage on the one side and misconduct on the other, it was enacted by 20 George II. cap. 19,² that upon complaint by an apprentice of ill-treatment, two justices "may examine into the matter," and upon proof thereof to their satisfaction, may discharge such apprentice from further service; and also, that upon complaint by a master or mistress of the ill-behaviour of an apprentice, two justices may examine into and determine the same, and punish the offender by commitment to hard labour, "or otherwise discharge such apprentice."

The release thus provided for apprentices through misusage by the master, or through their own misconduct, was pretty certain to lead to an increase of both the one and the other; and a chief object of the present Act (32 George III. cap. 57) therefore is, to prevent the expectation of such discharge from operating as an inducement to ill-treatment by the master, or to ill-conduct in the apprentice, by the imposition of fines on the first, and by making imprisonment with hard labour compulsory as regards the latter, instead of its being an alternative as against discharge at the option of the justices. Further legislation on the subject of apprenticeships was, however, still deemed necessary, and in the following year 33 George III. cap. 55, was passed, entitled "An Act to authorise Justices of Peace to impose Fines upon Constables and other Peace or Parish Officers for neglect of Duty, and on

1793.
33 Geo. III.
cap. 55.

Appren-
tices.

¹ *Ante*, vol. i. p. 340-42.

² *Ante*, p. 42.

Masters of Apprentices for ill-usage of such their Apprentices." The Act declares that it shall be lawful for any two or more justices in special or petty sessions assembled, upon complaint on oath of neglect of duty, etc., "by any constable, overseer of the poor, or other peace or parish officer, or by or on behalf of any apprentice to any trade or business, whether bound apprentice by any parish or otherwise, provided that not more than the sum of *ten pounds* be paid upon the binding against his or her master or mistress of any ill-usage of such apprentice by such master or mistress (such constable and such master and mistress having been duly summoned to appear and answer such complaint), to impose on conviction any reasonable fine not exceeding 40s. upon such constable, overseer, or other officer, master or mistress respectively, as a punishment for such neglect of duty or ill-usage; and by warrant to direct such fine or fines, if not paid, to be levied by distress, and applied towards the relief of the poor of the parish, township, or place where the offenders respectively reside, at the discretion of the justices. But persons aggrieved thereby may appeal to the next general quarter-sessions, giving not less than ten days' notice of their intention so to do."

In all matters connected with apprenticeship, where the sum paid on binding does not exceed ten pounds, the justices are now therefore, we see, vested with powers almost absolute. Every step in the various proceedings is subjected to their decision, and every case of treatment, doubt, or difficulty is left to their discretion. This was perhaps unavoidable under the circumstances, but the fact of so large a discretionary power being necessary for the control and supervision of parish apprenticeship, constitutes an argument of no light weight against the system. It must often have been extremely onerous and burthensome to the justices by whom it was to be exercised, and, combined with the

other discretionary powers intrusted to them, led to the passing of an Act (43 George III. cap. 141) for the express purpose of "rendering justices of the peace more safe in the execution of their duty."¹

The plan proposed by Baron Maseres for establishing life annuities, and Mr. Acland's scheme of benefit societies,² although neither were carried into effect, seem, in combination with the alarm on account of the continual increase of the poor-rates, to have led to the passing of 33 George III. cap. 54, "For the Encouragement and Relief of Friendly Societies." The recital declares, that "the protection and encouragement of friendly societies for raising, by voluntary subscription of the members thereof, separate funds for the mutual relief and maintenance of the said members in sickness, old age, and infirmity, is likely to be attended with very beneficial effects, by promoting the happiness of individuals, and at the same time diminishing the public burthens." It is then enacted, that it shall be lawful for any number of persons to form themselves into a society of good fellowship, for the purpose of raising from time to time by subscriptions of the several members, or by donations of other persons, a stock or fund for their mutual relief and maintenance in old age, sickness, and infirmity, or for the relief of the widows and children of deceased members, and to make and ordain rules and regulations for the government thereof, and to impose such reasonable fines and forfeitures as shall be necessary for enforcing the same. The rules and regulations are to be submitted in writing to the justices at their quarter-sessions of the peace, who are empowered, after due examination, to confirm such as are conformable to law, and the intent and meaning of the Act, and to disallow all such as shall be repugnant thereto. When so confirmed, the rules

1793.
33 Geo. III.
cap. 54.

Regulating
friendly
societies.

¹ See *post*, p. 124.

² See *ante*, pp. 70 and 97.

are to be signed by the clerk of the peace, and a duplicate is to be deposited with and filed by him, after which they are to be binding upon all parties. The society is empowered to appoint officers, and to require the treasurer or the trustees to give security for the just and faithful execution of their several offices. In them all the moneys and effects are vested, and they may sue and be sued "in all cases concerning the property of the society."

It is further enacted, that "no member of such society shall be removable from a parish or place in which he may be resident, but is not legally settled, until such person shall become actually chargeable, or shall be forced to ask relief for himself or herself, or for his or her family, or for some part thereof"; neither is any member to require a right of settlement by such residence, or by paying rates and taxes, or by servitude or apprenticeship in the parish or place where he so resides. The exception from removal thus conferred upon the members of friendly societies, was a highly important privilege, and constituted in fact an exemption from the law of settlement so far as these persons were concerned. Two years afterwards, the provisions of this Act which "relate to the framing of rules and regulations for the better management of the funds and the appointment of treasurers," were, by 35 George III. cap. 111, extended to societies "which have inadvertently omitted to take the benefit of the said Act," and also to "certain benevolent and charitable institutions for relieving by voluntary subscriptions and benefactions, widows, orphans, and families of the clergy, and others in distressed circumstances"—all evincing the same praiseworthy solicitude for the protection and welfare of the poorer portions of the community which formed a prominent characteristic in the legislation of that day.

We have now arrived at the important statute, 35

1795.
35 Geo. III.
cap. 101.

Poor
persons
not to be
removed
until
actually
chargeable.

George III. cap. 101,¹ entitled “An Act to prevent the Removal of Poor Persons until they shall become actually Chargeable.” After reciting 14 Charles II. cap. 12,² it declares that—“many industrious poor persons, chargeable to the parish or place where they live merely from want of work there, would, in any other place where sufficient employment is to be had, maintain themselves and families without being burthensome; and such poor persons are for the most part compelled to live in their own parishes, and are not permitted to inhabit elsewhere, under pretence that they are likely to become chargeable to the parish or place into which they go for the purpose of getting employment, although the labour of such poor persons might, in many instances, be very beneficial to such parish or place”; and it further declares, that the remedy intended to be applied by granting certificates under 8 & 9 William III. cap. 30,³ has been found ineffectual, and that other provisions relating thereto are necessary. So much of the Act of Charles the Second as enables justices to remove persons likely to be chargeable to the parish into which they come, is then repealed, and it is enacted that from thenceforth no poor person shall be removed from any parish or place where such person shall be inhabiting, to the place of his or her last legal settlement, until such poor person shall have become actually chargeable to the parish or place where he or she shall then inhabit, “in which case two justices are empowered to remove the person or persons in the same manner, and subject to the same appeal and with the same powers, as might have been done before the passing of the present Act with respect to persons likely to become chargeable.” This was doubtless a great protection to the industrious

¹ See p. 221, *post*. For a comparison of the English and Scotch laws of settlement, see *History of Scotch Poor Law*, pp. 88, 116.

² *Ante*, vol. i. p. 279.

³ *Ante*, vol. i. p. 340–42.

poor, who, in their endeavours to obtain employment, may have quitted the parish of their settlement. They would now no longer be subjected to the interference of parish officers, and to assumptions of their being likely to become chargeable, so long as they were not really so.

But further protection was still necessary, for it is declared in the preamble to the 2nd section, that "poor persons are often removed or passed to the place of their settlement during the time of their sickness, to the great danger of their lives," and it is therefore enacted, that when any poor person shall be brought before a justice for the purpose of being removed, or of being passed as a vagrant, and it shall appear to the justice that such poor person is unable to travel by reason of sickness or other infirmity, or that it would be dangerous to him or her so to do, the justice making such order of removal or granting such vagrant pass, is required to *suspend* the execution of the same until he is satisfied that it may be executed without danger, which suspension and subsequent permission are to be endorsed on the order or pass, and the charges incurred under such suspended order are to be defrayed by the parish to which such poor person is ordered to be removed.

Orders of removal to be "suspended" in cases of sickness.

It is also enacted, that no person coming into a parish shall gain a settlement therein by delivery of a written notice, nor by paying levies or taxes in respect of any tenement of less than £10 yearly value; and likewise, that felons and reputed thieves, and every one who by the existing law shall be deemed a rogue and vagabond, or an idle and disorderly person, or shall not be able to give a satisfactory account of him or herself, is to be considered as actually chargeable, and liable to be removed, as is also every unmarried woman with child.

The wording of the preamble of this Act is identical with that of 8 & 9 William III. cap. 30,¹ except that

¹ *Ante*, vol. i. pp. 340-42.

all reference to the giving of security is omitted; but the grounds stated for the passing of both Acts are substantially the same. In both it is declared that the law of settlement has had the effect of confining poor persons to places in which they become chargeable through want of work, and has prevented their going to places where they would find work and cease to be chargeable; and the chief object of both Acts is to provide a remedy for this evil, the first by means of certificates, the last by prohibiting removal until the person is actually chargeable—a measure advocated by Sir William Young, and which had been embodied in a Bill prepared by him in 1788, but it did not then proceed further.

We thus see that on three several occasions efforts have been made to relax the stringency of the settlement law, and to relieve the working classes from the oppressive consequences of removal. The first movement to this end was in the Act of Settlement itself, the framers of which inserted a proviso to the effect, that where poor persons likely to be chargeable shall come to inhabit, they may be removed “unless they give sufficient security for the discharge of such parish.”¹ It is obvious that such security could hardly ever be given, and the proviso would therefore prove nugatory. This it is indeed declared to be by 8 & 9 William III. cap. 30,² which is the second attempt at mitigation, and which directs such poor persons to bring with them a certificate from the churchwardens and overseers of the parish whence they came, acknowledging them to be settled therein, in which case they are not removable, unless they shall at any time be forced to ask relief. A certificate of this kind might be of some use, by enabling a man to enter a strange parish in search of employment, freed from the liability of being immediately removed from it; but the church-

¹ *Ante*, vol. i. p. 279.

² *Ante*, vol. i. pp. 340–42.

wardens and overseers would, we may presume, only grant it to the least deserving. The good workman would be still confined to his parish, or if by any means he escaped to another, he would be constantly liable to be sent back; and it was for preventing this, that the third endeavour at mitigation was made in the present Act, limiting such liability of removal to the persons who were actually chargeable—doubtless a great improvement, but still leaving the law of settlement a burthensome restriction on the working classes, and a serious evil to the community at large.

The 36 George III. cap. 10 and cap. 23, are both framed with the same object, that is, of increasing the amount and extending the application of relief. The first Act (cap. 10) enables the guardians of an incorporated district to raise and regulate the assessments in the several parishes included therein, according to the price of wheat in Mark Lane, the assessments previously levied having it is said become, “by reason of the late very great increase of the price of corn, and other necessary articles of life, insufficient for the necessary relief and maintenance of the poor,” who, it is likewise said, have of late greatly increased in number. But it is provided that “the sums to be assessed in any parish shall never exceed in any one year the amount of double the sum at present raised.”¹ The second Act (cap. 23) was passed to amend 9 George I. cap. 7,² by repealing so much of it as prohibited relief being given to poor persons in their own houses, which prohibition is declared to have been “found inconvenient and oppressive, inasmuch as it often prevents an industrious poor person from receiving such occasional relief as is best suited to his peculiar

1796.
36 Geo. III.
caps. 10
and 23.

¹ This limitation was subsequently removed by 52 George III. cap. 73; and no restriction on the amount to be raised “for the necessary relief and maintenance of the poor” afterwards existed.

² *Ante*, p. 12.

Justices
may order
relief to
poor
persons in
their own
dwellings.

case, and in certain cases holds out conditions of relief injurious to the comfort and domestic situation and happiness of such poor persons." It is therefore enacted, that in every parish the overseers may, with the approbation of the vestry, or the sanction in writing of a justice of peace acting in the district, give relief to any industrious poor person at his or her own residence, in case of temporary illness or distress, and in respect of his or her family, although such poor person shall refuse to be lodged and maintained in any poorhouse which may have been provided for "lodging, keeping, maintaining, and employing all poor persons desiring to receive relief." Justices are also empowered, at their discretion, to order relief to any industrious poor person, who is thereupon "entitled to ask and receive such relief at his or her own house," and the overseers are bound to obey such order; but the cause for its being made is to be assigned thereon in writing, and it is not to remain in force longer than a month. Two justices may, however, continue the order for another month, "and so on from time to time, as the occasion shall require."¹

Sir William
Young's
proposal
to send
unem-
ployed
labourers
"on the
round."

This Act opened wide the door which was intended to be closed by 9 George I. cap. 7; and henceforward out-door relief, in some form or other, became the rule, and a source of great and universal abuse. The practice had prevailed to some extent before; and so far back as 1788, we find Sir William Young, in a bill which he introduced for amending the Poor Laws, proposing, in order to relieve the agricultural labourers who were out of work in winter, that the vestry should be empowered to settle a rate of wages for the winter months, and send the unemployed labourers round to the parishioners in rotation, proportionally as they are

¹ For remarks upon this extension of the justices' powers, and a comparison of English and Scotch Poor Law policy in this respect, and as to able-bodied relief generally, see *History of Scotch Poor Law*, pp. 88, 112, etc.

rated, two-thirds of the wages to be paid by the employer and one-third out of the rates.¹ We likewise find, in Sir F. Eden's account of the parish of *Winslow* in 1795, that most of the labourers were "*on the rounds*"—that is, going to work from one farmhouse to another *round* the parish, sometimes as many as forty, and unless the householders employ them they are wholly paid by the parish. Children ten years old are, it is said, thus put "*on the rounds*." So likewise in the account of *Kibworth Beauchamp*, it is stated, that when a man is out of work he applies to the overseer, who sends him from house to house to get employed. The employer is obliged to give him victuals and 6d. a day, and the parish adds 4d.; total, 10d. a day for the support of his family. Persons working in this manner are called "*Roundsmen*," from their going successively round the parish for employment.²

If such practices prevailed before the passing of the present Act (36 George III. cap. 23), we may be sure they would become more prevalent after the unlimited sanction given by it to what is called "*occasional*" relief to the industrious poor; for the authority of the vestry or the justices, if appealed to at all, would be practically of little avail in guiding or controlling the administration of such relief, or in checking the evils to which it would be certain to give rise. In rural parishes, the vestry would indeed be likely to favour the application of the poor-rates to the payment of wages, as in the cases of *Winslow* and *Kibworth Beauchamp*, for the majority would be employers of labour, and might expect to get their work done in this way at less direct cost to themselves than in any other. If there were an apparent saving to the farmer, from thus defraying out of rates levied upon others in

¹ Sir F. Eden's *State of the Poor*, vol. i. p. 397; vol. ii. pp. 30 and 384.

² *Ibid.*

common with himself, a portion of his labourers' wages, he would be apt to disregard or think lightly of remote or social consequences, seeing that the parson, the shop-keeper, the artisan, and the tradesman, were compelled to contribute for his benefit; and thus payments in aid of wages got to be organised into a system, and with few exceptions became general throughout England. The demoralising effects of such a practice upon the labouring population, especially in the rural districts, will call for comment as we proceed; but certain of these effects were immediately noticeable, as in the case of *Winslow*, where it is said the labourers had already, in 1795, become "very lazy and imperious."

As incidental to this period, and in proof of the solicitude which continued to prevail with respect to the poor, we may cite a speech delivered by *Mr. Pitt* in February 1796, on the occasion of a Bill introduced by Mr. Whitbread for regulating wages. Mr. Pitt argued conclusively against such a measure; and with reference to certain of the older statutes which had been quoted as giving countenance to it, he declared that they were enacted to guard the industry of the country against combinations of the labourers, not to remedy any disproportion which existed between the price of labour and the price of living. "Trade, industry, and barter would," he said, "always find their own level, and be impeded by regulations which violated their natural operation, and deranged their proper effect"; and to give "justices the power to regulate the price of labour, would be endeavouring to establish by authority what would be much better accomplished by the unassisted operation of principle."

1796.
Mr. Pitt's
speech on
the Poor
Laws.

Mr. Pitt then adverted to the kindred question of the Poor Laws, which, however wise in their origin, had, he considered, "contributed to fetter the circulation of labour, and to substitute a system of abuses in

room of the evils they were meant to redress." The law of settlement, he said, "prevented the workman from going to the market where he could dispose of his industry to the greatest advantage, and the capitalist from employing the person qualified to procure him the best return for his advances." The settlement law, he declared, "had at once increased the burthens of the poor, and taken from the collective resources of the State to supply wants which its operation had occasioned, and to alleviate a poverty which it tended to perpetuate." He thought the country had not yet experienced the full benefit of what had been done to correct these errors, and he was also disposed to think that we had not yet gone far enough, and that advantage might be derived and much evil removed by an extension of those reformatations in the Poor Laws which had been begun. The parish officers, he remarked, could not now remove the workman, unless he should be actually chargeable;¹ but an industrious mechanic might still, "from the pressure of a temporary distress, be transported from the place where his exertions would be useful, to a quarter where he would become a burthen." To remedy so great a grievance, the law of settlement ought, he said, to undergo a radical amendment. He conceived that to promote the free circulation of labour, and remove the obstacles by which industry is prohibited from availing itself of its own resources, would go far to diminish the necessity of relief from the poor-rates; and he wished that an opportunity were given of restoring the law to its original purity, and removing the corruptions by which it had been obscured.

After suggesting that relief should, as far as possible, be given in the way of employment, that friendly societies should be encouraged, that schools of industry should be established, and after making some

¹ See 35 George III. cap. 101, *ante*, p. 112.

other suggestions of minor importance, he recommended that an annual report should be made to parliament, which should take upon itself the duty of tracing the effects of its own system from year to year, till it should be fully matured—that, in short, there should be an annual poor-law budget, by which the legislature would show that they had a watchful eye upon the interest of the poorest and most neglected part of the community. He concluded by declaring the subject to be of the utmost importance, and expressing his readiness to do everything in his power towards improving the present system.¹

The speech is a favourable specimen of the eloquence and reasoning powers of the great minister, and exhibits the kindly qualities of his mind. His views on the law of settlement are identical with those expressed by almost every man entitled to speak authoritatively on the subject, either before or since, from the passing of the law to the present day; but these views were in advance of the general opinion, and so the law still remains (1853), mitigated it is true in its powers of evil, but still inflicting evils of very considerable magnitude upon the community, and especially upon the labouring classes. Mr. Pitt's recommendation that a report, or what he calls "a poor-law budget," should be annually laid before parliament, is one of the measures established by the Poor Law Amendment Act, and it has doubtless been of much benefit in the opportunity it affords for advocating sound principles and disseminating useful information; and it is creditable to the judgment and sagacity of this eminent statesman, that he should have been the first to advocate the adoption of such a proceeding.

An elaborate Bill of 130 clauses was afterwards

¹ See Hansard for 1796, p. 714. The speech is also given, and the Bill founded upon it, in Appendix No. II. of Sir F. Eden's *State of the Poor*, which was published in the following year.

introduced, comprising all *Mr. Pitt's* views, and also embodying certain of the recommendations which had been put forth by Lord Hale, Mr. Locke, Dr. Burn, Mr. Acland, and other eminent men who had given attention to the subject. But the Bill thus compounded was far too complicated in its nature, and aimed at changes too violent and extensive, to admit of being safely adopted. Some of its provisions were moreover decidedly objectionable, such as making allowances to persons in employment in aid of their earnings, making advances to persons for enabling them to obtain land, maintain a cow, or acquire a competence in trade, and giving relief to persons who possessed small properties ; so that it is not to be regretted that the bill failed of obtaining support.

After this failure, there was an interval of five years before legislation was again resorted to on the subject of the poor, at the end of which 41 George III. cap. 23, was passed, providing for the better collection of the rates. It appears that inconvenience had arisen from the power of quashing rates given to justices by 17 George II. cap. 38,¹ and that "in consequence of the rate or assessment being quashed or set aside, or of notice of appeal against the whole rate being given, the overseers have not had any money in hand for the relief and maintenance of the poor,"—for remedy of which, the court of general or quarter-sessions, upon any appeal against a rate, is now empowered to amend the rate, either by the insertion or striking out of names, or by altering the amounts respectively charged therein, "or in any other manner which the said court shall think necessary, without quashing or wholly setting aside such rate or assessment." If how-
1801.
41 Geo. III.
cap. 23.
Quarter-sessions
empowered
to amend
the rate.
ever it should be thought necessary for relief of the persons appealing, that the rate should be wholly quashed or set aside, then the court may quash the

¹ *Ante*, p. 32.

same; but the amounts charged upon all persons in the said rate are nevertheless to be paid, and may be levied and enforced in the same manner as if no appeal had been made; and the moneys so paid are to "be deemed and taken as on account of the next effective rate which shall be made for the relief of the poor." After a rate has been quashed, the general quarter-sessions are likewise empowered to order the sum therein charged upon any person, not to be paid, and all proceedings for enforcing payment of the same are thereupon to be stopped.

Notice of
appeal to
be given.

Notice in writing is required to be given of every appeal, whether it be against the poor-rate or against the overseers' accounts, stating moreover the cause of the appeal; and such notice must be delivered "not only to the churchwardens and overseers or any two of them, but also to all other persons interested in the event of such appeal." And if it be made to appear that any person shall have paid money which he ought not to have been charged with, the court may order such money to be returned, "together with all reasonable costs, charges, and expenses, occasioned by such persons having paid or been required to pay the same." It is further enacted (sec. 9), in case any churchwardens and overseers shall not have been able, on account of an appeal or the quashing of the rate, to collect money sufficient for the relief of the poor, and have themselves actually advanced and expended money for that purpose, that the succeeding churchwardens and overseers are to repay the same, and if they fail in so doing within fourteen days after demand being made upon them for that purpose, the court of general or quarter-sessions may, on application of the late overseers, and after due notice to the present, "make such order therein as the said court shall think fit."

The poor-rates had now attained an amount which made each ratepayer desirous of lessening his share of

the burthen as much as possible, and as this could only or most easily be done by casting a larger share on his neighbour, there seems to have been a general struggle for this purpose, each ratepayer in a parish striving to increase the assessments of the others, and to reduce his own. That much unfairness, ill-feeling, and injustice ensued in consequence can hardly be doubted, and it was to correct the evils arising out of this state of parochial antagonism that the above Act was framed.

In this instance, as in most other cases connected with poor-law administration, we find that the removal of any difficulty which has arisen, is sought to be attained by enlarging the powers of the local magistracy. Their discretion seems to be regarded as a certain cure for every shortcoming in the law, and for every evil arising out of it. Perhaps this was the best course at that time, and the discretion so conferred may on the whole have been impartially exercised; but the magistrates must have been occasionally placed in a false position, and been compelled to adjudicate in cases in which they were more or less personally interested. The assessments are subjected almost entirely to the control of the magistrates, who may at their discretion raise or reduce the payments of any occupier, or exempt him altogether, and compel the return of any payment he may have made to the overseers—they are in fact almost absolute, as regards the rating for the relief of the poor. Yet as the local magistrates are generally the chief owners of property in every district, and therefore largely interested in its affairs and liabilities, it seems impossible but that some influence, either indirect or personal, must be brought to bear upon them in almost every rating question that arises. It is not sufficient to say that the magistrates, being high-minded honourable men, their decisions would be independent of any such influence; for admitting this to be the case, as we have every reason

to believe that in the main it was, the seat of justice would still not be regarded as free from the taint of partiality—it would not be, like Cæsar's wife, above suspicion ; and this it is necessary that it should be, in order to secure the universal respect and acquiescence of the people.

1803.
43 Geo. III.
cap. 141.

Limit to
the liability
of magis-
trates.

That the decisions of the magistrates did not always command such acquiescence, is apparent from an Act passed two years subsequently, 43 George III. cap. 141, “to render justices of peace more safe in the execution of their duty.” By this Act, the penalty recoverable from a justice is limited to 2d., unless it shall appear that he was actuated by improper motives. The true remedy for faulty decisions, from whatever cause arising, is however to make the laws so clear, precise, and complete in their enactments, as to secure their due administration without leaving anything, or at any rate leaving as little as possible, to the discretion of the administrators. This will be for the advantage of all parties—of the magistrate, who will thus be relieved from the suspicion of being unduly influenced ; of the public, who will more contentedly acquiesce in whatever may be decided ; and it will also add to the weight and authority of the law, a general confidence in which is so necessary for ensuring the peace and good order of society.

We will now notice a few of the chief events which occurred after the termination of the American War in 1783, and briefly advert to the general state of the country at the end of the century, with the view of preparing the reader for the legislation which subsequently took place, and of enabling him to judge of the suitableness of the measures adopted.

1786.
Commer-
cial treaty
with
France.

The first domestic event to be noticed was the commercial treaty with France in 1786, which, departing from the narrow policy of a former period, was based upon the broad principle of reciprocity. Although

strenuously opposed by many of the trading class, it was approved by large majorities in parliament as being "calculated to encourage industry, extend lawful commerce, promote beneficial intercourse between the two countries, and give additional permanence to the blessings of peace."¹ Another incident deserving notice was the impeachment of Warren Hastings, which, after nearly ten years' endurance, terminated in his acquittal by a solemn verdict of the Peers in April 1795. Thus did this great man, who may be said to have laid the foundation of that mighty empire which England has since acquired in the East, suffer persecution instead of meeting reward. The only redeeming circumstance in connection with this event, is the example afforded by it, that under our popular institutions no one, however distant, or however elevated his position, is secure from being called to account, if there be grounds for so doing, either real or suspected.

1786.
Impeach-
ment of
Warren
Hastings.

The war of the French Revolution commenced in February 1793. The Revolution itself may be said to have commenced with the assembling of the States-General in 1789, and to have attained its climax in the execution of the king on the 21st of January 1793. The interval presented a dreary scene of anarchy and violence. The chief cause of the outbreak was the disorder of the French finances, and the exemptions enjoyed by the privileged classes, to which perhaps may be added the general demoralisation that prevailed, especially among the higher orders. The flame of revolution, once kindled, spread rapidly throughout the country, giving rise to the most extravagant doctrines and pretensions. Religion and morality were alike outraged, kingly government was denounced as contrary to the natural rights of man, and a system of propagandism was entered upon, with the avowed object of introducing into other countries the same "liberty and

1793.
French
war.

¹ See the King's Speech on the 23rd of January 1787.

equality" which had been established in France. The English government at first maintained a perfect neutrality, but on the 2nd of February 1793, the minister (Mr. Pitt) moved an address in parliament to the effect that peace was no longer consistent with our internal tranquillity or external safety, and it afterwards appeared that on the day preceding the National Convention had declared war against England and Holland. At this time France had become as it were one vast camp, and a source of dread and danger to the other nations,¹ who sought security in combining against it. The parties who successively acquired supreme power in Paris, followed and proscribed each other with extraordinary rapidity, but there was no want of energy in these offshoots of the Revolution. Intellect and enterprise of every kind were enlisted in the public service. The command of the armies was given to men who, disregarding previous usages, defeated the old tacticians of Austria and Prussia, and overran Flanders and Holland. The English army which had been sent to their assistance was compelled to return, after suffering great losses and privations; but at sea England continued to maintain her accustomed supremacy, and most of the French colonies fell into our hands. An attempt was made in 1796 to negotiate for peace, but it terminated without effect. The revolutionary armies were everywhere successful, and the Revolution itself, after going through the usual phases, attained its natural consummation in the ascendancy of a dictator. Towards the end of 1799, Napoleon Bonaparte, the conqueror of Italy, then just returned from his expedition to Egypt, abolished the Directory, assumed the supreme power as First Consul, and after a few years caused himself to be proclaimed emperor; and the whole of Europe, with the exception

Bonaparte
First Con-
sul, and
afterwards
emperor.

¹ See the speeches of Mr. Pitt and Mr. Burke on the 2nd and 11th of February 1793.

of England, became eventually subject to his influence or control.

In 1800 it was decided that the legislative union ^{1801.} with Ireland should take effect with the commencement ^{Union with Ireland.} of the new year, which would be also the commencement of the century ; and the British Islands thenceforward bore the designation of "The United Kingdom of Great Britain and Ireland." This was declared, in the speech from the throne, to be an event which the king considered the happiest of his reign, being persuaded that nothing could so effectually contribute to the happiness of his Irish subjects, and to the strength and prosperity of the whole empire.¹ The commercial and manufacturing resources of the country ^{Imports and exports.} went on increasing, notwithstanding the impediments interposed by war and the frequent occurrence of unproductive seasons. In 1782, the last year of the American War, the official value of the imports was £10,341,628 and the exports £13,009,452, whilst ten years afterwards, at the commencement of the French revolutionary war, the imports amounted to £19,659,358 and the exports to £24,905,200,² both the one and the other being thus nearly doubled in the interval of peace. In 1801, after eight years of war, the imports amounted to £31,786,262 and the exports to £35,264,650, showing a far slower rate of increase for the intervening period ; but still an increase sufficiently marked to establish the continued advance of the country in wealth, and in the powers of production. The tonnage of shipping increased during the same period in a corresponding ratio.

¹ For a brief summary of Irish social legislation down to the Union, and for an interesting account (on the authority of Arthur Young) of the state of the country at that epoch, see *History of Irish Poor Law*, pp. 57-59, 59-66.

² These figures must be taken as indicating quantities rather than values, and are chiefly useful as affording the means of comparing one period with another.

National
debt and
revenue.

We have seen that the national debt, at the end of the American War in 1783, amounted to £244,118,635, the annual charge being £9,302,328.¹ On the 1st of February 1803, after the Peace of Amiens, the debt amounted to £520,207,101, and the annual charge to £18,643,725,² exclusive of two loans amounting together to £6,220,000 (with an annual charge of £458,931) raised for the Emperor of Germany, and which the British government had eventually to pay, both principal and interest. This enormous increase in the debt was caused partly by the unavoidable expenses of the war, and partly by subsidies to Austria and the other continental states, to assist them in opposing the armies of France; but every effort which they made ended in disaster, whilst the abstraction of so much capital could not fail to operate injuriously upon the productive resources of this country.³ Yet the revenue levied by the State continued to increase, having risen from £17,656,418 in 1793, at the commencement of the French War, to £35,415,096 at its brief cessation in 1802.

Popula-
tion.

The first census was taken in 1801, when the returns for England and Wales exhibited a population of 9,172,980. Twenty years previously we have assumed that it amounted to little short of 8,000,000,⁴ and it had gone on steadily increasing from the Revolution in 1688. A continually increasing population would naturally require increased means of subsistence and communication, and we accordingly find that in the thirty years between 1769 and 1799, upwards of two millions and a half acres of land were brought into cultivation, and that between 1785 and 1801 no less than 1874 Acts were passed for making

¹ *Ante*, p. 78.

² See *Pictorial History of the Reign of George III.*, book ii. p. 626.

³ In the nine years including 1794 and 1802 the enormous amount of £200,734,743 was raised by loan. See M'Culloch's *British Empire*, vol. ii. p. 432.

⁴ *Ante*, p. 78.

canals, harbours, roads, and bridges, and for draining, paving, and other local improvements.

The variableness of the seasons, and the consequent fluctuations in the price of corn and the other necessities of life, during the first fifteen years of George the Third's reign, have already been noticed.¹ Similar fluctuations continued down to 1795, in which year the cold was so severe in the month of June, as to kill great numbers of sheep which had been newly shorn, and the price of wheat rose in the spring of 1796 to above 100s. a quarter.² Importation was encouraged by large bounties, and neutral vessels laden with corn were seized and compelled to sell their cargoes. The scarcity continued during the four succeeding years, and in 1799 and 1800 the harvest was so very deficient, as to cause wheat to reach the price of 134s. a quarter in June of the latter year, and the almost famine price of 156s. 2d. a quarter in the spring of 1801. Proclamations were issued enjoining strict economy in the use of flour and bread. Large bounties on importation were granted. Distillation from grain was prohibited, and the cultivation of the potato was greatly extended. "The sufferings of the bulk of the community under this severe visitation of dearth were very great. The expression of them broke out in tumultuous meetings and riotous proceedings in different parts of the kingdom in the autumn of 1800, and the peace of the metropolis was with difficulty preserved." Happily, however, the next harvest proved abundant, and by the end of the year the price of wheat fell to 75s. 6d.

The frequent occurrence of bad seasons and deficient crops, caused a general tendency to a rise in price ; and we accordingly find the pivot or turning-price below which exporters were entitled to a 5s. bounty, and

¹ *Ante*, p. 74.

² See Tooke's *History of Prices*.

above which importation was permitted free of the 6d. a quarter duty, successively raised from 44s. to 48s. and 54s. The average price of the quarter of wheat between 1785 and 1794 was about 49s. 9d., and between the latter year and 1801 it was 87s., or very nearly double. Yet Arthur Young represents the average price of wheat in the seventeenth century to have been 38s. 2d. a quarter, and in the eighteenth century 38s. 7d. a quarter,¹ a very trifling difference between the entire periods; but we nevertheless see that the occasional advances which had taken place, some of which were excessive, gave rise at the beginning of the nineteenth century to a general upward tendency, as is manifested by the successive raising of the price by which the law of import and export was governed.

Rate of
wages.

Assuming the price of corn to be an index to the prices of all other articles necessary for human subsistence, it follows that the rise of price which had taken place, and more especially in the latter years of the eighteenth century, must have caused great privation and suffering to the labouring classes, unless it had been met by a corresponding rise in the rate of wages; and even then the rise would not go beyond what the average range of prices might warrant, whilst the extreme elevations would necessarily still bear hard upon the labourers. We have seen that in the case of the London tailors, a considerable advance did take place in 1768, under the sanction of a legislative enactment,² and there is reason to believe that there was likewise an advance in all other trades and handicrafts more or less proportionate to the advance in the price of provisions. With respect to agricultural and other day labourers, there must have been also an advance in some shape or other, either as wages, or as an allowance from the parish in aid of wages, since

¹ See Tooke's *History of Prices*, vol. i. p. 83.

² *Ante*, p. 71.

without an advance of some kind the people could not have subsisted, and might have been driven by their necessities to break the law and prey upon the community.

In 1795 a meeting of the Berkshire justices and “other discreet persons,” assembled by public advertisement, for the purpose of rating husbandry wages, and declared it to be their unanimous opinion that the state of the poor required further assistance than had been generally given them. They also declared it to be their unanimous opinion that it was not expedient for the magistrates to grant that assistance by regulating wages according to the statutes of Elizabeth and James, but that the magistrates should earnestly recommend to the farmers and others throughout the county to increase the pay of their labourers in proportion to the present price of provisions. The magistrates then present accordingly resolved “that they will in their several divisions make the following calculations and allowances for the relief of all poor and industrious men and their families who, to the satisfaction of the justices of their parish, shall endeavour (as far as they can) for their own support and maintenance, that is to say—

“When the gallon loaf of second flour weighing 8 lb. 11 oz. shall cost 1s., then every poor and industrious man shall have for his own support 3s. weekly, either produced by his own or his family’s labour or an allowance from the poor-rates, and for the support of his wife and every other of his family 1s. 6d.

“When the gallon loaf shall cost 1s. 4d., then every poor and industrious man shall have 4s. weekly for his own, and 1s. 10d. for the support of every other of his family.

“And so in proportion as the price of bread rises or falls (that is to say), 3d. to the man and 1d. to every other of the family, on every penny which the loaf rises above a shilling.”

1795.
Berkshire
bread-
scale, or
Speenham-
land Act.

At the same meeting the overseers were recommended to cultivate land for potatoes, giving the poor who worked it one-fourth of the crop, and selling the remainder at 1s. per bushel ; also to purchase fuel “and retail the same *at a loss*” ; and the justices promised that, where this plan was adopted, they would, in making allowances for relief and punishing persons for stealing wood, take these circumstances into consideration, and give them their due weight. A meeting held on the same day at Basingstoke, declared it to be their opinion, that the most eligible method of regulating the rate of wages is by reference to the price of wheat ; but that in no case ought an able-bodied labourer to have less than 8s. per week.¹

The above is the famous Berkshire bread-scale, locally known as the “Speenhamland Act of Parliament,” and it was extensively adopted in other counties. The effect of a scale of wages graduated according to the price of bread and the size of families, would be to enable the labouring classes, who necessarily constitute the great bulk of every people, to obtain the same quantity of food in a scarce and dear season, as in an abundant and cheap one. This is contrary to the ruling of providence, would aggravate the evils of dearth, and go far to neutralise the blessings of abundance. That there must, and that there ought to be, a certain proportion between the general wages of labour and the general cost of subsistence, it is impossible to deny ; but this must be a proportion admitting of considerable latitude, according to times and circumstances. It would be vain, and as mischievous as vain, to attempt to fix the wages, or in other words to determine the nature and quantity of food, which each individual should be entitled to receive in return for his daily

¹ The above particulars are copied from *The Reading Mercury* of Monday, May 11, 1795. The Speenhamland meeting took place on Wednesday the 6th of May in that year.

labour. Yet this the bread-scale attempts to do, and this Mr. Whitbread likewise attempted to effect, by a Bill which he introduced first in 1795, and again in 1800, for regulating wages according to the price of provisions; but happily both the Bills were rejected on the second reading.

On the whole, it may be assumed, that in the latter part of the eighteenth century, the labourer's wages, or his means of procuring the necessaries of life, were increased in a somewhat corresponding ratio to the increase in the price of food. But as throughout the period this latter increase was generally continuous, and at times excessive, the labourer must have been frequently exposed to great privation, and driven to resort to the poor-rates for aid; and every instance of his so doing would naturally lead to renewed applications, until the wages of labour and relief from the rates would become so blended, that the one could not be separated from the other. This result would no doubt be greatly accelerated by the operation of a bread-scale such as is above described, and we accordingly find that the expenditure for the relief of the poor, which, on the average of the three years 1783, '84, and '85, amounted to £2,004,238,¹ was by returns to parliament shown to amount in the year 1802-3 to no less than £4,267,965,² and in 1801 it therefore could hardly have been under £4,100,000, having thus more than doubled in seventeen years. To what extent such a rapid increase of poor law relief may have been occasioned by the war in the latter half of this period, and by the occurrence of scarcity and high prices, or how far it was owing to the application of the poor-rates in aid of

Amount of
poor-rates.

¹ *Ante*, p. 94. The money levied under the poor's rate, including county rates, in the year 1802-3 amounted to £5,348,205. For the three years 1783-4-5 we have seen that the average was £2,167,750. There were no intermediate returns. See *ante*, p. 94, *note*.

² See Statement of Local Taxation, printed by order of the House of Commons, in 1839.

wages by means of a bread-scale, or the roundsman system, or payment of rents, or allowances in some other way, it is impossible to speak with certainty,—probably all may have operated more or less; but we can hardly doubt that the application of rates in aid of wages, in some form or other, had the largest share in causing the increase. The evil thence arising fell heavily alike on all classes—on the rich, who paid more for worse labour, and on the poor, who were compelled to receive the equivalent for their labour in a form that must have been repulsive to their feelings of independence and self-respect.

On comparing the condition of the country in 1801, as indicated by the foregoing facts and statements, with what it was at the commencement of the present reign, and again at the end of the American War in 1783, we find that the population was continually on the increase, upwards of 2,000,000 having been added between the accession of George the Third and the end of the century. We find also that the trade, wealth, and resources of the country increased in a still greater ratio than the population. But the general condition of the people did not altogether keep pace with these improvements, since the advance which from time to time took place in the cost of subsistence, continually preceded an equivalent advance in the wages of labour; and the deficiency thence arising was for the most part made up out of the poor-rates, which went on rapidly increasing, and became a heavy burthen to the rate-payer, and a fertile source of demoralisation to the labourer.

CHAPTER XIII

A.D. 1803-1820

Reign of George III. continued—Renewal of war with France—Provision for families of militiamen—Increase of poor-rates—Contracts for farming the poor—Revision of bastardy and settlement laws—Audit of overseers' accounts—Extension of Gilbert's Act—Abolition of badges—Apprenticeship indentures—Operation of settlement law—Time of electing overseers—Repeal of restrictions on exercise of trades—Amending settlement law—Punishments in workhouses—Justices may excuse payment of rate—Illegal pawning, etc., of workhouse property—Supply of goods to workhouses—Justices empowered to order out-door relief—Restriction of punishment—Parish apprenticeship—Sketch of events from the Peace of Amiens to the battle of Waterloo—Revenue, expenditure, and national debt—Imports and exports—Prices of wheat—Wages—Poor-rates—Population—Debate in the House of Commons on the appointment of a committee on the Poor Law (1817)—The committee's report and its results—Parish Vestry Act—Select Vestry Act—Amendment of settlement laws—Death of the king.

THE war with France, in which a brief pause had been effected through the Treaty of Amiens at the end of 1801, again raged with greater inveteracy than before. The country was alarmed by threats of invasion, for defence against which it had, in a great measure, to rely upon the militia, and an Act was passed "for consolidating and amending the several laws providing relief for the families of militiamen when called into actual service." The preamble declares it to be expedient that the provisions in previous Acts relating to the subject should be consolidated and amended; and it is then enacted, that when a militiaman shall be called out into actual service, leaving a wife and family unable to support themselves, the overseers of the poor of the parish where they reside shall (subject to an order of a justice of the peace) "pay weekly to the wife, and to

1803.
43 Geo. III.
cap. 47.

Families
of militia-
men to be
supported
out of the
poor-rates.

each of the children of every such non-commissioned officer, drummer, balloted-man, substitute, hired man, or volunteer respectively, out of the poor-rates," an allowance equal to the ordinary price of one day's husbandry labour in the district; but the allowance is never to be less than one shilling, and if there be not money sufficient in the hands of the overseers, a new rate is to be made for the purpose. The families are moreover exempted from removal, neither are they to be sent to the workhouse, and the men are not to lose their legal settlements nor their right of voting. But in any case where a man has a wife and more than three children to be provided for, the overseers are empowered to procure another fit and proper man, having no family, to serve in his stead.

By thus securing a provision for the men's families in their absence, this Act must have offered a great encouragement to men to serve in the militia, the object for which it was no doubt chiefly intended; but whilst effecting this object, it must also have largely tended to increase the poor's rate,—first, by the direct charge cast upon it in the relief now ordered to be given to the families of militiamen; and next, by the habit which thence arose of continually resorting to it. This last was the greater evil of the two, for by accustoming the people to look to the rates, and to see numbers constantly deriving their subsistence from them, the poor-rate got to be regarded as a kind of common fund, of which every one was entitled to claim a share on the occurrence of any want or any difficulty from whatever cause arising. All feeling of repugnance to apply for and receive parish relief thenceforward rapidly subsided. The applicants and receivers became so numerous as to keep each other in countenance, and the parish pay-table was approached without shame or misgiving.

It can hardly be doubted that this change in the

habits and feelings of the people was greatly accelerated, if it was not mainly caused, by the operation of the present Act, under which many families in every part of the country claimed and received their means of living from the poor-rate, not only without any feeling of degradation, but as a right, and an honourable distinction due to the families of men who were meritoriously serving their country. To be backward or niggardly in the distribution of relief to such persons would have been considered unpatriotic, or perhaps illegal; and a laxity, or misnamed liberality in the administration of the Poor Law thenceforward took place, and went on increasing until the rates, originally intended for the relief of the impotent and necessitous, were squandered on the idle and the dissolute, checking industry, destroying self-reliance, and leading to the pauperisation of nearly the entire labouring class. That this was aggravated by the high war-prices which then prevailed cannot be denied, for these drove the labourer to seek relief from the parish in aid of his wages, and disposed the farmer to be forward in dispensing such relief. Having regard to this circumstance, therefore, coupled with the natural, and it may be said necessary operation of the above Act, it cannot excite surprise that the poor-rate should go on rapidly increasing, as we have found, and shall still find, to be the case.

Effects of
the Act.

Increase of
the poor-
rates.

The preamble of 45 George III. cap. 54, declares, "that great inconvenience has arisen from contracts for the lodging, maintenance, and employment of the poor of parishes having been entered into pursuant to 9 George I. cap. 7,¹ with persons not being resident within such parishes respectively, nor of sufficient responsibility to ensure the faithful performance of such contracts." Wherefore it is enacted, that no contract for lodging, maintaining, or employing the poor

1805.
45 Geo. III.
cap. 54.

¹ *Ante*, p. 12.

of any parish, and for taking the benefit of their labour and service, shall be valid or binding, unless the persons with whom the same shall be entered into shall, during the continuance of such contract, be resident within the parish so contracting, or within the particular parish in which such poor shall be lodged and maintained; or in case of two or more parishes being united, shall be resident in one of such parishes; and also unless one or more responsible householders, to be approved by the churchwardens and overseers, shall give security for the due and faithful performance of such contract, "nor unless such contract shall be approved and signed by two justices of peace acting for the county in which such parish is situated." Parishes maintaining their poor under the provisions of any special Act are however exempted, as are also the contracts entered into previous to the passing of the present Act. The "inconveniences" here said to arise from farming out the poor, and for which this Act was intended to afford a remedy, might have been readily foreseen at the time of passing 9 George I. cap. 7, and there can be no doubt that the practice ought never to have been sanctioned; but being once adopted, there was a difficulty in putting an end to it altogether, and the present Act, as we see, only aims at preventing its extension, unless under such guards as it was thought would prevent abuse. The system was however radically bad, and so open to jobbery and fraud, that no supervision or conditional arrangements could prevent abuse, or guard against its becoming a source of demoralisation and a stimulant to pauperism.

1809.
49 Geo. III.
cap. 68.

The bastardy law was now found to need revision, and 49 George III. cap. 68, was passed to explain and amend it, "so far as related to indemnifying parishes in respect thereof." The Act commences by declaring, "that the provision of 18 Elizabeth concerning bastards begotten and born out of lawful matrimony,

are found to be inadequate for indemnifying parishes against the charges thereby incurred, and that it is expedient such charges should be borne by the adjudged reputed father, "at the discretion of the justices by whom such adjudication shall be made."

It is therefore enacted, that if any single woman shall, upon oath before a justice of peace, declare herself to be with child, and that such child is likely to be born a bastard, and shall charge any person with having gotten her with child, the justice, on application by the overseer of the poor, shall issue his warrant for apprehending such person, and shall commit him to gaol, unless he gives security to indemnify the parish, or enters into recognizance to appear at the next general or quarter-sessions, and to abide by such order as shall then be made. And it is further enacted, that any person who shall hereafter be adjudged to be the reputed father of a bastard child, shall be chargeable with all reasonable expenses incident to the birth of such child, and also for the payment of costs for his own apprehension, and for the order of filiation. And as "parishes are often put to great expense in enforcing orders of maintenance made on the filiation of bastard children," it is further enacted, that if any reputed father or any mother of a bastard child, on whom an order of filiation or maintenance has been made, shall neglect or refuse to pay the same, any justice of peace, upon complaint of an overseer of the poor, may issue his warrant to apprehend such reputed father or such mother, and if the money be not then paid, or sufficient cause shown for not so doing, the justice is to commit one or both to hard labour in the common gaol for three months, unless before the expiration of that time the money so ordered shall be paid. All charges, expenses, and costs, are wholly subject to the discretion of the justices, who may order payment of the whole or any part thereof, "provided that the

Order of
filiation in
cases of
bastardy.

costs of apprehending the reputed father and the order of filiation shall not in any case exceed the sum of £10." With the above exceptions, the Act of Elizabeth is in all respects to be observed.

1810.
50 Geo. III.
cap. 51.

But in the year following a further amendment of the bastardy law was called for, and 50 George III. cap. 51, repeals so much of 7 James I. cap. 4,¹ as relates to the punishment of women delivered of bastard children. It declares that the punishment of one year's imprisonment at hard labour therein inflicted upon every woman having a bastard child chargeable to the parish, and for a second offence the like imprisonment until she put in good securities not so to offend again, "if rigorously inflicted might be too severe, and might subject the offender to imprisonment for life"; and it is therefore enacted, that when a woman has a bastard child chargeable to the parish, any two justices before whom she shall be brought "may, at their discretion, commit her to the house of correction, there to be set on work for any time not exceeding twelve months, nor less than six weeks"; and the justices are further empowered, "upon their own knowledge," or a certificate from the keeper of the house of correction of her good behaviour, to order such woman to be released at any time after she has been imprisoned not less than six weeks. But it is expressly provided, that no such woman is to be so committed, "until she shall have been delivered for the space of one calendar month."

Both this and the preceding Act were framed with a view to favour the woman, and to punish the man, the penalties being mitigated as respects the former, and increased in the case of the latter. This could hardly in the long run be favourable to female virtue, for the woman would naturally have less dread of the consequences attendant on a breach of it, whilst the severer penalties imposed on the man would place him

¹ *Ante*, vol. i. p. 228.

more under her power. Even in cases where she may herself have been the tempter, she might cause him to be apprehended and imprisoned; and the consciousness of possessing this hold over the man may, it is to be feared, have not unfrequently led her to yield to acts of incontinence which would have been resisted, had woman been left the sole guardian of her own honour. These Acts, however well intended, had not the effect of lessening the crime of bastardy. It may indeed be doubted whether they had not a directly opposite tendency.¹

Notwithstanding the recent amendment of the settlement law,² further alterations are still found to be necessary, and 49 George III. cap. 124, is accordingly passed for that purpose. It appears that inconvenience had occurred with respect to orders of removal, when suspended in cases of sickness, as authorised by 35 George III. cap. 101,³ which limits the execution of any such order when amended, to the justices by whom it was originally made; and it is now enacted, that whenever the execution of any order of removal, or of any vagrant pass, shall be suspended by virtue of the said Act, any other justice of the peace may direct the same to be executed, and the charges to be paid. And further, "in order to avoid any pretence for forcibly separating husband or wife, or other persons nearly connected and living together as one family, during the dangerous sickness or other infirmity of any of them on whose account the execution of such order of removal or vagrant pass is suspended," it is directed, that in every such case the execution of the order or pass shall also be suspended with respect to every other person named therein. This was a humane provision, and calculated to prevent the infliction of great hardship, by the separating of families at a time when

1809.
49 Geo. III.
cap. 124.

¹ See pp. 222, 233, 240, 258, 278, 306, 317, and 359, *post*.

² *Ante*, p. 12.

³ *Ibid*.

mutual assistance would be most needed. The enactment of such a provision must, however, independent of other considerations, constitute an argument against the law of settlement, out of which the necessity for such a provision has arisen.

1810.
50 Geo. III.
cap. 49.

Overseers' accounts to be examined, corrected, and allowed, by two or more justices, at a session specially held for the purpose.

Churchwardens and overseers, at the end of their year of office, are by 43 Elizabeth directed to submit their accounts to the inspection of two justices of peace, and 17 George II. cap. 38,¹ directs this to be done to one or more. But it is now, by 50 George III. cap. 49, declared to be "expedient that two or more justices should be empowered to examine and correct, and to allow and approve every such account, before the same shall be signed and attested." And it is accordingly directed that the churchwardens and officers shall submit their accounts to two or more justices at a special session to be held for that purpose, within the fourteen days prescribed by the Act of George the Second for delivering in such account; and the justices are empowered to examine into every such account, and to administer an oath to the churchwardens and overseers of the truth of the same, and to disallow and strike out all charges and payments which they deem unfounded, and to reduce such charges as they deem exorbitant, specifying at foot of the account the items disallowed, and the cause for so doing. And if any churchwardens and overseers refuse or neglect to submit and verify their accounts, or within ten days after the passing of the same, to deliver to their successors any goods, chattels, or other things remaining in their hands, the justices are empowered "to commit him, her, or them to the common gaol, until he, she, or they shall have made and yielded such account, and verified the same, and delivered over such goods and chattels as aforesaid." It is also further provided, that if the outgoing churchwardens and

¹ *Ante*, p. 32.

overseers neglect or refuse to pay to their successors, within fourteen days from signing and attesting their accounts, any money or arrearages due or remaining in their hands, the succeeding churchwardens and overseers may, by warrant from two justices, levy such money by distress, and, in default of such distress, the offenders may be committed to the common gaol until payment is made. But in all cases where parties feel themselves aggrieved, there is a right of appeal to the general quarter-sessions, whose decision is final.

This Act was intended, and on the whole was perhaps well devised, for preventing frauds and securing regularity in parish accounts, so far as circumstances at that time permitted. The justices were then probably the only parties to whom the duty of supervision could be confided, and by requiring it to take place at a sessions specially held for the purpose, the legislature seems not unreasonably to have expected that it would be effectually performed. Ample powers are conferred for the purpose, the justices being authorised to strike out, add to, and alter, in any way they deem right, and to enforce their decisions by committing persons who disobey or resist. Yet the annual examination of these accounts in the manner described, soon became little more than a matter of form. Possibly the habits and position of the justices did not well qualify them for examining and adjusting long, intricate, and sometimes confused accounts; and long, if not intricate and confused, they would necessarily become, as the poor-rates increased and as population extended. Then the hurried inspection of such accounts at a special sessions would afford small opportunity for detecting errors and unravelling complexities. As the accounts were presented, so would they in general be passed, unless objected to or appealed against, which rarely happened. Another cause of the inefficiency of such a mode of checking these accounts was, that the justices them-

Insufficiency of the audit by the justices.

selves were apt to take different views, one deeming a charge right which another considered wrong, so that there was a diversity of practice in different counties, and sometimes even in the same magisterial division. The only real and effective remedy against fraud and irregularity in parish accounts, would be a general system of audit by competent auditors, acting under definite regulations, and amenable to some central authority, to whom they should all report, and by whose directions they should all be guided. This would secure a uniformity of practice, and afford the best means for correcting abuses ; but this the country and the legislature were not yet prepared to adopt.

1810.
50 Geo. III.
cap. 50.

Extending
the powers
of Gilbert's
Act.

A further proof of the attention paid to the working of the Poor Law at this time, is shown by the passing of 50 George III. cap. 50, on the same day with the preceding Act. It recites 22 George III. cap. 83¹ (Gilbert's Act), and enacts that two or more justices may at any special sessions direct the rules, orders, and regulations in the schedule of that Act, or any of them, with such additions as the justices may make, to be observed and enforced in the workhouses and poor-houses, or houses set apart for that purpose, of any parish within their respective divisions, and to add to and alter the same ; and for carrying into execution such rules, orders, and regulations in the parishes where they shall be established, every justice of the peace is armed with the powers by that Act vested in visitors of the poor, and the churchwardens and overseers are to have the powers, and are required to perform the duties, of governors of the poor. So far as the introduction of these orders and regulations would be a means of establishing order and regularity in parishes where they did not previously exist, it would doubtless be an improvement, as a system, although imperfect, is preferable to no system at all ; and therefore it is very

¹ *Ante*, p. 83.

possible that this extension of the principal and provisions of Gilbert's Act may at the time have been useful in checking abuse.

On the same day with the two preceding Acts, and affording like proof of the attention at this time paid to the subject, 50 George III. cap. 52, was passed, "to amend so much of 8 & 9 William III. cap. 30,¹ as requires persons receiving alms to wear badges." The provisions of that Act on the subject, and the whippings and imprisonments awarded to offenders who remove or omit to wear the badge, and the punishment of overseers who thereafter shall afford them relief, are recited at length, and then, to the credit of the humanity and intelligence of the times, the whole are repealed.

The 51 George III. cap. 80, is entitled "An Act to render valid certain Indentures for the Binding of Parish Apprentices." It recites 43 Elizabeth, as empowering churchwardens and overseers to bind out as apprentices, the children of poor parents unable to maintain them; and states, that in small parishes the same two persons are often appointed to the offices both of churchwardens and overseer, and that divers indentures of parish apprentices and certificates of settlement have been signed by them, purporting to be the churchwardens and overseers of such parishes; and that in consequence of the said indentures and certificates not being signed by distinct persons as churchwardens, and other distinct persons as overseers, they have been or may be deemed to be void";—to prevent which, it is now enacted, that all indentures and certificates which have been or which shall be so signed by two persons acting as churchwardens and overseers, shall be deemed valid and effectual; but no decision already made in a court of law is to be thereby affected. Three years afterwards another Act (54 George III.

¹ *Ante*, vol. i. pp. 340-42.

cap. 107) was passed in reference to the same subject, another blot in the law having been found; for it appears that "divers parishes contain within themselves several townships, hamlets, or chapelries, each separately maintaining its own poor," and having its own churchwardens and overseers; and that, instead of being signed by the churchwardens and overseers of the parish, the indentures of apprenticeship and certificates of settlement have been signed by such overseers and church or chapel wardens, all of which, when so signed, it is now declared are and hereafter shall be deemed good and effectual. Seven years after this, still another Act was passed (1 & 2 George IV. cap. 32), "For declaring valid certain Indentures of Apprenticeship and Certificates of Settlement," there being, it is said, "in divers parishes, townships, hamlets, and chapelries, only one church or chapel warden, and divers indentures and certificates having been signed by such single church or chapel warden, and much litigation having arisen between parishes owing to the discovery of such defect." Wherefore it is enacted, that all indentures and certificates of settlement so signed shall be deemed valid.

These Acts afford proof of the antagonism which had now grown up between parishes, through the operations of the settlement law. The apprenticing of poor children under Elizabeth's Act appears to have worked beneficially, and with little friction, for a long series of years, and even the certificates of settlement under 8 & 9 William III. cap. 30,¹ seem for a time to have been attended with less difficulty and inconvenience than might have been expected; but as the amount of the rates increased, and the pressure of the settled poor was more felt, each parish endeavoured to relieve its own burthen by casting as much of the pressure as possible upon others. Hence continual

¹ *Ante*, vol. i. pp. 340-42.

litigation arose, each parish having its own attorney, for either attack or defence, whether, as in the above cases, on account of some defect or loophole in the law, or of some neglect or omission on the part of an adverse parish. Everything was deemed fair, in resisting or enforcing a claim of settlement—a question on which the most astute counsel and attorneys exercised their wit and exhausted their learning, much, no doubt, to the advancement of their own professional reputation ; but this was often attended with serious cost to the parish, and served to augment the pressure of the poor-rates.

The series of amendments exhibited in the above Acts is rather remarkable, and may serve to illustrate the difficulties of legislation, and the care and extent of information sometimes required, in order that an Act of Parliament may comprehend all the cases to which it is meant to apply. First it was found that the signature of the same person as a churchwarden and as an overseer did not satisfy the requirements of the law, and this defect was cured by 51 George III. cap. 80. Then it was discovered that the signatures of the church or chapel wardens, and the overseers of townships and hamlets maintaining their own poor, were not legally binding in questions of settlement, and this blot was cured by 54 George III. cap. 107. A few years afterwards it came to be known that in divers parishes, etc., there was only one church or chapel warden to sign the indentures and certificates, instead of two, and this difficulty was surmounted by passing 1 & 2 George IV. cap. 32. But these difficulties and successive amendments, as well as the litigation to which they gave rise at the time, and the large expenditure on law proceedings which they helped to perpetuate, were all traceable to the antagonism arising out of the Law of Settlement.

Great inconvenience is said to have arisen, from the

1814.
54 Geo. III.
cap. 91.
Election of
Overseers.

time of appointing overseers of the poor being regulated by the movable feast of Easter, as is directed by 43 Elizabeth; and 54 George III. cap. 91, therefore directs that such appointments shall be made on the 25th of March in every year, or within fourteen days thereafter. This change would doubtless conduce to the convenience of all parties, and it may well excite surprise that any action or event should be still left to depend upon the fluctuating occurrence of a movable feast, instead of being fixed at a time certain and definite. That we should in the present day recognise such movable periods at all is indeed a matter of wonder, but to make other things dependent upon them is still more so.

1814.
54 Geo. III.
cap. 96.
On exercising
trades.

A few days after the above, 54 George III. cap. 96, was passed to amend 5 Elizabeth, cap. 4,¹ respecting artificers, labourers, etc. After reciting the provision in Elizabeth's Act restricting the exercise of "any art, mystery, or manual occupation" to persons who "shall have been brought up therein seven years at the least as an apprentice," all such restrictions are repealed; but there is a proviso specially exempting "the ancient customs, usages, privileges, or franchises of the city of London" from the operation of the Act.

1814.
54 Geo. III.
cap. 170.

Again, at the end of a few days, the short but important statute of 54 George III. cap. 170, was enacted, under the title of "An Act to Repeal certain Provisions in Local Acts for the Maintenance and Regulation of the Poor, and to make other Provisions in relation thereto." It recites, "that divers Acts have lately passed containing enactments relative to the maintenance and regulation of the poor, varying the general law with respect of particular districts, parishes, townships, or hamlets; and it is expedient that some of such enactments should be repealed, and others made general." To which end, all enactments made since the

¹ Vol. i. p. 153.

accession of George the First (August 1, 1714), by which any alteration is made in respect of gaining or not gaining a settlement, are repealed ; and it is directed that every person shall be deemed to have acquired a settlement by any of the ways or means he, she, or they would or might have so done, in case such enactment had not been made. It is further directed that children born in prisons, or in lying-in hospitals, or in workhouses, shall follow the settlement of their mothers, and are not to be taken as being settled in the parishes in which these institutions may respectively be situated ; and it is moreover ordered that prisoners for debt, and gate and toll-keepers, and persons maintained in any charitable institution, shall not thereby gain a settlement.

Further
amending
the law of
settlement.

The 7th section of the Act directs that no master, governor, or other person intrusted with the superintendence of any house for the reception of poor persons, nor the churchwarden, overseer, or other persons appointed under the authority of any Act, for the control or management of the poor, shall “punish with any corporal punishment whatsoever any adult person under his, her, or their care, for any offence or misbehaviour whatsoever, nor confine any such person whatsoever for any offence or misbehaviour longer than twenty-four hours, or such further space of time as may be necessary in order to have such person before a justice of peace.” It may readily be supposed that a provision of this kind was necessary, now that the houses of industry and workhouses established under 9 George I. cap. 7,¹ or under Gilbert’s² and local Acts, had become numerous, and were without any adequate supervision. Under such circumstances, undue severity was very likely to be used by the persons in charge of these establishments ; and by prohibiting corporal punishment altogether, and limiting confinement to twenty-four hours,

Corporal
punish-
ment in
work-
houses pro-
hibited.

¹ *Ante*, p. 12.

² *Ante*, p. 83.

a protection was afforded to the inmates, which we can hardly doubt was necessary.

The Act further provides, that overseers of the poor may sue on securities given for indemnifying parishes for the maintenance of bastard children, and that any action so commenced is not to be affected by a change of the overseers, pending the same. The inhabitants of a parish are likewise declared to be competent witnesses in any matter relating to its rates or boundaries, or to the settlement or removal of paupers, or the chargeability of bastards, or the appointment of officers, or the allowance of accounts. Paupers ordered to be removed may be conveyed by any "proper person or persons" employed for that purpose; and the delivery of the pauper by such persons "shall be as good, valid, and effectual as if the same was done by any churchwarden or overseer." Justices assembled in petty sessions are likewise, on the application of any poor person to be discharged from the rate, and on proof of his or her inability to pay the same, empowered, with the consent of the churchwardens and overseers, to strike the name out of the rate, and order that such person shall be excused. And it is further enacted, that the goods and chattels of persons neglecting or refusing to pay the poor-rate, shall be liable to be distrained for the same in any other district, if sufficient be not found within the district in which the charge arose.¹

Justices
empowered
to excuse
payment
of rate.

The provisions of this Act are all clear and practical, and show that its framers were conversant with the subject in all its details. The Act originated in the necessity for some remedy of the confusion which had arisen from conflicting enactments in the divers statutes lately passed, varying the general law with respect to

¹ An instance of the way in which this power of excusal came to be abused will be seen in the case of Southwell, *post*, p. 233. The indulgence, in fact amounted to another form of relief.

the maintenance and regulation of the poor. This was its immediate object; but we see that some of the provisions of those Acts disturbed the law of settlement, and the first care of the framers of the present Act is applied to the reassertion of this complicated and tortuous law, which all persons seemed to view with apprehension, as likely sooner or later to bring a burthen upon them, but which all nevertheless appeared to regard as a certain protection against being burthened; for the same law which enables a parish to remove unsettled poor, compels a parish to receive back its own settled poor whenever they become chargeable elsewhere.

The preamble of 55 George III. cap. 137, recites, 1815.
55 Geo. III.
cap. 137.
“that persons relieved and maintained in workhouses often pawn and dispose of their clothes, and the goods and chattels belonging to the workhouse, and that poor persons relieved by having clothes and apparel given them frequently pawn and sell the same.” For remedy whereof it is enacted, that the property of all goods, chattels, provisions, clothes, and things whatsoever provided for the use of the poor of any parish, shall be vested in the overseers of the poor of such parish, who are empowered to proceed by action or indictment against any person who shall steal, carry away, or buy or receive the same. The articles may be marked in such way as the overseers shall think proper for the purpose of identification, and such mark is in all cases to be taken as sufficient evidence of ownership, but wearing apparel must not be so marked “as to be publicly visible on the exterior of the same,” and if any pawnbroker or other person shall knowingly take in, pawn, buy, or receive any such goods, tools, clothes, etc., or any of the provisions or other necessities provided for the use of the poor, or shall be aiding or assisting therein, or shall cause such mark to be obliterated—every person so offending is, on conviction thereof

by his own confession, or the oath of one or more credible witnesses, for every such offence to forfeit a sum not exceeding five pounds, nor less than one pound, and in default of payment is to be subjected to imprisonment not exceeding two months. Any person maintained in a workhouse who refuses to work, or is guilty of drunkenness or other misbehaviour, on conviction thereof before a justice of peace, is to be committed to hard labour in the house of correction for a term not exceeding twenty-one days.

Church-wardens and overseers, etc., not to furnish articles for the use of the poor.

The 6th section enacts that no churchwarden, overseer of the poor, or other person concerned in the collection and disbursement of the rates, "shall in his own name, or in the name of any other person, provide, furnish, or supply any goods, materials, or provisions for the use of any workhouse, or for the support and maintenance of the poor in any parish for which he shall be appointed, nor shall be concerned directly or indirectly in furnishing the same, under pain of forfeiting one hundred pounds, with full costs of suit, to any person who shall sue for the same." But it is provided that if no other person can be found within a convenient distance willing to supply the said articles, then upon oath of such inability two or more justices may, by certificate under their hands and seals, permit the churchwardens, overseers, or other persons to contract for supplying any such articles as may be required. It is likewise directed that the churchwardens and overseers, or other persons having the management and control of the poor, shall give public notice of all contracts they intend to make, and the security they will require for the due performance thereof, "to the intent that any person or persons willing to undertake the supplying the same may make proposals for that purpose."

The above provisions of this Act, like those of the Act last before quoted, are of a practical nature, and

are well calculated to prevent abuse, and secure good management in the application of the moneys levied for the relief of the necessitous poor. The provisions contained in the 3rd and 4th sections are, however, of a different character, and require separate consideration.

The 3rd section, after reciting 36 George III. cap. 23,¹ which empowers a single justice to order relief to be given to poor persons at their own homes for one month, and two justices to do the same for another month, declares it to be "expedient that justices should be empowered to order relief to poor persons for longer periods than one month," and then enacts that any justice of peace, in the cases and manner mentioned in the said Act, may order relief to any poor persons at their own homes for such time, not exceeding three months, as to such justice may seem proper; and any two justices are empowered to make a further order for like purpose for any further time not exceeding six months; "and so on from time to time as the occasion shall require, such justice or justices first administering an oath as to the need and cause of such relief in each case." The justices may, however, stop the relief at any time, if they deem it to be no longer necessary. The money which justices are thus empowered to order to be paid to any poor person for a longer period than one month, is by the 4th section limited to three shillings a week, "or three-fourths of the average weekly expense for the maintenance of a poor person in any workhouse in which poor persons of or belonging to such parish shall be usually maintained."

The partial opening made by 36 George III. cap. 23,² is thus, we see, greatly enlarged by the present Act, and the wholesome restriction upon justices in ordering relief imposed by 9 George I. cap. 7,³ is practically removed. The justices are now, in fact,

¹ *Ante*, p. 115.

² *Ibid.*

³ *Ante*, p. 12.

made justices of the occasion or necessity for relief in any case, instead of the overseers; and as their social position and habits of life place them at a distance from the poorest class, and prevent their seeing or knowing so much of it as is seen and known by persons in the usual grade of overseers, they are necessarily less qualified for judging of its wants and its means of supplying them. It may also be remarked, that they are more likely to have their sympathies excited and their minds influenced by a tale of distress, real or fictitious; and they have not the same ready means of ascertaining the truth which persons in a less elevated rank of life possess—on all which accounts, it is to be lamented that the justices were given such large discretionary powers in administering the law, a circumstance to which the subsequent rapid increase of the poor-rates has been mainly attributed; and it no doubt tended to this result, although there were other causes arising out of the events of the period, largely operating in the same direction.¹

1816.
56 Geo. III.
cap. 129.

The 56 George III. cap. 129, commences with the same recital as 54 George III. cap. 170,² recently noticed, and then proceeds to repeal all enactments made since the accession of George the First, in which any poor persons, except such as apply for and receive parish relief, “are made compellable to go or remain in any house of industry or workhouse, after such persons are capable of maintaining themselves,” or until the expenses to which the parish or district may have been put for the maintenance of any such person, or his or her family, shall be reimbursed by the labour of such person, or whereby any poor child is rendered liable to be apprenticed to a master, governor, or director of any house of industry or workhouse, or by which any parish,

¹ For further remarks upon this extension of the justices' power, and for a comparison of English and Scotch Poor Law policy in this respect, see *History of Scotch Poor Law*, p. 88.

² *Ante*, p. 148.

situate at a greater distance than ten miles, shall be empowered to contribute to any house of industry or workhouse;¹ or whereby the directors, governors, guardians, or master of any house of industry or workhouse are authorised "to hire out any poor persons of full age, or to contract or agree with any person to have and take the profit of their labour"—all such enactments are by the present Act repealed.

The masters or governors of houses of industry and workhouses were prohibited by 54 George III. cap. 170, from inflicting corporal punishment on any poor persons in these establishments, or confining any of the inmates for drunkenness or misbehaviour longer than twenty-four hours. The 2nd section of the present Act declares that "it shall not be lawful for the governor or master, etc., of any house of industry or workhouse, on any pretence, to chain, or confine by chains or manacles, any poor person of sane mind." It may perhaps seem that such a prohibition could hardly have been necessary; but if there had not been instances of the thing being done, this specific enactment declaring it to be illegal would not have been passed; and that it was so done, may be taken as another proof of the liability to abuse inherent in all power, whatever its nature, however acquired, or by whomsoever exercised; and here it may not be out of place to remark, that the prominent impulse of the period under consideration, was to scrutinise its action, correct its abuses, and limit its range.

Apprenticeship and settlement naturally commingle, apprenticeship giving a right of settlement, and settlement in a parish often leading to the children's being bound out as apprentices. Each we have seen has given rise to much legislation, and both are fruitful sources of litigation. The law of Elizabeth, as has

1816.
56 Geo. III.
cap. 139.

¹ This limit of ten miles was again re-established by the Poor Law Amendment Act, 4 & 5 William IV. cap. 76, *post*, p. 270.

1816.
56 Geo. III.
cap. 139.

been before observed, worked well until it became entangled with that of Charles the Second, the evils and complexities of which it helped to increase. The 56 George III. cap. 139, to which we now direct attention, is entitled "An Act to regulate the binding of Parish Apprentices." Its preamble recites, "that many grievances have arisen from the binding of poor children as apprentices by parish officers to improper persons, and to persons residing at a distance from the parishes to which such poor children belong, whereby the said parish officers and the parents of such children are deprived of the opportunity of knowing the manner in which such children are treated, and the parents and children have in many instances become estranged from each other." This superseding of the law of nature by the law of apprenticeship, was doubtless an evil of serious magnitude; but it was aggravated by "the permission given to apprentices by the persons to whom they have been bound, to serve others without formal assignment, whereby the discretion to be exercised by magistrates in placing out apprentices to suitable persons, is frequently rendered of no avail."

Justices to
inquire as
to the ap-
prenticing
poor chil-
dren, and
to order ac-
cordingly.

For remedy of these evils, it is now enacted, that before the overseers bind any child apprentice, they shall carry it before two justices of peace, who are to inquire into the propriety of binding such child to the person proposed, and whether such person resides within a reasonable distance, not exceeding forty miles, from the parish or place to which the child belongs, "and having regard to the means of communication."¹ After such inquiry, and also if they see fit examining the parents, the justices are empowered to make an order for binding such child accordingly, and are to sign the indenture of apprenticeship "before the same shall be executed by any of the other parties thereto."

¹ There is a special exception from this limit in the case of the city of London.

When it is intended that the child shall be apprenticed into a parish in another county, notice must be given to the overseers, and the indenture is to be signed by two justices of such county, as well as by two justices of the county from which the child is bound. Children are not to be bound until they have attained the age of nine years, and no settlement will be gained by the apprentice unless these directions are complied with, and overseers acting contrary thereto are subject to a penalty of ten pounds. Masters are required to give at least fourteen days' notice of removing their residence, when inquiry is to be made "whether it may be fit and proper that the apprentice should continue in the master's service, or be discharged therefrom, or bound or assigned over to some other person," and the justices are to make an order accordingly. Masters wilfully abandoning their apprentices, or removing and taking their apprentices with them without such order, or omitting to give the required notice, are to forfeit the sum of ten pounds.

The 9th section declares it to be expedient that those to whom parish apprentices are bound or assigned, should be empowered to place out or assign over such apprentices to others, but that this should be done subject to the control of justices of peace. Wherefore the provisions of 32 George III. cap. 57,¹ in this respect, are ordered to be enforced, and masters and mistresses are prohibited under a penalty of ten pounds from putting away or transferring to another any parish apprentice, "without such consent of justices as is directed by the said Act"; and no settlement is to be gained by any service of an apprentice put away or transferred, "unless such service shall have been performed under the sanction of such consent as aforesaid."

All the provisions of this statute are considerably

¹ *Ante*, p. 104.

framed for the protection of a class helpless through youth, and consigned by the vices or misfortunes of their parents to the charge of the parish authorities, who are apt to regard them as burthens to be got rid of, the readiest way to which was by apprenticing them elsewhere, and thus transferring their settlement to some other parish. That the poor children would under these circumstances be often subjected to ill-treatment, it is impossible to doubt; and the legislature appears to have felt that it was incumbent upon it to do its utmost towards mitigating an evil, which had in a great degree arisen out of its own laws of apprenticeship and settlement, of which laws the evil was almost a necessary consequence.

We must now turn for a short time from matters exclusively appertaining to Poor Law, in order to notice the important events which occurred in the earlier part of the century. The Peace of Amiens, so called, can hardly be said to have amounted to a peace. It was signed on the 27th of March 1802, and the war was resumed on the 17th of May 1803. In May of the following year Bonaparte was proclaimed Emperor, and in May 1805 he was crowned King of Italy. Austria had been vanquished in the interim, and shortly afterwards the power of Prussia was annihilated, Holland and Belgium were declared portions of the French empire, Russia after sanguinary conflicts became an ally of France, Portugal was conquered, and Napoleon's brother was seated on the throne of Spain. In short, the whole of Europe may be said to have been subject to the control of the French emperor, who directed the vast power he had thus acquired against England, which was perhaps only saved from the horrors of invasion by the great naval battle of Trafalgar, in which our heroic Nelson fell in the arms of victory.

That the commerce of England should be embarrassed, her industry impeded, and her population subjected to privation, were evils necessarily consequent on a state of war; but these evils were now increased by Napoleon's well-known Berlin and Milan Decrees, which the English government sought to counteract by issuing orders in council to prevent intercourse with the territories subject to French control. These orders eventually led to a rupture with the United States of America, who had throughout leant to the side of France, and in June 1812 declared open war against us, which continued with much inveteracy and great mutual injury, until it was terminated by the Treaty of Ghent at the end of 1814.

In the summer of 1812, the French Emperor with an army of 450,000 men invaded Russia, and entered Moscow, a great part of which, through accident or design, was shortly afterwards destroyed by fire. But on the approach of winter, he was compelled to retreat, during which his army was almost annihilated, partly by the Russians and partly by the inclemency of the season. Napoleon immediately set about repairing his frightful losses, but his power and influence were now so much reduced, that the other powers thought the time had arrived for regaining their independence, and they accordingly united for the purpose. Napoleon struggled hard to maintain his ascendancy, but after the battle of Leipzig in October 1813, he was compelled to recede before the banded armies of Europe. England had afforded prompt assistance to Portugal, and as soon as the Spanish people made efforts to relieve themselves from foreign thralldom, like assistance was extended to them; and after a series of brilliant campaigns, the British army under the Duke of Wellington triumphantly advanced from the banks of the Tagus to the gates of Paris, which the allied armies, from the north and from the

south, entered together on the 31st of March 1814. Napoleon's abdication immediately followed; but he was still permitted to retain the imperial title, and had the island of Elba assigned to him in sovereignty. The old French monarchy was restored, and now, the great cause and author of war being removed, it was thought the peace of Europe was secured.

Peace, however, again proved of short duration, for early in the following year (1815), Napoleon suddenly landed on the coast of France, was received with acclamation by the army, and with acquiescence by the nation, and another struggle commenced. The Congress of European powers then assembled at Vienna forthwith declared him an outlaw, a violater of treaties, and a disturber of the peace of the world. A general alliance was formed, armies were assembled, and England was not sparing either of men or money in the cause. Great efforts were on the other hand made in France, and on the 16th of June Napoleon crossed the Belgian frontier with an army of 125,000 men, chiefly veterans trained in his former campaigns, and fell upon the allies under Blucher, who were compelled to retire. But this was only preliminary to the attack on Wellington's army in front of Brussels two days afterwards, when, after a lengthened contest and fearful slaughter, the French were defeated on the field of Waterloo, and the Prussians, coming up at the close of the day, entered upon the pursuit of the discomfited legions and completed their dispersion. Bonaparte fled first to Paris, and then to Rochefort, where he took refuge on board an English ship-of-war (the *Bellerophon*), and was afterwards conveyed to St. Helena. The allied armies again entered Paris, Louis the Eighteenth quietly resumed the government, and Europe was once more at peace. In this instance the peace has been of unusual duration, and has continued unbroken for a period extending beyond the

1815.
18th June,
battle of
Waterloo.
8th July,
Louis
XVIII.
resumes
the govern-
ment.

termination of the present work, which will render it unnecessary again to revert to the subject.

The events which have been thus briefly noticed, could not have occurred without causing a very large expenditure, especially in the three latter years of the war. The amount raised by taxation, which had been £35,415,096¹ at the time of the Peace of Amiens in 1802, was increased to £72,210,512 in 1815, and in addition to the immense amount thus levied, not far short of two hundred and fifty millions was raised on loan and by Exchequer bills between 1802 and 1816. In the last three years of the war, 1813, 1814, and 1815, the amounts altogether raised exceeded a hundred millions annually. With such an expenditure we must be prepared for a large increase in the national debt, which on the 1st of February 1803 was, we have seen, £520,207,101,² but on the 1st of February 1817 it was £758,646,654, whilst the annual charge thereon had increased from £18,643,725 at the former period, to £27,652,012 at the latter.³

So large an absorption of capital as is above shown to have taken place, without any corresponding return, must doubtless have been felt in every branch of industry; yet the productive powers and resources of the country were maintained with wonderful energy throughout the entire period; and although the Berlin and Milan Decrees, followed by our own orders in council, operated injuriously, and imposed decided checks upon commerce in the first few years after their promulgation, we find that these obstructions were gradually overcome, and that the exports, which in 1805 amounted in official value to £31,020,061, had risen to £46,292,632 in 1809, and to £53,573,234 in 1814; the imports at the three periods respectively being £28,561,270, £31,750,557, and £33,755,264.

¹ *Ante*, p. 128.

² *Ante*, p. 128.

³ See Mr. Porter's work on the *Progress of the Nation*.

Prices of
wheat.

After two seasons of deficiency and dearth, the first year of the century brought abundant crops; and wheat, which in the early part of 1801 was 129s. 8d. a quarter, fell in the latter part of the year to 75s. 6d.¹ The two following years yielded average crops, and the price further fell to 57s. 1d. in 1802, and to 52s. 8d. in 1803, and in the early part of 1804 to 49s. 6d.; but the harvest having proved deficient, the average price at the end of that year rose to 86s. 2d. the quarter. In the two following years the price fluctuated between 98s. 4d. and 74s. 5d., and at the end of 1807, crops having been tolerably abundant, it fell to 66s. The four following seasons were however all more or less unfavourable, and notwithstanding considerable importations from abroad, prices rose to a high level, being 92s. at the end of 1808, 102s. 6d. in December 1809, 116s. in August 1810, 87s. 2d. in July and 106s. 6d. in December 1811. The year 1812 was still more unfavourable, and in August the gazetted average price of wheat for England and Wales was 155s., but by December it had fallen to 121s. In 1813 there was an abundant harvest, and the price fell in December to 74s. 11d. The harvest of 1814 was less productive, but the surplus of the last year and the importations from abroad after the continental ports had been opened by the success of the allies, brought the price down to 70s. 4d. in December, and there was a corresponding fall in most other commodities. The season was favourable and the crops good in 1815, and notwithstanding the short war after Napoleon's return from Elba, prices continued to fall, and in December wheat was only 55s. 7d. a quarter. But in 1816 the harvest proved deficient both in quantity and quality, as well on the continent as in England, and prices rapidly rose till in December wheat averaged 103s. 7d.,

¹ For these and the following quotations of price I am indebted to Mr. Tooke's valuable work on the subject.

and 112s. 8d. at Midsummer of the year following. The harvest in 1817, however, proved to be little short of an average, and there was a considerable importation, so that the price receded to 84s. in December, about which rate it continued throughout the whole of 1818. The seasons were favourable and the crops good in 1819, and wheat fell to 68s. 10d. at Midsummer, and to 66s. 3d. in December of that year. The harvest was very abundant in 1820, and the decline in price continued, till at the end of 1822 it averaged only 38s. But the harvest of 1823 proving deficient, it rose in 1824 to 65s. 10d., between which price and 50s. it continued for the most part to fluctuate until 1835, in December of which year, the crops having been most abundant in that and the year preceding, the average price of wheat was 36s. the imperial, or 34s. 11d. the Winchester quarter.

This notice of the prices of wheat in successive years, need not for our immediate purpose have been brought down to so late a period, but by extending it as above, any further notice on the subject hereafter is rendered unnecessary. The general rise of prices in the early part of the century, and the high range they occasionally attained, have been variously accounted for. Mr. Tooke considers the changes which took place to have been the natural consequences of abundance and scarcity, low prices being caused by one, and high prices by the other, and he adduces cogent reasons in support of his views on this point. Other authorities attribute the rise of price to a depreciation in the currency, and its fluctuations to an excessive or restricted issue of Bank of England paper. But it may be remarked that all these causes were in operation, and perhaps others also arising out of the events of the war, and the impediments to commercial enterprise.

The rise which took place during the period under

Wages.

consideration, in the price of all the articles necessary for sustaining life, must have borne hard upon those who lived by labour, and exposed the working classes generally to much privation; for wages neither rise nor fall in immediate nor in exact proportion to the changes of price. Mechanics and operatives in towns might succeed in obtaining an advance of wages in some degree commensurate with the advance in prices; but such would not be the case with labourers generally, nor with the agricultural labourers in particular—the advance they obtained was too often, if not most commonly, charged upon the poor-rate. In a debate on the presentation by Mr. Calvert, in 1817, of petitions from two parishes in Dorsetshire¹ complaining of the burthen of the poor-rates, which in one amounted to 19s., and in the other to 21s. in the pound, Lord Castlereagh, whose official position afforded him the means of obtaining the best information, expressed his conviction “that in cases where 19s. or 20s. in the pound were paid for poor-rates, 15s. of that would be found to be wages paid in the shape of poor-rates,” for that the farmers had been long in the habit, in many parts of the country, of paying a great proportion of the wages of farm-labour out of the poor-rates. We have seen that one mode of effecting this, was regulating the allowance according to the number of children, as in the so-called “Berkshire Bread Scale,”² which soon got to be the general practice in the southern and midland counties.

Mr. Tooke states that a rise in wages, although far short of the rise in other prices, did take place, “partly permanent and partly temporary and variable, including under the latter description parish allowances,” and he adds that this rise reached its maximum about 1812. Down to 1812 we may therefore assume

¹ See Hansard's *Debates* for March 7, 1817.

² *Ante*, p. 131.

that the cost of subsistence was in advance of the wages of labour. The same probably continued in a somewhat less degree during the next five or six years, and discontent and disturbance, the invariable concomitants of distress, prevailed at times throughout the whole period. But after 1818, owing to favourable harvests, a downward range of prices continued to prevail. Peace and reduced taxation must have tended greatly to the benefit of the working classes, and enabled them to obtain an unusually large share, not only of the necessaries, but also of what may be called the luxuries or comforts of life; and it probably was not until 1825 that the ordinary relation between wages and subsistence was restored. Even then, however, there was an exception, for the evil practice of a former day was continued in many of the agricultural districts, where wages were habitually eked out or made up by an allowance from the poor-rates.

The amount expended for relief of the poor in Poor-rates. 1801 we have estimated at £4,100,000.¹ It appears by returns to parliament, that in 1813 the amount had increased to £6,656,106, exclusive of £324,957 expended in law-charges; and that five years afterwards, in 1818, the entire expenditure reached its maximum amount of £7,870,801, from which it receded in 1820 to £7,330,254. The nation might well feel alarmed at the rapid growth and enormous amount of this burthen, no less than at the demoralising influences of the system on the labouring portion of the population, who appeared year after year to be approaching nearer and nearer to a state of universal pauperism. The question was much discussed both in and out of parliament, and in 1817 a committee, presided over by Mr. Sturges Bourne, was appointed to investigate the subject, with a view to devising a palliative if not a remedy for the evil; and the result of its inquiries and

¹ *Ante*, p. 133.

deliberations was given in a report, to which we shall shortly have to refer.

Popula-
tion.

The population continued steadily to increase, little affected apparently by the waste of war, and by the pressure of distress through bad seasons and high prices in the earlier years of the century. By the census taken decennially, we find that the population of England and Wales was—

In 1801	.	.	.	.	.	9,872,980
In 1811	.	.	.	.	.	10,150,615
In 1821	.	.	.	.	.	11,978,875
In 1831	.	.	.	.	.	13,897,187
In 1841	.	.	.	.	.	15,906,741
And in 1851	.	.	.	.	.	17,927,609

The population, the rate of wages, the price of provisions, and the poor-rates, are all closely connected; and what has just been stated with respect to each will, it is believed, be at present sufficient for enabling the reader to appreciate the circumstances of the period; and we will therefore now proceed with our general narrative.

Speech of
Mr. Cur-
wen on
moving for
a com-
mittee to
consider
the Poor
Laws.

The Report on the Poor Laws in 1817, by a select committee of the House of Commons, has just been referred to. This report, and the discussions which took place previous to appointing the committee, are important incidents, and require to be dwelt on at some length. The motion for the committee was made by Mr. Curwen,¹ who stated that he did not attribute the evils which had arisen, to the Act of Elizabeth, the wisdom and humanity of which did honour to its originators; but to those who administered relief under it, in a way evidently foreign from the intention of that Act. That it was never designed to give a right of support to persons who by the practice of frugality, sobriety, and industry might have supported themselves, and who became chargeable through their own misconduct,—that it never was

¹ See Hansard's *Parliamentary Debates*, February 21, 1817.

intended that men should anticipate parish relief as a means of support for themselves and their families, nor that they should be exonerated from all concern about their own well-being,—these were evils which had arisen out of the administration of Elizabeth's Act. That for two hundred and fifty years the attention of legislators had been directed to the consideration of expedients to stop the growing evil, the increase of which, since we have become a manufacturing people, "has been out of all measure and calculation rapid"; and that if the same system were continued, it would swallow up the whole revenue and industry of the country, and extinguish every vestige of respectability and happiness among the poor, as "each successive augmentation to the burthen had been attended with a proportionable increase of misery." "What," he asked, "are the poor-rates in many places but a mode of payment of wages, and that of the very worst sort, as it breaks the spirit and destroys the independence of the labourer"—to remedy which, he considered a complete alteration in the whole system absolutely necessary.

Mr. Curwen proposed that incomes arising from the public funds, personal property, and stock in trade, should pay a poor-rate of 10 per cent., whilst incomes from land should pay $12\frac{1}{2}$ per cent., and that the working classes should likewise be required to make "a small weekly sacrifice of $2\frac{1}{2}$ per cent. on the produce of their labour." By thus combining the earnings of labour with contributions from other sources, and associating the working classes in their distribution, he thought greater economy would be secured, and at the same time the character of these classes would be raised and improved. He was further of opinion that, "where men contributed towards their own maintenance, the laws of settlement might be rendered more simple; there would be less apprehension of men becoming

burthensome by acquiring settlements ; and the endless litigation that then absorbed so large a portion of the rates would be avoided." He admitted that there were difficulties in the way of rating personal property and stock in trade, and likewise that there might be reasons against rating the funds ; but all these objections he thought of little weight compared with the good that would ensue, and he appealed to Lord Castlereagh, then representing the government in the Commons, to support his proposition for a committee "to consider the Poor Laws, and to report their observations thereon to the House."

Lord
Castlereagh in
support of
a com-
mittee to
consider
the Poor
Laws, Feb.
21, 1817.

Lord Castlereagh, whose business habits well fitted him for investigating the subject, at once declared his readiness to support inquiry and serve on the committee, although he might entertain doubts whether Mr. Curwen's views could be realised. The subject, he said, was one of the very utmost importance to the safety and prosperity of the country, and to which the mind of government ought to be turned above all others ; for if no means could be found "of inspiring the population with the wish to live rather on their own labour than what they could draw from the labour and property of others, he firmly believed that the English people would not in future ages be what they had been in times past." He contrasted the English practice in regard to the poor, with that of Scotland and Ireland, and gave the preference to the latter.¹ The present system, he said, "not only went to accumulate burthens on the country which it could not continue to bear, but to destroy the true wealth of

¹ In this view he endorsed the opinion of the Irish Committee of 1804, who (unlike that of 1830) expressly reported against the adoption of any poor law on the lines of the English system. The condition of Ireland, nevertheless, was not more satisfactory than that of England, and grew worse rather than better, as is clear from the Reports of the successive Committees of 1819, 1823, and 1830, and of the Commission of 1833. See *History of Irish Poor Law*, pp. 82, 86, 91, 95, 100, etc.

the poor man, the capability of making exertions for his own livelihood ; for if pecuniary relief went on with the laxity which now prevailed, and all the cunning of uncultivated minds was to be directed to the means of escaping from labour, and enjoying the fruits of the labour of others, a national calamity might be said to be overtaking us by a double operation—in the increased burthens imposed upon the country, and the diminution of the industry from which its resources were derived.” Without innovating on the existing law, “ he apprehended that no proposition was more clear, than that when a man possessed bodily ability to work, the performance of work might be made the criterion of the condition entitling him to relief. If that were made the basis of the Poor Laws, there was hardly a parish in England where the industry of those able to work, and applying for relief, might not be turned to advantage.” He instanced a parish with which he had some connection, where the administration of the Poor Laws was in the hands of a woman, and where all sorts of tricks were resorted to by idly disposed persons to avoid labour. To counteract these tricks, and prevent the misapplication of the funds, required an officer of experience. “ He thought they could not do the parish business well without a permanent officer ; and that an officer paid by the parish, who would devote his whole time and attention to the administration of the Poor Laws and the charge of the poor, might execute the business more skilfully and beneficially than it was executed at present.”

With reference to Mr. Curwen's proposition for rating personal property, Lord Castlereagh said that he recognised the principle, but he thought it might be collected, from its not having been done “ up to the present day, that there was some difficulty hanging about it ” ; and he cautioned the honourable gentleman against supposing that nothing was wanting but to

determine that it should be done. "The difficulty was the getting at personal property by taxation. On former occasions it had been found difficult to make personal property liable to assessment for the State, and he was persuaded the difficulty would not be diminished in an attempt to render it liable to assessment for the poor." He wished them to go into the committee with the large views and liberal spirit of statesmen determined to remove an acknowledged evil, or to show, that if it was allowed to continue, it was owing to unavoidable circumstances, and not to supineness on the part of the House, or from a reluctance to struggle with the difficulties that presented themselves. They were, he said, about to struggle with one of the greatest difficulties that ever legislation had to struggle with, and a difficulty that the whole legislation of the country had hitherto gone to augment. He declared that he would go into the committee with his mind open to conviction, and with the deepest impression of the immense importance of the subject, but at the same time with the highest sense of its difficulties. No other question, he said, "went so deeply to affect the happiness of the whole community."

Lord Castlereagh's speech, of which the above is merely a sketch, was of extreme importance at that juncture. It made known the views of the government of which he was the ostensible leader, and had a considerable influence on the sentiments and legislation of the period. His conciliatory manners, clear practical judgment, and perfect knowledge of business, gave much weight to whatever he uttered, and generally carried the House with him, although his mode of speaking was often deficient in perspicuity, and not always correct in expression. His support secured the immediate appointment of the committee, which was presided over by Mr. Sturges Bourne; and after devoting four months to deliberation and inquiry,

and examining many persons from all parts of the kingdom, the committee presented its report on the 4th of July. Of this report I will now endeavour to give the substance. It contains the first comprehensive investigation of the subject which had yet taken place, and it claims especial notice on this account, as well as for the great importance of the subject, and the high character and qualifications of the committee from whom it proceeded.

The report commences by declaring 43 Elizabeth to be the "fundamental and operative law" at the present day. It then points out the evils arising from a compulsory contribution for the indigent, out of the funds originally accumulated from the labour and industry of others; and adverting to the increased number of the poor, and the increased and increasing amount raised for their relief, it expresses a fear that the system is perpetually increasing the amount of misery it was designed to alleviate, and creating at the same time an unlimited demand on funds which it cannot augment. The progress of these evils is thought to have been accelerated "by the circumstances of modern times, by an extension of the law in practice, and by some deviations from its most important provisions"; but how much is attributable to one of these causes, or how much to another, it does not profess to determine.

Report of
the select
committee
on the
Poor Laws,
July 4,
1817.

"Under this impression respecting the effects of a system which, having been in operation upwards of two centuries, has become interwoven with the habits and very existence of a large class of the community," the committee proceeded to consider whether it was practicable, or expedient, to extend the rating for relief of the poor to personal property and the public funds, and with respect to both decided in the negative; but they recommended, that in large towns power should be given to rate the owner of a tenement instead of

Prospect-
ive in-
crease of
the poor-
rates.

the occupier. They are also favourable to limiting the rate to a certain amount, as is done in some local Acts ; but they are decidedly adverse to making the rate a national instead of a parochial charge, as “has been suggested to them from various respectable quarters.” The committee then declare it to be their opinion, that whether the assessment be confined to land and houses, or that other property be made liable to the charge, unless some check be interposed, the amount will continue to increase till it has absorbed the profits of the property on which the rate is assessed, “to the neglect and ruin of the land, the waste or removal of other property, and the utter subversion of that happy order of society so long upheld in these kingdoms.” What number of years would elapse before the utmost limit of assessment would thus be reached, the committee think cannot be ascertained ; “but at whatever rate the interest might take place, it could not fail materially to depend on the general state of the country, whether it was in an improving, a stationary, or in a declining state, and it would also be affected by the recurrence of plentiful or deficient harvests.” This latter portion of the committee’s opinion, may, to some extent, be regarded as corrective of the first, but there is no contradiction, and they were warranted in both : for the poor-rates could not go on increasing in the way they latterly had done, without destroying the source whence they were obtained ; and the state of the country and condition of the crops would no doubt accelerate or retard their progress, according as these circumstances were favourable or otherwise.

Industrial
schools.

Mr. Locke’s recommendation of industrial schools¹ is strongly advocated by the committee, who are of opinion that “if the large sums now given to parents were bestowed on the maintenance of their children in such schools, it would probably more than defray the

¹ *Ante*, vol. i. p. 352.

expense of such an institution"; and also that it would prove a remedy for the practice which has prevailed, especially in the southern counties, of defraying what should be the wages of labour out of the poor-rates, according to the number of the family, the amount of earnings, and the price of bread.¹ Such a practice is declared to be not only at variance with the law, but by placing the idle and industrious upon an equal footing, it destroys every motive to exertion, and has, the committee think, "familiarised the labourer to a dependence upon the parish which he would formerly have considered a degradation, has imposed upon those ratepayers who employ no labourers a most unjust burthen, and swelled the amount of the assessment to a degree which makes it impossible to ascertain how much should be considered as relief, properly speaking, and how much as wages." Payment of wages out of rates.

Workhouses are briefly noticed in connection with employment. The committee say that they "are aware how very frequently workhouses have been condemned, as little corresponding with the denomination they have received, and being rather in truth in many instances houses of idleness and vice." But still, as far as they can judge from the imperfect materials before them, they believe that great benefit has been derived from such institutions, in every case in which they have been superintended by the principal inhabitants of the district, and that their success and advantage depend almost wholly on that circumstance. Work-houses.

The impossibility of always providing employment for all who may be in want of it, as 43 Elizabeth was then interpreted to require, is pointed out; and it is shown, that the number who can be employed depends upon the amount of the fund applicable to the maintenance of labour. To hold out to the labouring Impossibility of always providing employment.

¹ This is the Berkshire bread-scale : see *ante*, p. 131.

classes that all who require it shall be provided with work at adequate wages, is therefore to lead them to form false views of their position, the demand for labour depending on the amount of wealth by which it is supported, and the rate of wages depending on the proportion that demand bears to the supply. On the way in which this demand and supply are adjusted, the condition of the people will mainly depend. If the demand for labour increases faster than the supply, wages will be high; if, on the contrary, the waste or diminution of wealth should reduce the demand for labour, wages will fall, and the comforts of the labouring classes will be reduced. No legislative enactment, nor artificial mode of employment by the Roundsman system or any other, can counteract or materially alter these results; and the only palliative or shield against the pressure of a short demand for labour, will be the exercise of industry and provident forethought whilst it is abundant.

It is not a little singular, that after the above conclusive reasoning, of the force of which the committee appear to be fully sensible, they should speak favourably of establishing parochial farms as a means of affording employment. They were seemingly influenced to do this, by an example or two of apparently successful practice in the county of Kent; but no partial or isolated example of the kind, should have been permitted to overrule a general principle.

Assistant
overseers
and select
vestries.

The committee recommend the appointment of assistant or paid overseers, and also that parishes should be enabled, "either singly or in union with others, to establish select vestries for the purpose of managing the parochial concerns." In such a body, the committee say, might be vested the discretion, so much wanted, of discriminating between the claims of the idle and the industrious; and it is hoped that their decisions may supersede those frequent appeals to the

magistrates, which have precluded proper attention being paid in every case, “and perhaps suggested the adoption of that scale of relief which has been applied indiscriminately to those whose earnings, so measured, were found insufficient for their maintenance. It is considered that one thing in which the discriminating power of a select vestry might be exercised with advantage, would be in advancing relief by way of loan, for the immediate support of the family whose earnings had been improperly squandered, such relief to be paid by instalments; and this might be extended to Greenwich and Chelsea pensioners. But it is well remarked, that the efficacy of the above, or any other expedients which can be suggested, must depend upon “those who are most interested in the welfare of a parish taking an active share in the administration of its concerns. Without this no benefit will be derived from any amendment that can be made in the details of the system, and with it, even under the existing law, much may be effected.”

With the view of withdrawing the working classes from a dependence upon the parish, and giving them habits of self-reliance and forethought, the committee recommend the establishment of parochial benefit societies, essentially similar to those proposed by Baron Maseres and Mr. Acland.¹ Mr. Morgan, the eminent actuary, was examined on the subject, and tables of contributions and allowances were ordered to be prepared for carrying the scheme into effect; and in order to diminish “the allowances distributed in most parts of England to the labouring poor by reason of the number of their children,” it is further recommended, that parishes should be enabled “to pay for the admission in such societies of persons having large families, and receiving relief on that account. But it is considered essential, that whatever may be the

Parochial
benefit
societies.

¹ See *ante*, pp. 70 and 97.

contribution in the first instance, the parish should have the power of reducing prospectively its proportion, without affecting the rights of existing contributors, so as gradually to render the people dependent on their own contributions only."

Savings
banks.

Savings banks, then just established, are declared to be in successful operation, and to hold out a promise of "very beneficial results, not only in affording to the industrious poor a secure deposit for their savings, but in familiarising them with a practice of which the advantage will be daily more apparent."

The law of
settlement.

The question of settlement occupies the latter portion of the report, upon the consideration of which the committee enter, under a persuasion that "if not the most important branch of the subject in other respects, yet, as it affects the comforts, the happiness, and even the liberty of the great mass of our population, it is of the highest interest."

The provision in 13 & 14 Charles II. cap. 12,¹ establishing settlement, is recited at length, and the several statutes² modifying the conditions by which it is to be governed, are successively noticed, down to 35 George III. cap. 101,³ by which removal is prohibited, unless the person has been actually chargeable—a provision which, the committee remark, "deserves more notice and applause than it has received," the liberty of removing from place to place thenceforward no longer depending "upon the will or judgment either of parish officers or magistrates." The result of the various enactments on the subject is stated to be, "that every poor person, when entitled to parochial relief, can claim it only (except in cases of sudden accident or calamity) in that parish in which he has

¹ *Ante*, vol. i. p. 279.

² These are 1 James II. cap. 17; 3 William III. cap. 11; 8 & 9 William III. cap. 30; 9 & 10 William III. cap. 11; 12 Anne, cap. 18; and 3 George II. cap. 29.

³ *Ante*, p. 112.

resided during forty days, either on an estate of his own of the value of £30, or in a rented tenement of the annual value of £10, or under indentures of apprenticeship, or having served a year under a yearly hiring, or as an unmarried man without a child, or by executing a public annual office during the year.”

“Persons not born within the kingdom, and who have acquired no settlement by either of the above means, are, by the humane interpretation of the law, to be relieved, in case of necessity, in the parish in which they are found.”

The settlement laws have, the committee state, “given rise to a course of expensive and embarrassing litigation, of which a very inadequate measure would be formed by reference to the cases, numerous as they are, which have been reported in the superior courts.” The money expended in litigation and the removal of paupers in 1815, amounted to £287,000; “and the appeals against orders of removal entered at the last four quarter-sessions, amounted to 4700.” But the expense, it is added, is not the worst part of the system, which has led to the practice of fraud and chicanery to an extent “which it is yet more important to correct.” The entire abrogation of the law of settlement had been suggested by some persons, generally accompanied by a proposal for a national rate; but “the committee are satisfied that something short of a total repeal of the law of settlement, yet going further than the various suggestions from different parts of the kingdom, would simplify the law so much as to reduce the subject of litigation to a very few questions of fact, place the maintenance of those who want relief upon a far more just and equitable footing, and at the same time consult in the greatest degree the comfort and happiness of the poor themselves.”

With these views, it is recommended, that any person residing three years in a parish without being

Changes
proposed
in the
settlement
law.

chargeable, and without being absent more than a certain time in each year, should thereby obtain a settlement; and in order to prevent litigation, that a deposition of the fact should be made, and notice given to the overseers when the settlement was so completed. It is further recommended, that in future no person shall acquire a settlement by renting a tenement, serving an office, hiring and service, apprenticeship, or estate. Poor unsettled persons, not being natives of England, the influx of whom (most probably from Ireland) is said to be great and oppressive, ought, it is considered, on their applying for relief, to be passed to the nearest ports from which they may return to their native country; "but any native of the British empire is to acquire a settlement in any parish in which he may have resided five years without being chargeable." These are the changes recommended by the committee, who remark, that "it is not to be supposed such an abrogation of 13 & 14 Charles II., and all that has been built upon that statute, can be wholly exempt from inconvenience"; but the only serious objection they apprehend, arises from a fear lest the number of cottages should be decreased—"a consequence which would be undoubtedly much to be lamented." But it is hoped the inconvenience which would be occasioned by driving the labourers to a distance from the farms they cultivate, will serve to counteract this evil.

Results of
the com-
mittee's
report.

Such are substantially the statements, reasonings, and recommendations contained in this report, the issuing of which constituted an important era in the history of the Poor Law. It brought together much valuable information, impressed sound principles upon parish officers and the public generally, and laid a foundation on which legislators might hereafter build with greater confidence. The labours of the committee were continued in the two following sessions; and the debates which took place on the introduction of Bills

prepared by it, for amending the law with respect to vestries, settlement, misapplication of the rates, and other matters, served to keep the attention of parliament and the public alive to the subject. The only Acts which can, however, be said to have directly emanated from this report and the other labours of the committee, are the two Vestry Acts, and a short Act making a small alteration in the law of settlement, to each of which attention will immediately be directed.

It may possibly be thought, that fewer benefits resulted from the labours of this committee than might have been expected, considering the position of the men engaged upon it, and the urgency and importance of the subject. But the seed sown by it was not lost, although fructification was slow, and the produce for a time scanty. The writer well remembers reading the report not long after it was issued, and he believes it was the means of first opening his mind to the consequences of the existing system, and awakened in him an earnest desire for remedying the evils it portrayed, of the actual existence of which he saw proofs everywhere around him. To the fulfilment of this desire he subsequently devoted the best years of his life; and in now applying the residue to recording what has been done, and the circumstances connected with the poor law question throughout its progress, he feels that he is discharging a duty imposed upon him by a sense of gratitude for the manner in which his services have been appreciated, and for the amount of success with which his efforts have been attended.

We will now proceed to consider the poor law legislation of the period, the first being the two Vestry Acts introduced by Mr. Sturges Bourne, the chairman of the committee, who declared that he founded his hopes of improvement chiefly on the administration of the law being vested in persons of property and intelligence, and that his object was to

give additional influence to persons in proportion to their contribution to the poor-rates.¹

1818.
58 Geo. III.
cap. 69.

The Parish Vestry Act (58 George III. cap. 69) requires three days' public notice at least to be given of the holding of any vestry; and directs, for the more orderly conduct of vestries, that in case the rector, or vicar, or perpetual curate, shall not be present," the persons assembled "shall forthwith nominate and appoint, by plurality of votes, one of the inhabitants of the parish to be the chairman of and preside in every such vestry"; and he is to have the casting vote, and the proceedings are to be fairly entered in a book provided for that purpose, "and signed by the chairman and such other inhabitants present as think proper to sign the same." The manner of voting in vestries is regulated by the following scale: persons present, and rated at less than £50, are to have one vote, and "no more"; persons present, and rated at £50 and upwards, are to be entitled to one vote for every £25 of assessment, up to the limit of six votes, which no one can exceed, whatever the amount at which he may be rated. But no person having refused or neglected to pay the rate due and demanded of him, is entitled to be present or to vote in any vestry until he shall have paid the same. Parish books, papers, and vouchers are required to be preserved; and any person destroying or injuring, or refusing to produce or deliver the same, is subjected to a penalty of £50, or made liable to other proceedings in the courts of law. This Act was amended in the following year by 59 George III. cap. 85, which enabled persons rated in a parish, and not resident, to attend and vote at vestries therein, according to the value at which they are assessed; and also enabling the clerk or agent of any corporation, body politic, or company, to do the same. This was, in fact, what justice required, and no more

¹ See Hansard's *Debates* for March 12, 1818.

than providing for the due representation of the property which furnished the rate.

The Select Vestry Act (59 George III. cap. 12) is a more comprehensive measure than the preceding. It is not confined to the regulation of vestries merely, but embraces all the other objects which parliament was at that time prepared to sanction, but which fell far short of what was proposed by the committee for the amendment of the law. The Act commences by empowering the inhabitants of any parish, upon due notice in vestry assembled, “to establish a select vestry for the concerns of the poor,” and to nominate and elect such and so many substantial householders or occupiers, not exceeding twenty nor less than five, who, being first thereto appointed by writing under the hand and seal of a justice of the peace, are to be members thereof, and together with the rector, vicar, or other minister of the parish, and the churchwardens and overseers of the poor for the time being, are to “constitute a select vestry for the care and management of the concerns of the poor of such parish, and any three of them (two not being churchwardens and overseers) are to be a quorum.” The select vestry is required to meet once a fortnight, or oftener if necessary, in the parish church or other convenient place, and to appoint a chairman, who is to have a casting vote, and they are to determine upon the proper objects of relief, and the nature and amount of the relief to be given; “and in each case shall take into consideration the character and conduct of the poor person to be relieved, and shall be at liberty to distinguish in the relief to be granted between the deserving and the idle, extravagant, or profligate poor.” The select vestry is to make orders in writing for the relief it deems to be necessary, and is to superintend the collection and application of all moneys raised for the relief of the poor, and the overseers of the poor are, in the execution of their office,

1819.
59 Geo. III.
cap. 12.

The Select
Vestry
Act.

required to obey its directions. At each meeting of the select vestry, minutes are to be fairly entered in a book provided for that purpose, and signed by the chairman, of all their proceedings, resolutions, orders, and transactions, and of all sums received, applied, and expended by their direction, which, together with a summary thereof, are to be laid before the inhabitants in general vestry assembled, in the months of March and October in every year.

Power of
justices in
ordering
relief.

In the event of any complaint being made to a justice of peace, of the want of adequate relief by or on behalf of any poor inhabitant of a parish having a select vestry, or being under a local Act, the justice is not to take cognizance thereof, unless it be proved on oath that application has been made to the select vestry and refused, in which case the justice may summon the overseers to appear before two justices to answer the complaint; and if it appear to such justices that the complainant is in need of relief, and that adequate relief has been refused, they may "make an order for such relief as they, in their just and proper discretion, shall think necessary," stating the special cause thereof in such order, which is not, however, to extend beyond the period of one month. In the case of a parish having no select vestry, two justices may order the churchwardens and overseers to afford relief to any poor person for any time not exceeding a month, stating in the order the cause thereof; but a single justice is empowered to order relief in any case of urgent necessity, the order remaining in force until the assembling of the select vestry, where there is one, and for fourteen days, or until the holding of the next petty sessions, in the case of a parish having no select vestry. This is a considerable curtailment of the power in ordering relief which was conferred upon justices in the first instance by 36 George III. cap. 23,¹ and more

¹ *Ante*, p. 115.

recently by 55 George III. cap. 137.¹ The impolicy of conferring a large discretionary power in cases notoriously open to misrepresentation, and of the real merits of which the justices, from their social position, would almost necessarily be incompetent judges, is noticed by the committee in their late report, and it was at their instance that the restrictions in the present Act were imposed.

Justices in special sessions are, by the 6th section of the Act, empowered, "upon the nomination and at the request of the inhabitants of any parish in vestry assembled," to appoint a person who is rated although not resident therein, to be an overseer of the poor. And, by the 7th section, power is given to parish vestries "to elect any discreet person or persons to be assistant overseer or overseers of the poor," and to specify the duties and fix the salaries of such officers; and any two justices are empowered, by warrant under their hands and seals, to appoint every person so elected to be assistant overseer for such purposes and with such salary; and every person so appointed is "authorized and empowered to execute all such of the duties of the office of overseer, as shall in the warrant for his appointment be expressed, as fully as the same may be executed by any ordinary overseer of the poor." The appointment is to continue until it be resigned or revoked, and security may be taken for the faithful execution of the duties of the office.

Assistant
overseers.

The churchwardens and overseers of any parish "not having a workhouse for the poor thereof, or where the workhouse shall be found insufficient or inconvenient," are by the 8th section empowered, with the sanction of the vestry, to build a suitable workhouse, or to alter and enlarge any tenement belonging to such parish for that purpose, and to purchase or take on lease any ground that may be required for these pur-

Work-
houses to
be pro-
vided.

¹ *Ante*, p. 151

poses. And as it may be advisable in some cases for parishes to sell their present workhouses or other tenements, where the same are incapable of being enlarged or used, the 9th section enables this to be done by direction of the vestry, and with consent of two justices, and the produce to be applied towards the purchase or building of a new workhouse, or towards the payment of any money borrowed for that house. Where no sufficient workhouse can be procured within the parish "for the accommodation of the poor thereof," the churchwardens and overseers are by the 10th section empowered, subject to the direction and consent as before, "to purchase or hire any suitable and convenient building or buildings for that purpose in any adjoining parish." But no such building is to be more than three miles from the parish for the use of which it is provided, and in all questions of settlement it is to be "taken to be part of the parish on behalf of which it has been purchased or hired, and by which it shall be used."

Land may
be pur-
chased or
hired;

The 12th section recites, that by 43 Elizabeth, certain persons therein described are directed to be set to work, but that the laws now in force do not give sufficient powers for that purpose; wherefore it is enacted that it shall be lawful for the churchwardens and overseers, with consent of the vestry, to take any land which belongs to the parish, or to purchase or hire on account of the parish "any suitable portion or portions of land within or near to such parish, not exceeding twenty acres in the whole,¹ and to employ and set to work in the cultivation of such land on account of the parish any such persons as by law they are directed to set to work, and to pay to such of the poor persons so employed as shall not be supported by the parish reasonable wages for their work; and the poor persons

¹ This was afterwards increased to fifty acres by 1 & 2 William IV. cap. 42. See *post*, p. 202.

so employed shall have the like remedies for recovery of their wages, and shall be subject to the like punishment for misbehaviour in their employment, as other labourers in husbandry are by law entitled and subject to." By the following section the churchwardens and overseers, with like consent of vestry, are empowered, "for the promotion of industry among the poor," to let any portion of the land belonging to the parish, or that shall be so hired or purchased for it, "to any poor and industrious inhabitant of the parish, to be by him or her occupied and cultivated on his or her own account, and for his or her own benefit, at such reasonable rent and for such term as shall by the vestry be fixed and determined."

and may be
let to indus-
trious in-
habitants.

But in order to guard against an undue expenditure for any of the above purposes, the 14th section provides, that no sum exceeding the amount of a shilling rate shall be raised or expended in a parish in any one year, for providing and furnishing such buildings, or purchasing and stocking such land, "unless the major part of the inhabitants and occupiers assessed to the relief of the poor in vestry assembled shall consent thereto, nor until two-third parts in value of all the inhabitants and occupiers so assessed shall also have signed their consent thereto in the vestry or parish book." After a shilling rate has thus been levied and expended for any of the above objects, if a further sum shall be required, it may with like consent be raised by way of annuity, or for a term of years, "so as the whole sum shall not be more than five shillings in the pound of or upon the true annual value of the property assessed to the poor in such parish." Every such annuity or other security is to be charged on the produce of the future rates, but it is provided "that no greater sum in the whole than the amount of a rate of one shilling in the pound shall in any parish be charged upon the future rates, unless two-thirds in value of the proprietors of lands, etc.,

Expendi-
ture in any
year limited
to the
amount of
a shilling
rate.

If borrowed
on annuity,
the whole
amount not
to exceed
5s. in the
pound.

therein shall have thereto given their consent in writing." These limitations were probably necessary, and they would draw the proprietor class into a closer connection with parish affairs, on which the framers of the report of 1817 in great measure relied for bringing about improved management.

Relief by
way of
loan.

The 29th section, which provides for giving relief by way of loan, commences by reciting "that it is expedient to discourage that reliance upon the poor-rates, which frequently induces artizans, labourers, and others to squander away earnings which would, with suitable care, have afforded sufficient means for the support of their families"; and it then enacts, that whenever it shall appear, upon application of any poor person for relief, "that he might but for his extravagance, neglect, or wilful misconduct, have been able to maintain himself or to support his family (as the case may be), it shall be lawful for the overseers, by direction of the justices, or the general or select vestry, to advance money, weekly or otherwise as may be requisite, to the person so applying, by way of loan only, and to take his receipt for, and engagement to repay the same." If he fails to do this, he may be summoned before two justices, "and if it appear to them that he is able by weekly instalments or otherwise to repay the whole or any part of the money so advanced to him," they are to make an order for such repayment, in such proportions and manner as they see fit; and upon every default, to commit such person to the common gaol for any time not exceeding three months, unless the money which is due shall be sooner paid. This permission to afford relief by way of loan, is also extended to pensioners in the army and navy, who are empowered to assign over to the overseers, for the exoneration of the parish, the pensions to which they may be entitled, and on which the relief has been advanced. The wages of seamen in the merchant

service, are in like manner made liable for any relief which may be afforded to their families during their absence. With respect to each of these latter cases, the provision has probably been of some benefit; but as a measure of general application, the power of making loans for the relief of actual distress has been of little avail, and its policy is moreover somewhat doubtful. Facility of borrowing, whether it be of the pawnbroker or parish officer, is not calculated to encourage provident habits in the working classes, on the existence of which their comfort and general well-being so much depend.

The foregoing are the chief provisions of this very important Act, which, with other measures proposed and relinquished, originated with the committee of 1817, and gave rise to much debate and conflict of opinion both in and out of parliament. The establishment of select vestries led to a greater unity of action in administering the law, and was therefore advantageous, as was likewise the appointment of assistant overseers, without whom indeed it would be impossible for the business of large parishes to be properly attended to. With respect to workhouses, although the Act gives power for providing them, little reliance apparently was placed on their being the means of lessening expenditure, and none as to their testing destitution. The purchase of land by parishes in order to afford employment, and the letting out portions of it "for the promotion of industry among the poor," as is provided for in the Act, partake something of the character of a labour-rate; and are attempts to create employment of so forced and artificial a nature, as would be certain of ending in failure, if not in greatly aggravating the evil they were intended to correct. The distress which for some years had prevailed throughout England,¹ consequent upon deficient harvests, together with the change from war to a state of universal peace, must have

¹ *Ante*, p. 150.

caused much additional pressure on the poor-rates, and would render legislation with a view to check the growth or lessen the weight of the burthen, extremely difficult. This was repeatedly stated in parliament, as a reason for doing less than might otherwise have been attempted; and although the alarm caused by the rapid increase of the rates was no doubt great, the dread of making any sudden change or effort at reduction in the then circumstances of the country was equally so; and we ought perhaps to wonder that so much was at that time done, rather than that so little was accomplished as appears in the present Act.

We have seen the views expressed by the committee of 1817 on the subject of settlement.¹ In the following year a Bill embodying those views was introduced by Mr. Sturges Bourne, which gave rise to much discussion at the time, and continued to excite great attention throughout the country. Almost every parish was more or less affected by it, and a good deal of local influence was consequently brought to bear on the question in parliament. The Bill was eventually reduced to a single clause, and passed under the title of "An Act to amend the Laws respecting the Settlement of the Poor, so far as regards renting Tenements." By this Act (59 George III. cap. 50), it is directed that thenceforth no person shall acquire a settlement by residing forty days in a parish in a tenement rented by him, unless such tenement be a separate and distinct dwelling-house or building, or land within such parish, or both, *bonâ fide* hired by him for a whole year, and at a rent of not less than £10, "nor unless such house or building shall be held and such land occupied, and the rent for the same actually paid, for the term of one whole year at the least, by the person hiring the same." This extension of the term of residence from forty days to a whole year, and requiring the rent to be actually

1819.
59 Geo. III.
cap. 50.

¹ *Ante*, p. 176 *et seq.*

paid, would increase the difficulty of acquiring a settlement, and might also tend in some degree to check litigation; but it amounted to little as a remedial measure, and left settlement (which Mr. Huskisson designated a "cruel and unfeeling restraint on the poor man's labour") untouched, and it left the power of removal (which Sir Samuel Romilly "viewed as the greatest cruelty")¹ unamended. The Act was, in short, altogether of little moment, and chiefly deserves notice as showing that the public were so entangled in the meshes of the old system as to be afraid of making an effort for extrication. The magnitude of the evil was generally admitted, but all appeared to dread a change, the possible consequences of which were so magnified by their fears, and possibly also by the misrepresentations of interested parties, that nothing effectual could be done in the way of remedy; and settlement, and the power of removal, the two great blots of the English Poor Law, remained as before.

We have now arrived at the termination of the reign of George the Third, who died on the 29th of January 1820, in his eighty-second year. He had long been disabled by mental infirmity from attending to the business of government, which was conducted by his son (now George the Fourth) under the title of Regent; so that there was no other change beyond the change of title in the actual occupant of the throne. Yet the death of the aged sovereign was deeply felt by the people. His personal character, and the sad affliction with which he was visited—his long reign of sixty years, and the extraordinary events which had occurred within the period—all served to awaken tender emotions at his removal, and to surround his memory with affectionate regrets.

Death of
George III.
29th Jan.
1820.

¹ See Hansard's *Debates*, May 10, 1819, and April 30, 1818.

PART THE FOURTH

FROM THE ACCESSION OF GEORGE THE FOURTH, TO THE
END OF THE YEAR 1852-53

CHAPTER XIV

A. D. 1820-1834

Accession of George IV.—Savings banks—Servants and apprentices—
New Vagrant Act—Settlement Law—Pauper lunatics—Accession of
William IV.—Poor allotments—Effects of forced employment—The
“parish farm”—Hobhouse’s Act—Removal of poor natives of Scotland,
Ireland, and the Channel Islands—Alarm at the increase of poor-rates
—Mr. Scarlett’s Bill—Mr. Nolan’s Bill—Intended inquiry announced—
Employment of agricultural labourers—Chimney-sweepers—General
summary, 1834—Commission of Inquiry—The Commissioners’ Report
—Practice at Southwell.

THE accession of George the Fourth took place at a time when public opinion was much divided on certain questions of domestic policy, especially on the subject of Parliamentary Reform, without which, it was with some reason asserted by a large section of the people, it would be vain to expect other ameliorations. Tumultuous meetings were held in the manufacturing districts, and at Manchester a large assemblage had been dispersed by the military. Conspiracies were said to be secretly concocted, and a general feeling of apprehension prevailed, without any very definite cause, excepting that there were great complaints of distress in all parts of the country. It is not necessary, however, to give a detail of these circumstances, as they are sufficiently recent for remembrance. Indeed it must have been noticed that as we approached modern times,

George IV.
1820-1830.

reference to details not immediately connected with the Poor Law have been less frequent, as they were less necessary for a right understanding of the condition of the people; and hereafter attention will be altogether confined to poor law measures, and to matters more or less immediately connected therewith.

In the Report of the Select Committee on the Poor Laws in 1817, the establishment of Savings Banks is noticed in terms of deserved commendation. These institutions were not altogether unknown, but England is indebted for their legal organisation to Mr. George Rose, who in February 1817 introduced a Bill for the purpose. The measure gave rise to considerable conflict of opinion at the time, and as first framed was certainly open to objection in parts, the most prominent of which was the provision, that a person having £30 deposited in a savings bank, should nevertheless be entitled to relief from the poor-rates; but this proposition was soon abandoned.

1817-18.
The Sav-
ings Bank
Acts.

The two Acts constituting and regulating these receptacles for the small savings of the industrious classes are 57 George III. cap. 130, and 58 George III. cap. 48. These Acts, taken together, empowered trustees and managers "to receive deposits of money for the benefit of the persons depositing the same, and to accumulate the produce in the nature of compound interest, and to return the whole or any part of such deposits and the produce thereof to the depositors, deducting only so much as shall be required for defraying the necessary expenses of management." The trustees and managers are not themselves to receive any profit or advantage from the institution, for which they are required to frame rules, which are to be entered in a book open at all times to the inspection of the depositors. The rules are also to be enrolled at the sessions, and the justices may reject any that are

at variance with the intentions of the Act. The moneys deposited are to be transmitted to the National Debt Office, to be there invested in a separate fund established for the purpose, and for these moneys the trustees are to receive a debenture carrying interest at the rate of 3d. per cent. per diem, equal to £4, 11s. 3d. per cent. per annum, payable half-yearly; and an account of all such debentures is to be laid before parliament annually. Friendly societies, legally constituted, are permitted to invest the whole or any part of their funds in savings banks; but no individual depositor can invest more than £100 the first year, nor more than £50 in any year afterwards.¹ Schedules were appended to the Acts, giving complete forms for every transaction; and with due care on the part of the trustees and managers, to see that the money paid in and withdrawn was in each case entered in the depositor's book, and that the whole of the money deposited was duly transmitted for investment, it would be almost impossible for error or malversation to occur.

So rapid was the growth of these institutions, that on the 20th of November 1833, there were in England and Wales 408 savings banks, holding balances on account of 425,283 depositors, to the amount of £14,334,393; whilst in Ireland (for which in 1817 an Act was passed simultaneously with that for England) there were at the same time 76 savings banks, with 49,872 depositors, and an aggregate of deposits to the amount of £1,380,718. Taking England and Ireland together, the number of banks established at the above date was 484—the depositors 475,155, and the amount of deposits

¹ Six years after this the deposits of individuals were restricted to £50 the first year, and £30 in any year subsequently, and no interest was allowed on any amount of deposits exceeding £200. There were several subsequent reductions in the interest allowed, and individual deposits were limited to £150, and friendly societies to £300.

£15,715,111¹—an immense accumulation by the industrious classes, and giving them a large interest in the stability of our institutions, as well as affording evidence of a marked improvement in their habits and social position.

1823.
4 Geo. IV.
caps. 29 and
34.

Servants
and ap-
prentices.

The last Act passed for regulating the binding of parish apprentices² was found to be insufficient for the purposes intended, and 4 George IV. caps. 29 and 34, were now enacted—the former to increase the power of magistrates in cases of apprenticeship, the latter to enlarge the powers of justices “in determining complaints between masters and servants,” etc. The first of these Acts recites the provisions of 20 George II. cap. 19,³ and 33 George III. cap. 55,⁴ respecting apprentices upon whose “binding out” a larger sum than £5 and £10 respectively shall not have been paid, and then enacts that the said provisions shall extend “to all apprentices upon whose binding out no larger sum than £25 was or shall be paid.” The second Act (cap. 34) enables stewards, managers, and agents, as well as masters, to make complaint upon oath of the misconduct of any apprentice, and empowers any justice to

¹ At the end of 1852—

The number of banks was—

England and Wales	.	.	.	.	482
Ireland	.	.	.	.	51
Scotland	.	.	.	.	43
					— 576

The depositors—

England and Wales	.	.	.	1,045,550
Ireland	.	.	.	52,502
Scotland	.	.	.	111,297
				— 1,209,349

The aggregate deposits—

England and Wales	.	.	.	£28,649,672
Ireland	.	.	.	1,460,161
Scotland	.	.	.	1,645,205
				— £31,755,038

² *Ante*, 56 George III. cap. 139, p. 155.

³ *Ante*, p. 42.

⁴ *Ante*, p. 108.

hear and determine the same, and to punish the offender; and the justice is also in like manner empowered to hear the complaint of any apprentice, and to summon the master and do justice in the case. There are other provisions enabling a justice to apprehend and punish with imprisonment any servant in husbandry or artificer who fails to fulfil his engagement, and also to enforce payment of any wages which upon examination appear to be due to any such servant or artificer, but into this question it is not necessary here to enter.

The circumstance most worthy of notice in connection with the above Acts, is the successive increase of the sums paid on the "binding out" of parish or other apprentices. In 1747 we find that £5 was, by 20 George II. cap. 55, assumed to be the maximum of payment with a parish apprentice. Forty-six years afterwards, by 33 George III. cap. 55, the amount was increased to £10; and now in 1816, after only half that interval had elapsed, we find the limit raised to £25. These successive advances must be regarded as indicating a continual increase of wealth and demand for skilled labour, for although £25 may not always or often have been paid with a parish apprentice, it would seem to have been so occasionally; and the parish may in some instances have been aided by individual contributions, whilst individuals again would probably be aided by the parish. All apprentices, however, upon whose binding out no greater sum than £25 has been paid, are now placed under the special protection of the justices, both in the matter of "binding out," and in their course of servitude. In each of these respects, such a supervision may have been necessary; for as apprenticeship gave a right of settlement, the conflicting interests which thence sprang up would be apt to lead to the fraudulent and improper binding out of parish children, who again under such

circumstances would be liable to ill-usage, and would need protection.

Vagrancy, mendicancy, and pauperism are so mingled together, that it is not surprising the earlier statutes should have applied to them indifferently, and that it was not until after a special provision had been made for the relief of the destitute poor, that vagrants were dealt with as a separate class, and that the offences coming under the designation of vagrancy, have been defined and subjected to punishment by a separate law. The number of these offences would be sure to increase with the increase of wealth and population, and a new Vagrant Act, 5 George IV. cap. 83, was passed to arrest the growing evil. The Act very minutely defines what is criminal, and follows the example of the older statutes¹ in arranging the offenders under the heads of *idle and disorderly*, *rogues and vagabonds*, and *incorrigible rogues*. To the first class, one month's imprisonment with hard labour is assigned; to the second, three months; and to the third, twelve months, with whipping at the discretion of the justices in quarter-sessions. It is however only necessary to notice those parts of the Act which apply to the poor as a class, these being the only portions directly connected with the Poor Laws.

1824.
Vagrant
Act.
5 Geo. IV.
cap. 83.

Under the first head or division, it is enacted—That every person being able wholly or in part to maintain himself or herself, or his or her family, by work or by other means, and wilfully refusing or neglecting so to do, by which refusal or neglect he or she, or any of his or her family shall have become chargeable—every person returning to, and becoming chargeable in a parish whence he or she had been removed, unless producing a certificate from some

¹ *Ante*, 17 George II. cap. 5, and 32 George III. cap. 45, pp. 34 and 102.

other parish acknowledging settlement therein—every person wandering abroad, or placing him or herself in any public street or highway, etc., to beg or gather alms, or causing or encouraging any child or children so to do—shall be deemed an *idle and disorderly person*. And every one again committing any of the above offences, after being convicted thereof—and every person wandering abroad and lodging in any barn, outhouse, or unoccupied building, or in the open air, not having any visible means of subsistence, and not giving a good account of himself or herself—every person wandering abroad and endeavouring by the exposure of wounds or deformities to obtain alms—every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions under any false or fraudulent pretence—every person running away and leaving his wife, or his or her child or children chargeable, or whereby she or they or any of them shall become chargeable—shall be deemed a *rogue and vagabond*. And every person having been so convicted, who shall therein again offend, is to be deemed and dealt with as an *incorrigible rogue*.

Who are to be deemed "idle and disorderly," who "rogues and vagabonds," and who "incorrigible rogues."

The foregoing, are the provisions of this Act which apply to the class of persons usually coming under the superintendence of the parish authorities, in connection with the Poor Law. They are clear, distinct, and sufficiently stringent; and if they were strictly enforced, adequate provision being at the same time made for the relief of all who are actually and unavoidably in need of it, mendicancy (which is a branch of vagabondism) would be abolished, industry would be encouraged, crime would be lessened, and the entire community would be greatly benefited both socially and morally.

The condition on which a right of settlement may be acquired by renting a tenement of £10 annual

1825.
6 Geo. IV.
cap. 57.
Settlement.

value, we have lately seen stated with much precision in 59 George III. cap. 50.¹ Yet six years afterwards, doubts being entertained as to the intention of the Act, and “very expensive litigation” having been incurred, it was found necessary to make further provision on the subject, and 6 George IV. cap. 57, was passed, enacting “that no person shall acquire a settlement in any parish by reason of settling upon, renting, or paying parochial rates for any tenement not being his or her own property, unless it shall consist of a separate and distinct dwelling-house or building, or of land, or both, *bonâ fide* rented by such person at and for the sum of £10 a year at the least, for the term of one whole year; nor unless such house or building, or land, shall be occupied under such yearly hiring, and the rent for the same to the amount of £10 actually paid for the term of one whole year at the least, provided always that it shall not be necessary to prove the actual value of such tenement.” This would seem to be sufficiently clear and definite, yet at the end of another six years doubts are again said to “have arisen with respect to the intention of the legislature concerning the occupation of such house, building, or land, by the person hiring the same, and concerning the amount of the rent to be paid, and the person paying the same.” Wherefore another Act was then passed (1 William IV. cap. 18), which provided that no person shall acquire a settlement by reason of such yearly hiring, “unless such house, or building, or land shall be actually occupied under such yearly hiring in the same parish, by the person hiring the same, for the term of one whole year at the least, and unless the rent for the same, to the amount of £10 at the least, shall be paid by the person hiring the same.” And it is further provided “that where the yearly rent shall exceed £10, payment to the amount of £10 shall

¹ *Ante*, p. 188.

be deemed sufficient for the purpose of gaining a settlement."

The necessity for passing three successive Acts within twelve years, for determining the mode in which the renting of a tenement in a parish should confer a right of settlement, may be taken as exemplifying the difficulties and intricacies with which the question in all its branches is beset, and also as a proof of the openings which the law of settlement affords for trickery and chicanery of every kind. "Very expensive litigation" is said to have arisen under the first of these three Acts, and although it is not so stated, we may presume it was the same under the second, and possibly even under this last. The acquiring a right of settlement by apprenticeship, by hiring and service, and by renting a tenement, notwithstanding the recommendation for abolishing such right in either case in the report of 1817, continued to be a source of demoralisation and fraud, as well as the occasion of a wasteful expenditure of money which ought rather to have been applied to the relief of destitution.

Pauper lunatics can hardly fail to be regarded as the most wretched of the human family, and as standing most in need of protection: yet they had hitherto been neglected, and were left exposed to much cruelty and oppression. But the country at length awoke to a sense of its duties towards this unfortunate class, and 9 George IV. cap. 40, was passed for the erection of lunatic asylums, and "to provide for the care and maintenance of pauper and criminal lunatics."¹ The justices of peace in each county were empowered to provide a lunatic asylum for their own county, singly or in common with one or more adjacent counties, or to agree with the subscribers to any

1828.
9 Geo. IV.
cap. 40.
Pauper
lunatics.

¹ An Act for the establishment of Lunatic Asylums in Ireland had been passed eleven years earlier. See *History of Irish Poor Law*, p. 79.

lunatic asylum heretofore built or intended to be built and established by voluntary contributions ; and to purchase or rent land, and make rates and borrow money on mortgage thereof, to defray the necessary expenses. And the justices in petty sessions are to require the overseers of the poor within their respective divisions, to make returns annually “ of all insane persons chargeable to their respective parishes, specifying the name, sex, and age of each, and whether dangerous or otherwise, and how long disordered, and where confined, or how otherwise disposed of.” Such return is to be verified on oath, and together with a medical certificate of the state of each of such insane persons, is to be laid before the justices at their next general quarter-sessions—failing in which, or failing to give notice of any poor insane person in his parish to a justice of peace, the overseer is subjected to a penalty not exceeding £10 nor less than £2.

On its being made known to any justice of peace that a poor person, whether chargeable or otherwise, is deemed to be insane in any parish, he may require the overseer to bring such person before any two justices at such time and place as he shall appoint ; and if upon examination the said justices, with the assistance of a medical man, shall be satisfied that the poor person is insane, they may cause him to be placed in a lunatic asylum or public hospital, “ or some house duly licensed for the reception of insane persons,” and may make an order upon his place of settlement for payment of all reasonable charges consequent thereon. No insane person is to be removed from an asylum, hospital, or licensed house, without an order for that purpose by two justices, “ or unless such person shall have been discharged as cured.” But the visitors of a county asylum may deliver a pauper lunatic to his friends, upon their undertaking that he shall be no longer chargeable. Provision is made for a medical practi-

tioner, on behalf of any parish, to visit and examine the pauper patients belonging to such parish confined in any asylum, hospital, or licensed house, and to report the result of such examination to the parish authorities. Where the place of legal settlement of the insane person cannot be ascertained, the justices may direct him to be confined in the asylum for the county in which he is found, and if there be none, then in some hospital or licensed house, and they may also direct all reasonable charges thence arising to be defrayed out of the county rates. The justices may nevertheless endeavour to ascertain the place of settlement of any insane person so confined, and if satisfactory evidence can be obtained as to his place of settlement, they may make an order upon the overseers of the parish where such settlement is proved to be, for payment of the reasonable charges incurred for such insane person within the twelve months preceding, and also for his future maintenance. In all these cases, persons who feel aggrieved may appeal to the quarter-sessions, whose determination is to be final and conclusive.

These are the chief provisions which apply to pauper lunatics, and they go far to remedy, by removing from public view and from constant aggravation, one of the most painful and humiliating inflictions to which humanity is subjected. The other sections of the Act occupy considerable space, but although necessary for providing and for efficiently managing the institutions for the reception of insane and lunatic persons, they do not require to be particularly noticed here.

After reigning a little more than ten years, George 1830.
the Fourth died on the 26th of June 1830, and was ^{Death of} George IV.
succeeded by his brother, William the Fourth, at whose death, on the 20th of June 1837, the crown descended to our present sovereign, Queen Victoria; and that she

may long continue to wear it, to the happiness of her subjects, and her own honour, is the unanimous prayer of a loyal people.

The twenty acres of land permitted by 59 George III. cap. 12, to be purchased or hired by a parish, for the purpose of employing "any such persons as by law they are directed to set to work," was afterwards, by 1 & 2 William IV. cap. 42, increased to fifty acres.¹

1831.
1 & 2
Will. IV.
cap. 42.

This Act likewise empowered the churchwardens and overseers, with the consent of the lord of the manor and the majority of the other persons interested, to enclose any portions of waste or common land lying in or near such parish not exceeding fifty acres, "and to cultivate and improve the same for the benefit of such parish and the poor persons therein, or to let any part or parts of the same to any poor and industrious inhabitants thereof to be occupied and cultivated on their own account." About the same time 1 & 2

1831.
1 & 2
Will. IV.
cap. 59.

William IV. cap. 59, was passed, enabling churchwardens and overseers, with the consent of the Treasury, to enclose land belonging to the Crown (not exceeding 50 acres) "for the benefit of poor persons residing in the parish in which such crown-land is situated." In the year following, 2 William IV. cap.

1832.
2 Will. IV.
cap. 42.

42, was passed, to authorise "the letting of the poor allotments in small portions to industrious cottagers,"—The Act recites, that in many parishes "enclosed under Acts of Parliament, there are allotments made for the benefit of the poor, chiefly with a view to fuel, which are now comparatively useless, and that it would tend much to the welfare of the poor if these allotments could be let at a fair rent and in small portions to industrious cottagers of good character." The present Act accordingly authorises this to be done; and it also enacts that the rent shall be applied "in the purchase of fuel to be distributed in the

¹ *Ante*, p. 181.

winter season, among the poor parishioners legally settled and resident in or near such parish; and, moreover, "that no habitations shall be erected on the portions of land demised under this Act, either at the expense of the parish, or by the individual renting the same," thus providing, as far as it was possible, against these allotments leading to an increase of the population.

All the Acts above named, including that of 59 George III. cap. 12, appear to assume that persons who are unable, or who declare that they are unable, to procure employment in the ordinary way, may be profitably employed on account of the parish, or on land let to them by the parish, the cultivation of which would keep them independent of parish relief. The persuasion, moreover, that churchwardens and overseers are bound by law to find employment for all who need it, as is assumed in 59 George III., and which is likewise the governing principle of Gilbert's Act, seemed to have still existed, notwithstanding that the impossibility of this being always done had been demonstrated in the report of 1817.¹ No person now doubts the pernicious effects of forced or artificial employment, or is blind to the consequences of tampering with the market for labour, whether by the parish or in any other way; but the conviction in this respect was not then so strong nor so general, and a middle course was resorted to, in the hope probably of averting the consequences of such interference, by letting portions of land to the persons whom the parish would otherwise have to relieve, or set to work on its own account. The objection, however, applies with about equal force in either case. Both modes of employment are artificial, and calculated to raise up and retain a larger number of labourers in a district than there is legitimate employment for; and conse-

Effects of
forced or
artificial
employ-
ment.



¹ *Ante*, p. 173.

quently, by such excess of supply over demand, to lower the price of labour to an amount incompatible with social or physical well-being.

The
"parish
farm."

Of these two modes of giving employment, that of cultivating land on account of the parish was, it is believed, by far the most generally adopted. The "parish farm" was well known in most parts of England, and one of the first efforts made by the author to bring about improvement in Poor Law administration, was by prevailing upon his fellow-overseers to let off the parish land at a fair rental, and then persuading the farmers to distribute their employment as equally as possible throughout the year, instead of turning over their men to the "parish farm" in the winter months, as had been the practice. But whatever may be done by the farmers in this respect, it is certain that in rural districts there will always be a dearth of employment in winter, as in manufacturing districts there will be a similar dearth whenever a stagnation of trade occurs. Both the one and the other are perhaps unavoidable, although each may, to a certain extent, be mitigated by timely arrangement on the part of the employers. The only effectual mitigation however must rest with the labourers themselves, by their making provision against the occurrence of such periods; and when they do occur, by their exercising increased diligence, and seeking out other sources of occupation and means of subsistence, neither of which can they be expected to do so long as the parish farm or the parish purse is readily open to them. Some expedient was therefore wanted, which might operate as a secondary kind of necessity, and have the effect of impelling the labourers to extra exertion on these occasions, whilst such relief as was absolutely necessary should not be altogether withheld—something, in short, which, without destroying self-reliance, or superseding individual effort and resource, would

yet afford a protection against absolute want; and this the author found in so altering and organising the workhouse, as to render it a test of destitution as well as a medium of relief—on both which points it will hereafter be necessary to speak at greater length.

The two Vestry Acts that emanated from the committee of 1817 (58 & 59 George III. caps. 69 and 12),¹ had been in operation twelve years, when another Act of a more popular character was passed, at the instance chiefly of certain of the metropolitan parishes, and of some others in the larger towns. This Act (1 & 2 William IV. cap. 60) is declared to be “for the better regulation of vestries, and for the appointment of auditors of accounts.” It was introduced by Mr. Hobhouse, and has continued to be known as *Hobhouse's Act*. Its adoption by any parish is left optional. One-fifth of the ratepayers, or any number not less than fifty, may call upon the churchwardens to give public notice to the ratepayers, requiring them to signify by their votes whether or not they are desirous of adopting the Act; and after this has been done in the form and manner prescribed, the churchwardens, “after a full and fair summing up of the said votes,” are to declare whether or not two-thirds of the votes given are in favour of the adoption of the Act—in which case, and if a clear majority of the ratepayers shall have voted, the Act is to be adopted, and notice thereof given; and no similar proceeding can again take place, until after the expiration of three years. At the election of vestrymen and auditors, every parishioner who has been rated to the relief of the poor one year, is entitled to vote. The elections are to take place annually in May, and the number of vestrymen is to be in proportion to the extent of the population. Parishes in which the number of rated householders does not exceed a thousand, are to have

1831.
“Hob-
house's
Act.”
1 & 2
Will. IV.
cap. 60.

¹ *Ante*, pp. 180 and 181.

twelve; if above a thousand, twenty-four; if above two thousand, thirty-six; and so on, twelve for every additional thousand; provided that in no case is the number of elected vestrymen to exceed one hundred and twenty. The clergyman of the parish is to be a member *ex officio*. One-third are to retire annually, the outgoing members being, however, eligible for re-election. In parishes within the metropolitan police district or the city of London, or where the resident householders exceed three thousand, the qualification for a vestryman is to consist in his being rated to the relief of the poor at a rental of not less than £40. In other cases the qualification is a rating of £10. The same qualifications apply to the five auditors. The vestry is not to hold its meetings in the church. It is to appoint a chairman, and its proceedings are to be entered in proper books, which are to be open to inspection, as are also the accounts, after they have been audited. The audit is to take place twice a year, and an abstract of the accounts is to be prepared, to a copy of which any ratepayer is entitled on the payment of one shilling.

Such are the chief provisions of this Act, by which the affairs of any parish adopting it are placed under the control of the whole body of ratepayers, instead of being lodged in the hands of a select number, as provided by 59 George III. cap. 12.¹ The Act may have been beneficial in some cases, by calling forth a more general and active interest in the ratepayers, and causing them to give greater attention to the business of the parish than prevailed under the former arrangement, which vested the whole power in a few persons, generally selected on account of their property and respectability, and therefore, it was assumed, best fitted for having the management. Most of Mr. Sturges Bourne's anticipations of an improved administration

¹ *Ante*, p. 181.

of the law were, indeed, founded on this assumption, in support of which much may doubtless be said; but on the other hand it may be remarked, that a small and select number of persons acting independently, are apt to become exclusive and inert, unless stimulated by public opinion, and controlled by popular responsibility. On the whole, it may be said, that whether it would be most desirable for the affairs of a parish to be managed under the provisions of the Select Vestry Act, or under those of Hobhouse's Act, must depend on the circumstances of the parish itself. If the present management be good and satisfactory, under whichever form conducted, by all means let it be so continued. If otherwise, the parishioners have an alternative, and may change the system.

There are two Acts of this period requiring to be noticed—one is 11 George IV. cap. 5, providing for the removal of poor persons, natives of Guernsey and Jersey; the other is 3 & 4 William IV. cap. 40, providing for the removal of poor persons born in Scotland or Ireland. Each of these Acts repeals several previous enactments on the subject, and they provide that upon complaint before two justices, of any person born in the one case in Jersey or Guernsey, in the other in Scotland or Ireland, or the Isle of Man or Scilly, having become chargeable, the justices may cause such person to be brought before them, and after examining into all the circumstances, if it shall appear that such person is a native of any of the above-named places, and has not acquired a settlement in England, and has actually been chargeable to the complaining parish by himself or his family, they are to cause the person or persons so chargeable to be removed to the place of their birth. The first Act leaves the charge of removal to be defrayed by the complaining parish; but in the case of Scotch and Irish poor, and those of Scilly and the Isle of Man, the

1830.
11 Geo. IV.
cap. 5.

1833.
3 & 4
Will. IV.
cap. 40.

Removal of
Scotch and
Irish poor,
etc.

latter Act provides for the repayment of this charge out of the county rate, and it also empowers the justices in quarter-sessions to make regulations for carrying its provisions into effect. The duration of the Act was limited to May 1836, but it was subsequently continued.

There is obviously some distinction between sending back the natives of another country on their becoming chargeable, and removing persons from one parish to another in the same country. If the relief constituting the ground of the chargeability be administered under proper restrictions, it is very doubtful whether such a removal in the first case be necessary; but it is quite certain that it cannot be so in the other; and the sounder view seems to be, that it is alike inexpedient in both.

The conviction that a radical change was necessary, either in the Poor Law as it then existed, or in the mode of its administration, had for some years been growing stronger and stronger. The report of the committee of 1817 served to augment the dissatisfaction and alarm, by pointing out more clearly than had before been done, the evils arising from the operations of the law, and the probability, amounting almost to a certainty, of these evils continuing to increase, unless some decided step were taken to arrest their progress. The apprehension caused by the continually augmenting charge of the poor-rates, is shown not only by the debates in parliament, and the publications of the day, but also by the Bills submitted with a view to check the growing evil. One of these requires particular notice, as well for the importance of the principle involved, as on account of the character and position of the member¹ by whom the Bill was introduced in a speech of great power, and evincing considerable

Mr. Scarlett's Bill,
8th May
1821.

¹ Mr. Scarlett, afterwards Chief Baron of the Exchequer, and created Lord Abinger.

research.¹ The speech was in fact directed against poor-law relief altogether, although the Bill only proposed to establish a *maximum*, beyond which the poor-rate should in no case be carried.

Mr. Scarlett argued that an unlimited provision for the poor must operate as a premium for poverty, indolence, and immorality; that the Poor Laws held out to the labourer a refuge from the consequences of his own improvidence; that the evils thence arising would continue to increase, and would become so great, "that all the industry that could be bestowed on the land would be insufficient to enable it to maintain our augmented pauper population"; that in some parts of the country even now, owing to the heavy pressure of the poor-rates, it was not worth the farmer's while to cultivate the land; and so rapid had been their increase of late, "that unless some attempt were made to stem the torrent, they must at no distant period absorb all the land in the kingdom, and thus consume that on which the poor had altogether to rely." Wherefore, in his judgment, the first step shall be to limit the amount collected under the existing laws, by declaring a *maximum* beyond which there should be no assessment for these rates, and "he thought it most expedient that the last year's rates throughout the kingdom should be fixed as the poor-rate maximum."

Mr. Scarlett next proposed to alter the system of administering relief. He contended that the law of Elizabeth was intended, "not to disseminate a premium for idleness, but to confer a relief for those whom old age or infirmity had rendered incapable of supporting themselves by the effort of their own industry." A practice had however grown up, he said, of not confining relief to the objects for whom alone it was originally intended, but to extend it to persons who represented themselves as unable to obtain work. The

¹ See Hansard Debates, 8th May 1821, vol. v. new series, p. 573.

abuses of this modern practice were incalculable, and the legislature ought to correct either the law or the practice. The latter was perhaps impossible, or if possible would be deemed extremely severe, as every agricultural labourer when he married "reckoned on having the second child supported by the parish, and the overseer had regularly to meet a claim of 2s. or 2s. 6d. per week for that purpose." Without altering the law in other respects, he therefore proposed "to prohibit relief being given to any single or unmarried person, except in cases of actual infirmity, old age, or debility by sickness or accident." The effect of such an enactment would be, he thought, to restore habits of industry, and provident regulation among the poor, and to make them look a little more to their own resources, instead, as was now the case, of compelling the really industrious classes of the community to sacrifice a portion of their earnings to support the idle.

Mr. Scarlett's third proposition was to prohibit removals, which would be equivalent to abolishing the law of settlement. On this, he expressed himself as being prepared to meet with much contrariety of sentiment, but his own opinion was fixed, and was the result of long reflection. As the law now stood, he said, persons might be removed from the place where they sought relief, to any other where they might have a settlement, "the effect of which was to restrict the free circulation of labour, and to expose the labourer who, being unable to obtain employment in his own parish, honestly endeavoured to seek it elsewhere, to the penalty of being seized and sent back to a parish where there existed no demand for his labour, and where he was sure to remain a pauper." A more oppressive and impolitic law, he declared, never existed anywhere—it made poverty a crime, and its penalty banishment—it was at once cruel and unjust, and as

injurious to the community as it was to the individual. The impolicy of the law was, he observed, soon felt after its passing, in the time of Charles the Second, and much pains were taken by subsequent statutes to modify the arrangements for carrying it into execution, the consequence of which was the establishment of an artificial system. "Well might Burn," he said, "when he wrote on the operation of this clause in the Poor Laws, declare 'that it led to a greater quantity of litigation and hostile divisions than any other law on the statute-book, ay, or than all the other laws from the time of Magna Charta put together.' Such was the inevitable result of living under an artificial code of laws—the law was first made absurd, and then, instead of its being repealed to remove the incongruity, an artificial system was created in order to keep it in operation." He proposed therefore, "to abolish the law for removing paupers from one place to another by an order from justices of the peace or otherwise."

These three provisions constituted the whole of Mr. Scarlett's Bill, which gave rise to a good deal of discussion both on its introduction and on the occasion of its second reading, after which the Bill was withdrawn. But in the following session Mr. Scarlett introduced another Bill, less comprehensive than the preceding one; and after restating his former arguments, and declaring that nothing had since occurred to alter his opinion with respect to the three provisions of his former measure, he now proposed to postpone two of them, and simply to abolish the power of removal, reserving to himself the right of afterwards proceeding with the others, as he still considered the whole three essentially necessary for correcting present evils, and for preventing the occurrence of greater hereafter. This last Bill was, however, likewise withdrawn.

A few days after the withdrawal of Mr. Scarlett's

1822.
Mr. Nolan's
Bill, 10th
July 1822.

first Bill, another measure for amending the law was introduced by Mr. Nolan, one of the then Welsh judges, and author of a work on the Poor Laws deservedly held in high estimation. Mr. Nolan took a view of the question different from that advocated by Mr. Scarlett. He considered the Poor Laws, when administered in their original spirit, to be of great advantage to the people. The English peasantry, under the operation of these laws had, he said, outstripped the peasantry of other countries in the race of civil refinement. But he admitted that as now administered the laws operated injuriously, and that if this were not speedily corrected the consequences would be highly prejudicial. He contended, however, that a system under which nearly two millions of the people had been lodged, clothed, and fed, and little less than eight millions of money divided annually among them, must not be suddenly overturned. "To pluck such large means of subsistence as it were from the very mouths of the poor, without affording them ample time for supplying it from other sources, would (he said) be cruel if it were safe, and would be most unwise as it would be most dangerous." He proposed therefore not to destroy the existing system for relieving the poor, but to restore and bring it back, so far as the existing grades and habits of society would admit, to the true spirit of the statute of Elizabeth. His Bill was framed in accordance with this view. It contained some useful provisions, and some that are open to objection. Of the latter class, was the proposal to empower parish officers to hire out the labour of paupers, and to compel them in certain cases to wear badges—of the former, the requiring the concurrence of three magistrates to an order of relief, and the enforcing greater exactitude in parish accounts, and directing that relief-lists should be regularly made out and kept open for the inspection of the parishioners.

Mr. Nolan's Bill received several amendments in that and the following sessions, but it failed in obtaining the support necessary for its becoming law; and like the Bills introduced by Mr. Scarlett, had only the effect of giving rise to discussion, and keeping public attention alive to the subject. The contrast of the measures for amending the law thus proposed by two men eminent as lawyers, and both occupying a prominent position in the legislature, may be regarded as a fair indication of the state of public opinion at the time. All parties saw and all admitted the evils arising out of the existing system, but all were not agreed as to the remedy to be applied. The introduction of these and other Poor-Law measures, however, and the discussions which from time to time took place on the question, prepared the way for the appointment of the Commission of Inquiry in 1832, and greatly facilitated the passing of the Amendment Act in 1834. It would have been improper therefore to have omitted noticing the Bills of Mr. Scarlett and Mr. Nolan in connection with that important measure, to which they may be said to have in some degree contributed. With both these gentlemen the author had been in communication, and some parts of Mr. Nolan's Bill were modified at his suggestion. With Mr. Scarlett he was at issue on the very principle of a Poor Law, that gentleman arguing from the probable abuse, against its use; whilst the author contended for the usefulness if not the necessity of making a legal provision for the relief of the destitute, as well on the score of humanity, as for the protection of property and the general well-being of society; and he cited the example of the parish of Southwell, where he at that time resided, in proof of the facility with which abuses might be remedied, and the administration of the law restored to its original purity.

The
author's
communi-
cations
with Mr.
Scarlett
and Mr.
Nolan.

On the 1st of February 1832,¹ Lord Althorp, in

¹ See Hansard's *Debates* of this date, p. 1099.

Intended
Commis-
sion of
Inquiry
into the
Poor Laws
announced.

answer to a question put to him, stated "that the general question of the Poor Laws was a subject of great magnitude, and involved such a variety of important considerations, that any member of the government, or of that House, would not be justified in bringing forward a measure that would apply generally to the whole collective system of the Poor Laws of this country; and that government was of opinion, that the best course to pursue was, by means of investigation and inquiry on the spot, to find out the effects of the different systems as they existed in different parishes; and accordingly, that Commissioners would be appointed for the purpose of ascertaining how the different systems worked throughout the country. When the result of this inquiry was before ministers, they would then be able to determine whether they would propose any measure on the subject.¹

1832.
2 & 3
Will. IV.
cap. 96.

Regulating
the employ-
ment of
labourers
out of
work.

Meantime however, and pending the inquiries soon afterwards instituted, an Act was passed "For the better Employment of Labourers in Agricultural Parishes until the 25th of March 1834," by which time, it was supposed, the inquiry would be completed, and government have matured its plans. This Act (2 & 3 William IV. cap. 96) commences by reciting "that notwithstanding the many laws in force for the relief and employment of the poor, many able-bodied labourers are frequently entirely destitute of work or unprofitably employed, and in many instances receive insufficient allowance for their support from the poor-rates; and that the mode of providing employment for the poor, which may be expedient in some parishes, may be inexpedient in others, and it may therefore be desirable to extend the powers of parish vestries, in order that such a course may be pursued as may be best adapted to the peculiar circumstances of each

¹ The Commissioners were appointed immediately afterwards.

parish." It then enacts, that in a vestry convened and voting conformably with the provisions of the Parish Vestry Act (58 George III. cap. 69),¹ if a majority of three-fourths of the ratepayers "shall come to any agreement solely for the purpose of employing or relieving the poor of such parish, such agreement shall forthwith be reduced to writing, and be submitted to the justices at their next petty sessions; and in case such agreement shall be approved by a majority of such justices, signified by their signatures thereon," such agreement shall be binding upon the ratepayers, for any period not exceeding six months which may be specified therein. But after noticing, that in many parishes and places "it has been the custom to pay to labourers and others less than the common rate of wages for their labour, and to make up the deficiency from the poor-rates," the 4th section expressly provides, "that nothing herein contained shall extend so as in any way to legalize or sanction any such proceeding." It is also provided that the rates are not to be applied in payment of any labour performed in another parish; and that the Act "shall not extend to any city or town containing more than one parish, nor to any parish where the poor-rates shall not exceed five shillings in the pound on the full or rack rental." This being a temporary measure, and intended only to remain in force until one of a more comprehensive nature should be matured, requires no comment.

But before entering on the larger question, there is one Act chiefly affecting the poorest description of the people, and therefore coming into close connection with the Poor Law, which requires to be noticed; that is, the Act passed for the protection of boys apprenticed to chimney-sweepers. There had been a previous Act for this purpose (28 George III. cap. 48), which is now declared to be insufficient,

¹ *Ante*, p. 180.

1834.
4 & 5
Will. IV
cap. 35.

Chimney-
sweepers.

and is therefore repealed by 4 & 5 William IV. cap. 35, which directs that “no child who shall not have attained the age of ten years shall be bound or put apprentice to any person using the trade or business of a chimney-sweeper; and that no chimney-sweeper or other person who is not a householder and rated to the relief of the poor, or assessed for payment of taxes, shall be capable of taking an apprentice to learn the business of a chimney-sweeper, or of employing in such trade any child under the age of fourteen years.” Apprentices under that age are to wear a brass plate in front of their leather cap, with the master’s name and that of the apprentice engraved thereon. No master chimney-sweeper is to let out any child for hire, neither is he to hire or employ any child under the age of fourteen other than a bound apprentice, under a penalty of £10. And before any boy shall be bound by indenture to learn the business of a chimney-sweeper, he is to have a previous trial not exceeding two months, and be of the full age of ten years: after such trial, the justices may sanction the binding of the boy; but in case the boy shall be unwilling to be bound, they are required to refuse their sanction thereto. Any master ill-treating an apprentice, is subject to a penalty of £10; and the justices are empowered to inquire into complaints made by the apprentices or their masters, “and to make such orders therein respectively, as they are by law enabled to do in other cases between masters and apprentices.” There are other provisions regulating the size and angles of flues, but the above are all that apply to the boys for whose protection the Act was chiefly framed; and who, being generally the children of persons of the very poorest class, were often exposed to great hardships, and stood much in need of such protection.¹

¹ Since this Act was passed, the sweeping of chimneys by boys has been prohibited, except in certain specified cases, the process being

We have now nearly arrived at the period when the great measure for the amendment of the Poor Law received the royal assent, and became incorporated with the statutes of the realm.¹ Our progress towards this most important portion of our subject has been slow, and may possibly have been deemed tedious; but unless all which had been previously done were stated, and the condition of the people explained, in connection with the changes that were from time to time made in the law, the object of these changes would not be so well understood, neither would the law itself, and its bearing upon national habits and feelings, be so correctly appreciated, nor the remedies at present (1853) required be so clearly seen or so fittingly applied. Such a detail of the preceding enactments as has been given, seemed therefore to be necessary for a thorough understanding of the question, in all its relations socially and morally, as it existed at the time when the Amendment Act was introduced. It appeared moreover desirable, in an historical point of view, that enactments so peculiar in themselves, and so materially affecting the well-being of a large portion of the community, should be distinctly exhibited, conjointly with the motives which gave rise to them, as far as they could be ascertained. On these views the author has hitherto proceeded, and he will continue to be guided by them in recording and commenting on the provisions of the Poor Law Amendment Act, and the circumstances which preceded, accompanied, and followed the passing of that measure, in most of which it was his privilege to bear a part.

Before entering upon this part of the subject, however, it may be expedient, by way of further preparation, to give a brief summary of the state of

now almost invariably effected by machinery, a change greatly to be commended.

¹ This took place on the 18th of August 1834.

the law, and of the effects attending it, anterior to the introduction of the Amendment Act.¹

The laws for the relief of the poor had continued to be essentially based upon 43 Elizabeth. The parish was responsible for relieving all who were destitute through age or infirmity, and for setting to work all able-bodied persons who declared that they were unable to find it for themselves, or, in the words of the Act, "had no means to maintain them, and used no daily trade of life to get their living by." This responsibility of parishes for providing employment, is affirmed by 59 George III. cap. 12, sec. 12; by 1 & 2 William IV. cap. 42; and again so late as 1832, by 2 & 3 William IV. cap. 96;² but in the latter Act, as has just been seen, with a proviso against making up any deficiency of wages out of the poor-rates,—a practice then for the first time specifically prohibited.

From the responsibility thus cast upon parishes of finding employment for all who require it, conjoined with the law of settlement, the chief evils and abuses in the administration of the English Poor Law may be said to have sprung. The settlement law tended to accumulate an excess of labourers in a parish, and the liability of the parish to furnish employment, led to indolence and improvidence on the part of the labourers, and to parochial jobbing on the part of the local authorities, under the guise of labour-rates, roundsmen, bread-scales, making up of wages, and other practices, opposed alike to sound principle, and to the original

¹ In his *History of the Scotch Poor Law*, at p. 170, the author draws an interesting comparison between the circumstances under which the English and the Scotch Inquiry Commissioners were appointed in 1832 and 1843 respectively. "In the one case (England) there had been a profuse and lavish administration of relief; whilst in the other, relief had been insufficiently administered, or altogether withheld; and against these opposite defects of stringency and laxity, of parsimony and profusion, it became in each case the Commissioners' duty to devise a remedy."

² *Ante*, p. 181, and pp. 202 and 214.

intention of the law, which empowered no man to claim employment as a right. The natural right to support, coupled with employment as a means, is merged in the laws of civilised life; and the price of labour, like other prices, must depend on the demand for it.

With respect to the relief of the indigent, the old laws of 3 William and Mary, cap. 11,¹ and 9 George I. cap. 7,² providing against a lax administration, or improperly placing persons on the list as “fit to receive collection,” although still in force, were little attended to, being practically overridden by more recent enactments. A new spirit had in fact sprung up, and instead of checking a recurrence to parish relief, and guarding against its over-free or improper administration, the chief object appeared to be to render it as accessible as possible to all who seemed, from whatever cause, to need it. This was the leading feature of Gilbert’s Act (22 George III. cap. 83),³ and of most of the local Acts. The poor were to be better provided for—the aged and infirm in comfortable buildings misnamed workhouses; and for those who were able suitable employment was to be found. The duty of the labouring classes to provide for themselves was superseded, and the public undertook the responsibility of maintaining the infirm poor in a state of comfort, and of finding work for the able-bodied at wages sufficient for their support.

But as if this were not enough, and in order to secure the full enjoyment of these advantages independently of the parish officers, who might be over careful in dispensing the parish money, 36 George III. cap. 23,⁴ enabled a justice of peace, at his discretion, to order relief to any industrious poor person at his own home, instead of its being given in a house

¹ *Ante*, vol. i. p. 323.

³ *Ante*, p. 83.

² *Ante*, p. 12.

⁴ *Ante*, p. 115.

hired or purchased "for lodging, keeping, maintaining, and employing poor persons," which is declared to have been found inconvenient, inasmuch as it sometimes prevented such occasional relief as best suited a poor person's peculiar case. Every person, therefore, as the committee of 1817 remark in their report, "who was dissatisfied with the decision of the overseer, of course applied to the justice, to whom his wants and habits must generally be less known; and in default of the attendance of the officers, which, constituted as the office of overseer is, frequently happened, either from the distance of the magistrate, or from the pressure of other business, an order or recommendation was given on the statement of the applicant alone."

The relief thus ordered, was by 55 George III. cap. 137,¹ to continue for three months, if the order were given by a single magistrate, but two justices might continue it indefinitely, by renewing the order. The 59 George III. cap. 12,² required the concurrence of two justices to an order of relief, and limited the time for which it might be given to one month; but the restrictions thence arising were in great measure neutralised, by one justice being empowered to make such order in any case of emergency, of which he was constituted sole judge. The overseers of a district were therefore subject to the control of any two magistrates, and to a considerable degree of one. The pauper might select those magistrates whom misdirected benevolence, or desire of popularity, or timidity, led to be profuse in ordering relief, and might bring forward his charges against the overseer almost with a certainty of obtaining a verdict. He appeared in the character of an injured man, dragging his oppressor to justice—if he failed, he lost nothing; if he succeeded, he obtained a triumph and a reward.³

¹ *Ante*, p. 151.

² *Ante*, p. 181.

³ Report of Poor Law Commission of Inquiry, 8vo edition, p. 133.

The law of settlement established by 14 Charles II. cap. 12,¹ together with certain additions made thereto by subsequent Acts, prescribing the conditions on which a right of settlement was to be acquired, remained in force. The first of these Acts is 3 William and Mary, cap. 11, conferring a right of settlement on persons serving an office or paying taxes in a parish. The others are 54 & 59 George III. caps. 170 and 50; 6 George IV. cap. 57; and 1 William IV. cap. 18, in which the several branches of settlement, by birth, hiring and service, apprenticeship, and owning or renting a tenement, are defined. But by far the most important addition to the settlement law was 35 George III. cap. 101,² entitled “An Act to prevent the removal of Poor Persons until they shall become actually chargeable.” This statute, although it does not put an end to the fraud and litigation which are the natural consequences of the settlement law, nor very materially lessen the expense attending it, yet prevented the infliction of much hardship by prohibiting the removal of persons under the apprehension of their eventually becoming chargeable. The other evils of settlement still remained, alike depressing the labourer and injuring the employer; but the one from long usage had gotten to consider his settlement a privilege, and the other had become callous or blinded to its real effects.

Parish vestries, and the ordering of parochial affairs generally, continued to be conducted under the provisions of 17 George II. cap. 38,³ until the passing of the Parish Vestries Act,⁴ in 1818, and the Act for constituting select vestries passed the year following,⁵ after which there was no change in the law until 1831, when the option of adopting a more popularly constituted

¹ *Ante*, vol. i. p. 279.

³ *Ante*, p. 32.

⁵ 59 George III. cap. 12, p. 193.

² *Ante*, p. 112.

⁴ 58 George III. cap. 69, p. 192.

executive than was attainable under the provisions of the Select Vestry Act, was given to parishes by 1 & 2 William IV. cap. 60, introduced by Mr. Hobhouse, and still bearing his name. The collection of the poor-rates, and the proceedings necessary thereto, were provided for by 41 George III. cap. 23; but the assessments on which the rates were founded, continued to be very unequal, and consequently in many instances unfair. The enactment in 59 George III. cap. 12, sec. 19, empowering the parishioners in vestry to rate the owners of tenements of the value of £6, and not exceeding £20 a year, instead of the occupiers, proved of little avail, it being left optional to be adopted or not; but such a practice prevailed with advantage in some places, under the provisions of local Acts.

Appren-
ticeship.

The numerous Acts regulating apprenticeship, extend from 43 Elizabeth downwards. The principal of them are 2 & 3 Anne, cap. 6,¹ prescribing the manner in which boys are to be apprenticed to the sea-service; 18 George III. cap. 47,² reducing the period of apprenticeship from the age of twenty-four to that of twenty-one; 32 & 33 George III. caps. 54 and 55,³ giving authority to magistrates in regard to binding out, etc.; 42 George III. cap. 46, requiring the parish officers to keep registers of all apprentices bound out by them; 56 George III. cap. 139,⁴ and 4 George IV. caps. 29 and 34,⁵ by which apprentices are placed under the special charge of the justices, both as regards their binding out and subsequent treatment. The laws which apply to bastardy, like those regulating apprenticeship, extend downwards from the time of Elizabeth. By 6 George II. cap. 31,⁶ any person charged with being the father of a bastard child may be immediately apprehended.

Bastardy.

¹ *Ante*, vol. i. p. 362.

³ *Ante*, pp. 102, 108.

⁵ *Ante*, p. 194.

² *Ante*, p. 81.

⁴ *Ante*, p. 156.

⁶ *Ante*, p. 22.

The 49 George III. cap. 68,¹ provides for indemnifying parishes against the charge of bastardy; and 50 George III. cap. 51,² repeals the provision of 7 James I. cap. 4,³ for the punishment of any woman who has a bastard child.

All these successive Acts bear evidence of a continually increasing amount of humane and kindly feeling in the public and the legislature, and this is especially observable in the Acts which apply to apprentices, for whose protection and well-doing all possible care seems to have been taken. The same may be said with respect to pauper lunatics, whose helplessness differs little from that of childhood, except in its being in the majority of cases permanent and irremediable, and for their protection we have just seen that provision is humanely made by 9 George IV. cap. 40.⁴

Pauper
lunatics.

In enumerating the statutes by which the administration of relief to the poor was regulated, we must not omit the new Vagrant Act, 5 George IV. cap. 83;⁵ for although vagrancy and pauperism are no longer blended, as in the early statutes, the distinction between them is not always readily perceptible; and in a law for repressing the first, provision must be made for cases in which the two may become mingled, if not identical. This is done in the above Act, founded in the main on 17 George II. cap. 5,⁶ and 32 George III. cap. 45,⁷ but modified and adapted to existing circumstances—that is, to the enormous increase of wealth and population which had taken place in the interim, and to the habits and intelligence of the time, which would not tolerate the harshness and severity of the older statutes.

Vagrant
Act.

¹ *Ante*, p. 138.

³ *Ante*, vol. i. p. 228.

⁵ *Ante*, p. 223.

⁷ *Ante*, p. 102.

² *Ante*, p. 140.

⁴ *Ante*, p. 199.

⁶ *Ante*, p. 34.

The foregoing summary of the enactments connected with the relief of the poor, and brief notice of their general tendency and results, will, it is hoped, be a fitting preparation for entering on a consideration of the proceedings which took place for investigating the subject, immediately after the announcement by Lord Althorp, of its being the intention of government to institute such an inquiry.¹

Com-
mis-
sioners ap-
pointed to
inquire into
the opera-
tion of the
Poor Laws,
and report
thereon,
Feb. 1832.

The Commissioners appointed for this purpose in February 1832 were directed "to make a diligent and full inquiry into the practical operation of the laws for the relief of the poor in England and Wales, and into the manner in which those laws are administered; and to report whether any and what alterations, amendments, or improvements may be beneficially made in the said laws, or in the manner of administering them, and how the same may be best carried into effect." They were empowered to appoint Assistant Commissioners to visit the several districts, both urban and rural, and report the practices which they found to prevail, so that the different modes in which relief was administered in different parts of the country, and the effects produced in each case might become known, and serve as guides in framing any measure which the Commissioners might deem it expedient to recommend. The assistants were selected, and instructed in the nature of the duties required from them without delay, and a set of queries was likewise extensively circulated, the returns to which afforded much valuable information. But the subject to be inquired into was so large and complicated that much time was unavoidably occupied in preparation, and in what may be called preliminary matters, producing no immediate result. On the 19th of March, however, in the following year, the Commissioners, in compliance with a request to that effect, presented to government a volume of extracts,

1833.
A volume
of extracts
published
by the Com-
missioners.

¹ See *ante*, p. 214.

containing generally the substance of the information they had up to that time received, and which, although comprising only a small portion of the evidence in their possession, contained, they say, "more information on the subject to which it relates than had ever yet been afforded to the country." The Commissioners further remark, that "the most important, and certainly the most painful, parts of its contents are—the proof that the maladministration, which was supposed to be principally confined to some of the agricultural districts, appears to have spread over almost every part of the country, and into the manufacturing towns; the proof that actual intimidation, directed against those who are, or are supposed to be, unfavourable to profuse relief, is one of the most extensive sources of maladministration; and the proof that the evil, though checked in some places by extraordinary energy and talent, is on the whole steadily and rapidly progressive."

This volume of extracts was distributed throughout the country, and produced a very decided effect on public opinion, the information it contained being admirably selected for the purpose. It was followed on the 20th of February 1834 by the full and very elaborate report of the Commissioners, with an abridged supplement appended, and also accompanied by an appendix, of which the Commissioners remark, "The evidence contained in our appendix comes from every county, and almost every town, and from a very large proportion of even the villages, in England. It is derived from many thousand witnesses of every rank, and of every profession and employment—members of the two houses of parliament, clergymen, country gentlemen, magistrates, farmers, manufacturers, shopkeepers, artisans, and peasants, differing in every conceivable degree in education, habits, and interests, and agreeing only in their practical experience as to the matters in question, in their general description both of

1834.
The Com-
missioners'
Report.

the mode in which the laws for the relief of the poor are administered, and of the consequences which have already resulted from that administration, and in their anticipation of certain further consequences from its continuance." The Commissioners then declare that "the amendment of those laws is perhaps the most urgent and the most important measure now remaining for the consideration of parliament"; and they express a hope that they shall facilitate that amendment "by tendering the most extensive, and at the same time the most consistent, body of evidence that was ever brought to bear on a single subject."

Names of
the Com-
missioners
by whom
the Report
was signed.

The report is signed by the Bishop of London, the Bishop of Chester, Sturges Bourne, Nassau W. Senior, Henry Bishop, Henry Gawler, W. Coulson, James Trail, and Edwin Chadwick,—names deserving to be held in grateful remembrance by all who love their country, and feel an interest in the welfare of its people.

Progressive
increase of
the poor-
rates.

That there were grounds, independently of the evidence now adduced by the Commissioners, for alarm as to the effects arising from the maladministration of the Poor Laws, will be apparent on reference to the continual, and of late years rapid increase of the rates. At the accession of George the First, in 1714, the poor-rates, according to the best estimate we have been able to form, amounted to £950,000 per annum, equal to 3s. 3 $\frac{3}{4}$ d. per head on the population, which then, on a like estimate, amounted to 5,750,000. At the accession of George the Third, in 1760, the population is estimated to have increased to 7,000,000, and the poor-rates to £1,250,000, showing an average of 3s. 6 $\frac{3}{4}$ d. per head on the population; whilst in 1834 the population, deduced from the census of 1831, is 14,372,000, and the money actually expended in relief of the poor, independently of county rates and other purposes, amounted to £6,317,255, which is equal to 8s. 9 $\frac{1}{2}$ d. per head on the population. This enormous increase of

the charge for relieving the poor (it having quintupled since 1760, whilst the population had only doubled) could not fail to excite alarm in all who thought on the subject. The charge had, however, been higher than it was in 1834, having in 1818 reached its maximum of £7,870,801, or 13s. 3d. per head on the population. The total amount raised in that year, under the head of poor-rates, was £9,320,440, out of which, however, £1,449,639 was applied in payment of the county rates and other items of local expenditure.

The example of Southwell, and the mode of administering relief practised there and at Bingham, had so much influence on the framing of the great measure of 1834, that it becomes necessary to explain the nature of that practice, preliminary to noticing the recommendations of the Commissioners, in order to a better understanding of the grounds on which the Amendment Act itself was framed. The task of doing this is not without its difficulties, the author having taken an active part in the proceedings he is about to describe in the case of Southwell, whilst at Bingham similar results had followed the adoption of a similar practice under the supervision of the Rev. Mr. Lowe. The means used and the effects produced being essentially the same in both cases, it will be sufficient to describe what was done at Southwell, where the system was more thoroughly organised and matured, and respecting which the author is furthermore enabled to speak with greater confidence. He has likewise the advantage of being able to refer to a pamphlet published by him at the time, partly for the purpose of making the system more generally known, and partly with the view of lessening the opposition which, in common with all innovators, he and his colleagues had to encounter in carrying out the needful reforms.¹

Example of
Bingham
and South-
well.

¹ The publication above referred to bears the title of "Eight Letters on the Poor Laws, by an Overseer," that being the office the author then

The prac-
tice at
Southwell.

The parish of Southwell contained a population of 3051 persons, according to the census of 1821.¹ The annual value of property in the parish assessed to the relief of the poor was £9681.² The money actually expended in relieving the poor, independently of county rates, law expenses, and churchwardens' and constables' accounts, amounted for the year ending at Lady Day 1821 to £2006, 7s., equal to 13s. 1 $\frac{3}{4}$ d. per head on the population, which, considering the number of persons in easy or opulent circumstances residing in the parish, was a high average. The church at Southwell is one of the old collegiate establishments, having then sixteen prebendaries,³ and a large staff of other officials, besides whom there were many persons of great respectability residing in the parish, which ought to have reduced the average. The charge had been somewhat higher in 1818, but the above is about the amount at which the expenditure had stood for the preceding six years.

A workhouse had been erected at Southwell in 1808, and was maintained at a considerable expense; but it had been of little use to the parish, if indeed it was not rather a positive evil, for it had become the resort of the idle and profligate of both sexes. There was a paid overseer to assist the ordinary overseers in their duties, and a bench of magistrates assembled weekly in petty sessions, by whom in fact the business of the parish may be said to have been conducted. Applicants for relief were pretty certain of a favourable reception by the Bench, and the opposers were almost as certain of rebuke. Matters went on thus, until the circle of pauperism embraced nearly the whole

held at Southwell. The Letters were originally printed in *The Nottingham Journal* in 1821, but in the year following were published as a pamphlet, with a few additions.

¹ At the census of 1831 the population of Southwell amounted to 3384.

² The annual value assessed to the property-tax in 1815 was £10,462.

³ The number has since been reduced.

labouring population. Self-reliance and provident habits were destroyed, the call for these qualities being superseded by a ready access to the parish purse. A stripling married a girl as ignorant and youthful as himself. They immediately apply to the overseers to provide them a house, and for something also towards getting them a bed and a little furniture. The birth of a child approaches, and the overseer is again applied to for a midwife, and for money to help them in the wife's "down-lying." Perhaps the child dies; and the parish then of course has to bury it; and if it lives, the parish must surely help to maintain it. And so it was throughout the whole range of their existence—in youth and in age, in sickness and in health, in seasons favourable and unfavourable, with low prices or with high prices—the parish was still looked to and relied upon as an unfailing resource, to which every one clung, and from which every man considered he had a right to obtain the supply of every want, even although it were caused by his own indolence, vice, or improvidence.¹

Such were the circumstances of the parish, when the author, at Lady Day 1821, undertook the office of overseer of the poor in Southwell, his colleague and the two churchwardens being respectable tradesmen of the place, with whom, it is right to state, he had the satisfaction of acting throughout with perfect confidence and cordiality. The result of their operations in a moneyed point of view, was the reduction of the actual expenditure for relief of the poor from the amount above stated of £2006, 7s. in 1820–21, to £1425, 18s.² in 1821–22, to £589, 7s. in 1822–23, and to £517, 13s.

¹ The latter portion of this paragraph is extracted from a statement of the proceedings at Southwell, which the author drew up in the early part of 1834, at the request of the Inquiry Commissioners, with reference to the Poor Law Amendment Bill then in course of preparation.

² This included £256, 2s. 3d. expended in putting the workhouse into an orderly and efficient state.

in 1823-24, about which amount it remained with little variation during the nine following years.

The means by which this reduction of expenditure and pauperism was effected consisted in attending to the interests of the ratepayers, as well as to the relief of the poor—in taking care that whilst the latter had all which the law required, that is all which was really necessary, there should be nothing to tempt people to look to the parish, instead of relying upon their own exertions. But whilst acting on this principle, the overseers were often embarrassed by the interference of the magistrates; and it was this circumstance that first led them to think of the workhouse as a means of securing for themselves greater freedom of action, an offer of relief therein satisfying all that the law required, and in most cases preventing further interference by the Bench. But in its then state, the Southwell workhouse was insufficient for any useful purpose. It was under charge of an elderly female, was at all times open to ingress and egress, and although in its construction provision had been made for the separation of the sexes, the rule had not been observed; in short, the workhouse not only occasioned great expense, but was also a source of demoralisation in the parish.

The Southwell workhouse.

The first step therefore was to put the workhouse into proper order, which was accordingly done. The building and yards were enclosed by walls, sufficiently high to prevent persons entering or leaving the premises without permission. A competent master and matron were appointed, and a set of rules framed for their guidance. The sexes were kept separate, and a certain degree of classification of the inmates was established; so that although the dietary was better than generally fell to the share of labourers' families, the restraints which were imposed made them unwilling to enter the house if they could avoid it; and thus an

offer of admission to the workhouse became, in the hands of the overseers, a test of actual want, and a protection of the parish from improper claimants. With a workhouse thus constituted to fall back upon, the overseers proceeded more boldly in their endeavours for effecting retrenchment, with what success the following statement will show.

In the year 1820-21 no less than £292, 10s. had been expended in providing employment for able-bodied labourers; this was reduced in 1821-22 to £91, 7s. 6d., and in 1822-23 to £2, 10s. 6d., after which year no employment of any kind was provided by the parish, the workhouse being offered to all who professed not to be able to find work for themselves. Very few of such offers were accepted, not more than three or four at the utmost, and in those cases the parties remained but a short time in the house. Nor did the labourers quit the parish in consequence of its not providing the accustomed employment. Finding that they were cast upon their own resources, they used greater exertions to obtain work; whilst the farmers, finding that the parish would no longer support their labourers in winter or at slack times, were induced to keep them more constantly employed, in order to secure their services in the busier seasons.

But not only was the practice of finding employment discontinued, the yet more mischievous practice of making allowances to persons in employment was likewise put an end to, the workhouse being still the alternative offered in each case. This pernicious practice of giving relief in aid of wages prevailed extensively at Southwell, as it did in most other places. In the first of the "Eight Letters" above referred to, after pointing out the consequences that must arise from such a practice, the "Overseer" asks—"Are not the mechanics in our towns almost universally paid a portion of what is called their earnings out of the poor-rates? Have

Employment by the parish discontinued.

Allowances to persons in employment discontinued.

not the very stockings which I now wear been in part paid for by the parish in which they were made? Is there a farmer throughout the kingdom who has not a part of his labour (and in many instances a large part too) performed at the expense of the parish?—Are not great numbers of the labouring classes housed, clothed, and fed, from year's end to year's end, by their respective parishes?" He then proceeds—"So wide indeed has this pestilent system spread, that its influence may be everywhere detected. But this is not all—it is and must continue to be an *increasing* evil; and unless it be rigorously opposed it will, and necessarily must, bring the whole of our working population within its vortex—they cannot of themselves resist its influence, however well disposed they may be to do so—they must *all*, in the end, throw themselves on their parishes or starve." This result, or anything approximating to it, was happily averted at Southwell by the total abandonment of the practice; and although some discontent was at first manifested on the withdrawal of the accustomed allowances, it soon passed away, and the labouring classes, rescued from such a taint of pauperism, evidently improved both socially and morally.

Payment
of rents dis-
continued.

As with employment, so it had been the practice at Southwell to provide dwellings, or to pay the rents of cottages for labourers and others. In 1820–21, the rents so paid amounted to £184, 18s. In the following year they were reduced to £85, 6s. After which no rents whatever were paid out of the poor-rate, the people being left to provide habitations for themselves, as well as the other necessities and conveniences of life, an offer of the workhouse being still the alternative.

The relief afforded to those who came under the designation of permanent poor was less reduced or altered than any other branch of expenditure. They

were for the most part aged and infirm, and were little interfered with in any way. But the relief to the casual or occasional poor admitted of considerable curtailment, and was reduced from £138, 9s. 4d. in 1820-21 to £68, 7s. in 1822, to £33, 13s. in 1823, and to £19, 10s. 6d. in 1824. The relief of the non-resident poor, that is, those having a settlement in Southwell but residing elsewhere, was also materially reduced. This class of cases was peculiarly open to misrepresentation and abuse. The amount of non-resident relief in 1820-21 was £93, 8s. 6d.; in 1821-22 it was £41, 17s.; in 1822-23 it was £30, 16s.; and in 1823-24 it was brought down to £13, 7s. 6d., the workhouse being offered whenever the relief was discontinued or reduced. Relief generally reduced.

Bastardy had prevailed much in Southwell, and the expense to the parish thence arising was considerable. Bastardy. In 1820-21 it amounted to £60, 1s. 6d.; in 1821-22 to £79, 13s. 6d.; in 1822-23 to £26, 8s. 6d.; in 1823-24 to £13, 0s. 6d.; and in 1824-25 to £20, 1s. 6d., about which amount the charge under the head of bastardy continued during the next ten years. All the changes in dealing with this difficult question, were made with the view of inducing greater restraint on the part of the female. The practice had been lax in this respect; the sympathy for the mother, who was ostensibly the greatest sufferer, operating as a palliative for her lapse from virtue, and causing its consequences to the community to be overlooked or lightly regarded.

Soon after the workhouse had been brought into effective operation, and when some progress had been made in economising expenditure, it was determined to make the rating for relief of the poor universal in the parish, and that none should be excused.¹ Hitherto None excused paying the poor-rate.

¹ The power of excusal was given to petty sessions by 54 Geo. III. cap. 170. *Ante*, p. 150.

most of the cottages and dwellings of the working classes had been omitted in the collection, and the poor-rates came to be regarded in the light of a tax payable by one class for the benefit of another ; and so viewed, we cannot wonder that the latter should be desirous of obtaining as much of the supposed benefit as possible. No poor man, that is, no labouring man, hesitated to dun the overseers for what he considered his share, nor scrupled to resort to trick or subterfuge for the purpose of obtaining it. If every individual were required to pay the rate, it would serve as a corrective to this evil, and be to some extent a protection to the ratepayers generally, and this was accordingly done. Even those in receipt of an allowance from the parish were required to pay their poor-rates, which thus became a contribution, not from one class only for the benefit of another, but from all of every class for relieving the necessities of the indigent ; and the administrators of this relief were enabled to say, that their duty to the poor as well as to the rich, required from them the exercise of a strict economy in dispensing it. The consequences in other respects were also beneficial, for the people took a pride in these payments, and exhibited the printed receipts which they obtained in return, as proofs that they also had contributed for the common benefit.

Workhouse
school.

In aid of the other measures for improving parochial administration at Southwell, a school was opened in a building adjoining the workhouse, to which one or more of the children of labourers burdened with large families and applying for relief, were admitted and kept during the day, returning to their parents at night. The "Overseer" states, that "the children were employed in a way suitable to their ages, were wholesomely fed, were taught to read the Bible, and instructed in their duty towards God and man. Those

children who attended on Sunday had their dinners given to them, and were taken regularly to church.”¹

The success attending the new organisation and use of the workhouse at Southwell, led, in the latter end of 1823, to the incorporation of forty-nine neighbouring parishes, under 22 George III. cap. 83, for the purpose of providing a common workhouse, and managing the poor of the associated parishes according to the system adopted in Southwell. In thus acting, it was no doubt overlooked that the principle of this statute (known as Gilbert's Act) in no respect accorded with the Southwell practice, except only as respects the providing of a workhouse; but the Act enabled parishes to unite, and to raise money, and erect the necessary buildings; and this being done, the “Thur-
garton Hundred Incorporation” became a useful fence <sup>“Thur-
garton
Hundred
Incorpor-
ation.”</sup> against the spread of pauperism in that district. It did not affect any material reduction of the rates, but it was a means of preventing their increase.²

The reforms at Southwell above described, were as complete as the means by which they were accomplished was direct and simple; and in this respect the example was of great importance to the Commissioners of Inquiry, whose object it was to discover some means susceptible of general application, which would be effective for correcting the evils arising out of the Poor Law as then administered. There were other parts of the kingdom where those evils had attained a greater head, but every variety of them existed in a greater or less degree both at Southwell

¹ “Eight Letters on the Poor Laws, by an Overseer,” see p. 30.

² The author was mostly absent from Southwell after 1823, and in 1827 he altogether ceased to reside there. He, however, visited it occasionally, and never failed to inquire into the state of the parish, and the working of the incorporation. It was on one of these occasional visits that he was greeted in the market-place by a number of labourers with expressions of hearty good-will, and with declarations of his having been their best friend, for that he had compelled them to take care of themselves. How gratifying this must have been will be readily imagined.

The work-
house prin-
ciple.

and at Bingham, and had there been successfully dealt with and overcome. The examples of Southwell and Bingham were therefore of much value to the Commissioners, on whom had been devolved the duty of devising a remedy for the abuses of the Poor Laws; and they were relied upon accordingly as instances of substantial reforms, growing out of the practical application of a principle simple and effective, and that might be reasonably expected, wherever it was adopted, to be as effective as it had proved in the case of these parishes. This principle consisted in so regulating parish relief, as to ensure its non-acceptance unless under circumstances of actual want, such want being at the same time always certain of finding the relief of which it stood in need. A well-regulated workhouse answers these two conditions. No person in actual want will reject the relief proffered therein, and a person not in actual want will not submit to the restraints by which the relief is accompanied. Workhouse relief will be more repugnant than labour to persons able to work, whilst to those who are disabled as well as indigent the workhouse will be a welcome refuge.

Workhouse relief, or the workhouse principle, as here stated, was the foundation of the reforms which had been effected at Bingham and at Southwell. Other matters of much interest and importance, and requiring to be kept in view as examples to be followed or beacons to be avoided, were elicited in course of the investigations instituted by the Commissioners of Inquiry, whose assistants examined into and reported upon the practices which prevailed in every part of the kingdom; but in no instance was anything discovered so simple and complete, or of equal efficiency as a corrective, or that was so susceptible of universal application, as the workhouse principle developed and established at Southwell.

CHAPTER XV

A.D. 1834

Report and recommendations of the Poor Law Inquiry Commissioners—Speech of Lord Althorp on introducing to the House of Commons a Bill founded on the Commissioners' recommendations—Speeches of Lord Brougham and the Duke of Wellington—Passing of the Poor Law Amendment Act—Summary of the Act—State of the country—Expenditure on relief—Amount of rates, population, and prices of wheat.

THE Inquiry Commissioners give in their report a very full summary of the evidence which had been obtained, and of the conclusions to which they had come, on the several points of chief importance in poor-law administration; and to this report it is now necessary that we should direct our attention, before entering on a consideration of the Amendment Act which was founded upon it.¹

The Commissioners commence by detailing their course of procedure, and then giving a brief summary of the progress of the Poor Law, after which they describe the nature of the relief which it was the practice to give to able-bodied persons, in kind, in money, without labour, in aid of labour or the allowance system, the roundsmen system, and by parish employment,—in all of which several modes of relief numerous instances of abuse and malpractice are cited, leading to consequences injurious to every class, to the ratepayer and the employer as well as the labourer.

1834.
Report of
the Poor
Law In-
quiry Com-
missioners.

¹ "Report from the Commissioners for Inquiry into the Administration and practical Operation of the Poor Laws," dated February 20th, 1834.

In-door relief is next considered,—that is, the relief “given within the walls of the poorhouse, or, as it is usually, but seldom properly, denominated, the workhouse.” This is likewise declared to be subject to great maladministration, many instances of which are cited; whilst it is on the other hand admitted, that “in some few instances, among which Southwell, in Nottinghamshire, is pre-eminent, the workhouse appears to be a place in which the aged and impotent are maintained in comfort, and the able-bodied supported, but under such restrictions as not to induce them to prefer it to a life of independent labour.”

The Commissioners consider that the evils consequent on the existing system of administering relief, both in-door and out-door, are, “on the whole, steadily and rapidly progressive.” The effects on the owners of property are then stated, including the case of Cholesbury in Buckinghamshire, where, in 1832, it is said, the collection of the poor-rate had “suddenly ceased, in consequence of the impossibility to continue its collection, the landlords having given up their rents, the farmers their tenancies, and the clergyman his glebe and his tithes.” It is remarked, however, that the “evidence exhibits no other instance of the abandonment of a parish, but it contains many in which the pressure of the poor-rate has reduced the rent to half, or to less than half, of what it would have been if the land had been situated in an unpauperised district, and some in which it has been impossible for the owner to find a tenant.” The effects on the employers of labour, and on the labourers themselves are next shown, and instances of the effects in each case are cited in such detail, as to leave no doubt in the reader’s mind of the general accuracy of the description.

After this the several authorities to whom the ordering and administering of relief is confided are

noticed, and the functions of the overseers, of the vestry open and select, and of the magistrates, are pointed out, and their characteristics respectively described. In this description, instances are adduced of great mischief arising from the improper interference of magistrates in ordering relief. After bearing testimony to the merits of the general body, the Commissioners remark, that "the magistrates have exercised the powers delegated to them by the Poor Laws, not wisely indeed, or beneficially, but still with benevolent and honest intentions; and the mischief which they have done was not the result of self-interest or partiality, or timidity, or negligence, but was in part the necessary consequence of their social position, and of the jurisdiction which was confided to them, and in part arose from the errors respecting the nature of pauperism and relief which prevailed among all classes at the time when the allowance system and the scale were first introduced." It is then declared that, "under the influence of such opinions, even good intentions may become mischievous"; and that "a more dangerous instrument cannot be conceived than a public officer, supported and impelled by benevolent sympathies, armed with power from which there is no appeal, and misapprehending the consequences of its exercise."

The magistrates.

Having given an outline of the most striking instances of maladministration, and described the effects, the Commissioners next point out the evils of the law of settlement, and the perjury, fraud, and falsehood of which it is the occasion; but there are, it is added, "other evils, greater and more extensive, which arise from the mere existence of a law of settlement, whatever that law may be, which increase in intensity in proportion as the limits of the district which has to support what are called its own poor are restricted, and could be mitigated only

Law of settlement.

by its extension, and removed only by its entire abolition."

Bastardy.

The next subject adverted to is bastardy, which is said to be "a branch of the Poor Laws, distinguished from the rest both as to the principles on which it is founded, and the evils which it has produced." The several Acts on the subject, from 18 Elizabeth¹ downwards, are noticed, and examples of their operation given. The objects of these Acts are stated to be two—the diminution of crime, and the indemnity of the parish; but whilst the first is unquestionably the most important, the chief efforts are said to have been directed to the second, and with the usual fate of pauper legislation, for the indemnity of the parish has not been effected, although every other object has been sacrificed to it—"The guidance of nature has been neglected; the task of resistance has been thrown upon the man instead of the woman; marriages, in which the least fault is improvidence, have been not only promoted but compelled; every possible inducement has been held out to perjury and profligacy, simply to save parishes from expense; and the direct effect has been, in all probability, to double or quadruple that expense, the indirect effect to augment it still more"; and finally, the Commissioners declare, that "even among the laws which we have had to examine, those which respect bastardy appear to be pre-eminently unwise."

Three other questions are then discussed, namely, making the poor-rate a national charge, the occupation of land by labourers, and a labour-rate, the two latter being treated at much length. These propositions had at that time each its advocates; but the Commissioners declared against all three, as being contrary to sound principle, and calculated to produce injurious results.

¹ *Ante*, vol. i. p. 165.

After thus reviewing the defects of the existing system, and pointing out the evils arising from it, the Commissioners proceed to describe the remedial measures which they deem to be necessary, taking for their guide the general principle—"That those modes of administering relief which have been tried wholly or partially, and have produced beneficial effects in some districts, be introduced with modifications according to local circumstances, and carried into complete execution in all."

Remedial
measures.

The Commissioners consider that the most pressing evils of the system are those connected with the relief of the able-bodied, and to these they first apply themselves. If they believed such evils to be necessarily incidental to the relief of the able-bodied, they would not, they say, hesitate to recommend its entire abolition; but they do not believe this to be the case, and, on the contrary, are of opinion, that under proper regulations "such relief may be afforded safely and even beneficially."

Relief of
the able-
bodied.

Attention is then called to the distinction between *indigence* and *poverty*, and it is shown that whilst provision is made in all civilised communities for relieving the former, in England by a compulsory rate, in other parts of Europe by charitable contributions, "it has never been deemed expedient that provision should extend to the relief of poverty, that is, the state of one who, in order to obtain a mere subsistence, is forced to to have recourse to labour." This distinction has, it is said, been disregarded, and poverty and indigence blended, in administering relief under the English Poor Law; and examples of the evils which then ensue are adduced. But the Commissioners nevertheless declare their belief, founded on the evidence they have collected, "that a compulsory provision for the relief of the indigent, can be generally administered on a sound and well-defined principle; and that under the

Distinction
between
poverty
and in-
digence.

operation of this principle, the assurance that no one need perish from want may be rendered more complete than at present, and the mendicant and vagrant be repressed by disarming them of their weapon—the plea of impending starvation.”

The principle on which relief should be administered.

With respect to the mode of administering relief, it is considered that the public is warranted in establishing such conditions as will conduce to the benefit of the individual, or of the community at whose expense he is relieved; and it is laid down as the most essential of all conditions, “that his situation on the whole shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class”; and it is said to be shown throughout the evidence, “that in proportion as the condition of any pauper class is elevated above the condition of independent labourers, the condition of the independent class is depressed, their industry is impaired, their employment becomes unsteady, and its remuneration in wages is diminished. The converse is the effect when the pauper class is placed in its proper position below the condition of the independent labourer”; and therefore, “every penny bestowed that tends to render the condition of the pauper more eligible than that of the independent labourer,” is declared to be “a bounty on indolence and vice.” In all the instances where parishes have been dispauperised, the pauper is stated to have been placed in a position below that of the independent labourer, which is declared to be the main principle of all sound Poor Law administration; and examples of its application, as well in town as in country parishes, and under every variety of circumstances, are adduced.

The Commissioners therefore, in consideration of the benefits to be anticipated from the adoption of measures already tried, recommend that—

“All relief whatever to able-bodied persons or to their families, otherwise than in well-regulated workhouses (*i.e.* places where they may be set to work according to the spirit and intention of 43 Elizabeth), shall be declared unlawful, and shall cease, in manner and at periods hereafter specified,¹ and that all relief afforded in respect of children under the age of 16 shall be considered as afforded to their parents.”

1. Out-relief to able-bodied persons to cease.

This is the first of the “remedial measures” recommended by the Commissioners, and the use they thus propose to make of the workhouse, and their reliance upon it as a means for putting an end to relief to the able-bodied, and for repressing pauperism, is chiefly founded on the experience of Bingham and Southwell, where for a series of years it had proved effective for these purposes. A well-regulated workhouse, it is remarked, “meets all cases, and appears to be the only means by which the intention of the statute of Elizabeth, that all the able-bodied shall be set to work, can be carried into execution.”

In concluding this part of their subject, the Commissioners observe that they have dwelt at so much length on the necessity for abolishing out-door relief to the able-bodied, because they are convinced that it is the master evil of the present system. And they add, with great force and truth—“The heads of settlement may be reduced and simplified, the expense of litigation may be diminished, the procedure before the magistrates may be improved, uniformity in parochial accounts may be introduced, less vexatious and irregular modes of rating may be established, systematic peculation and jobbing on the part of the parish

¹ The precise time and manner are left to the discretion of the central board, but two years was afterwards proposed as the utmost limit. This limitation was, however, subsequently withdrawn from the Bill.

officers may be prevented; the fraudulent impositions of undue burthens by one class upon another class, the tampering with the labour-market by the employers of labour, the abuse of the public trust for private or factious purposes may be corrected, and all the other collateral and incidental evils may be remedied: but if the vital evil of the system, relief to the able-bodied on terms more eligible than regular industry, be allowed to continue, we are convinced that pauperism with its train of evils must steadily advance, as we find it advancing in parishes where all or most of its collateral and incidental evils are, by incessant vigilance and exertion, avoided or mitigated.”¹

The question next considered was the agency by which a correct administration of relief should be maintained. The instances which had occurred of the defeat of legislation by unforeseen obstacles, or by the laws not being administered in accordance with the expressed will of the legislature, led the Commissioners to distrust the operation of enactments, however clear and precise, unless a special agency were appointed to superintend and control their execution. They say, “We find on the one hand, that there is scarcely one statute connected with the administration of public relief which has produced the effect designed by the legislature, and that the majority of them have created new evils, and aggravated those which they were intended to prevent”; whilst on the other hand, they declare that the obstacles to the due execution of any new legislative measure by the existing functionaries, are greater than heretofore, the interests of individuals in maladministration, stronger, and the interests in checking abuses proportionally weaker; and moreover, that “the dangers to person and property from any attempts to affect the intention of the statute of Elizabeth, are greater than any penal-

¹ See note to p. 392, *post*.

ties by which the law might be attempted to be enforced." "Here and there," it is added, adopting the words of one of the witnesses, "an extraordinary man will come into office and succeed very satisfactorily, but when he goes there is generally an immediate relapse into the old system"; and the conclusion to which the Commissioners come is, "that no uniform system can be carried into execution, however ably it may be devised, nor can any hopes of permanent improvement be held out, unless some central and powerful control is established."

Continuing their investigations with the aid of the extensive information they had obtained on this important point, the Commissioners observe—"We must anticipate that the existing interests, passions, and local habits of the parish officers will, unless some further control be established, continue to sway and to vary the administration of the funds for the relief of the indigent; and that whatever extent of discretion is left to the local officers, will be used in conformity to those existing interests and habits. Wherever the allowance system is now retained, we may be sure that statutory provisions for its abolition will be met by every possible evasion. To permit out-door relief as an exception, would be to permit it as a rule. The construction which has been put on 59 George III.¹ shows that every case would be considered 'a case of emergency'; and under provisions directing that the able-bodied shall be relieved only in the workhouse, but allowing relief in money to be continued to the sick, we must be prepared to find allowances continued to many of the able-bodied, as belonging to the excepted class." In a large proportion of the districts where the allowance system prevails, the labourers who had been examined, asserted that the discretion allowed to parish officers in distributing relief, had been used

¹ *Ante*, p. 186.

prejudicially to them; and however groundless such assertions may be, the fact of their being made is a reason for endeavouring to remove the grounds for them; and the Commissioners express a persuasion, that general regulations made under the immediate control of the executive, would, on account of the disinterestedness of the source whence they emanated, meet with a comparatively more ready obedience.

The Commissioners declare that the condition of the pauperised districts is not such as to admit of uniform and precise legislation on matters of detail; that the differences in the mode of administering the law have produced habits and conditions equally different; and that the best informed witnesses have represented, that the measures which were or might be eligible in other districts, would be unsuitable to their own; so that even if a simultaneous change of system throughout the country were practicable, they say that it ought to be avoided, and they considerately add,—“It must be remembered that the pauperised labourers were not the authors of the abusive system, and ought not to be made responsible for its consequences. We cannot therefore recommend that they should be otherwise than gradually subjected to regulations which, though undoubtedly beneficial to themselves, may by any sudden application inflict unnecessary severity. The abuses have grown up in detail, and it appears from our evidence that the most safe course will be to remove them in detail”—for which purpose, the Commissioners in the second place recommend—

2. A central board to be appointed.

“The appointment of a central board to control the administration of the Poor Laws, with such Assistant Commissioners as may be found requisite; and that the Commissioners be empowered and directed to frame and enforce regulations for the government of workhouses,

as to the nature and amount of the relief to be given, and the labour to be exacted in them; and that such regulations shall, as far as may be practicable, be uniform throughout the country."

The abolition of out-door relief to the able-bodied being included under the first head of recommendation, Commissioners consider—"That this prohibition should come into universal operation *at the end of two years*, and as respects new applicants at an earlier period; and that the central board should have power, after due inquiry and arrangements, to shorten these periods in any district—with such powers the central board might discontinue abusive practices, and introduce improvements gradually, detail after detail, in district after district, and proceed with the aid of accumulating experience." By such gradual procedure, both trouble and expense would be saved to parishes in which abusive practices prevailed, and the central board would assist those parties who willingly exerted themselves to bring about the necessary change, and would lighten the responsibility to those who were timid, or who found the burthen so heavy as to paralyse their efforts. It is further considered, with reference to the contemplated changes, that if the good regulations existing in some parishes were established in all to which they were found applicable, it would secure better results than could be expected from untried enactments, or any other mode of proceeding. Wherefore, the Commissioners recommend—

"That the same powers of making rules and regulations that are now exercised by upwards of 15,000 unskilled and practically irresponsible authorities, liable to be biassed by sinister interests, should be confined to the central

3. The central board empowered to make rules and regulations.

board, on which responsibility is strongly concentrated, and which will have the most extensive information."

The chief evil of the existing practice being the prevalence of pauperism among the able-bodied, and a well-managed workhouse having proved a remedy for this evil, the means by which workhouses could best be provided and proper management of them enforced, was next considered.

Of the 15,535 parishes in England and Wales, 737 have a population not exceeding 50 persons, 1907 in which it does not exceed 100, and 6681 in which it does not exceed 300. Such parishes could not, it is said, support a workhouse, though they may have a poorhouse, "a miserable abode occupied rent-free by three or four dissolute families mutually corrupting each other." In parishes containing a population of from 300 to 800 (of which there are 5353) the building called the workhouse is described as being usually occupied by 60 or 80 paupers—"made up of a dozen or more neglected children, 20 or 30 able-bodied adult paupers of both sexes, and probably an equal number of aged and impotent persons who are proper objects of relief. Amidst these, the mothers of bastard children and prostitutes live without shame, and associate freely with the youth, who have also the example and conversation of the frequent inmates of the county gaol, the poacher, the vagrant, the decayed beggar, and other characters of the worst description. To these may often be added a solitary blind person, one or two idiots, and not unfrequently are heard, from among the rest, the incessant ravings of some neglected lunatic. In such receptacles the sick poor are often immured." Such is the revolting picture drawn by the Commissioners of the old parish workhouse, of which they cite many examples, and the general truth-

fulness of the description must be admitted, as must likewise the fact that a more certain means of demoralisation could hardly have been devised.

The question of this all-important agent is then discussed at considerable length, both as to the means of providing it, and how it should be applied, whether to single parishes or to several combined in a union,—whether as a large building sufficiently capacious to accommodate every class under the same roof, or as separate and smaller buildings for the reception of distinct classes. These and other points in connection with the workhouse, are brought under consideration in the report, although it must be confessed with views somewhat less clearly defined than on most other parts of Poor Law administration. The Commissioners give it however as their opinion, that the inmates of every workhouse should be separated into not less than four classes, namely, (1) the aged and really impotent; (2) the children; (3) the able-bodied females; (4) the able-bodied males—of whom it is observed, “we trust that the two latter will be the least numerous classes.”

The Commissioners then enter upon the consideration of how far it will be practicable to make use of the existing buildings, and with respect to this point they remark, “Although we cannot state that there may not be some districts where new workhouses would be found requisite, we have no doubt that where this does occur, the erection of appropriate edifices, though apparently expensive, would ultimately be found economical”; and they conclude by recommending—

“That the central board be empowered to cause any number of parishes which they may think convenient, to be incorporated for the purpose of workhouse management, and for providing new workhouses where necessary, to declare

4. Parishes may be united, and workhouses provided at the common charge.

their workhouses to be the common workhouses of the incorporated districts, and to assign to those workhouses separate classes of poor, though composed of the poor of distinct parishes, each distinct parish paying to the support of the permanent workhouse establishment, in proportion to the average amount of the expense incurred for the relief of its poor for three previous years, and paying separately for the food and clothing of its own paupers."

One of the principal suggestions by writers on the amendment of the Poor Law, was a provision for compelling the adoption of a uniform and well-arranged system of accounts. This was attempted in Mr. Nolan's bill,¹ and appears to have been considered a sufficient check on speculation. On this the Commissioners remark, that arrangements to insure completeness, clearness, uniformity, and publicity of parochial accounts, are as requisite in this as in any other department of public administration, and they recommend—

5. A uniform system of accounts to be established.

"That the central board be empowered and required to take measures for the general adoption of a complete, clear, and as far as may be practicable, uniform system of accounts."

But they add, "It appears to us that new arrangements as to the mode of transacting the business in question, and the establishment of self-acting checks (which are partly independent of accounts), are equally requisite; and it is one advantage of management on a large scale, that it admits of these arrangements and securities, without any increase of expense."

Extended districts, moreover, it is said, afford facilities for providing useful employment, opportunities for which are often wanting in single parishes.

¹ *Ante*, p. 212.

Employment of some kind may indeed be always provided, but the Commissioners conclude that it ought, as far as possible, to be useful employment, whilst in order to save themselves trouble, “parish officers have resorted to the expedient of sending paupers on fictitious errands, with baskets full of stones, or blank paper directed as letters, and other devices of the same nature, obviously intended to torment them.” All such contrivances are declared to be pernicious, as they not only generate revengeful feelings in the paupers, but also excite sympathy for them, and create obstacles to the use of legitimate labour and salutary discipline, “wherefore they ought to be carefully prevented,” and the Commissioners recommend—

“That the central board be empowered to incorporate parishes for the purpose of appointing and paying permanent officers, and for the execution of works of public labour.”

6. Parishes to be incorporated for providing employment.

An apprehension is however at the same time expressed, that the appointment of efficient officers for the purpose will be found difficult, as the persons best qualified would not be likely to be selected in districts where abusive practices most prevailed, and it would therefore seem to follow that the central board ought to be empowered to appoint such officers. But this is not recommended, the Commissioners being doubtful of the capacity of a single board to select a sufficient number of well-qualified persons, “and because the patronage, though really a painful encumbrance to them, would be a source of public jealousy.” On the whole, it is considered, that if the central board were to prescribe the qualifications of salaried officers, and were also empowered to remove them, all that is really necessary for securing efficient services would be attained; and the Commissioners accordingly recommend—

7. The board to prescribe qualifications for paid officers, and to remove them if incompetent.

“That the central board be directed to state the general qualifications which shall be necessary to candidates for paid offices connected with the relief of the poor, to recommend to parishes and incorporations proper persons to act as paid officers, and to remove any paid officers whom they shall think unfit for their situations.”

The prevalence of jobbing, fraud, and mismanagement in providing supplies of food and other necessities to the workhouses, the Commissioners observe, “is indicated not only by the direct testimony contained in our appendix, but by the recurrence in the answers to our circular of apprehensions of peculation”; and they add, “private interest, often apparently considerable, has always created the strongest and most successful opposition to improvement.” Wherefore, as a corrective for this evil, it is recommended—

8. Supplies to be furnished by open tender and contract.

“That the central board be empowered to direct the parochial consumption to be supplied by tender and contract, and to provide that the competition be perfectly free.”

This, it is said, will prevent much indirect fraud; but the prevention of direct embezzlement must also be provided for, as men will not, on public grounds, proceed against their own friends and neighbours, wherefore it is recommended—

9. The central board to act as public prosecutors.

“That the central board be empowered and required to act in such cases as public prosecutors.”

The Commissioners state, that complaints were received from nearly every part of the country, of the number of persons who in certain seasons obtain large wages, sufficient to maintain themselves and their families throughout the year and provide against sickness and other casualties; yet who spend their earnings

as fast as they receive them, and when out of work, throw themselves on the parish, which is compelled to support them until the season of high wages returns. It is likewise stated, that the Chelsea pensioners make about 14,000 assignments of their pensions annually to parish officers, and that 1480 more of such pensions are annually claimed on magistrates' orders, in cases where the wives and families of pensioners have become chargeable; and, also, that 1200 pensions, amounting to £12,500, were in the last year attached and recovered from the Greenwich out-pensioners, the whole of which would have been lost to the parishes, and spent in dissipation or thoughtless extravagance, but for the powers given by 59 George III. cap. 12.¹ If power of attaching wages were given to parish officers, or of compelling the reservation of certain instalments for liquidating the debts due to the parish, a proportion of those debts might be recovered, and the Commissioners accordingly recommended—

“That under regulations, to be framed by the central board, parishes be empowered to treat any relief afforded to the able-bodied, or to their families, and any expenditure in the workhouses, or otherwise incurred on their account, as a loan, and recoverable not only by the means given by the 29th section of 59 George III. cap. 12, but also by attachment of their subsequent wages, in a mode resembling that pointed out in the 30th, 31st, and 32nd sections of that Act.”

10. Relief may be treated as a loan.

The next subject adverted to is apprenticeship, on which less information is said to have been received than on any other, and even that is found to be contradictory. The Commissioners consider apprenticeship to be a mode of relief expressly pointed out by 43

¹ *Ante*, p. 181.

Elizabeth, and as being closely interwoven with the habits of the people in many districts; but they think it probable that the laws respecting it are capable of improvement, “particularly those portions of them which render the reception of a parish apprentice compulsory,” and they therefore recommend—

11. Parish
appren-
tices.

“That the central board be empowered to make such regulations as they shall think fit respecting the relief to be afforded by apprenticing children, and that at a future period, when the effect of the proposed alterations shall have been seen, the central board be required to make a special inquiry into the operation of the laws respecting the apprenticing children at the expense of parishes, and into the operation of the regulations in that respect which the board shall have enforced.”

With respect to vagrants, a large mass of evidence is stated to have been obtained, from which it appears “that vagrancy has actually been converted into a trade, and that not an unprofitable one.” This fact is announced as if it were a new discovery, but the whole tenour of the present work shows, that the trade of vagrancy has existed from a period so remote as to baffle any attempt to ascertain its origin. The Commissioners are hopeless of finding a remedy for it in “detailed statutory provisions,” the tendency of legislation respecting the poor being, they observe, to aggravate the evils which it was intended to cure. But they add—“feeling convinced that vagrancy will cease to be a burthen, if the relief given to vagrants is such as only the really destitute will accept; that this cannot be effected, unless the system is general; and also convinced that no enactments to be executed by parochial officers will, in all parishes, be rigidly adhered to, unless under the influence of strict supervision and control”—

“We recommend that the central board be empowered and directed to frame and enforce regulations as to the relief to be afforded to vagrants and discharged prisoners.”

12. Vagrancy.

The Commissioners pause in their recommendations at this stage of their report, and say, “We have now given a brief outline of the functions, for the due performance of which we deem a new agency or central board of control to be requisite, and we have inserted none which the evidence would warrant us in believing attainable by any existing agency.” The length of their report, they add, precludes further detail of the powers and duties of the proposed central board, which must be measured by the nature of the existing evils, and by the failure of the attempts hitherto made for their removal. These powers are, it is observed, “in fact the same as are now exercised by 15,000 sets of annual officers, the majority of whom are ignorant of their duties, liable to be influenced by their fears or self-interest, and subject to little real responsibility; whilst the central board would act upon the widest information, under the control of the legislature, and unbiassed by partiality or intimidation.”

The Commissioners then declare their conviction that the existing evils cannot all be eradicated by the measures above proposed—“the mischiefs which have arisen during a legislation of more than 300 years, must (they say) require the legislation of more than one session for their correction”; and in order to bring the proceedings of the central board more completely within the supervision of the legislature, and to secure that progressive improvement from which alone an ultimate cure can be expected, they recommend—

“That the board be required to submit a report annually to one of the secretaries of state, con-

13. The board to report annually.

taining—1. An account of their proceedings; 2. Any further amendments which they may think it advisable to suggest; 3. The evidence on which the suggestions are founded; 4. Bills carrying those amendments (if any) into effect, which Bills the board shall be empowered to prepare with professional assistance.”

It is considered that three Commissioners might transact the business of the board, and eight assistants would be necessary for examining into the administration of relief in the several districts: and, as the board would be responsible for this and all other duties, it is recommended—

14. The board to appoint their assistants and officers.

“That the central board be empowered to appoint and remove their assistants and all their subordinate officers.”

The important and difficult questions of settlement and bastardy are next brought under consideration, with a view to devising some remedy for the evils of which they are the cause, or by which they are attended.¹

With respect to *settlement*, the Commissioners observe, “We have seen that the liability to a change of settlement by hiring and service, apprenticeship, purchasing or renting a tenement, and estate, are productive of great inconvenience and fraud; and it does not appear that those frauds and inconveniences are compensated by any advantage whatever.” It is further remarked, that these heads of settlement were introduced as qualifications of an arbitrary power of removal, as without them parish officers might have confined almost every man to the place of his birth;

¹ The questions of settlement and bastardy are discussed at much length in an earlier part of the Commissioners’ report. They have been briefly noticed at pp. 240 and 243, *ante*.

but as no one could now be removed, unless by applying for relief he gave jurisdiction to the magistrates, they were no longer needed; and it is therefore recommended—

“That settlement by hiring and service, apprenticeship, purchasing or renting a tenement, estate, paying rates, or serving an office, be abolished.”

15. Settlement by hiring and service, etc., to be abolished.

There would then remain settlement by parentage, birth, and marriage, with respect to which, it is recommended—

“That the settlement of every legitimate child, born after the passing of the intended Act, follow that of the parents or surviving parent, until such child shall attain the age of sixteen years, or the death of its surviving parent; and that at the age of sixteen, or on the death of its surviving parent, such child shall be considered settled in the place in which it was born.”

16. A child's settlement to follow that of the parents or surviving parent.

The introduction of settlement by residence is not proposed, although it has advantages as compared with other conditions; but these advantages are said to be overbalanced by objections still more powerful. It is however recommended, that instead of the present mode of first removing a pauper, and then inquiring as to the legality of so doing, the inquiry should precede the removal. And in order to afford facilities for the proof of a birth settlement, the Commissioners recommend—

“That whenever there shall be any question regarding the settlement by birth of a person, whether legitimate or illegitimate, and whether born before or after the passing of the intended Act,

17. Place where first known, to be reckoned the place of birth.

the place where such person shall have been first known to have existed, shall be presumed to have been the place of birth, until the contrary shall be proved."

Bastardy.

With respect to the bastardy laws, it is averred that "they increase the expense which they were intended to compensate, and offer temptations to the crime which they were intended to punish." Their entire abolition is therefore advocated, and it is proposed to restore things as nearly as possible to the state in which they would have been if no such laws had ever existed, trusting "to those checks, and to those checks only, which providence has imposed on licentiousness." A child until emancipated depends on its parents, and their place of settlement is also the settlement of their offspring. This is the law with respect to legitimate children, but as only one of the parents of an illegitimate child can be known, it is recommended—

18. Illegitimate children to follow the mother's settlement, and relief to the child be relief to the parent.

"That every illegitimate child born after the passing of the Act shall, until it attain the age of sixteen, follow its mother's settlement." And as a further step towards restoring the natural state of things, it is recommended—
"That the mother of an illegitimate child born after the passing of the Act, be required to support it, and that any relief occasioned by the wants of the child, be considered relief afforded to the parent."

This, it is pointed out, is the law with respect to a widow, and there can be no reason for giving to vice, privileges which are denied to misfortune. In case of the woman's marrying, the same liability to be extended to the husband.

On the other hand, the Commissioners recommend—

“The repeal of that part of 35 George III. cap. 19, Punish-
 101, sec. 6,¹ which makes an unmarried preg- ment of the
 nant woman removable, and 50 George III. mothers of
 cap. 51, sec. 2,² which authorises the committal bastards
 of the mother of a chargeable bastard to the to be
 house of correction.” abolished.

The first of these enactments will cease to be applicable as soon as the child follows the mother's settlement, and the second is said to produce much more harm than good. As to the father, the Commissioners observe, “in affirming the inefficiency of human legislation to enforce the restraints placed on licentiousness by providence, we have implied our belief that all punishment of the supposed father is useless. We believe that it is worse than useless. We recommend therefore—

“That the second section of 18 Elizabeth, cap. 3, 20. Punish-
 and all other Acts which punish or charge the ment of the
 putative father of a bastard, shall, as to all putative
 bastards born after the passing of the intended fathers of
 Act, be repealed.” bastards
 to be
 abolished.

The Commissioners next enter upon the considera- Emigra-
 tion of how far emigration may be necessary, and tion.
 whether there exists in any part of England a popula-
 tion materially exceeding the demand for labour—
 observing at the same time, that “after a system of
 administration, one of the most unquestionable effects
 of which is the encouragement and increase of improvi-
 dent marriages, has prevailed in full vigour for nearly
 forty years, it is a remarkable proof of the advance
 of wealth, that a question should arise as to the
 existence of a surplus population.” The Commissioners
 consider that no expedient should be disregarded by
 which the reduction of surplus labour can be accel-

¹ *Ante*, p. 112.² *Ante*, p. 140.

erated, and “that emigration, which has been one of the most innocent palliatives of the evils of the present system, might be advantageously made available to facilitate the application of the remedies which they have suggested.” They therefore recommend—

21. The expense of emigration to be defrayed out of the poor-rates.

“That the vestry of each parish be empowered to order the payment out of the rates raised for the relief of the poor, of the expenses of the emigration of any persons having settlements within such parish, who may be willing to emigrate; provided that the expense of such emigration be raised and paid within a period to be mentioned in the Act.”¹

Valuation and rating.

The present method of rating property to the relief of the poor, like many other parts of Poor Law administration, is declared to be “in the highest degree uncertain and capricious.” The mode of rating, it is said, ought to be uniform, and founded upon the actual value, but not identical with it, for that would be rack-rent. The value according to which property should be rated, the Commissioners consider, “should be the rent which a tenant, taking upon himself the burthen of repairs, could afford to pay under a twenty-one years’ lease.” They make no distinct recommendation, however, on this head, lest it should embarrass the progress of the measures which they deem of paramount importance.

Payments to the wives and families of militiamen from the poor-rates objected to.

The payments made to the wives and families of militiamen, under the provisions of 43 George III. cap. 47,² are also adverted to, as being open to many objections. They are not made in reward of the father’s services, but according to the number and assumed wants of the family; and the Commissioners

¹ This is limited to five years by the 62nd section of the Poor Law Amendment Act.

² *Ante*, p. 135.

express their belief that these payments have contributed to familiarise magistrates and parish officers with the "allowance system," and to diminish repugnance to applications for parish relief, by exhibiting as receivers of similar relief numerous families to whom no blame was attributable, and who, it may be added, possessed claims upon the liberality of the country. But in this, as in the case of rating, and for the like reason, the Commissioners refrain from making any distinct recommendation.

The last subject noticed in the report, is "the relief, provided by charitable foundations, which is considered to be closely connected with Poor Law relief, being distributed among the classes who are also receivers of the poor-rate. The Commissioners say, the evidence they have obtained "has forced upon them the conviction, that as now administered, such charities are often wasted, and often mischievous";—that they attract the poorer classes, who in the hope of benefiting by them linger on in places unfavourable for industrial occupation; and that "poverty is thus not only collected, but created, in the very neighbourhood whence the benevolent founders have manifestly expected to make it disappear." "These charities may (it is remarked) interfere with the efficacy of the measures recommended in the report, and therefore, the Commissioners think, call for the attention of the legislature, but no express recommendation is made with respect to them."

In concluding their report, the Commissioners say—
 "We have now recommended measures by which we hope that the enormous evils resulting from the present maladministration of the Poor Laws may be gradually remedied." But they add—"We are perfectly aware that for the general diffusion of right principles and habits we are to look, not so much to any economic arrangements and regulations, as to the influence of a

Charitable
founda-
tions.

Conclusion
of the
report,
dated 20th
Feb. 1834.

moral and religious education"; and they further add, that "one great advantage of any measure which shall remove or diminish the evils of the present system is, that it will in the same degree remove the obstacles which now impede the progress of instruction, and intercept its results; and will afford a freer scope to the operation of every instrument which may be employed, for elevating the intellectual and moral condition of the poorer classes."

Amend-
ment Bill
prepared.

The report was signed on the 20th February 1834, and a Bill for carrying its recommendations into effect was forthwith prepared, and was submitted to the consideration of the Cabinet on the 17th of March, Mr. Sturges Bourne and Mr. Senior, two of the Commissioners of Inquiry, attending at the time to afford whatever explanations might be required. After being again considered by the Cabinet, the Bill was referred to a committee of seven of its members for closer investigation, and with a view to its receiving such amendments as the committee might deem necessary. The several provisions of the Bill, as well as the general scope and tendency of the measure, were very carefully examined, Mr. Senior likewise attending the committee to advise upon any point of doubt or difficulty. After having been thus carefully examined and corrected, the Bill was referred back to the Cabinet for final settlement,¹ and on the 17th of April was read a first time in the House of Commons, being introduced by Lord Althorp, whose speech on the occasion was admitted by all parties to be straightforward, clear, and convincing.

¹ These particulars are extracted from a manuscript account drawn up by Mr. Senior, of all that took place with respect to the Poor Law Amendment Bill, both whilst it was undergoing correction by the government, and during its progress through parliament. The account is exceedingly interesting, and Mr. Senior has kindly given it to me with permission to make use of it in the present work.

Lord Althorp commenced by stating, that the question was one of as great importance as had ever been submitted to the consideration of parliament. That the state of the Poor Laws, and the evils arising from them, had long occupied the attention of the ablest men in the country, and that various attempts to devise a remedy had been made, but hitherto without success. The Poor Laws, as then administered, he said, operated injuriously upon every class connected with the land—upon the proprietor, the farmer, and the labourer, but most of all were they injurious to the latter, and the government therefore thought it their duty to endeavour to correct evils so seriously affecting the labouring classes and the country at large. He begged, however, to be understood as not expressing disapprobation of a well-regulated system of Poor Laws, which would be productive of great benefit to the country. He was aware that this was contrary to the strict principles of political economy, which would even prohibit the exercise of private charity, and required that every man should provide his own subsistence by his own labour; that a man best knew the wants of his family, and that he alone should provide for them, and that he ought also to make provision against sickness and misfortune by previous savings. Such was the doctrine of political economy. But, according to the dictates of religion and humanity, the support of those who are helpless and unable to provide for themselves, was a positive duty required from all who have the ability. It was therefore to the abuses of the Poor Laws, not to the system itself—to the bad administration of those laws, not to their principle—that he objected.

Lord Althorp's speech,
17th April
1834.

For a long period, he observed, the Poor Law was free from the evils which now attended its administration, and which had their origin about the beginning of the present century, in measures intended for the

benefit of the labouring population. The law then passed (36 George III. cap. 23¹) gave magistrates the power of ordering relief to be given to the poor in their own dwellings. The magistrates acted largely on this power, which was so consistent with good and kindly feelings, that it was hardly possible to blame them for so doing; and yet it was a great mistake, the consequences of which had gone on from bad to worse, until all sense of independence had been nearly extinguished; and instead of placing the poor in a state of comfort, the labouring population, in many districts, had been reduced to a state of misery and distress. The legislature was, he said, bound to meet the difficulties of the case boldly; but at the same time the greatest caution was necessary in dealing with it. They had however this advantage, that they were not now working in the dark, as in several parishes an improved system had been established which would guide them in the work of reformation.² This improved system should be introduced gradually and step by step into other parishes, ascertaining the effects as it proceeded—it could not be done suddenly or simultaneously. The course he was about to recommend went, he admitted, to establish a new power in the country; but the alternative was between this and leaving things as they were.

There must, he observed, be a discretionary power vested somewhere, to introduce sound principles and the fruits of salutary experience; and he proposed constituting a central board of commissioners for that purpose. It was however necessary, he thought, to fix a day in one of the summer months of the next year when the allowance system should entirely cease; for

¹ *Ante*, p. 115.

² This applies to the changes effected at Bingham and Southwell, which had been fully explained, and ably commented on, in the Reports of Mr. Cowell, the Assistant Commissioner of Inquiry.

so long as that system existed, it would be impossible to bring the Poor Laws into a better condition.¹ He then mentioned the powers with which he considered the central board should be invested, and noticed a change proposed to be made in the constitution of vestries, by enabling landlords to vote in certain cases. It was also, he said, intended that magistrates should not in future have the power of ordering relief to persons in their own houses, that is, out-door relief, which would restore the law to what it was previous to 1796, since which the abuses had chiefly arisen. With regard to settlement, after describing the evils of litigation and expense caused by it, and the still worse effects arising from its interference with the free circulation of labour, he proposed the several amendments recommended in the report, with a view to lessening its complications and reducing expenditure, but leaving the substance of the law itself untouched. So likewise with respect to bastardy, he adopted the several recommendations of the report, and proposed their being embodied in the Bill.

In conclusion, Lord Althorp declared that he was fully aware of the importance of the measure ; but he believed, if it were successful, the benefits to the country would be very great. He confidently anticipated that it would have the effect of raising the British labourer from a condition of pauperism, and restoring him to the independence for which he was once proverbial. At present, no difference was made between the good labourer and the bad, both alike deriving a large portion of their subsistence from an abuse of the law. It had been said that poverty ought not to be visited as a crime—in that sentiment he concurred, but it was impossible that it should not be

¹ This proposition was afterwards abandoned, and the putting an end to the allowance system, in common with the other abuses, was left to the discretion of the central board.

a misfortune; and every attempt which had been made to prevent its being so, instead of confining the misfortune to those who suffered under its pressure, had the effect of extending it to others. It was with these views, and in the hope that the House would give the measure the calm and deliberate attention which its momentous importance demanded, that he moved for leave "to bring in a Bill to alter and amend the law relative to the relief of the poor in England and Wales."

Amend-
ment Bill
introduced
and passed
in the
Commons.

The measure thus proposed, was very favourably received by the House; and on the 9th of May the second reading of the Bill was carried by a large majority, the numbers being—ayes 299, noes 20. The objections on that and other occasions were chiefly directed against the constitution and powers of the central board; and for the most part these objections were made by the metropolitan members. The Bill was read a third time on the 1st of July, 187 voting for it and 50 against it; but its duration was limited to five years. Several alterations were made in its progress through the House, mostly with a view to restricting the powers of the central board. It was at first intended to empower the board to dissolve and reconstruct existing incorporations—a power obviously necessary for enabling it to form the country into unions in the manner most convenient and effective for the administration of the law; but this power was subsequently withheld, and much embarrassment and delay in the introduction of the amended law occurred in several instances in consequence.

The Bill
introduced
in the
Lords.

On the 2nd of July the Bill, as agreed to by the Commons, was introduced and read a first time in the Lords, and was to have been read a second time on the 9th; but in the interim Lord Grey's government had been broken up on questions connected with the Irish Coercion Bill, and the second reading did not take

place until the 21st, after a new government had been formed under Lord Melbourne. It was then moved by Lord Brougham (the Lord Chancellor), in an elaborate and able speech, in which he depicted the evils and the consequences of the existing system, and described the principles and course of action in which alone a corrective could be found.

He began by expressing his conviction that government would best fulfil its duties to the country by carrying forward the present measure, which he believed the most efficacious and the least objectionable that had ever yet been devised, for terminating evils the possible extent and consequences of which no fancy could adequately picture—evils which bad laws worse executed had entailed upon the country, which threatened the security of property, and had brought about a state of things in which we beheld industry stripped of its rights, and the sons of idleness, vice, and profligacy usurping its lawful place. It had been usual to blame the magistrates for the maladministration of the law, but he thought they were not more blameable than others—they only partook of the common error, and were backed by the concurrence of the legislature, and the decision of the judges. “What marvel is it,” he asked, “to find county justices holding that the poor man has a right to be made comfortable in his own dwelling, when Mr. Pitt introduced a Bill for legalising the allowance system, and for sanctioning the principle, that every poor man has such a right, and to be furnished with a cow or a pig or some other animal yielding profit, to be provided in proportion to the number of his children?” He then pointed out, in considerable detail, and illustrated by examples, the distinction between public and private, between established and casual charity; and described the evils which had and which ever must result from confounding the one with the other, or dealing with the forced

Lord
Brough-
am's
speech,
21st July
1834.

contributions to the Poor Law fund as if they were the spontaneous fruits of individual charity, and were levied for the purpose of providing comfort for the many, instead of relieving the destitute few.

Lord Brougham considered that much might be done to amend the present system, as indeed in some few instances much had been done; and if the parish in which an improved administration was established were compared with another, perhaps an adjoining parish, where the usual bad course was pursued, it would hardly be thought that they were parts of the same country. In the one the rates had fallen to a half, afterwards to a third, pauperism had disappeared, and industry had regained its just place;¹ whilst in the other, a swarm of sturdy beggars deprived the honest labourer of his hire, and the rental daily crumbled down into the poor's-box, always filling, always empty. The good example of the neighbouring parish was not found to have any effect upon this; and hence must be inferred the necessity for some central authority, to enforce a sound and uniform system of administration everywhere. For this object the present measure provided. It proposed to leave the law nearly as it stands; but it also provided for assimilating the administration to that which prevailed in those parishes where salutary improvements had been effected—that is, securing such a unity of action in the several parochial authorities, as can be obtained only by the establishment of one central authority armed with ample discretionary power. The bad practices had taken such deep root, he said, and spread so widely, that a strong hand alone could extirpate them; but the hand must not only be strong; it must be ever ready; in other words, all must be left

¹ In this description Lord Brougham evidently referred to the instance of Southwell, with all the circumstances of which he was, in common with the other members of government, fully informed through Mr. Cowell's reports.

to the discretion of the men entrusted with the control. Such large discretionary powers may be designated as unconstitutional. He admitted they were novel as vested in one board, but they were not novel in themselves; for every one of the first fifty local Poor Law Acts, to be found in the index to the statutes, contained more arbitrary, and therefore less constitutional powers, than any that would be given by this Bill. He then adverted to the subjects of settlement and bastardy, affirming generally the recommendations of the report, and concluded by moving that the Bill be read a second time, on which an amendment was moved, and considerable discussion took place.

The Duke of Wellington supported the Bill, and declared that, as a different system of administration, and different and varied abuses, prevailed in almost every parish, it would be impossible for parliament to frame a law applicable in every case; and therefore it was absolutely necessary that a central board of commissioners should be appointed, with powers to control the whole, and secure a right administration of the laws throughout the country. “The present remedy for the evils of the existing laws was,” the duke said, “unquestionably the best that had ever been devised; at the same time he must observe, that as the Central Board of Commissioners must necessarily have very extraordinary and full powers, it would be proper that they should keep such a record of their proceedings, as would render them liable to the actual control at all times of the government and parliament.” The second reading of the Bill was carried by a large majority, 76 peers voting for, and 13 against it. On the 28th of July the Bill was considered in committee, as it was also on several subsequent days, the chief objections being to the powers of the Commissioners, and to the bastardy clauses. On the 8th of August the Bill was read a third time, and returned to the Commons with the amend-

The Duke
of Well-
ington's
speech,
21st July
1834.

ments it had received. On the 13th a conference between the Houses was held, and an agreement come to with respect to these amendments; and on the 14th of August the Bill received the royal assent.

August 14,
1834.
Poor Law
Amend-
ment Act,
4 & 5
Will. IV.
cap. 76.

Few measures have in their origin so fully occupied public attention, or been productive of such important benefits in their results, as “4 & 5 William IV. cap. 76, for the Amendment and better Administration of the Laws relating to the Poor in England and Wales.” The Act is avowedly based on the principle, that no one should be suffered to perish through want, and that if supported at the public expense, the support must be given in the way most consistent with the public welfare. In the manuscript narrative drawn up by Mr. Senior, one of the principal framers of the measure, which has been before referred to,¹ the objects of the Poor Law Amendment Act are stated to be two—“*first*, to raise the labouring classes, that is to say the bulk of the community, from the idleness, improvidence, and degradation into which the maladministration of the laws for their relief has thrown them; and, *secondly*, to immediately arrest the progress, and ultimately to diminish the amount, of the pressure on the owners of lands and houses.” These two objects, it is observed, are intimately connected; for “even if the whole amount of the poor-rates were raised without expense to the proprietors—if it were, for instance, a tribute from a foreign country—yet, if its effect were to destroy the diligence, skill, and morality of the labouring classes, the proprietors would be as effectually ruined as if themselves contributed to it, since lands and houses are valueless without the aid of a laborious and skilful body of work-people. And, on the other hand, if the expenditure on the poor had no immediate effect on their moral character, yet if it were to go on at the rate at which it has increased for the last thirty years, it would

¹ See *ante*, p. 262.

ultimately throw the land out of cultivation, and destroy by famine or pestilence all who had not the means of emigration."

The Amendment Act was framed on the recommendations of the Commissioners of Poor Law Inquiry, as set forth in their report, and the various alterations or amendments introduced in its progress through parliament, in no way changed the character of the measure. The limiting the duration of the Act to five years was calculated to raise a doubt as to its permanency; but scarcely any one, however much opposed to it, thought that the governing principle of the Act would be abandoned, or that a central board to guide and control the local administrators of the law, would not in some form or other be continued. The chief omission was the not empowering the Commissioners to dissolve the Gilbert and local Act incorporations, the want of which power prevented their forming the most convenient unions in certain districts, or even in some instances forming a union at all, so that many parishes were of necessity left un-united.¹ Another omission was the not arming the Commissioners with sufficient power to compel the providing of workhouses. The consent of a majority of the guardians or ratepayers was made necessary for this purpose, which could not always be obtained; whilst for altering or enlarging workhouses the Commissioners could compel an outlay of no more than £50, or one-tenth of the average annual amount of the rates. The last omission to be noticed was the not empowering the Commissioners to appoint auditors of parish and union accounts, an efficient audit being in fact the only means by which a correct administration of public moneys can be secured. The 46th section of the Act, it is true, empowers the Commissioners to direct guardians and overseers to appoint auditors, in

¹ This, unfortunately, is still the case (1853).

common with other paid officers; but an auditor thus appointed by functionaries whose accounts he was to examine, and whose disbursements he had to check and authenticate, must obviously be inefficient. The audit had hitherto been nominally performed by the justices, but it was, in fact, little more than a matter of form.

The recommendations of the Inquiry Commissioners, on which the Amendment Act is founded, have been inserted at length in the preceding pages, accompanied by such observations as appeared desirable in the way of explanation. To cite and comment upon the different provisions of the Act will therefore be unnecessary, and would involve much repetition. The Act is however of so much importance, that its insertion in some form cannot be dispensed with; and the following summary of the several sections, with the explanations which have been given will it is hoped be sufficient for a full understanding of the measure, both in its principles and its details.

*Summary of the Poor Law Amendment Act, 4 & 5
William IV. cap. 76.*

Sections 1, 2, and 3—Provide for the appointment, at the pleasure of the crown, and also for the removal, of *three*¹ Commissioners, to be styled “The Poor Law Commissioners for England and Wales,” who may sit as a board, and summon and examine witnesses on oath, and have a common seal, the rules, orders, and regulations sealed with which are to be received as evidence.

Sections 4, 5, and 6.—The Commissioners are required to record their proceedings, and once a year make a general report to one of the secretaries of state, to be laid before parliament, and at other times are to give such information as the Secretary of State shall require.

Sections 7, 8, 9, and 10.—The Commissioners are empowered to appoint Assistant Commissioners (not exceeding nine without consent of the Treasury), and also a secretary,

¹ The number was increased to four by the 1 & 2 Vict. cap. 56, with reference to the Irish Poor Law.

assistant secretary, and clerks, and to remove any of the same: but no Commissioner or Assistant Commissioner is to be capable of sitting in parliament; and all the appointments are limited to five years.

Section 11.—Before entering on the execution of their office, the Commissioners and Assistant Commissioners are to take an oath in the form prescribed, and their several appointments are to be published in the *London Gazette*, and notified to the clerks of the peace, who are to cause the same to be advertised in some county newspaper.

Sections 12, 13, and 14.—The Commissioners may delegate any of their powers to the Assistant Commissioners (except the power of making general rules), and may revoke the same; and the Assistant Commissioners are empowered to summon and examine witnesses on oath, on any question relating to the relief of the poor, but not so that any person shall be required to travel more than ten miles from his place of abode. A witness who gives false evidence, or wilfully refuses to attend and give evidence, is subjected to punishment. The Commissioners may order the reasonable expenses of witnesses to be defrayed by the parishes or unions interested in the case.

Section 15.—Directs that “the administration of relief to the poor throughout England and Wales, according to the existing laws, or such laws as shall be in force at the time being, shall be subject to the direction and control of the Commissioners,” who are authorised and required to make and issue all such rules, orders, and regulations for the management of the poor, for the government of work-houses, and the education of children therein, and for the apprenticing of poor children, and for the guidance and control of all guardians, vestries, and parish officers, so far as relates to the management of the poor, and the keeping, examining, auditing, and allowing or disallowing of accounts, and making and entering into contracts, or any expenditure for the relief of the poor, and for carrying this Act into execution in all other respects, as they shall think proper, and may suspend, alter, or rescind the same: “provided always, that nothing in this Act contained shall be construed as enabling the said Commissioners, or any of them, to interfere in any individual case for the purpose of ordering relief.”

Sections 16, 17, and 18.—General rules are not to take effect until forty days after they have been submitted to a secretary of state; and if within that time their disallowance by the sovereign in council be notified to the

Commissioners, they are not to come into operation; and if so disallowed subsequently, they are to cease to operate. All general rules are to be laid before parliament, and a copy of every rule, order, or regulation of the Commissioners is, before the same shall come into effect, to be sent to the overseers of the poor and the guardians of the union affected thereby, and to the clerk to the justices of the division in which such parish or union is situate, all of whom are required to preserve and give publicity to the same.

Section 19—Provides that no inmate of a workhouse shall be obliged to attend any religious service celebrated in a mode contrary to his religious principles, nor any child be educated in a religious creed to which its parents or surviving parent shall object, or in the case of an orphan to which the godfathers or godmothers shall object; and on the request of any inmate, a licensed minister of the same religious persuasion is to be permitted to visit the workhouse, for the purpose of affording religious assistance to such inmate, or instruction to his children.

Section 20.—No order or regulation of an Assistant Commissioner is to have effect, unless it be adopted and sealed by the Commissioners.

Sections 21 and 22.—All the powers and authorities of Gilbert's Act, and of all other Acts relating to the providing of workhouses, the borrowing of money, and governing and employing the poor, are to be exercised under the control, and subject to the rules, orders, and regulations of the Poor Law Commissioners, who with their Assistant Commissioners are entitled to attend local boards and vestries, and take part in the discussions, but are not to vote. No additions or alterations are to be made in the existing regulations established under Gilbert's or other Acts, until the same shall have been submitted to and confirmed by the Commissioners.

Sections 23, 24, and 25.—The Commissioners are empowered, with the consent of a majority of the guardians of a union, or with the consent of a majority of the ratepayers and owners of property of any parish, to order a workhouse to be built or enlarged, "according to such plan and in such manner as the Commissioners shall deem most proper for carrying the provisions of the Act into execution"; and the overseers and guardians are required to raise the money necessary for the purpose by way of rate, or by borrowing the amount and charging the same on the future rates: but the sum so raised or borrowed is in no

case to exceed the average annual amount of the rates for the three years preceding, and the money borrowed is to be repaid, together with interest, by instalments of not less than one-tenth in any one year. The Commissioners are also empowered, without such consent as aforesaid, to order a workhouse to be altered or enlarged in such manner as they shall deem proper, provided the cost is not above £50, and that it does not in any case exceed one-tenth of the average amount of the rates for the three years preceding.

Section 26—Empowers the Commissioners “to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor,” and thereupon the workhouses of such parishes are to be for the common use of the union, and the Commissioners may issue regulations for the classification of the poor of the united parishes maintained therein: “but notwithstanding such union and classification, each of the said parishes shall be separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of any such workhouse.”

Section 27—Enables two justices to order relief to a poor person out of the workhouse, provided one of them certifies of his own knowledge that such poor person is, from old age or infirmity of body, wholly unable to work.

Sections 28 and 29.—When a union of parishes is formed, the Commissioners are required to ascertain the average expense incurred by each parish for the relief of its poor, in the three years preceding; and the several parishes are to be assessed to the common fund for providing the workhouse and materials for setting the poor on work therein, and for the salaries of the officers, and any other expense incurred for the common benefit, according to the amount of such averages, which the Commissioners are likewise empowered to vary from time to time, after having in like manner ascertained and recalculated the same; and the Commissioners’ powers are likewise extended to unions under Gilberts’ and other Acts. Until the averages shall be otherwise ascertained, the returns to parliament are, however, to be taken as evidence of expenditure.

Sections 31 and 32—Repeal the provisions of Gilbert’s Act, and of 56 George III. cap. 129, which restrict parishes from being united if more than ten miles distant from the union workhouse, and limit the class of persons to be relieved therein. The Commissioners are empowered, with consent of two-thirds of the guardians, to dissolve, take from, or

add to any union, and “to fix the amount to be received or paid by every parish affected by such alteration.”

Sections 33, 34, 35, and 36.—The guardians of any union may agree, subject to the approbation of the Commissioners, that the united parishes shall become one parish for the purposes of settlement. And likewise, “where the parishes shall be situate within the same county, riding, division, or liberty, under the jurisdiction of the same justices,” that they shall become one parish for the purposes of rating; and thereupon the guardians are to assess and levy the rates, and the expenditure for the relief of the poor is to be in common.

Section 37—Prohibits any union or incorporation of parishes from being formed under the provisions of Gilbert’s Act without the consent of the Commissioners.

Sections 38, 39, 40, and 41—Declare the qualification, and regulate the election of guardians for unions, and for single parishes, “every justice of peace residing in and acting for the county, riding, or division, in which the same may be situated,” being in either case constituted a guardian *ex-officio*; but no guardian can act “except as a member and at a meeting of the board.” At the election of guardians, the owners of property, as well as the occupiers, are to vote according to a scale prescribed for each, and the votes are to be taken in writing, “in such manner as the Commissioners shall direct.” The Commissioners may also direct the election of guardians under Gilbert’s and local Acts to be conducted according to the provisions of this Act.

Sections 42, 43, 44, and 45—Empower the Commissioners to make rules and regulations to be observed in workhouses, and also empower the justices to enforce the same; and each workhouse, and the premises thereto belonging or occupied therewith, is to be held and deemed to be within the jurisdiction of the place to which it belongs. But no dangerous lunatic, insane person, or idiot, is to be detained in any workhouse longer than fourteen days.

Sections 46, 47, and 48.—The Commissioners are empowered to direct the appointment of paid officers, with such qualifications as they shall think necessary, for the administration of relief to the poor, the examining and auditing accounts, and carrying the provisions of the Act into execution; and also to prescribe the duties, regulate the salaries, and determine the continuance in office, and the

security to be given by such officers. The overseers are to pass their accounts quarterly, and if required, are to verify the same on oath, and the balances due may be recovered as penalties under this Act. The masters of workhouses and parish officers are to hold their appointments subject to the orders of the Commissioners, and are removable by them; but "no person shall be eligible to hold any parish office, or have the management of the poor in any way, who shall have been convicted of felony, fraud, or perjury."

Sections 49, 50, and 51.—Provide that contracts "relating to or connected with the general management of the poor," are not to be deemed valid unless in conformity with the regulations of the Commissioners. The 45 George III. cap. 54 is repealed, but engagements previously contracted under it are not to be thereby affected. The penalties imposed by 55 George III. cap. 137 on persons having the management of the poor, who are concerned in any contract for the supply of goods, etc., for the use of the poor, are extended to persons appointed under this Act.

Section 52.—After reciting that relief to the able-bodied is in many places so administered as to be productive of evil, and "as difficulties may arise in case any immediate and universal remedy is attempted to be applied," empowers the Commissioners, by such rules, orders, and regulations as they may think fit, to regulate the same; and all relief administered contrary to such regulations, unless in cases of emergency, is declared to be unlawful, and is to be disallowed.

Sections 53 and 54.—The 36 George III. cap. 23; 55 George III. cap. 137, ss. 3 and 4; and 59 George III. cap. 12, ss. 2 and 5, are repealed, and the ordering of relief to the poor (subject to the powers of the Commissioners) is vested in the boards of guardians, except in cases of sudden and urgent necessity, when relief may be given by the overseers, and may also be ordered by any justice in the form of medical attendance or articles of absolute necessity, but not in money.

Sections 55, 56, and 57.—The masters of workhouses and overseers are directed to keep registers of every poor person relieved, with the particulars of their families, and place of settlement; and all relief given to or on account of the wife, or any children under the age of sixteen, "not being blind or deaf or dumb," is to be considered as given to the husband or father. But the father and grandfather, mother

and grandmother of any poor child, are not hereby discharged from their liability for its maintenance, under 43 Elizabeth, cap. 2; and the children of a woman, whether legitimate or illegitimate, born before marriage, are until the age of sixteen to be maintained by her husband, and deemed part of his family.

Sections 58 and 59.—Such relief as the Commissioners shall by order direct, is to be considered as given by way of loan; in which case any justice, upon application and proof, may attach wages in the hands of the master or employer for repayment of the same.

Section 60—Repeals so much of 43 George III. cap. 47 as requires relief to be given to the wives and families of militiamen and volunteers, or as prevents such families being removed to their place of settlement, or sent to any workhouse, by reason of their being chargeable.

Section 61—Requires the justices to ascertain that the regulations of the Commissioners have been complied with in apprenticing poor children, and to certify the same at the foot of every contract or indenture; but the jurisdiction of justices between master and apprentice is reserved.

Sections 62 and 63.—Owners and ratepayers in vestry assembled may, with the approbation of the Commissioners, borrow money on security of the rates for the emigration of poor persons, the money to be repaid within five years; and the overseers may apply to the Exchequer Bill Commissioners for a loan for the purpose.

Sections 64, 65, 66, 67, and 68—Abolish settlement by hiring and service, and by serving an office; and no settlement which may be incomplete at the time of passing of this Act, can afterwards be completed. Settlement is not to be acquired by occupying a tenement, unless the poor-rate thereon has been paid for an entire year; nor by being apprenticed to the sea-service; nor by estate, unless the owner shall inhabit within ten miles thereof.

Sections 69, 70, and 71.—The Acts relative to the liability and punishment of the putative father, and punishment of the mother of a bastard child, are repealed; and all securities and recognizances for indemnifying parishes against future bastards are made void, and persons in custody for not giving such indemnity are to be discharged. The mother of an illegitimate child is bound to maintain it until the age of sixteen; but if she marries, the husband becomes liable.

Sections 72, 73, 74, 75, and 76.—On application of the overseers, the court of quarter-sessions may make an order on the putative father for the maintenance of a bastard child, if satisfied that he is really the father, and if the child has become chargeable; but no such order is to be made, unless the evidence of the mother shall be corroborated by other testimony, and no part of the money is to be applicable to the mother's support. Fourteen days' notice of such application is to be given, and if it be rejected, the costs are to be paid by the overseers. If the person charged does not appear, the court may nevertheless decide in the case; and if he be suspected of intending to abscond, he may be required to enter into recognizances, failing in which he may be committed; and if the payments ordered by the court of quarter-sessions are not made, but get into arrear, the putative father may be proceeded against by distress, or the attachment of wages.

Section 77—Directs that no person concerned in the administration of the laws for the relief of the poor, is "to furnish or supply, for his own profit or on his own account, any goods, materials, or provisions, ordered to be given in parochial relief, or in respect of the money ordered to be given in parochial relief," under a penalty of £5.

Section 78—Directs that all sums assessed by justices on the father, grandfather, mother, grandmother, child or children, of any poor persons, for their maintenance or relief, under the provisions of 43 Elizabeth, cap. 2, s. 7, and all penalties and forfeitures arising from the same, are to be recoverable as penalties under this Act.

Sections 79, 80, 81, 82, 83, and 84.—No person is to be removed until after twenty-one days' notice has been given to the parish to which the order of removal is directed, unless the order be submitted to, nor if notice of appeal shall have been given by such parish. In cases of appeal, the overseers are to have access to the poor person ordered to be removed, for the examining of him touching his settlement, and may, if necessary, take him out of the removing parish for such purpose. The grounds of appeal must be stated in the notice of removal; and the parties losing the appeal, or making frivolous and vexatious statements, are liable to pay the costs; and the parish to which the poor person shall be finally adjudged to belong, is chargeable with the expense of his relief and maintenance.

Section 85—Empowers the Commissioners to call for and publish accounts of trust and charity estates, "or any other

property or funds held in trust for or applicable to the relief of the poor, or which may be applied in diminution of the poor-rates."

Sections 86, 87, and 88.—Advertisements, etc., and bonds and securities made pursuant to 22 George III. cap. 83, and assignments thereof, are exempted from stamp-duty; and letters to and from the Board of Commissioners are to be free of postage.

Sections 89 and 90.—All payments "charged upon the rates for the relief of the poor, contrary to the provisions of this Act, or at variance with any rule, order, or regulation of the Commissioners," are declared illegal, and must be disallowed; and the service of any summons at the person's usual place of abode is to be deemed sufficient.

Sections 91, 92, 93, and 94.—So much of 6 George IV. cap. 80, as relates to the prohibition of spirituous liquors in workhouses, is repealed; and a penalty of £10 is imposed on persons introducing the same, and in default of payment, committal for any time not exceeding two months. The master of a workhouse allowing the use of spirituous liquors, or ill-treating any poor person, "or otherwise misconducting himself towards or with respect to any poor person," is on conviction thereof before two justices to forfeit such sum, not exceeding £20, as the justices may direct, and in default of payment may be imprisoned for six months; or the justices may order any salary or balance due to him, to be applied towards payment of the penalty. Copies of these enactments, "printed or fairly written," are to be hung up publicly in every workhouse, and renewed from time to time, under a penalty of £10 for every default.

Sections 95, 96, and 97.—Overseers and other officers disobeying the legal and reasonable orders of the guardians or the justices, are to forfeit not exceeding £5; but "no overseer shall from henceforth be liable to any prosecution or penalty for not carrying into execution any illegal order of such justices or guardians." An overseer or paid officer purloining, wasting, or misapplying moneys or goods of the parish or union, is liable to a penalty of £20, and treble the value of the goods purloined or misapplied, and will thereafter be held incapable of serving any office "in relation to the relief of the poor."

Section 98.—Directs that persons wilfully disobeying the rules, orders, and regulations of the Commissioners, or who are "guilty of any contempt of the Commissioners sitting as a

board," shall, on conviction before two justices, forfeit for the first offence, not exceeding £5; for the second offence, not exceeding £20, nor less than £5; and a third and every subsequent offence is to be deemed a misdemeanour, and will subject the offender to a penalty of £20, together with imprisonment.

Sections 99, 100, 101, and 102.—Forfeitures, costs, and charges under this Act, are made leviable by distress and sale of the offender's goods, and are to be applied in aid of the poor-rates of the parish or union where the offence was committed. The owners and ratepayers are to be deemed competent witnesses, and the justices may proceed by summons for recovery of penalties from any offender. Distress is not to be deemed unlawful on account of irregularity or want of form, and a plaintiff is not to recover in any action for wrongful proceedings, if tender of amends be made.

Sections 103 and 104.—Any appeal to the quarter-sessions against an order of justices, must be made within four months after the cause of complaint shall have arisen, and fourteen days' notice of such appeal must be given, and recognizance entered into to abide the order, and pay such costs as shall be awarded. But no action or suit for anything done in pursuance of this Act, can be brought after the expiration of three months, nor unless twenty-one days' notice thereof has been given. The defendant may plead the general issue, and if the verdict be in his favour, the plaintiff will be liable for the costs.

Sections 105, 106, 107, and 108.—The rules and orders of the Commissioners are made removable by *certiorari* to the court of King's Bench, but they are to continue in force until declared to be illegal. Ten days' notice must be given of an application for a writ of *certiorari*, against which the Commissioners may show cause; and the parties applying are required to enter into recognizance in the sum of £50 to prosecute the suit "without any wilful or affected delay." If the orders or rules are quashed, the Commissioners are forthwith to notify the same to all the unions, parishes, and places to which they may have been directed, and from the time of receiving such notice they are to be deemed null and void.

Section 109—Is the interpretation clause; and *sec. 110* provides "that the Act may be altered, amended, or repealed, in this present session of parliament."

Commis-
sioners
appointed.

Immediately after the passing of the Act, the Commissioners for carrying it into execution were appointed, and forthwith assembled to nominate their secretary, and deliberate upon the course it would be expedient for them to pursue. The Commissioners were the Right Hon. Thomas Frankland Lewis, John George Shaw Lefevre, Esq., and the author of this work. Mr. Chadwick, who was one of the Commissioners of Inquiry, and had been actively engaged in framing the reports, was appointed secretary to the board.¹ Before entering into a detail of the Commissioners' proceedings under the Act, it may however be useful to describe very briefly the state of the country, and other circumstances existing at the time, without which the suitableness of those proceedings, and even of the law itself, might not be rightly appreciated.

For three or four years previous to the passing of the Amendment Act, the public mind in England, as well in the rural as in the urban districts, had been in an unsettled state, partly on political and partly on social grounds. The passing of the Reform Bill in 1832, quieted in a great degree the turmoil arising from the former cause; but the latter source of irritation continued to disturb men's minds, weakening confidence, and stimulating to acts of violence and disorder. This was more particularly the case in certain of the agricultural counties; and it is worthy of especial notice, that in the counties where the largest amount of relief was afforded under the Poor Law, the greatest number of riots and rick-burnings occurred in the years 1830 and 1831—thus seeming to establish a relationship between the one and the other, in the

¹ Mr. Lewis was in 1839 succeeded by his son, George Cornwall Lewis, Esq., who had been an Assistant Commissioner under the Poor Law Inquiry Commission; and Mr. Lefevre was in 1841 succeeded by Sir Edmund Head, at that time the Assistant Commissioner in charge of the metropolitan district.

nature of cause and effect. The Commissioners of Inquiry adopt this view, which they support by citing the instances of—

		Having a population of	And expending in relief.		Per head on the population.
15	parishes in Bedfordshire .	11,630	£11,005	or	18s. 11d.
28	„ Berkshire . .	40,398	28,561	„	14 2
21	„ Bucks . . .	18,570	15,362	„	16 6
29	„ Cambridgeshire	42,549	26,960	„	12 8
—		—	—		—
93		113,147	£81,888	„	14 5
—		—	—		—
And, 13	„ Chester . .	7,888	2,712	„	6 10
25	„ Cornwall . .	55,764	16,436	„	5 10
42	„ Cumberland .	42,076	11,672	„	5 6
—		—	—		—
80		105,728	£30,820	„	5 9

In the first cluster of 93 rural parishes, it will be observed, the expenditure amounts to 14s. 5d. per head on the population, and in the latter 80 to 5s. 9d. per head; and the Commissioners remark, that “the counties in which the expenditure is large, are those in which the industry and skill of the labourers are passing away, the connection between master and servant has become precarious, the unmarried are defrauded of their fair earnings, and riots and incendiarism have prevailed. The three counties in which the expenditure is comparatively small, are those in which scarcely any instance of fire or tumult appears to have occurred, in which mutual confidence exists between the workman and his employer, in which wages depend not on marriage, but on ability, and the diligence and skill of the labourers are unimpaired or increased.”¹

The condition of the southern agricultural counties towards the end of 1830, has been described as most unsatisfactory—“the farmers and their families had no comfort in their lives. All day they looked with unavoidable suspicion upon the most ill-conditioned of their neighbours, and on every stranger who came

State of the
country in
the years
1830 and
1831.

¹ See Supplement to the Commissioners' Report, p. 12, 8vo edition.

into the parish. All night they were wakeful, either acting as patrols or looking out towards the stack-yards, or listening for the rumble of the fire-engine. If a man, weary with patrolling for three or four nights, hoped for a night's sleep, and went the last thing to his rick-yard, and explored every corner and visited every shed on his premises, he might find his chamber illuminated by his burning ricks by the time he could get upstairs. This was naturally a time for malicious or encroaching persons to send threatening letters, and for foolish jesters to play off practical jokes, and for timid persons to take needless alarms, and for all the discontented to make the most of their grievances; and a dreary season of apprehension indeed it was. The military were harassed with fruitless marches, their nightly path lighted by fires from behind, whichever way they turned. Large rewards were offered—£500 for a single conviction; and these rewards were believed to have been now and then obtained by the instigators, while the poor tools were given over to destruction.”¹

Such was the state of a large portion of the agricultural districts, a short time before the passing of the Poor Law Amendment Act. There may have been various causes for such a state of things; but it can hardly be doubted that the maladministration of the Poor Laws was one of them. Wherever the allowance system prevailed in any form, or to any extent, a part of the labourers' earnings—greater or less according to the circumstances of the district—would be dealt out to him in the shape of parish relief, and there would be a constant struggle between him and the parish authorities (that is, the farmers and the employers of labour), on their part to give as little as

¹ See *The History of England during Thirty Years of Peace*, vol. ii. p. 13.

possible, and on the labourer's part to obtain as much as possible, out of that fund to which he had been trained up to believe his right was as good as theirs. Can we wonder then, that an ill-feeling should exist between parties so situated—that the roundsman, or the labourer, under the allowance system should look upon his employer as a tyrant and an oppressor, who withheld from him and his family an allowance to which they had a right; and that he and they should regard such employer with feelings of hatred and revenge, for the manifestation of which an opportunity only was required? Now, incendiarism afforded this opportunity, and also the amplest and safest means of gratifying revengeful feelings, from whatever cause arising; and we see the consequences in the extract given above.

The substitution of union for parochial management, as provided by the Amendment Act, would of itself go far to remove this source of evil. The tribunal of a board of guardians, generally consisting of the principal persons in the district (the resident magistrates being members *ex-officio*, and the others elected by the rate-payers), was necessarily more impartial, less open to suspicion, and less likely to excite revengeful feelings in dealing with the labouring poor, than the executive of a single parish. When to this is added the abolition of the allowance system, which it would be the duty of the central board to put an end to as speedily as possible, it will hardly be denied that in the provisions of the new law, a scheme was devised for removing the incentives to rural incendiarism; and that hopes might thenceforward be reasonably entertained (as in fact turned out to be the case), that riots and rickburnings would cease to alarm and disgrace the agricultural districts of England.

The poor-rates had reached their maximum in

1817-1834.
Expendi-
ture on
relief of the
poor.

1817-18, the expenditure on relief in that year amounting to £7,870,801, equal to 13s. 3d. per head on the entire population, which was then 11,876,200, as deduced from the census of 1821. In 1812-13 the expenditure on the poor had been £6,656,106, averaging 12s. 8d. per head on the population.¹ So that, in the short space of five years, the charge had been increased by the enormous sum of £1,214,695, or upwards of one-sixth in excess of what it was in 1813. This rapid increase of the poor-rates was not caused by any increase in the price of provisions, wheat being 108s. 9d. a quarter in 1813, and 84s. 1d. a quarter in 1818. The alarm which was then felt, therefore, and which has been already mentioned,² was warranted by the facts; and it led, as has also been shown, to efforts in various quarters and in various ways for correcting the evil, and among the rest to the publication, by the author, of the "Overseer's Letters."³ These efforts, and these alarms, and the increased attention which was in consequence everywhere paid to the subject, had the effect of almost immediately causing a considerable decrease of expenditure, which, after several fluctuations, stood in 1833-34 at £6,317,255, that is considerably less than it was in 1813 in actual amount, and only 8s. 9½d. per head, instead of 12s. 8d. per head on the population, which had now grown to 14,372,000.

It may be convenient, and serve as a suitable introduction to the proceedings of the Commissioners appointed under the Act, to insert here in a tabulated form the amount of expenditure, the prices of wheat, and the progressive increase of the population, between 1813, the first year these items can be given with certainty, and 1834, the year

¹ The population in 1813 was 10,505,800.

² *Ante*, p. 209.

³ *Ante*, p. 231.

in which the Poor Law Amendment Act was passed :—

Population deduced from Census Returns.	Years ending at Lady-day.	Price of Wheat per quarter.	Amount expended for the Relief and Maintenance of the Poor.	Rate per Head on the Population.	Observations.
		s. d.	£	s. d.	
10,505,800	1813	108 9	6,656,106	12 8	
	1814	73 11	6,294,581		
	1815	64 4	5,418,846		
	1816	75 10	5,724,839		
	1817	94 9	6,910,925		
11,876,200	1818	84 1	7,870,801	13 3	{ This may be called the 1st maximum.
	1819	73 0	7,516,704		
	1820	65 7	7,330,254	{ ...	{ Reforms at Southwell and Bingham; and the "Overseer's Letters."
	1821	54 4	6,959,251		
	1822	43 3	6,358,704		
12,517,900	1823	51 9	5,772,962		
	1824	62 0	5,736,900	9 2	{ And this the 1st minimum.
	1825	67 6	5,786,989		
	1826	58 9	5,928,502		
	1827	56 9	6,441,088		
	1828	60 5	6,298,000		
	1829	66 3	6,332,410		
	1830	62 10	6,829,042		
14,105,600	1831	67 8	6,798,889		
	1832	63 4	7,036,969	10 0	{ This is the 2nd maximum.
	1833	57 3	6,790,800		
14,372,000	1834	51 11	6,317,255	8 9½	{ New Poor Law Act.

This table shows that the expenditure decreased from what I have called its first maximum in 1818, until it sank to what I call its first minimum in 1824, the efforts to which allusion has just been made, and the examples of Bingham and Southwell extensively promulgated by means of the "Overseer's Letters," all operating in furtherance of this result. These stimulants to an improved administration seem then, however, to have become weaker, if they did not entirely cease to operate; for from 1824 we find the expendi-

ture again increasing, until in 1832 it attained its second maximum, and again excited alarms as it had done in 1818. This gave rise to the Commission of Inquiry, and prepared the way for the enactment of a measure constituting a central board, with powers to guide and control the local authorities, to correct abuses, and to impart to the general administration of the law an efficiency which, unless such powers were vested somewhere, all experience proved it would be in vain to expect.

In attributing so much importance as is above done, to the examples of Southwell and Bingham, I am, I trust, solely influenced by a sense of the great value of every such instance of improvement, and the duty which thence arises of making the improvement and the means by which it has been effected known to others, in order that it may lead to similar improvement in other places where, but for such an example, the parish authorities ignorant of the existence of a better system, might be content to proceed in the accustomed course. Such improvements certainly did follow the publication of the "Overseer's Letters," and almost every instance of what can be called good management that came under the author's notice, both before and after the passing of the Amendment Act, were traceable more or less to the examples which these letters made known, and the communications arising out of them; and hence the propriety of adverting to them here.

CHAPTER XVI

A.D. 1834–1837

Proceedings of Poor Law Commissioners—Union and workhouse system established—Orders and regulations for the government of boards of guardians—Workhouse regulations—Workhouse plans—Order of accounts—Migration from southern counties to manufacturing districts—Emigration—Bastardy—Commissioners' first Report—Reduction of expenditure—Effect on the labourers—Parish Property Act—Parochial Assessment Act—Commissioners' second Report—Obstructions to the law—Education of the workhouse children—Out-door relief—Workhouse dietaries—Gilbert incorporations—Parish apprentices—Medical relief—Independent sick-clubs—New order of accounts—Auditors—Summary of second year's proceedings—Impediments in the way of the Commission—Commissioners' third Report—Andover and Cuckfield unions—Stoke-upon-Trent and Nottingham unions—The workhouse system universally applicable—Death of William IV.

THE proceedings of the Commissioners for bringing the new law into operation, together with its working and results, now claim our attention. It has already been stated that the Poor Law Amendment Act received the royal assent on the 14th of August, and that immediately afterwards the three Commissioners for carrying it into execution were appointed. On the 23rd of August, after taking the prescribed oaths, the Commissioners formally entered on their office, and took an anxious survey of the extensive range of duties committed to them, and for the due performance of which they were responsible.¹

1834–1835.
Proceed-
ings of the
Commis-
sioners
under the
Poor Law
Amend-
ment Act.

The Commission itself, and the measure in which it originated, were very generally approved, although there were, it must be confessed, some marked excep-

¹ For a comparison of this Commission and that issued by Charles I. in 1630, see vol. i. p. 252, *ante*.

tions in this respect. For the most part, however, the Commission had the confidence of the country; and the alarms everywhere excited by the circulation of the report of the Commissioners of Inquiry, which, it may be remarked, were rather increased by the debates which took place during the progress of the Bill through parliament—these alarms as to the future, joined to the hopes of obtaining some present relief from the heavy pressure of the poor-rates, secured at the outset a general acquiescence in the proceedings of the Commissioners, and fostered an impression that their powers were greater than they really were.

Such an impression was no doubt fortunate, as it removed difficulties at the commencement of the board's operations, but it was not enduring; and the reaction was likely to be proportionally strong, as in truth the Commissioners ere long found to be the case. However, they moved steadily onward in fulfilment of their task, first organising an office department, for enabling them to deal with the inquiries and representations continually poured in upon them, and then appointing a staff of Assistant Commissioners, by whose agency the powers of local action vested in the board would for the most part be exercised. These assistants were, in the first instance, limited to nine, but their number was afterwards increased to fifteen, and eventually to twenty-one; and it is right to state that in the selection of these gentlemen the board was most fortunate, their intelligence and earnest devotion to the duties of their office securing for them not only the approbation of their immediate superiors, but also very generally the confidence of the country.

As soon as the board had fully deliberated on its course of procedure, in which it must be remembered it had no precedent to guide it, the Commissioners determined to proceed, without delay, to the formation of unions, and the introduction of the workhouse system.

With respect to the former, it was considered, that by combining a convenient number of parishes into one group, there would be greater facility for effective management, and less liability to malpractice and abuse, than if the parishes were left in the exercise of separate and independent action. And with respect to the latter, the evidence which had been obtained satisfied the Commissioners, that although under favourable circumstances, as in the case of Cookham, it might be possible to obtain a mastery over pauperism by requiring the performance of hard and repulsive labour in return for relief, yet that a rightly constituted workhouse would be more manageable, and was on all accounts to be preferred. The examples of Southwell and Bingham, and subsequently of Uley, and the evidence taken in the case of Cookham itself, fully established the superior efficiency of the workhouse as a test of destitution; and the fifteen years' experience of the two first-named places further established its sufficiency for the administration of relief. The Commissioners therefore determined to proceed at once in combining the union and the workhouse systems, under the conviction that a more efficient machinery for the administration of the law would thereby be obtained, at a less cost, and with greater certainty, than by any other course of proceeding.

The union and workhouse system established.

In acting upon this determination, the earliest attention was given to those districts in which maladministration had most prevailed, where the working classes were most demoralised, and the ratepayers most heavily burthened. From some of these districts, applications were received almost immediately on the establishment of the Commission; and on such occasions, as well as on others where the formation of a union was contemplated, an Assistant Commissioner was sent to examine the state of the district generally, and to investigate the condition of the several parishes

Formation of unions.

proposed to be united, and to report thereon according to a prepared form, having distinct queries for eliciting every essential point of information. It was likewise the practice of the Assistant Commissioners, before definitely reporting on the parishes to be united, to assemble the parish officers and the principal rate-payers, and explain to them what was intended, and to invite any suggestions they might be disposed to make. These, together with his own observations and report, were then forwarded to the board in London for final consideration ; and the Assistant Commissioner was sometimes required to attend and give his explanations verbally, on matters involving doubt or difficulty, and which could not be so well settled by correspondence.

Notwithstanding the pains taken on these occasions to explain the objects contemplated, and to secure acquiescence in what was intended, it sometimes happened that people were dissatisfied ; a parish which it was proposed to unite preferring to remain single, or objecting to be combined with some other parish, most frequently a neighbouring one, against which some feeling of anger or jealousy existed. On such occasions the board endeavoured to mediate ; and in many cases it turned out that the parties most opposed to what was intended, finding after a time the benefits greater and the objections less, became the most satisfied.

Any parish distant more than ten miles from a union workhouse, was, under Gilbert's Act (22 George III. cap. 83),¹ prohibited from being included in the union. There is no such restriction with regard to unions formed under the Poor Law Amendment Act, the 26th section of which empowers the Commissioners "to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor" ; but ten miles was considered a

¹ *Ante*, p. 83.

convenient limit, and that distance was rarely exceeded, and never unless under very special circumstances. The rule usually observed was, to take a cluster of parishes, more or less numerous according to size and means of communication, having a market-town, to which the people were accustomed to resort, as a centre, and to constitute them a union. This was the most convenient form of union, and the one which has been found to work best; but this arrangement could not always be observed—the nature of the country, the absence of towns, the existence of incorporations under Gilbert or local Acts, and other circumstances, frequently rendering the adherence to such a rule impracticable, and compelling the Commissioners to adopt a combination not the best in itself perhaps, but the best within their power to accomplish.

In every case however, although some unions were unavoidably less conveniently arranged than others, the putting of parishes into union was advantageous. If the parish be small, the pressure of local interests and jealousies is often so strong, as to render it difficult to adhere to correct principle in administering relief, whilst in a large parish, although the difficulty may be less, it would yet be sufficient to bias, and possibly pervert, the intentions of the law. By a combination of parishes, whether large or small, the danger is in great measure averted, as the union executive will have greater authority, and not be open to a suspicion of local influence. A union is also able, and will always find it economical, to employ a permanent staff of paid officers, to perform with exactitude and punctuality the duties which in parishes are imposed upon persons appointed annually, often unfitted for the task, or prevented from performing it, by needful attention to their own affairs. As respects union and parochial management, the economical results can therefore hardly fail of being greatly in favour of the former,

Distinction
between
union and
parochial
manage-
ment.

whilst in a social point of view, the union administration will be free from those local animosities and demoralising tendencies so common under the latter. Another consideration of primary importance, is, that it is only by combining parishes and spreading the cost over the entire union, that workhouses can be provided at all. It would only be the large parishes that could provide a workhouse—the expense would be too burthensome for any small parish to bear; for, excellent as experience has shown the workhouse to be as a protection against the spread of pauperism, there must be a certain amount of property and population to bear the charge of so large and costly a machine.

On the size
of unions.

The size of the unions was a question which at the outset much engaged the Commissioners' attention. They remark in their first report, "that where the districts are small, the dispensers of relief act more closely within the sphere of their own connections; proprietors are more frequently called upon to decide on applications from their smaller tenants, or from the connections of their dependants; occupiers who serve parochial offices are exposed to solicitations from their own labourers; and retail shopkeepers have too frequently to decide upon claims preferred or supported by their own customers." But in larger districts, it is observed, a majority is generally found who are free from the undue influences prevalent in narrow localities. The extension of the area of management is also said to have made it more easy to obtain efficient officers, "inasmuch as it is proportionately easier to find one fitting man than twenty; or to find one fitting officer for a union of twenty parishes, than to find fitting officers for twenty single parishes." Thus the tendency was at first in favour of creating large unions. All theory pointed in that direction, and there seemed scarcely any limit to the area which might be proved

by theoretic reasoning to be the most eligible for a Poor Law union.

But it was found, nevertheless, that a compact union of fifteen or twenty parishes, or perhaps of twenty-five or thirty, according to size and local circumstances, generally worked better, was more handy, more uniform in its action, and more satisfactory in its results, than was the case with the very large unions, in which the board of guardians found it difficult to control the whole of the details, and in which they were apt to break up into sections for administering relief, and were thus prone to fall back more or less into the abuses of the old system. In a large union, the charge on the several parishes for salaries, and for providing and maintaining the workhouse, will no doubt be proportionally less than in a small one; and hence it is desirable that a union should be as large as is consistent with good and effective management; but these it is essential to secure at any cost, and to these therefore the saving in the establishment charges by including a greater number of parishes than can be effectively managed, ought to be subservient. Although combined in union, the parishes were still separately chargeable for the relief of their own poor,¹ of which a distinct account was to be kept; but the common charges of the establishment were to be borne by the parishes generally, according to their respective average expenditure on relief of their poor for the three years previously to their being united.²

By the 23rd section of the Amendment Act, the Commissioners are empowered, with the consent of a majority of the guardians, or a majority of the rate-payers and owners of property in any union, to order a workhouse to be provided "according to such plan

Providing work-houses.

¹ See the 26th section of the Poor Law Amendment Act, 4 & 5 William IV. cap. 76.

² See the 28th section of the Poor Law Amendment Act.

and in such manner as the Commissioners shall deem most proper"; and the overseers and guardians are thereupon empowered to levy or borrow the money necessary for the purpose, provided that its amount in no case exceed the amount of one year's poor-rate, taken on an average of the three years preceding. The 25th section moreover empowers the Commissioners, without such consent, to order the alteration or enlargement of any workhouse, or building capable of being converted into a workhouse; but in this case the money to be raised is not to exceed a tenth of one year's rates, or £50. It was at first considered that the expense and loss of time in building new workhouses, might in some cases be saved by using the old parish workhouses or poorhouses, and assigning one or two classes of the paupers belonging to the union to each house. This was done in a few instances, but it rarely answered; and in the long run it was found most economical, to provide a well-arranged and sufficient workhouse as speedily as possible after the union had been formed. In most cases an entirely new building was erected, whilst in some an old building was altered and enlarged; but whether so altered or newly built, the Commissioners were always most desirous that the workhouse should be sufficiently capacious, and that there should be ample means of classification provided. These great essentials were not however always secured, the guardians naturally enough wishing to curtail the expenditure as much as possible, and the Commissioners not having power to compel the necessary outlay for more effective buildings.

The order issued under the seal of the Commission for constituting a union, and for the election of a board of guardians, was an important instrument, as were also "The orders and regulations for the guidance and government of the boards of guardians"; and both these documents required the greatest care in their

preparation, involving as they did matters which were likely sooner or later to come under litigation.

The order declaring the union specified the parishes included in it, and the number of guardians to be elected by each, and the qualification for the office of guardian. This was generally a rating or rental of £20, to which however was added a disqualification in case a candidate should have been dismissed from any parochial office within two years preceding. The notice of election, and the place and mode of voting, are prescribed, the latter being by voting-papers, to be left one clear day with each ratepayer, and then collected. The churchwardens and overseers are to add up the votes, and declare the candidate or candidates having the greatest number, to be duly elected. Forms are given for the whole proceeding; and it was considered, that in this way the objects contemplated by the Act in requiring the votes to be taken in writing, would best be fulfilled, and that the confusion and the fraudulent packing of boards of guardians which might else take place (as had often taken place in vestries and local incorporations) would be prevented.

The order declaring a union, and election of guardians.

“The orders and regulations for the guidance and government of the boards of guardians,” is a long and elaborately-framed instrument. It prescribes the holding of weekly meetings, and the order of proceedings, and directs that the decision of a majority of the board shall in all cases be effectual and binding on the minority, and that no guardian shall have power to act except as a member and at a meeting of the board. It gives directions as to the appointment of the clerk, the treasurer, and the relieving-officers; after which it prescribes the duties to be severally performed by these officers, and also by the churchwardens and overseers of the poor, who are to make and collect the rates in their several parishes as theretofore, notwithstanding the parish being put into union; and they

Orders and regulations.

Relief of
the poor in
unions.

are likewise, in the absence of the relieving-officer, to administer temporary relief in cases of sudden and urgent necessity, forthwith reporting the same. The ordinary administration of relief within the union is confided to the relieving-officers, under the direction of the board of guardians, and subject to the following regulations :—1. Except in cases of sickness or accident, no relief is to be given in money to any able-bodied male pauper who is in employment, nor to any part of his family. 2. If any able-bodied male pauper applies to be set to work by the parish, one-half at least of the relief afforded to him is to be in kind. 3. One-half at least of the relief afforded to widows or single women, not being infirm, is to be in kind. 4. No relief is to be given by payment of house-rent, or by allowance towards the same. 5. Except in cases of accident, sickness, or other urgent necessity, no relief is to be afforded to any pauper between the ages of 16 and 60 belonging to and not residing in any parish of the union, provided such person was not receiving relief at the time the union was formed, in which case due inquiry is to be made as to the propriety of continuing such relief.

Medical
relief.

The directions next given are with respect to medical relief, and these empower the guardians to contract with competent persons, duly licensed to practise medicine, to be the medical officer or officers of the union, and to attend all sick paupers within the same, and to furnish the necessary medicines and appliances. Every medical officer is required to give a certificate of the cause, nature, and probable duration of the sickness of any pauper, whenever called upon to do so by the guardians, the relieving-officer, or the pauper himself; and is to make a weekly return in a specified form, and attend the board of guardians whenever required. Directions are then given for affording relief by way of loan, and for the purchase of provisions and other

articles, which, with a view to economical management, is ordered to be done, so far as circumstances permit, upon tender after public advertisement in one county paper at least.

The next and last article of the "orders and regulations" applies to the auditing of the accounts. The guardians are directed, within a month of their first weekly meeting, to appoint an auditor, who is quarterly to examine and audit, allow or disallow, the accounts of the union and of the several parishes comprised therein, according to the laws in force for the relief of the poor, and to certify the same in the form prescribed, after which the accounts are to be open to the inspection of the ratepayers. The auditor is removable by the Commissioners, and is to receive such remuneration as the guardians, with the consent of the Commissioners, may determine. This mode of appointing the auditor is obviously open to much objection, the duty prescribed for him being to examine and allow or disallow the accounts of the parties by whom he was appointed. Under the circumstances, this was however unavoidable, it being absolutely necessary that the accounts should be audited, and the law only conferring upon the Commissioners the power of directing boards of guardians to appoint auditors in common with the other officers of the union.

An auditor
to be ap-
pointed.

The Commissioners remark that the foregoing "orders and regulations" were in the first instance confined to the gradual substitution of relief in kind for relief in money, and to a few simple rules for the regulation of out-door relief, which had been found useful, and did not involve any violent change from the usual practice; and that to make the transition more easy, a distant day was generally named for the peremptory operation of the rules, leaving an interval for their gradual enforcement. In some cases the guardians requested that this interval might be ex-

tended, in others certain modifications of the rules were found necessary, and the whole are declared to be subject to revision "for the purpose of making the most speedy advance to a sound system that the circumstances of each district will allow." Accordingly in the following year, "amended orders and regulations" were prepared and issued, for the declaration and government both of the rural and the town unions, together with carefully framed explanatory circulars, affording all needful information on the subject. A consolidated order was likewise prepared, adapted to the circumstances of the metropolitan unions and great towns, comprising the entire of the regulations, together with forms and instructions upon every matter of detail, so as to leave no opening for doubt, cavil, or misconception in any quarter.

Notwithstanding every care, and the exercise of great forbearance on the part of the union authorities, the administration of relief in conformity with the above regulations, was in several instances met by riotous proceedings, mostly on account of the rule requiring that one-half of the relief should be given in bread or other necessaries. Yet the bread provided in the new unions was always as good as, and often admitted to be better than was obtainable from the ordinary shopkeepers; and as bread was the article of prime necessity, there could be no reasonable objection to its being given to the necessitous instead of money. For the most part, however, it was only individuals of loose and bad character who were engaged in these riots, which were said in some cases to be encouraged by the small shopkeepers, who lost a portion of their custom by the change; but the boards of guardians were generally firm in the performance of their duties, and order was in every case speedily restored.

The document next prepared and issued by the Commissioners was "The orders and regulations to be

observed in the workhouses” of the several unions. It ^{The work-house regulations.} prescribed the mode of admission to the workhouse, and the precautions to be taken to guard against the introduction of any infectious disease. It then directs the inmates to be separated into the following classes, viz. :—

1. Aged or infirm men.
2. Able-bodied men and youths above 13.
3. Boys above 7 and under 13.
4. Aged and infirm women.
5. Able-bodied women and girls above 16.
6. Girls above 7 and under 16.
7. Children under 7 years of age.

To each class a separate apartment or building is to be assigned, where they are to be employed in any way the board of guardians may direct, but without mixing or communicating with any of another class, except under the circumstances, and subject to the restrictions specified. The discipline to be observed in the workhouse is then set forth in considerable detail, and the diet of the inmates is directed to be so regulated “as in no case to exceed in quantity and quality of food the ordinary diet of the able-bodied labourers living within the same district.” The guardians are directed to appoint from among themselves a visiting committee to examine the house weekly, and to record in the visitor’s book answers to the queries printed therein, which are to be laid before the board at its next meeting. The guardians, with the sanction of the Commissioners, are empowered to appoint the following officers :—The master and matron of the workhouse, the schoolmaster and schoolmistress, the chaplain, the medical officer, the porter, and the nurses ; all of whose duties are severally prescribed ; and the “orders and regulations” conclude by giving forms of the accounts which the officers are respectively to keep.

The above regulation prescribing the classification of the inmates of the workhouse, necessarily involves the entire separation of the sexes, and this, when

Separation
of the
sexes.

applied to the case of a man and his wife, was by many denounced as cruel, unchristian, and as "separating those whom God had joined." Yet this separation had been for several years practised in many of the metropolitan and other large workhouses, and it is in fact a necessity arising out of the circumstances of the case, as it would be impossible to provide separate rooms for all the married couples, without incurring an amount of expense which would be extremely oppressive to the ratepayers, and at the same time destructive of good order in the house. It would moreover entail consequences the very reverse of what is anticipated from the workhouse system, by inviting pauper residents and perpetuating pauper habits, instead, as was found to be the case at Bingham, Southwell, and other places, of checking pauperism, and leading the labouring classes back to habits of self-reliance. In none of the newly-formed unions had any considerable number of married couples accepted in-door relief, and the Commissioners express their conviction that permanent domiciliation in the workhouse is a result least likely to occur, if the rule of separation be strictly observed. They further remark, that the temporary separation of married persons is an inconvenience which many thousands in every rank of life undergo—not as a condition of escape from a pressing evil, but for the purpose of sustaining or advancing their social condition. To which may be added, that a separation constantly endured by military and seafaring persons cannot justly be regarded as a cruelty, when made the condition of being rescued from destitution and support at the public charge.¹

The Commissioners caused several plans of work-

¹ By 10 and 11 Vict. c. 109, s. 23, a married couple, *both* over sixty, shall not be compelled to live separate in the workhouse. And by 39 & 40 Vict. c. 61, s. 10, a married couple of whom *either* is over sixty or infirm, and sick or disabled, *may* be permitted, by the guardians in their discretion, to live together. See p. 387, *post*.

houses to be prepared, of a construction fitted for the classification prescribed by the workhouse regulations, and copies of these plans were furnished to the several boards of guardians for their guidance in providing the requisite buildings, but without requiring them to be adhered to, or shutting out competition and opportunities for improvement. The plans framed under the direction of the Commissioners, were very generally adopted at first, although, as the measure proceeded, they underwent considerable modifications, and were much improved. Plans likewise of a different character, but equalling the former in point of accommodation, although generally more costly, were also in many instances adopted by the guardians; for the Commissioners only so far exercised the control given them by the 23rd section of the Act as to ensure the requisite amount of accommodation, together with means of classifying the inmates, and maintaining good order in the establishment.

The "Order for the keeping, examining, and auditing" of the union and parish accounts, followed the one for regulating the proceedings of boards of guardians. The books to be kept by the parish officers are first enumerated, and directions are given with respect to each. The same is done with respect to the general accounts of the union, and the workhouse accounts, and the out-door relief accounts; after which, directions are given with respect to the "settlement and examination of accounts, bills, and demands," as well in the union as in the several parishes comprised in it. In addition to these directions, forms for the keeping of each separate account were attached by way of schedule to the order, together with an instructional letter; and to make the whole more plain, examples were given of the working both of the union and the parish accounts according to the prescribed forms.

The difficulties which must necessarily attend the

introduction of one uniform system of accounts throughout the country, are very obvious. To be sufficiently comprehensive to embrace every variety of case, the forms must be drawn in great detail, thus giving an appearance of lengthiness and intricacy beyond what might seem necessary, and far beyond what had ever been attempted before. The salaried officers of the unions might indeed be expected, after a time, to make themselves familiar with these forms, and would then probably find advantage in using them, as they would serve to assist the memory. But with respect to the unpaid parish officers the case is different. In many parishes scarcely any written accounts were kept, in still more they were kept in the rudest shape, and in the great majority very imperfectly, without the support of vouchers or any other test of accuracy. In such parishes, the appearance of the Commissioners' "Order of accounts," with the numerous columnar forms and headings, might well give rise to apprehension if they were understood, and if not understood might occasion serious alarm. In almost every instance however they would be received by the parish officers with dislike, and would be acted upon unwillingly. The Commissioners endeavoured to adapt the forms of the various accounts to these circumstances, by making the whole as simple as possible. But it was necessary that there should be a uniformity in the accounts, in order to secure a uniformity in the returns—it was also necessary that there should be an effective audit, in order to prevent malversation and abuse; and these were the two essentials to which all else was deemed subordinate.

"Orders"
of the Com-
missioners.

The "Order" constituting a union, and giving it an executive of a board of guardians, partly *ex officio* and partly elective, with ample powers for administering relief under the law; the "Order" regulating the proceedings of the boards, and prescribing the duties

of the parish officers; the workhouse "Order"; and lastly, the "Order" for keeping the parochial and union accounts—complete the new organisation as far as was immediately dependent upon the Commissioners. By issuing these orders they imparted the necessary powers, and gave the necessary directions for the combined action of the union and parochial authorities, on whom the execution of the law is then devolved, and who would have the occasional presence of an Assistant Poor Law Commissioner, and always the advice of the central board, to aid them in every case of doubt or difficulty. The measure was in itself a very large one, and was so much out of the ordinary course that it would have been impossible, without the extraordinary powers confided to the Commissioners, to have carried it into execution. Those powers, nevertheless, required the greatest care and forbearance in their application, interfering as they sometimes did with what were considered to be the rights of property, and also interfering more or less with habits, feelings, and associations of long standing. It would be going too far to say that the Commissioners always used their powers in the best manner, or that they always secured the best results; but I may, as a member of the board, be permitted to declare, that it was on all occasions their earnest endeavour so to do.

Shortly after entering upon their office, the Commissioners' attention was called to an apparent excess of population in some of the rural districts in the south, and to a want of hands in the manufacturing districts of the north. The excess in the first case may have appeared greater than it really was, owing to the discontinuance of the allowance system, which had so long prevailed in the southern counties; but that there was an excess in one part of the country, appeared to admit of as little doubt, as that there was an actual want in the other. The Commissioners

Migration
from the
southern
counties to
the manu-
facturing
districts.

therefore so far interfered, as to put the manufacturers of Lancashire into communication with certain of the most burthened rural parishes, which led to the voluntary removal of many families from places where wages were very low, to others where they were comparatively high, and where moreover there was full employment for women and children. A considerable migration from the most pauperised districts took place in consequence; and the Commissioners state that all these migrants were employed, "and earning collectively as families, three times the amount of wages which they had at any time earned in the districts which they had quitted," whilst the effect upon the parishes was a proportionate reduction of the rates.

Emigration.

With a like view to reducing the excess of population which had grown up in certain districts, through the operations of settlement and the faulty administration of the Poor Law, the Commissioners framed regulations for facilitating emigration, under the provisions of the 62nd section of the Amendment Act. The instances in which parishes took advantage of the powers therein given were, however, few, the total number of such emigrants in the first year amounting to only 320.

Bastardy.

With regard to bastardy, the Commissioners state that "the testimony preponderated strongly in favour of the principle originally approved by the legislature, although it had been weakened and modified in the Act." For some time it was believed that, as recommended by the Commissioners of Inquiry, the mother of a bastard child was considered to be in the same condition as if no father existed, and was only entitled to relief in case of her inability to maintain herself and the child; and the Commissioners observe, that "the evidence as to the effect of this impression, led them to believe that the enactment itself would have produced all the beneficial effects intended by its

promoters.” The provisions of the Poor Law Amendment Act, sections 69 to 75 inclusive, by sanctioning proceedings against the putative father, are at variance with this principle, and so far open to objection; but it must be admitted, that the impediments placed in the way of any such procedure are so great, as to ensure its being rarely resorted to. Meantime, the claims for relief on account of bastardy are stated to be diminishing.

The Commissioners sum up their proceedings at the end of their first year of office, by stating, that 112 unions had been formed, comprising 2066 parishes,¹ with a population amounting to one-tenth of the entire population of England and Wales; but that in consequence of the most heavily burthened districts being first selected, “the proportion of the rates affected by the change is one-sixth of the total amount of rates in England and Wales.”

With respect to pecuniary results, a single year, and that the first of the Commission, was too limited a period to warrant any very definite conclusion. It would not be until returns for the entire parochial year up to Lady-Day 1836 were obtained, that there would be means of judging of this with certainty. But the Commissioners obtained approximate data, which satisfied them that a general reduction of expenditure was going on, chiefly in consequence of the substitution of relief in kind for relief in money, the reduction being considerably more in the larger parishes than in the smaller ones—probably about 20 per cent. in the first, but in the last not more than 9 per cent.

Anxious attention had been directed to the effect of the change upon the working classes, more especially upon those who had been accustomed to the allowance system. Inquiries were made as to the subsequent condition of those labourers, whose allowances being

Commissioners' first report, 8th August 1835.

Reduction of expenditure.

Effect on the labourers.

¹ Three single parishes were also placed under boards of guardians.

discontinued, yet refused to accept relief in a workhouse ; and it was found that they generally obtained independent employment without quitting their parishes. In the Faringdon union all out-door relief was discontinued, and relief in the workhouse was offered to 240 able-bodied labourers, only about 20 of whom entered the house, and not one-half of these remained there more than a few days. Yet the diet in the workhouse was high as compared with the ordinary diet of the independent labourer. The reports from the dispauperised districts represented wages as improving, and as being generally higher than in the adjacent pauperised parishes ; and in concluding their report, which is dated August 8, 1835, the Commissioners remark, that they are sustained in their labours by the conviction that the Act which they have to administer “will fulfil the beneficent intentions of the legislature, and will conduce to elevate the moral and social condition of the labouring classes, and promote the welfare of all.”

1835.
5 & 6
Will. IV.
cap. 69.

Parish
Property
Act.

In the same year an Act was passed for “removing certain legal difficulties” and facilitating the sale and conveyance of parish and other property for poor law purposes, whence it is commonly called “The Parish Property Act.” This Act (5 & 6 William IV. cap. 69) gave powers which were much needed, and without which it would indeed have been exceedingly difficult to obtain convenient sites, or to provide the necessary workhouse accommodation. Although prepared in the first, the Act must be considered as belonging to the Commissioners’ second official year, in which year also another Act of very considerable importance was passed for regulating parochial assessments.

1836.
6 & 7
Will. IV.
cap. 96.

Parochial
Assess-
ment Act.

“The Parochial Assessment Act” (6 & 7 William IV. cap. 96) directs, that after a time to be fixed by the Commissioners, “no rate for the relief of the poor in England and Wales shall be allowed by any justices, or be of any force, which shall not be made upon an

estimate of the net annual value of the several hereditaments rated thereunto—that is to say, of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes, and tithe commutation rent-charge, if any, and deducting therefrom the probable average annual cost of repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent." The form in which the rate is to be made is set forth in the schedule, and every particular required is to be inserted by the officers whose duty it is to make and levy the rate. The Commissioners are empowered to order a new survey and valuation, with or without a map or plan, on such a scale as they think fit; and the justices in every petty sessional division are four times in every year to hold a special sessions for hearing appeals against the rates, and for determining all objections on the ground of inequality, etc., and their decision is to be conclusive, unless within fourteen days notice be given of appealing against it, and of the matter or cause of such appeal. Every person rated to the relief of the poor in any parish is entitled "at all seasonable times" to take copies of the rate "without paying anything for the same," and any person having the custody thereof who does not permit this to be done, is subjected to a penalty of five pounds.

Having noticed these two statutes, which a brief experience had shown to be necessary, we will now turn to the proceedings of the Commissioners for carrying the new law into execution, as the same are detailed in their second report.

The Commissioners proceeded as before, in forming unions, establishing boards of guardians, providing workhouses, and applying the rules and regulations set forth in their first report; and they state, that every day's experience confirmed them in the opinion that the principles which the legislature sought to bring into

1836.
Commis-
sioners'
second
report.

operation, could never be generally and effectively introduced without the aid of boards of guardians and their subordinate officers, and the sanction of well-regulated workhouses. They further observe, that they considered the state of the country favourable for the introduction of the amended system, and that in order to secure its application within the shortest possible period, the number of Assistant Commissioners had been increased to twenty-one, each of whom had charge of a district; so that by Midsummer next they would be able to bring the Act into operation in every part of the country, where they were not impeded by the existence of Gilbert's Act or local incorporations. But they likewise remark, that it could not be expected that a measure which so materially disturbed the annual distribution of the large sum of seven millions, and which was moreover opposed to the interests of some, whilst it affected all, and pressed hardly against the charitable feelings of many, would be carried into effect without encountering difficulty, and perhaps even resistance.

Opposition
to the law.

The occurrence of difficulties, and probably of resistance, was no doubt to be expected, and partial riots and outbreaks did in fact occur in several places, which were, however, speedily put down by the aid of small parties of the metropolitan police. In one instance, the attempt to introduce order and classification into a badly managed local Act workhouse in Suffolk, was followed by the inmates setting fire to the premises, a fourth part of which was consumed. Similar attempts were made in other places, but on these occasions the watchfulness and energy of the boards of guardians prevented actual mischief. Resistance was also manifested in some parts of Devonshire, and with the view of exciting the peasantry, reports were circulated that the bread distributed by the relieving-officers was poisoned. Yet despite of these occurrences, it is satisfactory to be able to state, that open and direct resistance was not

permitted in any instance to prevail, and that no loss of life occurred in upholding the authority of the law.

It was not, however, by direct resistance alone, that the introduction of the new law was sought to be impeded. "Evasions of every kind, appeals to mistaken compassion, to indirect interests, to ignorant and rooted prejudices, and to the influence of office, were resorted to." The chief reliance for discouraging pauperism was on the workhouse system, the efficacy of which depended mainly on the classification of the inmates, and the maintenance of strict order throughout the establishment; and continual efforts were made to break down these restraints. The separation of men from their wives on their admission to the house, was a never-failing topic of declamation by persons wishing to court popularity, and excite resistance to the law; as was also the restriction which prevented persons from entering and leaving the house at their pleasure. Any one might quit the house at any time on giving notice of a wish to do so, but after leaving it he could not return without going through the forms of admission prescribed by the regulations. This was called imprisonment, and the workhouses were called "Bastiles." There is always much in a name, and this was one of great significance with the multitude. Yet it is impossible to doubt that such a restriction of ingress and egress was necessary, any more than that the separation of the sexes and the classification of the inmates were essential elements of the system. In all other respects the workhouse inmate is better off than the ordinary labourer. He is better fed, better clothed, better lodged, better attended in sickness, better cared for in health, and far more lightly worked; and were it not for the restraints imposed as the condition of his reception, the workhouse would too probably become an incentive to pauperism, instead of being a check or preventive.

Obstructions to the workhouse system.

Religious
service in
the work-
house.

One of the most embarrassing attempts to break down the rule which prohibits the inmates from casually quitting the workhouse, was in the form of applications that they should be permitted to go out on Sundays, for the purpose of attending a place of worship. This was particularly the case with respect to some of the town and metropolitan unions: but whether in town or in country, to have yielded to the application would have been destructive of the discipline of the establishment; and it was moreover unnecessary for the purpose named, divine service being regularly performed in the workhouse on Sundays by a clergyman of the Church of England appointed for the occasion, whilst any inmate who was not a member of the Established Church, might, if he wished it, be visited by a minister of his own religious persuasion. The rule was consequently maintained, although not without frequent endeavours being made to break through or evade it.

Education
of children
in the
workhouse.

In connection with the performance of religious service, the education of the children in the workhouse must be noticed. With respect to this important portion of their duties, the Commissioners say that they have been guided by the statute of Elizabeth, which directs that "order shall be taken from time to time for setting to work the children of all such whose parents shall not be able to maintain them," and have endeavoured to stimulate the local officers, after giving to the children a rudimentary education, to procure employment for them out of the workhouse; and they add, that the training already imparted to the children by better appointed schoolmasters, and by a better mode of instruction in the common requirements of reading and writing, have been productive of the effects intended, the children so trained being considered better qualified for service. In one instance the guardians applied to have writing omitted, and were desirous that the schoolmaster should teach

reading only.¹ But the Commissioners declared, that they could not sanction a plan of instruction for the children in a workhouse from which writing would be excluded, and that they considered it of great importance that the workhouse children should be so taught as to give them a good chance of earning an independent maintenance in after-life, which chance the acquisition of writing would greatly improve. One of the duties prescribed for the chaplain by the workhouse regulations, is to examine and catechise the children at least once a month, and after each examination to record the same in a book to be kept for that purpose, stating also the general progress and condition of the children. The proper instruction of the workhouse children was therefore not neglected in the new arrangements, care being taken to teach them their duty to God and man, and to fit them for gaining their living in the station of life in which Providence had placed them.

It has already been stated as being originally intended that relief to the able-bodied out of the workhouse should cease on the 1st of July 1835.² But this intention was afterwards abandoned, and the Commissioners were charged with the duty of fixing the time when the prohibition should take effect in each union; and now at the end of their second year of office, they express their apprehension that it will be a matter of surprise as well as regret to many persons, that the rule prohibiting out-door relief to the able-bodied has been applied in only sixty-four unions. Some unions adopted the rule of their own accord, and only three raised any objection to it. The rule, it must be observed, applied to males only—females were

Prohibition
of out-door
relief to
the able-
bodied.

¹ See letter dated 7th February 1836, from the Bedford Union, printed in Appendix C, No. 8, of the Commissioners' second report.

² See *ante*, p. 298. In the Bill as first introduced, the 1st of July 1835 was named as the day on which out-door relief to the able-bodied should cease.

not included; and in the case of aged persons, the Commissioners wished the rule to be applied without severity.

Magistrates may in certain cases order out-door relief, but its nature is to be determined by the guardians.

It appears however that certain aged persons, to whom the guardians had decided that relief should be afforded in the workhouse, appealed to the magistrates, who are in certain cases empowered to order, that the relief should be administered out of the workhouse. Upon this, questions were raised as to the extent of the magistrate's power in such cases; and the Commissioners, on being referred to, explained to the several parties, "that the order which two magistrates are empowered to make, when one of them can certify of his own knowledge that the aged pauper is wholly unable to work, can go no farther than to direct that the relief to be given shall not be in the workhouse. The amount and the quality of the relief are to be decided upon and awarded solely by the guardians." This explanation of the law was of great use in preventing injudicious interference, and harmonising the action of the union and magisterial authorities. The magistrates in their capacity of guardians *ex officio*, were entitled to attend the meetings of the respective boards, and to vote upon every question in common with the elected guardians. Their opinion as to the nature of the relief to be afforded in any case, would therefore be sure of receiving all proper attention.

The work-house dietaries.

It is obviously desirable that the dietaries in the several workhouses should be as nearly similar as possible—similar at least as regards their being attractive or otherwise, although they could not be precisely similar, the habits of the people and the mode of living being different in different places. The workhouse dietary ought, no doubt, to be governed by the ordinary mode of living in the district where the workhouse is situated, but it should in no case be

superior to that of the labouring classes in the neighbourhood. Acting on this principle, and being sensible, they say, “of the importance of proceeding under the sanction of actual experience in a matter so open to cavil and objection,” the Commissioners instituted inquiries, and procured copies of the dietaries which had been adopted in various parts of the country. From these dietaries six were selected, of a character so varied as to meet almost every variety of circumstance. These were sent to each of the unions, with a letter pointing out the principle which should govern the guardians in determining on the dietary, whether one of the six, or any other. This communication was generally attended to, and led to the establishing of a more uniform, as well as a more economical system of workhouse dietaries than would else in all probability have been established.

The existence of incorporations under Gilbert's Act continued to impede the proceedings of the Commissioners in forming unions; for although seventeen of these Gilbert incorporations had been dissolved, there were yet many “in which the directors are still so imperfectly informed as to the real interests of those for whom they act, as to maintain a pertinacious resistance to the introduction of the amended law.” The provisions of Gilbert's Act (22 George III. cap. 83)¹ are directly at variance with the whole tenour of the Poor Law Amendment Act, not only sanctioning, but in distinct terms requiring, the guardians to find employment “near the place of his or her residence” for all poor persons applying for the same; and the embarrassment now occasioned by these incorporations, may be gathered from the fact, that before the new system could be established in one part of Leicestershire, no less than eight of them, comprising

The Gilbert
incorpora-
tions.

¹ *Ante*, p. 83.

115 parishes, had to be cleared away.¹ The Gilbert incorporations had all been most capriciously put together. "Their respective parishes were intermingled in the greatest confusion; no principle or plan seems to have been observed in their construction; one or two parishes formed the nucleus, and they admitted or rejected others just as they expected advantage or apprehended trouble from a connection with them." The Commissioners express a hope that the remaining Gilbert incorporations may be induced to dissolve, on seeing the saving of £47,113, or 41 per cent. upon their previous expenditure, which had followed the breaking up of seventeen of their number, and reconstituting them with the more complete machinery provided under the Poor Law Amendment Act; but this hope, I regret to say, has not (1853) been fulfilled.

Local Act
places.

Next to the Gilbert incorporations, the "local Act places" were the occasion of the greatest embarrassment in carrying out the provisions of the new law. This was particularly the case in the metropolis, which comprises a great number of parishes, each having its own specific governing body, and all the large ones being managed under local Acts. These governing bodies exercised a variety of functions, more or less important, in addition to that of relieving the poor; and the interference of the Commissioners, although limited to this last object alone, could hardly fail of causing some derangement, as well as exciting some jealousy, and perhaps alarm. It was accordingly found, that although in several instances improved management and more economical expenditure followed upon the election of a board of guardians under the new law, there was yet in certain other cases a pertinacious resistance to the authority of the Commissioners, and to the introduction of the new machinery.

¹ See Mr. Hall's report, Appendix B, p. 436, of the second report of the Poor Law Commissioners.

With respect to bastardy, adherence is again declared to the views of the Commissioners of Inquiry, whose recommendations on the subject are pronounced to be in accordance with sound policy; and the Commissioners express their satisfaction at observing "that the practice which was at one time almost universal, of dealing with the mothers of bastard children differently from other paupers, is rapidly giving way, and the sounder course of giving relief only according to the measure and character of their wants, is more generally adopted." The number of bastards chargeable to the parishes of England and Wales in the year 1835 is stated to be 71,298, whilst the number so chargeable in 1836 was 61,826, thus showing a decrease of 9472, equal to 13 per cent. But the operation of the Act will be more clearly shown by taking the numbers affiliated, which in 1835 were 12,381, and in 1836 were 7686, making a decrease of 4695, which is equal to 38 per cent.

The Commissioners are authorised by the 15th section of the Amendment Act, to make regulations for apprenticing pauper children, and they say, in this their second report, that they are not unmindful of the duty required of them in this respect, but that they have hitherto abstained from issuing any such regulations, because although the evils are obvious, it is difficult to define the precise mode by which they can be remedied; and it is moreover believed, that the number of such apprenticeships will be diminished, as the number of persons maintaining themselves independently of the poor-rates increases. The system of compulsory parish apprenticeship had for a long time prevailed to a great extent in all the western counties, particularly in Devonshire, where its evil effects were very apparent. The binding was considered a degradation both to parents and children, and the inequality of the burthen was felt to be a hardship and injustice

Parish
appren-
tices.

by the ratepayers. There was a different mode of allotting the apprentices in almost every parish. In some cases, all persons rated at £50, or some other fixed amount, are compelled to take an apprentice for every such sum, and all who are rated below it contribute towards the maintenance of the apprentice, by contributing in proportion to their rated value; so that a person might have several apprentices fixed upon him, for whom he was unable to find employment or suitable accommodation. The parish apprentice generally becomes the slave of the whole household. His education is for the most part neglected; he rarely attends a place of worship; and if a girl, she is often sent into the fields to do the work of men and boys, instead of being trained in occupations befitting her sex. The system of parish apprenticeship is no doubt attended with these and other evils, and it is satisfactory to find the Commissioners expressing an expectation that such "compulsory bindings must soon become so limited in point of number, that the difficulty of devising proper regulations will be much diminished."

Emigration
and migra-
tion.

The investigations which took place in connection with the arrangements for forming the Poor Law unions, led to its being ascertained that there was a redundancy of labourers in many parishes in the southern and eastern counties, and such parishes were, as in the year preceding, enabled by the Commissioners under the provisions of the 62nd and 63rd sections of the Amendment Act, to raise the money necessary for the emigration of a considerable number of these labourers, who proceeded chiefly to Upper Canada. But the Commissioners declare that in this matter they only acted in compliance with the wishes of the parishioners, and have "taken no steps to encourage or promote this most costly method of relief." They say, however, that they have again given encourage-

ment and assistance to the migration of paupers from the rural to the manufacturing districts, which on the whole has been attended with success, although several who so migrated turned out indifferently.¹

No part of the proceedings for bringing the new ^{Medical} law into operation, called forth more persevering ^{relief.} clamour and misrepresentation than the arrangements with respect to medical relief. Yet the Commissioners never sought to disturb the existing arrangements whenever they were found sufficient for the purpose, neither did they wish to displace the resident medical practitioners by encouraging the introduction of new men. It is true this did occur in a few instances, through what the guardians considered extravagant demands by the medical men of the district, who afterwards complained of their practice being thus interfered with. The method sometimes adopted by boards of guardians, of requiring medical men to state, by way of tender, the sum for which they would undertake to attend the sick poor, was also complained of as being derogatory to the profession. As unions were formed, it no doubt became necessary to make some change in the arrangements for medical relief in the separate parishes, and this may have led to a decrease in the practice of some medical men, and to an increase in that of others; but the entire amount of this description of relief was not thereby lessened, neither was the entire amount of remuneration to the medical practitioners thereby reduced—it was, in fact, considerably increased.

Previous to the passing of the Poor Law Amendment Act there was no express authority for medical relief. The statute of Elizabeth makes no mention of it, and the subsequent Acts relating to the poor are silent on the subject. Although in the absence of any express provision, medical relief had in all parts of the

¹ See *ante*, p. 305.

kingdom been more or less furnished to the poor, it must be admitted that the principle of the new law aimed at restricting medical in common with every other established mode of relief, and sought to render the labouring population provident and self-reliant in all the various contingencies of life. The wants of sickness are not, it is true, of the same certain daily occurrence as the want of food, but they may be provided for by the exercise of proper forethought, as in the case of house-rent or clothing. There is however this difference, that sickness destroys a man's capacity for labour; and if he has failed to make timely provision when sickness overtakes him, he is at once prostrated, becomes in himself helpless, and is of necessity compelled to look to others; whereas if a pressing want or urgency assail him whilst in health, he may, by earnest effort meet it and rise above it. Whilst therefore adhering, in their entirety, to the principles of the Poor Law Amendment Act, we may yet admit that medical relief is, in its nature, not only the least objectionable of all modes of relief, but that it is within reasonable limits admissible, and, in the existing state of society, even necessary.

Independent
sick-
clubs.

It must however at the same time be admitted, that with respect to the labouring population, the casualty of sickness is capable of being provided for in a most unobjectionable manner, by the establishment of "independent sick-clubs"; and in proportion as these prevail, would the call for medical relief under the Poor Law be lessened, while the people would become more provident and self-reliant. It was therefore very early endeavoured through the personal influence and exertions of the Assistant Commissioners, and by means of a circular addressed to the boards of guardians, to procure the establishment of such sick-clubs; and in order that they might be able to furnish the best information on the subject, the Commissioners

got together the regulations of a great number of these clubs, and condensed whatever was found good in them into a set of rules, which appeared to be sound and practical, and which might be safely taken as a standard in the formation of such associations. The circular and the suggested rules are given in Appendix A, No. 3, of the Commissioners' second report; but they were not extensively acted upon, although the principle on which the recommendations were founded was generally approved.

It has been already stated, that in the second year ^{1836.} a new order of accounts ^{New order of accounts.}¹ was issued, the forms and details of which were prepared "after extensive inquiry and correspondence, and much careful consideration, and, it may be added, much labour also." The Commissioners express their belief that the new forms will work well, and that no further alterations will be necessary, "provision being made in them for bringing out in a clear and distinct manner all the results of interest or importance connected with Poor Law administration; so that the returns periodically called for, and which have hitherto been made in a very incomplete and unsatisfactory manner, will hereafter be attainable with comparative ease, and in forms more consonant with the present advanced state of statistical science."

The great importance of the office of auditor is fully ^{Auditors.} recognised in the second report, the Commissioners declaring that "it daily becomes more and more evident to them, that when the duty of arranging the unions and introducing the rules and regulations is completed, it will be by the authority and superintendence of the persons executing the duties of auditors, that the new system of Poor Law administration will be mainly upheld." This may have seemed a natural expectation at the time, but its being realised would

¹ See *ante*, p. 304.

very much depend on the character and position of the auditors. To be effective, they must not only be competent to perform the duties of the office, but they must also hold it independently of and uninfluenced by the local authorities, whose expenditure they have to scrutinise and possibly in some instances to disallow. Yet the appointment of the auditors is by the 46th section of the Amendment Act vested in these very local authorities, the Commissioners being, as has been before stated,¹ only empowered to direct guardians and overseers to make the appointment. It is true the Commissioners have the power of dismissal, which may prevent incompetent or improper persons from continuing to hold the office, and the Commissioners can also regulate the salaries and prescribe the duties; but these are little more than palliatives of the vice of the original appointment, which still rests with the parties whose expenditure the appointee is required to check. Instructions were prepared and forwarded to each of the auditors, pointing out in detail what charges could be legally allowed, and what should be disallowed as being illegal; and in like manner detailed instructions were furnished to the overseers and parish officers for their guidance in the application of the rates, the principle in each case being—"that no money should be expended from the poor-rate, excepting such as was directly applied to the relief of the poor, or was otherwise expressly authorised by the statute."

Summary
of the
second
year's pro-
ceedings.

The result of the *second year's* proceedings showed that since the date of their former report (8th August 1835) 239 unions had been formed, comprising 5835 parishes, and that boards of guardians had been organised in 11 single parishes, making a total of 5846 parishes, in which the poor-rates amounted to £2,690,695, and the population to 4,836,816. If to this be added what was done in the previous year, it

¹ See *ante*, p. 299.

will give a gross total of 351 unions, and 14 single parishes, comprising in all 7915 parishes, with a population of 6,221,940, and in which the poor-rates amounted to £3,912,238. The proportion of the population thus placed under the new law, amounts to 45 per cent. of the entire population of England and Wales, and the proportion of the rates in the parishes so placed is 65 per cent. of the total expenditure. This difference of proportion between the population and expenditure, is owing to the law having been first applied to the most heavily burthened parishes.

The returns show that the money expended for the relief of the poor amounted in 1835 to £5,526,418, and in 1836 to £4,717,630, thus exhibiting a reduction effected under the amended system, in the first parochial year, of £790,838, and in 1836 a further reduction of £808,788, or a total reduction as compared with 1834, of £1,599,625. This is a large reduction in two years ; and as the money thus saved was for the most part left in the hands of the employers of labour, they would be enabled to pay better wages, and to give more employment, the labourers thus receiving, in the shape of honest earnings, compensation for what they used to receive as an allowance from the rates. It is satisfactory also to find by the reports from the rural districts, that the labourers were more orderly and industrious, that they were beginning to look to the master instead of the parish officer, and to feel that a good character is the best security for obtaining regular employment. These results cannot fail to be regarded as highly auspicious, and warrant the confidence expressed by the Commissioners at the end of their report "not only in the permanent character of the improvements described, but that such improvements will be progressive, so long as correct principles of Poor Law administration continue to be enforced."

The proceedings for bringing the new law into

Impedi-
ments to
the intro-
duction of
the law.

operation, may on the whole be said to have been thus far conducted under favourable circumstances, but this was far from being the case in the three succeeding years. The autumn of 1836 was wet and ungenial, and was followed by an extremely severe winter, which greatly impeded, and for a time put an entire stop to, farming operations and out-of-door employments generally. This was succeeded by deficient crops and a high price of all the necessaries of life, to which must be added the outbreak of influenza, which carried off numbers in every class of society, and left still more in a weak and enfeebled state; and finally, to complete the series of evils, a sudden check or revulsion of trade took place, with a consequent reduction of employment in the manufacturing districts. These were all circumstances calculated to impede the organisation and successful working of the new measure, and called for the utmost vigilance on the part of those to whom its introduction was confided. Other circumstances, likewise of a scarcely less embarrassing nature, occurred at this time, the influence of the Commission and confidence in the permanency of the new law being weakened through the inquiries instituted by parliament in 1836, 1837, and 1838, and through the approaching termination of the Commission, which unless renewed would expire in 1839, or "the end of the then next session of parliament."

Such were the difficulties and impediments against which the Commissioners had to struggle throughout the years 1837, 1838, and 1839; for although towards the end of the latter year the Commission was renewed, it was so only for a single year, and on an understanding that the question would be reopened in the next session. In adverting to these circumstances, the Commissioners express regret that the course they had pursued in giving effect to the Act, should have been exposed to a protracted scrutiny whilst it was yet incomplete, and

that so much of their own and their Assistants' attention, which would else have been applied to the correction of defects, should be devoted to furnishing information for refuting statements for the most part unfounded, and to upholding those main principles of the law which although at first cordially adopted, the boards of guardians in some instances became less disposed to maintain, in consequence of the indications manifested by the legislature in directing these inquiries.

The difficulties arising from cessation of employment, whether caused by the severity of the season or the stagnation of trade, are precisely those which bear hardest upon the machinery created under the new law. In either case the pressure would be sudden, and it would also be general if occasioned by the badness of the season in an agricultural district, or by the stagnation of trade in a manufacturing one. Against such pressure the workhouse will generally be a defence, if rightly constituted and judiciously applied.

But a case may arise, where the number of individuals pressing for relief will be so great, as not only to exceed the capacity of the workhouse for receiving them, but even to prevent the guardians from tendering relief in that form, or from "offering the house," lest it should be "swamped." If this should occur, and the workhouse be thus for a time rendered inoperative as a test, additional premises must be taken and adapted for the purpose; or else out-door employment of a rough and uninviting character must be resorted to, which, although less effective as a test and less manageable than the workhouse, will still be of considerable use if rightly conducted. These are the two alternatives, if a workhouse be not ready, or be in danger of being "swamped," for protecting the union or the parish against an overwhelming demand for relief in sudden emergencies, from whatever cause arising. On these, and indeed on all other occasions

1837.
Commis-
sioners'
third
report.

Alternatives if the workhouse be found insufficient.

where relief is given at the cost of the public, it is essential that the relief afforded be in such a form, and coupled with such conditions, as to be less desirable than a subsistence obtained by independent labour. This constitutes the "workhouse test." And whenever an "out-door test" is resorted to, it should be applied on the same principle, as regards the nature and quantity of the work, and also in the relief given in return, which should be chiefly in food.

Instances
of the
Andover
and Cuck-
field
unions.

An instance or two, by way of illustration, may here be useful. In the Andover union (Hants), in the month of September, 1836, when field-work was put a stop to in consequence of the continued heavy rains, fifteen able-bodied labourers, as had been usual in such cases, applied for relief. The guardians offered to receive them and their families into the workhouse, but none accepted the offer, and in a short time they all succeeded in obtaining employment, and supported themselves without aid from the rates. Thus also in the Cuckfield union (Sussex) in December of the same year, a few days after heavy snow had set in, application was made by a hundred and forty-nine able-bodied labourers for relief, on account of the inclemency of the weather. To a few urgent cases the guardians gave some relief in kind, but to a hundred and eighteen of these men the workhouse was offered, six of whom accepted it. On the following board-day more applications for relief were made, and sixty were offered to be taken into the house, but five only entered, and three of these left on being set to work at the corn-mill. In these, as in many other similar cases, were it not for the option which the guardians possessed of tendering relief in the workhouse, not only the men who applied, but the whole labouring population of the district would have been thrown upon the rates, and thus helped to spread the tide of pauperism. The total number of able-bodied men in the Cuckfield workhouse

during the heavy snowstorm in the winter of 1836-37 was twenty, who all quitted the house on the snow ceasing; and the Commissioners state that "they have not known a single instance of any workhouse, with proper accommodation, in any rural union, having been filled by an influx of able-bodied paupers."

The above were rural unions, and the applications for relief were caused by the severity of the season; but similar, and even more striking results followed the application of the workhouse principle in the manufacturing districts of Nottingham, Derby, Leicester, Stafford, and Warwick—in all of which employment had been more or less curtailed by the stagnation of trade consequent on financial difficulties. The most remarkable instances of the successful application of the principle are however those of Stoke-upon-Trent and Nottingham, each of which is deserving of notice, not only as affording a valuable example in itself, but also for comparison with the rural unions just noticed.

Stoke-upon-Trent was the first manufacturing town placed under a board of guardians. The order for that purpose was issued on the 31st of March 1836, soon after which there was an extensive strike of the pottery operatives for an advance of wages, which had the effect of throwing nearly the whole labouring population of the place out of employment. The guardians, without experience, and just entering upon their office, thus found themselves suddenly involved in difficulty, and forthwith applied to the Commissioners for advice. They were told in reply, that so long as there was room in the workhouse, no able-bodied applicant ought to be relieved out of it; and that whenever the workhouse was full, out-relief in kind might be afforded, but that it should be given as far as possible in return for labour. The advice was promptly adopted, and although there was said at one time to be no less

The instance of Stoke-upon-Trent.

than 30,000 persons out of employment, and the distribution of £10,000 in weekly wages suspended, no breach of the peace or serious disturbance took place; and the board of guardians, elected by and representing the whole body of ratepayers, were enabled to administer the affairs of the parish, in conformity with the law.

Persons who voluntarily throw themselves out of employment, can have no claim for support from the poor-rates; but on such occasions there must always be a great number, possibly sometimes the greater number, whose employment necessarily ceases when the others are on strike, or who may be coerced into idleness by their fellows. From whatever cause arising, however, it is certain that on no occasion is a strict adherence to principle in the administration of relief under the Poor Law more necessary, than on the failure of employment in a manufacturing district. To permit relief from the rates to be made a substitute for the wages of labour, or a means of increasing its amount, would be at once illegal, and a destructive interference with the labour-market, and would tend to sap the foundations of property. These consequences were happily averted by the firm and prudent management of the board of guardians in the case of Stoke-upon-Trent; and although the resources of the operatives were much reduced by their strike of nearly thirteen weeks, and that the stagnation of trade which shortly afterwards took place, threw great numbers out of employment, "the machinery of the new law was found equal to the emergency."

The instance of
Nottingham.

The case of Nottingham, although differing in some respects from the above, goes equally to establish the soundness of the workhouse principle. The greater portion of the manufacturing districts of Nottingham and Leicester, were placed in union in the early part of 1837; and the administration of relief by the boards

of guardians had hardly commenced, when "the interruption in the American trade caused a cessation in the demand for labour, more sudden in its approach, and more extensive in its operation, than had been known on any former occasion." The Nottingham union comprised a population of about 50,000 persons, mostly engaged in the stocking trade. The order prohibiting out-door relief was in force in this union; and when the interruption of trade suddenly caused a cessation of employment, it was evident that the guardians would be placed in difficulty, their workhouse being old, ill managed, and insufficient in size. They were however disposed to adhere firmly to the regulations, and as the applications for relief increased, they took steps for increasing the workhouse accommodation, by removing the children and the aged and infirm into premises hired for the purpose, which with certain other arrangements enabled them to make room in the house for nearly 700 persons. A constant communication was kept up with the Commissioners, and as the pressure continued to increase upon them, and the workhouse accommodation again became insufficient, the guardians were authorised to afford out-door relief to such extent as they might find necessary, in return for labour at task-work.

The labour resorted to on this occasion at Nottingham was the making of a public road, and a test was thus established auxiliary to the workhouse, which it was hoped would enable the guardians to meet any pressure the circumstances of the times might subject them to. Distress, however, continued to increase, and as winter approached it was deemed advisable still further to extend the workhouse accommodation, by taking some adjoining premises; but these also after a time were found insufficient, and wooden sheds were then erected, in which food was distributed and consumed on the spot by the persons

applying for relief. This last mode proved inefficient as a test, and very many persons partook of the relief who were not entitled to it. Perhaps this was unavoidable; and having regard to the insufficiency of the workhouse accommodation, the difficulty of applying the out-door labour test in the depth of winter, and the extreme and continued stagnation of employment, we must feel that large allowance should be made for whatever was defective in this matter. The energy of the guardians in endeavouring to maintain the workhouse principle under extraordinary difficulties is, however, shown by the fact of their having doubled the accommodation, no less than 971 persons having received in-door relief at one time in December. In the following summer the hosiery trade resumed its accustomed activity, the workhouse inmates were reduced to about the usual number, and the guardians had the satisfaction of seeing a natural state of things restored, without having been driven to violate principle or yield to clamour.

In administering relief to the distressed artisans of Nottingham, the guardians were somewhat embarrassed by the fact of a large sum (about £4000) having been contributed by benevolent persons in the town and neighbourhood for the same purpose, with a committee appointed to superintend its distribution. The existence of such a fund would naturally bring applicants to partake of it, and with whatever care it might be administered, it would be impossible to prevent abuse. This charitable fund was meant to be applied in aid of the poor-rates, and thus to assist the ratepayers, as well as relieve the unemployed operatives, which as far as was practicable appears to have been done. Yet the blending of funds so differently derived, and the commingling of objects widely differing, if not opposite in their natures, could hardly fail of disturbing the simplicity, and thereby lessening the efficiency of the

workhouse principle in the matter of relief. This seems to be the opinion of the Commissioners, who say that if no such subscription had existed, and if the relief of the necessitous had to be provided out of the poor-rates alone, they are confident that the union authorities would be able to meet any exigencies likely to arise in a manufacturing district; and that by adopting an out-door labour test in addition to the in-door workhouse test, and applying it according to sound rules, it appears that almost any conceivable amount of pressure might be met and adequately provided for. In-door relief, the Commissioners observe, is more certain, simple, and easy in its application; but the out-door labour test is the same in principle. They add, however, that although both tests may thus be employed, "it is yet obvious that the in-door test of the workhouse should, with respect to able-bodied persons, alone be resorted to under ordinary circumstances; and that the out-door labour test should be called into operation only in extreme or emergent cases."¹ The prohibition of out-door relief to the able-bodied was objected to by many well-intentioned persons on the ground of its being a hardship, and as punishing poverty as if it were a crime. But to this it has been well replied, that "to say that forbidding relief to the able-bodied out of the workhouse will make poverty punishable, is the grossest misrepresentation, if by poverty is meant the situation of a man who has to earn his bread. It is the present system which, by confounding poverty with pauperism, and tainting wages by the admixture of relief, punishes poverty with a severity which one would be sorry to see applied to crime."² This is meeting the objection on the true ground.

¹ See the Commissioners' third and fourth reports.

² Extracted from Mr. Senior's manuscript, before referred to; see *ante*, p. 262.

The work-
house
system
universally
applicable.

The instances just cited of Andover and Cuckfield may be taken as exhibiting the average operation of the law in rural unions, wherever a competent workhouse had been provided, and the guardians acted with firmness and discretion. The pressure to which these two unions were subjected was not perhaps very extreme, but had it not been for the new machinery of a board of guardians acting under definite regulations, and the existence of an effective workhouse, every labourer in these unions would have had his independent feelings outraged and probably perverted by being placed in the condition of a pauper. As it was the labourers doubtless suffered some privation on missing the usual allowance, but the privation would cease on a change of weather, and its occurrence would lead them to make provision for averting it in future. The event might also, and probably would, lead the employers to be more considerate of the welfare of their people, and not permit them to be thrown entirely out of employment on the occurrence of wet weather or a protracted snowstorm. The examples of Andover and Cuckfield are in unison with, and may be regarded as confirming the much earlier example of Southwell, with respect to the sufficiency of the workhouse as a test of destitution, and as establishing its perfect adaptation to the rural districts. The applicability of the workhouse system in the country unions was now indeed very generally admitted, but many persons still asserted that it was unsuited to the manufacturing districts and great towns, and that in such places it must fail. In refutation of such an opinion, it is only necessary to refer to the examples of Nottingham and Stoke-upon-Trent, as they are above described, to which may likewise be added that of the metropolitan district of Spitalfields, the circumstances of which were almost identical with those of Nottingham, including a charitable subscription for the relief of the unemployed silk-

weavers in one case, as for the stocking-weavers in the other. In short, the whole of the experience, both before and after the passing of the Poor Law Amendment Act, goes to establish the universal applicability of the workhouse system, and the certainty of the effects whenever it is judiciously administered.

In closing this chapter, it is necessary to state with a view to preserving the order of dates, that William the Fourth died on the 20th of June 1837, and was succeeded by her present Majesty Queen Victoria. These events, deeply interesting as they no doubt were to the national feelings, caused no change in the proceedings of the legislature in reference to the Poor Laws, and therefore need not be further noticed here.

1837.
Death of
Will. IV.
Accession
of Queen
Victoria,
June 20th.

CHAPTER XVII

A.D. 1837–1847

Parochial Assessment Act in operation—Commissioners' fourth and fifth reports : progress and results—Unpopularity of the Commission—Its uses—Its renewal for one year—Early trials of the law—Savings banks—Friendly Societies—Loan Societies—Education of pauper children—Supplemental report—Irish Poor Relief Act—Amount of relief and numbers relieved—Principle of relief—Commercial difficulty and distress—Causes of increased expenditure—Comparison of expenditure and numbers relieved—Amount of property assessed—Commission renewed for five years—Task-work—Pauper lunatics—Vaccination Acts—General rules—Provisions of Amendment Act, 1844—Medical relief—Failure of potato-crop—Allotment system—High prices—Famine and fever ; influx of paupers from Ireland—Labour in the workhouse—Bone-breaking—The Andover committee—Salaries of union officers—Grant towards salaries—Acts of 1845, 46, and 47—Mr. Bodkin's Act—Removal of Nuisances Act—Letter relative to transaction of business of the Commission—Old and new systems contrasted.

1837.
Parochial
Assessment
Act
brought
into opera-
tion.

THE Parochial Assessment Act¹ empowered the Commissioners to fix the time after which all rates for relief of the poor should be made in the manner therein prescribed, and they accordingly named the 29th of September 1837 for that purpose, and issued the necessary order, accompanied by an explanatory letter, pointing out the manner in which the assessments were required to be made, and giving the parish officers all needful information on the subject. A letter was also addressed to the several boards of guardians, furnishing them with instruction upon several points connected with the execution of their duties, or with the duties of their officers. Amended explanations and instructions, with forms of procedure, were likewise issued for regulating the emigration of labourers from over-populous

¹ *Ante*, p. 308.

parishes, and also with regard to the migration of persons from such parishes to the manufacturing districts. The emigration was considerable, chiefly to Canada; but the migration soon ceased, the depression in trade having caused a general stagnation of manufacturing employment.

Emigration
and migra-
tion.

Notwithstanding the difficulties and impediments attendant on the introduction of so comprehensive a measure, the Commissioners had proceeded uninterruptedly in the task assigned them; and in their fourth report (dated August 1838) they were enabled to state that 584 unions had been formed, comprising 13,560 parishes, having a population of 11,687,456, with an aggregate of rates amounting to £5,515,326. They further stated that 1063 parishes still remained ununited, of which 283 were incorporated in twelve unions, and 5 were single parishes under Gilbert's Act; 364 were incorporated, and 11 were single parishes under local Acts, and 400 parishes were left untouched in any way, chiefly through the impracticability of including them in any union, owing to the intersection of Gilbert and local Act incorporations.

1838.
Commis-
sioners'
fourth
report.

The objections to both the Gilbert Act and the local Act unions are then pointed out, and the management in each is shown to be for the most part at variance with the principles of the amended law. It is the Gilbert incorporations however which present the chief impediments, their straggling and irregular formation preventing the arrangement of compact and well-formed unions, and thus depriving considerable districts of the benefits of the new law, and keeping them un-united in a state of uncertainty and disorder. Wherever Gilbert incorporations have been dissolved, and the parishes they comprised formed into unions under the Amendment Act, the best results have invariably followed; and it is therefore suggested that

Gilbert and
local Act
incorpora-
tions.

Work-
houses pro-
vided.

the Commissioners should be empowered to effect such dissolution irrespective of the directors and guardians, who could hardly be expected to dissolve voluntarily, their individual interests in some shape or other often interfering to prevent it. The 584 unions formed at the date of the fourth report, had made considerable progress in providing workhouses. In 328 of the number, workhouses were completed, and in operation; and in 141, workhouses were in course of building or alteration; whilst in 42 of the unions the guardians had consented to provide a workhouse, but had not yet commenced building.

1839.
Commis-
sioners'
fifth report.

At the date of the fifth report (May 1839), 252 new workhouses had been completed, and 175 old ones had been altered and adapted, making together 427 workhouses in operation. There were likewise 67 new workhouses building, 9 old ones altering, and 37 unions had consented to build, but had not commenced. Such was the progress made at the end of the fifth year for providing workhouse accommodation; and if regard be had to the various impediments arising from the cost of the buildings, public clamour, local prejudices, and other obstructions, it will probably be thought that the progress was as great as could reasonably have been expected. In 37 unions, however, a majority of the guardians still resisted the efforts made to induce them to provide a workhouse; but time and further persuasion, and a knowledge of the benefits obtained in other unions, would it was hoped ere long remove this impediment to the full and effective working of the law.

The pecuniary results of the new law exhibit a considerable reduction of expenditure as compared with 1834. The returns show the amount expended

for relief of the poor in each of the six years to have been as follows :¹—

1834	.	.	.	£6,317,255	|	1837	.	.	.	£4,044,741
1835	.	.	.	5,526,418	|	1838	.	.	.	4,123,604
1836	.	.	.	4,717,630	|	1839	.	.	.	4,406,907

It thus appears that the expenditure in 1837, at the end of the third year, had reached its minimum, and was then £2,272,514, or upwards of one-third, less than it had been in 1834. This was, no doubt, an immense reduction, and must be taken as a proof of the efficiency of the new law, and the success with which it had been applied. The increase which took place in the two following years (1838 and 1839) was caused by the high price of food, and the stagnation and distress which prevailed throughout the country ; and were it not for the superior power of the machinery created by the Amendment Act to resist the pressure, it is impossible to doubt that the increase would have been far greater. The cost of relief in these two years must not therefore be taken singly, but should be viewed relatively, that is, with what it would have been but for the intervention of the amended law. In other respects, the results of the new system are described as most promising—the sick and infirm poor were better relieved, industry and moral habits encouraged, education of the pauper children properly attended to, and instances of improvement under each of these heads are adduced.

The efforts made in bringing about so great a change in so short a time must obviously have been very considerable, and it is impossible to say that they may not in some cases have been more sudden, or more urgent, than what a due regard to antecedent circumstances might perhaps in strictness warrant. At any

¹ The results of these returns from 1813 downwards, are given in the Appendix. The expenditure in 1837 proved to be the minimum, and averaged 5s. 4½d. per head on the population.

rate, such was asserted to be the case, and the Commissioners and the law itself became unpopular in consequence. Instances of hardship, real or apparent, were caught at, and were described and commented on by the public press as never-failing objects of interest and public sympathy. The Commissioners were accused of being heartless tyrants, unfeeling theorists, "concentrated icicles";¹ and were commonly designated as the "three bashaws of Somerset House." Even their efforts to secure competent relief to the really distressed poor, were stigmatised as oppressive and unconstitutional; so that, whether they interfered to check a lax and undue expenditure, or to urge a more liberal one, the result was the same—in either case they were held up to the public as objects of hatred or suspicion, and this not by the ignorant only, but by persons of intelligence and position, who were unfortunately led away by exaggerated statements and morbid sentimentality. It would be invidious to particularise or assign motives, and looking at the persons who were chiefly prominent on these occasions, we cannot doubt that in their hostility to the new law and the Commission they were actuated by a sincere, however mistaken view of the tendency of the one, and the action of the other, and that they believed both to be, as they asserted, oppressive to the poor and adverse to the public interest.

The Commission
useful to
the local
executives.

The benefits conferred by the central board, were however generally recognised by the local executives throughout the country. This was shown by the great number of petitions forwarded to parliament by boards of guardians in 1837, 1838, and 1839, on the occasion of the inquiry into the operation of the law, praying that the Commission might be continued. Its existence may indeed be said to have brought peace to the local

¹ So called by a popular member of parliament in addressing his constituents in the borough of Southwark.

administrators, for whatever had the appearance of being hard or unpopular in their proceedings was attributed to the Commissioners. Hence the ill-feeling which used to be directed towards the old parochial authorities whenever an attempt was made to check the advance of pauperism, and which led to incendiary burnings and other outrages, never occurred with respect to the boards of guardians constituted under the amended law. Whatever angry feelings sprang up in any quarter were concentrated upon the Commissioners; and so the law was executed, and the country remained peaceful and orderly under circumstances which in the former state of things would probably have led to outrage and the destruction of property.

This was no doubt a great benefit, but it must be regarded as incidental rather than designed. The primary object in creating the Commission was, to secure an effective execution of the law, by the combined action of a central control and a strictly local administration. The Commissioners were empowered to issue orders, and to make regulations of a general nature, with respect to all things connected with the relief of the poor; but are prohibited from interfering with the ordering of relief in any individual case, which rested exclusively with the boards of guardians, who are popularly elected, and represent the great body of ratepayers, with whose opinions they sympathise, and for the management of whose contributions they are responsible. If each board were to make its own rules of procedure independently of any external control, there would be as great a diversity of practice under the new system as there was under the old. This diversity is prevented by the exercise of the powers confided to the Commissioners; but the local executives are still left to deal with local matters according to local circumstances, their discretion being only limited so far as is necessary for the general interest. Under

the old system, the administration was entirely local. Under the new law the administration is divided between the central and the local authorities, and its efficiency depends on the harmonious action of these two powers. The Commissioners, in their report on the further amendment of the law in 1839, declare "that they have ever sought to exercise their powers in such a manner as to avoid all unnecessary interference with the boards of guardians and other local authorities, and that they have abstained carefully from doing anything which might extinguish the spirit of local independence and self-government, which, when guided by enlightened discretion, they consider the characteristic excellence of the English people."

Commis-
sion re-
newed.

1839,
2 & 3 Vict.

cap. 83.

1840,
3 & 4 Vict.

cap. 42.

1841,

5 Vict.

cap. 10.

1842,
5 & 6 Vict.

cap. 57.

The unpopularity of the Commission did not very materially impede its operations, but had nevertheless sufficient influence to prevent its renewal otherwise than from year to year. The Commission would expire in 1839, or at the end of the then next session of parliament; and to guard against the confusion which such an expiring of the Commission would occasion, it was successively renewed for a single year in 1839, 1840, and 1841, thus keeping open the question of its permanency, and thereby encouraging a disregard of or direct opposition to its authority. In July 1842, however, the Commission was continued for another five years by 5 & 6 Victoria, cap. 57, which for that time, at least, relieved the Commissioners from the probability of a sudden termination of their functions, and gave confidence to their subordinates, and a certain reliance on the part of the union executives and the public.

Early trials
of the law.

In reference to the difficulties against which they had to contend, the Commissioners remark at the commencement of their fifth report, that in the third year of their proceedings "the new machinery and principles of relief which had been established in the greater part

of the country, were tried by a winter of peculiar severity which seriously impeded the labour of the country, and by the extensive prevalence of the influenza which afflicted great numbers of the labouring classes. The fourth year was distinguished by extensive reverses in trade, and severe depression in the manufacturing districts, which threw out of employment for a time the greater portion of the labouring population of several manufacturing towns; and this fifth year has been one of scarcity of food, and consequent high prices of provisions." These were trials putting to proof the soundness of the new law, and the sufficiency of its machinery, as well as testing the strength and resources of the country; and happily, both sustained the ordeal. That the law was upheld has been already shown, and that the condition of the labouring classes was not materially depressed or deteriorated by these trying circumstances may, independently of other evidence, be inferred from the fact, that between the 20th of November 1837, and the 20th of November 1838, there had been an increase of more than 50,000 depositors in the savings banks, and an increase of above £1,800,000 in the amount of deposits as compared with the year preceding, the increase being greatest in the rural districts. The number of friendly societies, and loan societies, had also considerably increased, as had likewise the purchase of government annuities of small amounts, expressly designed for the industrious classes.¹

1838.
Increase of
deposits in
savings
banks and
friendly
and loan
societies.

Much attention had from the first been paid to the education of the workhouse children, it being rightly considered that if the lowest class of children were well trained and educated, it would be a sure means of bringing about improvement in the education and training of the classes immediately above them. Many pages of the fifth report are devoted to this subject,

Education
of pauper
children.

¹ See Fifth Report of the Poor Law Commissioners, p. 12.

and the Commissioners declare their reliance on "an improved industrial training as the chief available means for reducing the existing burthens, by changing the condition of the great numbers of pauper children, the descendants of former generations of paupers"—the test of such education and training being, they consider, "the number of the children so trained who are taken into honest and useful industrial courses, and remain in them as good servants or good workmen." This test was successfully worked out and applied in the case of a large school at Norwood, whither several of the metropolitan parishes and unions sent their poor children, to be kept or "farmed" at so much per head. The great number of children maintained in this establishment (upwards of 1000), afforded facilities for teaching and training them in classes or divisions, according to their age and progress, and the system there matured was afterwards adopted in other places, when the number of children was sufficient to admit of it.

The subject of education is again adverted to in a supplemental report at the end of 1839, where it is stated that there are 42,767 children under the age of sixteen, in 478 workhouses, and that the total number of poor children under sixteen is estimated at 64,570, and between the ages of two and sixteen years 56,835. The importance of securing a good religious, moral, and industrial education for this large number of poor children, is sufficiently obvious, and the Commissioners give a detail of the steps taken by them for the purpose. They arrive at the conclusion however, that as the number of children of both sexes and all ages in a workhouse, rarely exceeds 50 or 60, and sometimes does not amount to more than 20 or 30, so small a number cannot be divided into classes, or instructed in the most advantageous manner; and therefore, that it would be desirable to empower the Commissioners to form a combination of unions, for jointly educating

their pauper children, under a board of management to be elected by the several boards of guardians so combined. This power was afterwards given, but it has been less acted upon than was anticipated, the difficulties in the way of such combinations for educational purposes being very great. Meantime however, the workhouse schools have been much improved, and the instruction imparted in them appears on the whole satisfactory, although it is doubtless more costly than if the children were collected into groups of 500 or 1000, and it is probably also less effective.

At the end of 1839, the Commissioners, by desire of the government, prepared a supplemental report on the continuance of the Commission, and on the state of the law. With respect to the first, the Commissioners refer to the report of the parliamentary Committee, which in the years 1836, 1837, and 1838, made inquiry into the administration of the Amendment Act, and declared the powers of the central board to be indispensable to the execution of the law. They also cite the Committee's declaration, that "when the extent of the change, the number of individuals, and the variety of interests affected by it are considered, it is impossible not to feel that the task imposed on the Poor Law Commissioners was one of the utmost difficulty"—and further, 'that the arrangements made by them were generally skilful and judicious, and well adapted to local peculiarities; and that in no instance did their powers appear to have been abused.¹ The Committee's favourable opinion "of the clear form in which many of the regulations and public documents are issued by the Commissioners, as well as of the practice hitherto pursued by them of stating fully in

Supple-
mental
Report.

¹ See Report of the Special Committee of the House of Commons on the Administration of the Poor Law Amendment Act, 1838.

their letters of instruction, and answers to inquiries, the facts and reasonings on which their rules or recommendations are founded," is also quoted; as is likewise the resolution finally adopted by the Committee—"That in the important duties committed to them, the Commissioners have evinced zeal, ability, and great discrimination; and the Committee recommend the continuance of their power in preference to any system which, by leaving the administration of the Poor Laws without the control and superintendence of a central board, might cause the recurrence of those abuses which existed in many counties previously to the passing of the Poor Law Amendment Act." Such a testimonial, after a searching and protracted inquiry, and the examination of witnesses from all parts of the country, ought to have secured general acquiescence.

There were however special grounds for the continuance of the Commission, independently of the Committee's recommendation, as 799 parishes, with a population of 2,055,733, had not yet been brought under the new system, but either stood singly or were included in Gilbert or local Act incorporations. Seventy of the Poor Law unions were also still without workhouses, and other unions recently formed required advice and guidance to bring them into a state of efficiency. Moreover, regulations had not been prepared for the apprenticing of pauper children, and the arrangements for their education were yet imperfect. Relief was still laxly administered in many unions, notwithstanding the reduction which had been effected in the general expenditure; and no steps had yet been taken for constituting unions for rating and settlement, under the provisions of the Poor Law Amendment Act,¹ as the legislature doubtless intended should be done. These were the principal reasons adduced by the Commissioners in their supplemental report, for

¹ See 4 & 5 William IV. cap. 76, secs. 33 to 37.

a continuance of their office ; but they further observe that the Commission was originally intended to be permanent, and that the limitation was inserted during the progress of the Bill through parliament, for the purpose of subjecting the proceedings under it to a revision at the end of five years, and not with an intention that the Commission should terminate at that time, or that such a limitation should continue.

The supplemental report here describes the nature and extent of the business transacted by the Commission, and among other things, it is stated, that questions on points of law connected with the relief of the poor are continually submitted to the Commissioners, whose opinions and advice were generally acquiesced in, and contributed materially towards the reduction which had taken place in law proceedings since 1834 ; the amount expended on litigation and removals in that year having been £258,604, whilst in 1839 it was only £64,510. The difference in one year's expenditure therefore on this item alone, more than covered the entire expense of the Commission during the first five years of its existence.¹ And it is further remarked, that under the former state of things, upwards of £7,000,000 were annually raised and expended by local functionaries, subject to little or no control or responsibility, whilst various contrivances for confounding relief with wages were resorted to by the employers to the eventual degradation of the labourer, the consequence of which perversion of natural relations was seen in the agrarian disturbances and burnings of 1830 and 1831. Although the amended law had been in operation only five years, these evils no longer existed. Relief in aid of wages was abolished, except in a few unions having as yet no workhouse. All the

¹ The entire cost of the Commission from the 18th of August 1834 to the 31st of March 1839 (including £3613, 17s. 7d. for Ireland) was £182,679, 11s. 1d.

other old pernicious modes of relief, the allowance system, the roundsman system, the labour-rate system, had ceased. That the Poor Law Commission had thus far executed its task, could not be denied; but the habits which were engendered by such practices could hardly be eradicated in five years, and might revive if the power which put them down were withdrawn. This likewise appeared to be the view taken by the boards of guardians in the addresses they presented, which for the most part declare or imply that the superintending authority of the central board, and the instruction and local aid of the Assistant Commissioners, are essential to the well-working of the law.

1838.

The Irish
Poor Relief
Act.
1 & 2 Vict.
cap. 56.

I have somewhat overstepped the order of date in the above citations, and must return to the 31st of July 1838, on which day the 1 & 2 Victoria, cap. 56, "For the more effectual Relief of the destitute Poor in Ireland," received the royal assent. This measure was introduced after long and elaborate inquiry, and was discussed in two successive sessions, and its execution was deliberately confided to the Commissioners, who had thus the administration of the Poor Law in Ireland as well as in England placed under their charge. In England an organisation for administering the law had long existed, but in Ireland the whole machinery had to be created by Commissioners, without whose intervention the Irish Poor Relief Act would be altogether inoperative. That Act was founded on a report by the present author, and its administration was confided to his colleagues and himself for the express purpose of introducing the English amended system of relief into Ireland, and thus to secure a unity of management in both countries. The author proceeded to Ireland for this purpose, taking with him certain of the English Assistant Commissioners, in order that the experience acquired in one country might be made available in

the other. If matters had so continued, it might have been desirable to interweave the proceedings under the Irish Poor Law with the proceedings in England; but as the Irish law was afterwards¹ placed under a separate Commission, and was thenceforward separately administered, it will, I think, be better to omit them altogether from the present narrative, the Irish Poor Law, and the proceedings under it, constituting a subject sufficiently important for a separate description.²

The Commissioners, in their supplemental report, 1839. give a summary of the expenditure for relief of the poor in the five years previous to the passing of the Amendment Act, and also in the five subsequent years. Amount of relief, and the number of persons relieved. In the first period, from 1830 to 1834, both years inclusive, the average annual expenditure amounted to £6,754,590; in the latter period, from 1835 to 1839, both years inclusive, it amounted to £4,567,988; showing an average annual saving of £2,186,502; which, for the five years after the passing of the law and the creation of the Commission, amounts to an aggregate saving of £10,932,510. The result of this summary, it will be seen, differs little from the comparative statement which is given at page 337. The number of persons relieved in the workhouses at the end of 1839 is stated to be about 98,000; the number in receipt of out-door relief about 560,000; exhibiting a total receiving relief of 658,000 persons. Both of these numbers are approximations only, the returns not having yet attained exactitude, and both probably fall short of the truth, the latter number especially. The number of persons thus relieved no doubt consisted of the most improvident and helpless in every part of

¹ In 1847, by the 10 & 11 Vict. cap. 90.

² See *History of Irish Poor Law*, pp. 153-234. See also the life of the Author, prefixed to the first volume of the present work.

the country, which rendered their enumeration uncertain, unless under a complete system of uniform returns; and this had not yet been fully organised.

That some cases of neglect and hardship should occur under such circumstances, ought not to excite surprise, it being in fact impossible altogether to prevent them; but their occurrence never failed to be made the grounds of charge and accusation against the law and its administrators, and many benevolent and well-intentioned persons were influenced by false statements of cruelty and neglect, to become for a time adverse to the law, and opponents to the renewal of the Commission. This hostile feeling was very strong in 1842, when the Commission was continued for five years; but this was not effected without much opposition, although the numerous complaints which had been investigated by the parliamentary committees, nearly all turned out to be without foundation. But for this, and the large number of persons engaged as guardians in administering the law, it is far from improbable that the whole measure, including both the law and the Commission, might have been so cut down as to destroy its efficiency. Harsh, however, as the law was said by some to be, it was yet seen that it provided and organised the most extensive system of public relief the world had ever known, and this too in a country where, as compared with other countries, wages were high, and the working classes generally in a state of greater respectability and comfort.

The principle on which this extensive system of relief was administered under the provisions of the Poor Law Amendment Act amounted to this—that whilst the necessitous are adequately relieved, their condition should be less eligible than that of the independent labourer. If this principle is violated, and the condition of the pauper made equally or more eligible than that of the labourer, the strongest incen-

The principle on which relief is administered under the amended law.

tive to industry and frugality will be destroyed, and the poor-rates would be applied in rewarding idleness and improvidence, instead of relieving destitution. Now, out-door relief, whether in money or provisions, given to be spent or consumed at the paupers' own option, is inconsistent with this principle, not being accompanied by any condition or restraint; and the principle is fulfilled, when the relief is administered in a well-regulated workhouse, where, although there might be a larger amount of bodily comforts than ordinarily fall to the lot of the labouring man, the discipline to which the inmates must conform would counterbalance this advantage, and render the pauper's position the less eligible of the two. This is the workhouse principle, which as respects the able-bodied had, at the period at which we are now arrived, been very generally acted upon; and the Commissioners declare their intention of carefully watching the effect on the labouring classes, and if they find that the workhouse regulations are so strict as to deter persons really destitute from seeking relief therein, they will make the modifications necessary for preventing such a result; but if on the contrary they find the workhouses becoming over attractive, they will not shrink from the duty of so strengthening the regulations as to preserve the efficiency of the workhouse principle.

From this point the particular annual report of the Commissioners will not be specified, the dates being a sufficient guide to the events as they severally occurred, and the narrative will thus be left unbroken and continuous.

The pressure of commercial difficulties, high price of provisions, and very general and in some cases great distress which prevailed in 1838, continued with more or less severity throughout the five following years, occasioning much hardship and privation to the people,

1838-1842.
A period of
commercial
difficulty
and dis-
tress.

and much anxiety to the administrators of the Poor Law; for much of the discontent and angry feeling which always accompany seasons of distress was directed against them and against the law. We have seen that the unpopularity to which it was exposed caused the Commission to be intrusted with only a precarious existence from year to year in 1839, 1840, and 1841;¹ and although in 1842 it was continued for a period of five years, this was not accomplished without considerable opposition and difficulty. These indications of hostility, although proceeding from a minority both in parliament and in the country, could hardly fail of weakening the authority of the Commission, and causing a less strict and energetic administration of the law. Partly owing to this circumstance, and partly or rather principally to the circumstances of the times, the expenditure for relief of the poor went on progressively increasing after 1837. The amount expended in the

Year ending at Lady-day, 1837, was	£4,044,741 ²
In 1838 it was	4,123,604
„ 1839 „	4,406,907
„ 1840 „	4,576,965
„ 1841 „	4,760,929
„ 1842 „	4,911,498
„ 1843 „	5,208,027

Increase of
expendi-
ture.

These figures exhibit a steadily progressive increase of expenditure, and notwithstanding that it was still a million and a half under what it had been under the old system, the increase might well create some misgiving. The pressure of the times, and the clamour raised against the law and the Commission, are however sufficient to account for the increase, although there

Causes of
the increase
of expendi-
ture.

¹ *Ante*, p. 340.

² This is the parochial year, extending from Lady-day to Lady-day 1836-37, and therefore including three-quarters of the first year and one quarter of the last. It is necessary always to bear this in mind, in connection with the Poor Law expenditure of any year.

were other causes operating in a less degree, upwards of a million having been added to the population between 1837 and 1843, and the loans obtained for building the workhouses being repaid by yearly instalments out of the rates. It is not necessary, however, to dwell on these minor causes—the two first are sufficient to account for the increase of expenditure, as well as for the increase of the numbers relieved, as shown below.¹

The numbers relieved are stated as probably amounting,

	In-door Poor.	Out-door.	Total.
At the end of 1839, to	98,000	560,000	658,000 ²
At Lady-day, 1840, the numbers were better ascertained, and then amounted to	169,232	1,030,297	1,199,529
Do. 1841	192,106	1,106,942	1,299,048
Do. 1842	222,642	1,204,545	1,427,187
Do. 1843	238,560	1,300,930	1,539,490

The cost of maintaining the in-door poor, and of relieving the out-door poor in these years, was as follows:—

	£	Average amount per head. £ s. d.		
1840, in-maintenance	808,151	4	15	5 $\frac{1}{4}$
1841 " 	890,883	4	12	9
1842 " 	934,158	4	3	11
1843 " 	958,057	4	0	3 $\frac{3}{4}$
1840, out-relief	2,931,263	2	16	10
1841 " 	2,995,330	2	14	1 $\frac{1}{4}$
1842 " 	3,090,884	2	11	3 $\frac{3}{4}$
1843 " 	3,321,508	2	11	0 $\frac{3}{4}$

The numbers relieved, and the total cost of relief, 1839-1843, thus kept pace with each other; and it is worthy of remark, that the average cost per head of the in-door poor decreased as the numbers increased, whilst the average cost per head of the out-door poor remained nearly stationary—the numbers constituting the basis

¹ For a comparison of English with Scotch pauperism about this time, and comments thereupon, see *History of Scotch Poor Law*, p. 108.

² *Ante*, p. 347; but this was, I believe, much below the real number, as the figures of expenditure indeed seem sufficiently to prove.

of the average in each case, being assumed to be receiving relief throughout the entire year. But the most noticeable circumstance is the small number of persons relieved in the workhouse, compared with the number relieved out of it; clearly showing that it had not been very strenuously applied as a test of destitution. Yet the Commissioners in their ninth report (1843) declare, that their confidence in the workhouse as a means of affording relief, at once least open to abuse and easiest of application, has been increased by the experience of the last winter; and that although they had been compelled to resort on some occasions to an out-door labour test, it was only supplemental and subsidiary to that of the workhouse.

It may be convenient to insert here some information obtained from parliamentary papers as to the proportionate amounts levied on different kinds of property assessed to the poor-rates. The statement is given in the Commissioners' ninth report, for each of the years 1826, 1833, and 1841, and is in substance as follows :—

		Proportion per cent.
1826—Amount levied on land . . .	£4,795,482	69
Ditto on houses	1,814,228	26
Ditto on all other property . . .	356,447	5
	<hr/> 6,966,157	<hr/> 100
1833—Amount levied on land . . .	5,434,890	63
Ditto on houses	2,635,258	31
Ditto on all other property . . .	536,353	6
	<hr/> 8,606,501	<hr/> 100
1841—Amount levied on land . . .	3,316,593	52
Ditto on houses	2,375,221	37
Ditto on all other property . . .	660,014	11
	<hr/> £6,351,828	<hr/> 100

Amount of
property
assessed,
etc.

It thus appears that the proportion of the rates levied on landed property, which in 1826 was 69 per cent. of the entire amount raised, was in 1841 no more than

52 per cent. of that amount; whilst the rate on buildings, which in 1826 yielded 26 per cent. of the total money raised, in 1841 yielded 37 per cent. of that amount; and the aggregate of levies from other property was in the same period very nearly doubled. We find therefore that the burthens on land decreased, as the wealth and population increased.

In 1826 the population was about thirteen millions, in 1841 the population amounted very nearly to sixteen millions. In 1815 the annual value of real property assessed to the property-tax in England and Wales amounted to £51,898,423, in 1843 it amounted to £85,802,735. The annual value of property assessed to the poor-rates in 1841 was £62,540,030, in 1847 it was £67,320,587, and in 1850 it was £67,700,153. These are all unmistakable indications of progress, and give assurance that, although the public burthens of whatever nature may not be lessened in actual amount, they are lessened relatively, and will continue to be so as improvement advances, and the fund from which they are raised becomes enlarged. If we compare the poor-rate valuations of 1841 and 1847 with the property-tax valuation of 1843, it will be seen how greatly the former are below the mark, the amount (taking the average of the two years) being £20,872,427 under, or nearly one-fourth less than the valuation for the property-tax, which however can hardly be supposed to have been in excess of the real value.

The 5 & 6 Victoria, cap. 57, which continued the Commission for another five years, that is “until the 31st of July 1847, and the end of the then next session of parliament,” also limited the Assistant Commissioners to nine, the number originally prescribed by the Amendment Act; but it empowered the Commissioners, with consent of a secretary of state, to appoint one or more in addition to this number for the purpose of conducting any special inquiry. The 5th

1842,
5 & 6 Vict.
cap. 57.

Guardians
may pre-
scribe a
task of
work in
return for
relief.

section of the Act enables guardians (subject to the powers of the Commissioners) "to prescribe a task of work to be done by any person relieved in any workhouse, in return for food and lodging afforded to such person"; but no person is to be detained against his will for the performance of such work, longer than four hours after breakfast on the morning succeeding his admission. And if, while in the workhouse, any such person "refuse or neglect to perform such task of work suited to his age, strength, and capacity, or wilfully destroy or injure his own clothes, or damage any of the property of the board of guardians," he is to be deemed an idle and disorderly person within the meaning of 5 George IV. cap. 83.¹ This very useful provision enabled the guardians to deal with those persons who were in the habit of moving about from one union to another, avowedly in search of work, but really following idle and disorderly courses.

By the 6th section it is enacted, that boards of guardians and their relieving officers "shall have the like powers as overseers with respect to insane persons, under the provisions of 9 George IV. cap. 40."² The effect of this enactment was to enable the Commissioners to obtain correct returns, and to institute effective inquiries with respect to pauper lunatics; and as the guardians were now empowered to take the necessary steps for sending a lunatic to an asylum, a circular was addressed to them urging the importance of their suffering no motive of mere economy to deter them from doing so as early as possible, in order that the patient might receive proper treatment, and thereby have the best chance of recovery. In August, 1843, there were 13,615 lunatic paupers chargeable in England, of whom 3489 were in county asylums, and 2257 in licensed houses; of the remainder, 3973 were in the union workhouses, and 3896 with their friends or

1843.
Number of
pauper
lunatics.

¹ *Ante*, p. 196.

² *Ante*, p. 199.

elsewhere. In Wales the total number chargeable was 1177, of whom only 36 were in county asylums, and 41 in licensed houses, whilst 90 were in union work-houses, and 1010 were supported elsewhere. The Commissioners recommend the providing of one lunatic asylum for North, and another for South Wales, which the justices are by the 9 George IV. cap. 40, empowered to effect.¹

The 7th section enacts, "that whenever the whole of any parish or parishes is situated at a greater distance than four miles from the place of meeting of the board of guardians of the union of which they form part," the Commissioners may, on application, "form such parish or parishes into a district, and direct the guardians from time to time to appoint a committee of their members to receive applications of poor persons requiring relief in such district, to examine into the cases of such poor persons, and to report to the guardians thereon." This provision was rarely acted upon, and although not open to much objection on point of principle, was, it must be confessed, likely to occasion irregularity, if not actual abuse.

This Act (5 & 6 Vict. cap. 57) contains several other provisions, but only the above require to be here noticed. As originally framed, it was much more extensive, and embraced nearly all the recommendations set forth in the report of the committee on the Poor Law in 1838 ; but the progress of the Bill had been delayed by various causes until near the close of the session, and it was then found necessary, in order to secure the passing of the first portion, which provides for the continuance of the Commission, to withdraw the remainder, which, however, the government promised should be again brought forward at an early period.

In 1841, seven years after the passing of the Amendment Act, there were still 33 unions unprovided with a

¹ See Tenth Report of the Poor Law Commissioners, p. 31.

Unions
without a
workhouse,
and
parishes
un-united.

workhouse, 17 of the number being in Wales, and the other 16 chiefly in Cornwall, Yorkshire, and Lancashire. There were likewise 776 parishes still exempt from the provisions of the Amendment Act; 229 of these being placed under local Acts, 288 under Gilbert's Act, and 259 un-united in any way, being for the most part so kept by the intervention of Gilbert incorporations. These obstructions to the universal application of the amended law were a constant source of embarrassment; and their maintenance in despite of the fifth resolution of the select committee of 1838, recommending that the Poor Law Commissioners should be empowered to dissolve such incorporations, has (1853) continued to be a matter of surprise and regret to all, except to the persons who are themselves immediately connected with them.

1840,
3 & 4 Vict.
cap. 29;
and
1841,
4 & 5 Vict.
cap. 32.

Two Acts were about this time passed for extending the practice of vaccination, a notice of which must not be omitted in connection with the Poor Law, the organising and regulation of the measure having been devolved upon the Commissioners, and the carrying it into operation being intrusted to the local Poor Law functionaries. By these Acts (3 & 4 Victoria, cap. 29, and 4 & 5 Victoria, cap. 32) the guardians of unions, and the overseers of parishes not in union, are directed to contract with one or more legally qualified medical practitioners, "for the vaccination of all persons resident in such unions or parishes respectively." But it is to be a condition of every such contract, that the amount of remuneration "shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such medical practitioners respectively." And it is further directed that in making the necessary arrangements for executing this Act, the guardians and overseers, and all others engaged in administering the laws for relief of the poor, "shall conform to the regulations which may from time to time be issued by the

Poor Law Commissioners in that behalf." The first Act provides that any person who shall "produce, or attempt to produce, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or shall wilfully by any other means whatsoever produce, the disease of smallpox in any person in England, Wales, or Ireland, shall be liable to be proceeded against and convicted summarily before any two or more justices in petty sessions, and upon conviction be imprisoned for any term not exceeding one month." The last Act directs that the expenses of vaccination shall be defrayed out of the poor-rates, and that the vaccination, or medical assistance incidental thereto, shall not be considered as relief, nor deprive anyone of any right or privilege, nor subject him to any disability or disqualification whatsoever.

This interference with the discretion of individuals in the matter of vaccination was perfectly justifiable under the circumstances. The smallpox had been making great ravages, and although the remedy of vaccination may be said to have been generally within the people's own reach, they failed, through ignorance or prejudice, to make use of it, and often resorted to inoculation instead; and thus a virulent and most fatal disease was perpetuated, to the serious injury of the community. To prohibit inoculation, and provide for the vaccination of all persons at the public charge, was the only remedy for this evil; but, in order that the remedy might be effective, it was necessary that its application should be placed in proper hands. The Poor Law authorities were selected for this purpose, and it undoubtedly fell within their line of duty, as a means of preventing distress and destitution, the common attendants on the breaking out of smallpox in any locality. The superintendence of the measure in all its details, for which the Commissioners were thus held

responsible, added considerably to their labours, already sufficiently burthensome.¹

1842.

The orders
and regula-
tions con-
solidated
and issued
as General
Rules.

The Commissioners are empowered to issue orders and regulations for the several purposes contemplated by the Poor Law Amendment Act, which "Orders" come into force at the end of fourteen days. They are likewise empowered to issue "General Rules," that is, any rule addressed to more than one union, parish, or place; but in such case the rule does not come into operation until forty days after a copy thereof has been laid before a secretary of state, nor then if the queen in council shall disallow the same. The Commissioners were therefore compelled in the early part of their proceedings, when prompt action was necessary, to issue their orders separately to each union as it was formed, and became ready for the reception of the several "Orders" regulating relief, and other matters of detail. But when the whole country, with the exceptions before noticed, had been brought under the operation of the amended law, it was deemed right to place the whole of what had been done by separate and less formal "Orders," under a comprehensive system of "General Rules," for which purpose, in the course of 1842, the separate orders were repealed, and after being revised and put into a complete, uniform, and more effective state, were reissued as "General Rules."

1843-44.
Expendi-
ture
reduced.

The distress that prevailed in 1838 continued until 1842, in which year the harvest proved to be good, and in 1843 prices fell, trade became more active, and the people were better employed. In 1844 there was a still further improvement, and the demand for labour both in the manufacturing and agricultural parts of the country continued to increase. The winter had more-

¹ It is estimated that in 1842 the number of children vaccinated was 378,331, and that in 1843 the number was 183,074. The payments for vaccination amounted in—

1841 to	.	.	£10,171
1842 to	.	.	33,104
1843 to	.	.	16,019

over been unusually mild, which was favourable for out-door operations ; so that the prohibition of relief to the able-bodied out of the workhouse was generally observed, and the increase in the expenditure which, commencing with 1838, had since been steadily progressive, was now arrested, and the Poor Law authorities were again enabled to show a reduction, and thus to prove the elasticity of the system they had to administer.

In conformity with the pledge given by government in 1842, “An Act for the further Amendment of the Laws relating to the Poor in England,” was introduced in 1844. This Act (7 & 8 Vict. cap. 101) provides for giving effect to the recommendations of the parliamentary committee of 1838, together with certain other amendments which experience had shown to be necessary. It received the royal assent on the 9th of August 1844.

The first eleven sections of this Act are devoted to enacting a new law of bastardy, by which the affiliation of bastard children is disconnected from the laws for the relief of the poor, and parish and union officers are prohibited from taking any part in the proceeding.¹ The mother of a bastard is now the party by whom redress is to be sought from the putative father, and to whom indemnity is to be awarded for maintaining the child. The mother is punishable for neglect or desertion of her bastard child, but in case of her death or incapacity the putative father may be proceeded against, if the child becomes chargeable ; and by the 8th section it is enacted that if any parish or union officer shall “endeavour to induce any person to contract a marriage by threat or promise respecting

¹ This change in the law with respect to bastardy accords with the recommendations made in the Report of the Special Committee of Parliament in 1838.

any application to be made, or any order to be enforced, with respect to the maintenance of any bastard child, such officer shall be guilty of a misdemeanour."

Apprentic-
ing poor
children.

The 12th section of the Act empowers the Poor Law Commissioners, by order under their hands and seal, to prescribe the duties of the masters to whom poor children may be apprenticed, and the terms and conditions to be inserted in the indentures; and every master wilfully refusing or neglecting to fulfil such conditions, is made liable on conviction to forfeit a sum not exceeding £20. The poor children are moreover no longer to be apprenticed by the overseers, but by the respective boards of guardians, and the assent of a justice of peace to the binding is therefore dispensed with. Compulsory apprenticeship in any form is abolished, and none of these provisions are to interfere "directly or indirectly" with apprenticing to the sea-service.

Doubts had existed as to the powers of the Commissioners under the 61st section of the Poor Law Amendment Act with respect to apprentices, and, in consequence, nothing had hitherto been done. But the present Act gives the Commissioners authority to prescribe the duties of the masters, as well as the terms and conditions of the indentures. An elaborate order was accordingly framed, directing, among other things, that no child should be bound apprentice under the age of nine years, or who could not read, and write his own name; nor be bound to any person who was not a housekeeper, or carrying on business on his own account. No premium was to be paid with an apprentice, "unless he be maimed, deformed, or suffering from some permanent infirmity," and then partly in clothes and partly in money. No one above fourteen years of age was to be bound without his own consent, and none for more than eight years. The duty of the master with respect to the health, maintenance, cloth-

ing, and moral and religious instruction of the apprentice is minutely prescribed, and every care is taken for his well-being, present and future, as far as depends on authoritative regulation. The Commissioners declare however that they are not favourable to the apprenticing of parish poor children, which they would not regret to find diminished by the regulations they had imposed, being of opinion that a better education and industrial training of the children, would more than compensate for any advantage arising from the practice of apprenticeship.

By the 14th, and ten following sections, certain alterations are made in the mode of voting for guardians, and the qualifications for the office; and the Commissioners are empowered, having regard to population and other circumstances, to alter the number of guardians to be elected by any parish, and also to divide parishes into wards for the election of guardians. The Commissioners are likewise empowered by the 32nd section, to combine unions and parishes “into districts for the audit of accounts, and from time to time to add any parish or union to any such district, or separate any parish or union therefrom”; and the auditors appointed for such districts are to have full powers to examine, audit, allow, and disallow all accounts and items therein, relating to moneys raised for relief of the poor within their respective districts, “and to charge in every account so audited the amount of any deficiency or loss incurred by the negligence or misconduct of any person accounting, or of any sum for which such person is accountable, but not brought by him into account; and to certify on the face of every account audited by him, any money, books, deeds, papers, goods, or chattels, found by him to be due from any person, and report the same to the Commissioners.” This was a great improvement upon the former practice of each board appointing its own

Election of
guardians.

Audit
districts.

auditor, and it would have been still better if the appointment of auditors had been vested in the Commissioners, instead of being given to the chairmen and vice-chairmen of the combined boards of guardians.

District
schools.

The select committee of 1838 recommended "that the Commissioners be empowered, with the consent of the guardians, to combine parishes or unions for the support and management of district schools, and to regulate the distribution of the expenses of such establishments." Accordingly the 40th section of the present Act gives the Commissioners the power to form school districts "for the management of any class or classes of infant poor not above the age of sixteen years, who are orphans or deserted by their parents, or whose parents or surviving parent or guardians are consenting to the placing of such children in the school of such district." No part of the district is however to be distant more than fifteen miles from any other part, and the expense is limited to one-fifth of the annual expenditure for relief of the poor on the average of three years preceding.¹

The 41st section declares it to be "expedient that more effectual means should be provided for the temporary relief of poor persons found destitute and without lodging" in the metropolis, and the great towns of Liverpool, Manchester, Bristol, Leeds, and Birmingham, and empowers the Commissioners to combine parishes and unions into districts for the purpose. The fourteen following sections are devoted to providing the necessary machinery for managing these districts. This part of the measure was however found beset with many difficulties, and so full of danger of increasing the evil which it was meant to remedy, that it was never brought into operation, and need not therefore be further noticed.

The 56th section enacts that the workhouse and the

¹ These limitations were repealed in 1848 by 11 & 12 Victoria, cap. 82.

district school shall, for purposes of relief, settlement, removal, and burial, be considered as situated in the parish to which each poor person is or has been respectively chargeable. The two following sections provide for the punishment of offenders in workhouses; and the 59th section specifies the costs which any board of guardians may lawfully pay for the apprehension and prosecution of any person who, according to the laws in force at the time, is chargeable with any offence directly affecting the administration thereof; and likewise the reasonable cost of prosecuting any officer for neglect or breach of duty, "or for any maltreatment or abuse of any poor person"; and the costs of all legal proceedings taken by any auditor or other person whom the board of guardians may authorise, for the protection of any parish, union, or district; and to the extent to which any such costs are not repaid by the offending or other parties, the guardians may, "having regard to the circumstances of the case, and with the approval of the Poor Law Commissioners, charge such expenses to the common fund of the union, or to any parish or parishes comprised therein."

Expenses
which may
be legally
defrayed
out of the
poor-rates.

The 61st section enables collectors to be appointed to perform the duties of overseers; and by the 62nd section the Commissioners are empowered to direct the appointment of a paid collector of the poor-rates, after which all powers of the inhabitants in vestry, or of justices of peace, or persons other than the board of guardians, to make such appointment, and all appointments made under such powers, are to cease. The committee of 1838 recommended that the office of collector of the rates and assistant-overseer should be united; and the Commissioners, in their eleventh report state, that "although this portion of the administration of the Poor Laws is still encumbered with some difficulties, they entertain a confident hope that there will gradually be established a degree of

Paid col-
lectors to be
appointed.

regularity and responsibility on the part of those officers such as has not hitherto existed," and such, it may be added, as it was impossible to establish whilst the two offices were held entirely separate and distinct.

Exemption
of local Act
—parishes
containing
20,000 in-
habitants.

By the 64th and 65th sections it is provided that parishes under local Acts, and having a population exceeding 20,000, shall not be united with any other parish without the consent of two-thirds of the guardians, and that where such parishes shall have adopted the provisions of Hobhouse's Act (1 & 2 William IV. cap. 60),¹ and likewise when any two or more of the metropolitan parishes, containing together a population exceeding 20,000, are united for the purposes of rating or settlement under a local Act, and are not comprised in any union, such parish or such two or more parishes are not to be included in any district for the auditing of accounts. These exemptions from the operation of the general law were conceded to the representations of the metropolitan members and their constituents, who were naturally adverse to the introduction of a new power into affairs which they had long been accustomed to manage entirely themselves.

The Com-
missioners
may add
parishes to,
and take
parishes
from,
unions
without
consent
of the
guardians.

The select committee of 1838 recommended that the Commissioners should be empowered to dissolve existing incorporations without consent of the guardians, and likewise to add parishes to unions and to take parishes from unions without such consent. The first of these recommendations has hitherto (1853) not been conceded, but the latter is carried into effect by the 66th section of the present Act, which enables the Commissioners to add to any union, or to take parishes from it; and they may further, if they see fit, "cause a board of guardians to be elected for any single parish separated from any union, notwithstanding the provisions of any local Act in force in such parish." This was a useful provision, enabling the Commissioners to

¹ *Ante*, p. 205.

correct errors or imperfect combinations that may have occurred in the formation of the unions. There is a useful provision likewise in the 68th section, enabling any clerk or other officer of a board of guardians, "if duly empowered by such board, to make or resist any application, claim, or complaint, or to take or conduct any proceedings on behalf of such board, before any justices at petty or special sessions, or out of sessions, although such clerk or officer be not an attorney or solicitor." There are several other provisions, but the foregoing are all that require particular notice. The 7 & 8 Vict. cap. 101.^{7 & 8 Vict. cap. 101.} 7 & 8 Victoria, cap. 101 is certainly an important statute, and taken as a whole, may be said to deserve the designation it received of a "Second Amendment Act." It was immediately forwarded to the several boards of guardians, together with a carefully prepared circular, explaining its various provisions, and pointing out the steps to be taken for carrying them into effect.

The medical relief for the sick poor had from the commencement been a source of difficulty.¹ The medical men declared that the power of regulating salaries and prescribing duties conferred upon the Commissioners by the 46th section of the Poor Law Amendment Act were exercised to the prejudice of the profession, by subjecting medical officers to the uncertainties of competition, and thereby depriving them of adequate remuneration. The boards of guardians, by whom the appointments were made, complained, on the contrary, that the Commissioners required them to pay higher salaries than they could get the duty executed for, and likewise of compelling them to appoint a greater number of medical officers than they otherwise would do. Amid these complaints the Commissioners had to pursue a medium course, their objects being to secure an efficient attendance on the sick poor, to prevent all just cause for complaint by the medical profession, and

¹ See p. 319, *ante*.

that the guardians should not be put to any undue charge for medical relief. That the two latter conditions were to a reasonable extent fulfilled, may be inferred from the fact that each of the parties continue (1853) to complain of the other being unduly favoured ; whilst it is certain that the sick poor were better attended than they previously had been, and also that more money was paid for this attendance, the cost of medical relief in 1838 being only £136,775, whilst in 1845 it amounted to £174,330, independently of £26,000 paid for vaccination fees in the latter year.

1845-46.
Failure of
the potato
crop.

The progress of our narrative has now come down to 1845, in the autumn of which year commenced a period of considerable pressure in England, and of great privation and suffering in Ireland, through the general failure of the potato crop. The spring of 1845 had been cold and ungenial, and was followed by an unusually wet summer and autumn, owing to which the crops were generally defective, both in quantity and quality ; but the chief injury fell on the potatoes, which in many places were destroyed by a disease that has since been known as the " potato rot," and everywhere they were more or less affected by it. This disease had appeared in America a year or two before, and in 1845 and 1846 it spread with the utmost virulence throughout Ireland, bringing famine and fever in its train. In England it prevailed in a less degree, but still to an extent that caused much alarm, its origin and duration being alike involved in mystery, and its existence causing loss and disappointment to many, and to some the calamity of actual want. This was more particularly the case wherever the potato entered largely into the food of the people, and especially where its cultivation by the labourers for their own use became an element in adjusting the rate of wages. In such cases, the failure of his potato crop was equivalent to a

large abstraction from the labourer's earnings, and suddenly reduced him from a position of comparative comfort, to one of positive want and privation. This is not stated as an argument against the system of allotments, when kept within proper limits ; neither does it apply to the plot of garden attached to the labourer's cottage, for the purpose of raising vegetables for his family, and affording to them and himself occupation at times which might else be worse employed. The objection involved in the statement, applies only to cases in which the allotments are of such extent as to interfere with the money-rate of wages, or to cause the labourer to rely upon the produce of his allotment, instead of upon the steady application of hired labour, as a means of support.

The
allotment
system.

In 1846 the potato crop was in England a very general, and in Ireland almost a total failure ; and notwithstanding large importations, a great rise in the prices of provisions took place in consequence. Wheat advanced from 54s. to 75s. a quarter, and other grain in proportion. The price of potatoes was more than doubled, and butchers' meat was considerably higher. The winter of 1846-47 was moreover extremely cold, and this, added to the privations of the poorer classes through the increased prices of food, must have greatly augmented their sufferings. In many cases the workhouses were filled, and the out-door labour test was resorted to with the approbation of the Commissioners.

1846-47.
High price
of provi-
sions, and
great
distress.

The severity of the distress in Ireland, caused a large influx of persons in a state of extreme destitution from that country. All the towns on the western coast of England were heavily burthened with them, and at Liverpool the number of such immigrants between the 13th of January and the 20th of April, 1847, amounted to 133,069. Such a visitation necessarily brought a great pressure upon the Poor Law officials of Liverpool,

1846-47.
Famine
and fever,
and influx
of destitute
persons
from
Ireland.

upwards of 10,000 of these poor Irish being relieved daily for a long period. There was moreover great danger that the fever under which some of them laboured at the time of their arrival, and which also broke out in the crowded dwellings where they congregated, might spread and attack the other inhabitants. The Liverpool authorities however, proved themselves equal to the emergency, and resolutely performed all that the law directed, and all that humanity required. The same may be said with respect to the metropolis, and the other places whither the Irish fled from famine and pestilence in their own country—their distress was urgent, their sufferings great, and to afford all possible relief was throughout England felt to be an imperative duty, and it was nobly fulfilled.¹

Labour in
the work-
house.

The kind of labour on which the inmates of the several workhouses should be employed, rested entirely with the boards of guardians, who best knew the circumstances of their several districts. In some workhouses, stone-breaking or oakum-picking was adopted; in others, particularly in the western and southern counties, the crushing or breaking of bones was resorted to as an eligible means of employing the able-bodied inmates. There was however no order or direction by the Commissioners on the subject, the mode of employment being left to the discretion of the guardians.

Bone-
breaking at
Andover.

In the Andover union, bone-breaking had for a considerable time been advantageously practised, and without occasioning any complaint; but in 1845 a great sensation was created in consequence of the brutal habits of two of the male inmates, and an appeal was made to parliament on the ground that the diet of the workhouse was insufficient, and that hunger, and

¹ For further particulars as to the famine, see *History of Scotch Poor Law*, p. 240, etc., and *History of Irish Poor Law*, p. 306, etc.

not the depraved appetites of the men,¹ had been the cause of what had occurred. Considerable discussion took place on the subject, and under the excitement of the moment, bone-breaking was denounced as being an improper employment for the inmates of workhouses, and the Commissioners issued an order prohibiting the practice in future. From this order, it is stated in their twelfth report that “one of the Commissioners dissented, and recorded his dissent upon the minutes, according to the provision of the Poor Law Amendment Act.” The author has seen no reason to regret his having dissented from his colleagues on that occasion, being satisfied that bone-breaking is an eligible mode of employment for the able-bodied male inmates of a workhouse, and that an order prohibiting it ought not to have been issued, whatever clamour or pressure there might be at the moment. In this view he is confirmed by the remonstrances which were forwarded from nearly all the unions where the practice had prevailed, immediately after the appearance of the order, deprecating its enforcement, and pointing out the advantages of the practice, and the impossibility of substituting any mode of employment equally eligible, or in some cases any other employment whatever. Bone-breaking had been the employment introduced by the author into the Southwell workhouse five-and-twenty years previously, and he saw no ground for changing his opinion with respect to it. He advocated the practice in his examination by the Andover committee, before whom the record of his dissent was produced; but the clamour which had been raised, and the exaggerations which were resorted to, overpowered whatever could be said in its favour, and the prohibition of bone-breaking in workhouses still continues in force.

Bone-breaking prohibited—the author dissents.

Early in the following year (1846), a committee of

¹ One of them declared that he preferred putrid marrow obtained from the bones to anything else.

1846.
The
Andover
committee.

the House of Commons was appointed to inquire into the Andover case, which had grown to be one of more than ordinary interest. Numerous witnesses were examined, primarily with reference to bone-breaking, but eventually extending to every part of Poor Law administration; and whatever could be shown to be wrong in any way, however originating, or whatsoever might be the qualifying circumstances connected with it, was brought in charge against the Commissioners, who under such continual assailment became every day more unpopular, thus preparing the way for the change in the constitution of the Commission which not long afterwards was determined on.

Salaries
of union
officers.

In the twelfth report of the Poor Law Commissioners, dated May 1846, the number of paid officers of each class employed in the 591 unions¹ existing at that time is stated to have been 8290, and the amount of salaries paid to them was £419,901. In connection with this statement it should be mentioned, that in the session of 1846 a grant of £61,500 was voted for payment of half the salaries of medical officers, and the whole of the salaries of district auditors and the workhouse schoolmasters and schoolmistresses, for the half-year ending at Lady-day 1847. In announcing this grant to the several boards of guardians, the Commissioners informed them that the object of its being made was "to contribute to an improvement in the character of the workhouse schools, and in the supply of medical relief to the poor"; and the Assistant Commissioners were directed to report specially on the state of the unions under their charge with respect to each of these objects. It was afterwards determined to appoint separate inspectors of workhouse schools, who would

Grant
towards
the salaries
of school-
masters
and school-
mistresses,
and
auditors
and medical
officers.

¹ In 1852 the number of unions had increased to 608. This was in consequence of the breaking up of certain Gilbert incorporations, the parishes included in which, together with others entangled with them, were, as soon as they were set free, formed into convenient Poor Law unions.

examine the teachers, and ascertain their qualifications, the inspectors themselves being under the control of the Committee of Council for Education.

Four Acts were passed about this time, which it will be convenient here to notice. The 8 & 9 Victoria, cap. 10, provides for remedying certain defects in the previous statute of 7 & 8 Victoria, cap. 101, in regard to proceedings in cases of bastardy. The 8 & 9 Victoria, cap. 117, provides for the "removal of poor persons born in Scotland, Ireland, the islands of Man, Scilly, Jersey, or Guernsey, and chargeable in England"; and 10 & 11 Victoria, cap. 33, enacts certain amendments of the same. The 8 & 9 Victoria, cap. 126,¹ amends the laws relating to lunatic asylums, and the care of pauper lunatics; and directs that the clerks of boards of guardians shall make annual returns of pauper lunatics, and that medical officers shall give notice to the relieving officer of the union, or the overseer of the parish, as the case may be, of any pauper whom they deem to be lunatic. Within three days after receiving such notice, the relieving officer or the overseer is to make the same known to some justice of peace, before whom the supposed lunatic is to be brought; and if upon examination, with the assistance of a medical man, the justice shall be satisfied that the person is really a lunatic, idiot, or of unsound mind, he is by order under his hand to direct such person to be received into the county or borough asylum, or "into some house duly licensed, or some hospital registered for the reception of lunatics." Wandering lunatics, or lunatics not under proper care, are required to be apprehended and taken before a justice to be dealt with as the Act directs.²

1845,
8 & 9 Vict.
cap. 10;
8 & 9 Vict.
cap. 117;
8 & 9 Vict.
cap. 126.¹
1847,
10 & 11
Vict.
cap. 33.

¹ This Act was repealed in 1853, and various amendments and additions made to the law with respect to lunatic, idiotic, and insane paupers, by 16 & 17 Victoria, cap. 97.

² See above note.

1846,
9 & 10
Vict.
cap. 66.

Non-re-
moval Act.

Another Act requiring to be particularly noticed, was also passed at this time. The evils of settlement, and the great hardships inflicted by removals, were continually becoming more apparent, and the necessity for some remedy was generally admitted. The 9 & 10 Victoria, cap. 66, was accordingly introduced, and after lengthened debates was ultimately passed, bearing the title of "An Act to amend the Laws relating to the Removal of the Poor"; but the conditions of settlement are not altered by it—it merely directs that henceforth "no person shall be removed, nor shall any warrant be granted for the removal of any person, from any parish in which such person shall have resided for five years." The person however must not within the five years have received relief from the parish, or in an hospital, or in a lunatic asylum; it is only an independent residence that confers the privilege of irremovability. The Act moreover provides, that no widow shall be removed for twelve months after the death of her husband; and persons relieved on account of sickness or accident are not to be removed, "unless the justices granting the warrant shall state thereon that they are satisfied that the sickness or accident will produce permanent disability." The passing of this Act brought a new burthen upon many town parishes, in which the poor persons now rendered irremovable had become resident, but were still entitled to receive relief from the parishes of their settlement. This relief, after the passing of the present Act, was refused or withdrawn, and the parish in which they resided was forced, in cases of urgency, to relieve them in addition to its own settled poor. Great complaints were made by the parishes in which these irremovables had congregated, and which were generally the most poor and heavily burthened, a result which ought perhaps to have been foreseen and guarded against. But in the following year, in

order to remedy the hardship thus complained of, a short Act was passed, 10 & 11 Victoria, cap. 110 (usually known as Mr. Bodkin's Act, it having been introduced by him), transferring the charge of relieving the persons so rendered irremovable, from the particular parish to the whole union.

1847,
10 & 11
Vict.
cap. 110.
Bodkin's
Act.

These three Acts, taken together, may be regarded as an important advance towards abolishing the evils of settlement—the first prohibiting removal after five years' residence, the two others directing the cost of relieving persons thus rendered irremovable to be charged to the common fund. All that would afterwards be necessary for finally disposing of the settlement question would be, to extend the principle of these enactments by abolishing removal altogether, and substituting union for parochial rating and chargeability. Circumstances have gradually prepared the way for such a change. Parochial management may be said to have become practically extinct. The whole power and responsibility as regards the administration of the Poor Law, is vested in the board of guardians. The overseers still, it is true, in many instances collect the rates, and individual guardians may sometimes improperly or exclusively attend to or advocate the interests of the parish by which they are returned; but these things are only material so far as they disturb the equable working of the union system, which they would no longer do if union rating and chargeability were established. There would then be no conflicting interests to advocate or reconcile. The interest of one parish would be the interest of all; and the guardians, acting under a sense of common duty and responsibility, would have regard to the interests of the ratepayers of the union generally, in administering relief to the destitute poor within its limits, irrespective of the particular parish where any of them might happen to be resident. Until the union

The law of
settlement
may now be
abolished.

system was organised and matured, there were doubtless formidable difficulties in the way of abolishing settlement; but these difficulties no longer exist, and it might now, I think, be abolished, and union chargeability established, not only with advantage and facility, but without occasioning any disturbance or confusion in the ordinary working of the law.

1846,
9 & 10
Vict.
cap. 96.

Removal of
nuisances.

The 9 & 10 Victoria, cap. 96 provides, that the guardians of the poor, upon the certificate of two duly qualified medical practitioners, of the unwholesome condition of any dwelling-house, or of the accumulation of offensive or noxious matter, or of the existence of any foul or offensive drain, privy, or cesspool, shall cause the owner or occupier of the premises to be summoned before two justices of peace; and if the justices are satisfied of the existence of the nuisance, they are to make an order for cleansing, whitewashing, or purifying such dwelling-house, or the removal of such nuisance—failing in which the guardians may cause the premises to be cleansed and the nuisances to be abated, the cost of so doing to be recovered from the owner or occupier, unless the same be for special reasons excused; and if not so recovered, the expenses are to be defrayed out of the poor-rates of the parish in which they were incurred. This Act was amended two years afterwards by 11 & 12 Victoria, cap. 123, and again in the following year by 12 & 13 Victoria, cap. 111, the powers for the removal of nuisances being enlarged, and their natures more fully described. The surveyors of highways are moreover directed “to scour, cleanse, and keep clear all open ditches, gutters, drains, and watercourses adjoining thereto”; and any person who suffers the drainage of soil or offensive matter from any new building into an open ditch, is declared to be guilty of a misdemeanour.

The execution of sanitary measures such as the

above, appears to come naturally within the province of Poor Law administration, since disease in any shape tends to create destitution, the relief or prevention of which is the especial object of every Poor Law. These enactments were chiefly owing to the dread of impending cholera, and in some measure also perhaps to a more correct appreciation of the importance of such provisions for protecting the general health; but they were immediately occasioned by the spread of fever in many parts of England, and especially in the north. The great number of Irish poor who came over in a pitiable state of exhaustion and debility, some bearing with them the seeds of fever, and others actually labouring under the disease, necessarily caused fever to break forth and spread wherever they congregated, as was the case in many of the northern unions. Several medical men, and union officers, and other persons engaged in attending upon the sick, fell a sacrifice in consequence; and it may be mentioned to the credit of government, that pecuniary assistance was granted to the families of most of those who thus unhappily perished.

1846.
Spread of
fever,
through
the influx
of the
Irish poor.

We have now reached the period when the change in the constitution of the Commission which has been intimated as approaching, was determined to be carried into effect. But before describing this change, it will be right to place before the reader the Commissioners' account of the administration of the law, as given by them in a letter addressed to the home secretary in December 1846, "relative to the transaction of the business of the Commission."

The Commissioners say, "Upon examining the manner in which the powers with respect to the relief of the poor are divided between the central and local authorities, it will be seen that the primary responsibility with respect to the detailed administration rests

1846.
The Com-
missioners'
letter rela-
tive to the
transaction
of the
business of
the Com-
mission.

with the board of guardians. The board of guardians consists of all the resident magistrates of the union or parish, together with the members elected by the rate-payers, forming altogether an important and highly respectable representative body. The constituency by which the guardians are elected, is the most numerous known to the law, inasmuch as it includes every rate-payer of either sex, and its number for the whole of England probably exceeds 2,000,000. According to the Poor Law Amendment Act, the government of the workhouse, and the administration of relief to the poor in a union, are vested in the board of guardians (secs. 38 and 54). The board of guardians likewise appoint all the paid officers employed in the union, and maintain an inspection of the regular performance of their duties. The weekly reports of the relieving officers, the medical officers, and the master of the workhouse, and the monthly report of the chaplain, are made to them; and it is their duty to see that these reports are sent in at the proper times, and to correct any abuses or breaches of regulation which the reports may disclose. Although the salaries of the officers are fixed by the Commissioners, the amounts are proposed by the guardians, and their proposal is in most cases adopted. The weekly inspection of the workhouse is made by a visiting committee of the guardians, appointed under the regulations of the Commissioners for this special purpose. The guardians expend the money raised for parochial emigration; make contracts for the survey and valuation of parishes, and also for gratuitous vaccination; and they appoint the local registrars of births, deaths, and marriages. The guardians discharge these several functions subject to the general control of the Commissioners, to be exercised by making regulations. The Poor Law Amendment Act expressly declares, that the Commissioners are not empowered 'to interfere in any individual case

for the purpose of ordering relief.' Where formal complaints of local abuses are made to the Commissioners, or where they ascertain in any way the existence of such abuses, they may institute an inquiry, either by addressing a letter to the board of guardians, or by instructing an Assistant Commissioner to investigate the matter. Independently of visits made for special inquiries, the Assistant Commissioners visit each union of their district in regular succession, attend the meeting of the board of guardians, and inspect the workhouse. The number of these visits, however, is not sufficiently great to enable the Assistant Commissioner to detect all the abuses or irregularities which may arise in the daily administration of relief, both in and out of the workhouse. The number of unions and parishes governed by boards of guardians appointed under the Poor Law Amendment Act, is 595; and of unions and parishes governed by boards appointed under local Acts, is 31; there are likewise 17 incorporations under Gilbert's Act, making a total of 643 unions and parishes requiring a separate inspection. These 643 unions and parishes contain 707 workhouses capable of accommodating about 190,000 inmates; each Assistant Commissioner, therefore, has on an average 71 unions and parishes under his superintendence, containing 78 workhouses; and allowing for all circumstances, it will scarcely be possible for an Assistant Commissioner to attend the board of guardians, or even to inspect the workhouse of every union, more than once in each half-year."

"Such being the division of the powers and functions between the Central Commission and the boards of guardians, it is not difficult to determine what are the abuses for the existence of which the Commissioners are properly responsible. In the first place, they are responsible for the issue of such general regulations as are likely either to prevent the occur-

duty of central commission

rence of abuses, or to provide an effectual remedy against abuses when they have occurred. In the second place, they are bound, whenever any violation of the law or of the existing regulations, or any abuse or irregularity, is reported to them by an Assistant Commissioner or a board of guardians, or is otherwise brought to their knowledge, to adopt such measures as may be in their power, both for the correction of the actual evil, and the prevention of its recurrence. These responsibilities are sufficiently extensive and weighty, and in the fit discharge of the duties which they imply, is included all the control which can be exercised by the Central Commission. For abuses which could not have been prevented by general regulations, which have not been reported to them, and which their Assistant Commissioners neither knew nor could have been reasonably expected to discover, they cannot be held responsible."

"In considering the nature of the responsibility for local abuses in the administration of the Poor Laws, it is necessary to advert to the peculiar character of the law to be administered, and the numerous difficulties which it presents. There are nearly 600 unions and parishes, each governed by a separate board of guardians. In these unions and parishes are employed 1238 masters and matrons of workhouses, 1257 relieving officers, and 2680 medical officers, besides porters, nurses, etc. Each relieving officer and medical officer is bound to make a weekly report to the guardians, so that the total number of these reports, which require an examination at the time, amounts in a year to 204,724. The master of the workhouse is likewise bound to make to the guardians a weekly report of the number and classes of inmates of the workhouse, as well as of all punishments in the workhouse; and the chaplain makes a monthly report. Each relieving officer and medical officer is bound to visit the paupers under his care; and it may be

assumed, on an average, that each medical officer pays at least 30 visits in a week, and each relieving officer pays at least 50 visits in a week. This would give in the aggregate 143,250 visits in a year for both classes of officers. The number of paupers receiving relief in a quarter is returned at about 1,500,000; and the sum annually expended in out-door relief is nearly three millions sterling. This sum is disbursed by the relieving officers in small payments, varying in general from 5s. or 6s. to 1s. or 1s. 6d., together with small allowances in kind: many of these payments are made to paupers resident out of the union, and by remittances through intermediate parties. The overseers, besides, of whom there are at least two in each of the 14,616 places maintaining their own poor, can give relief of their own authority in cases of urgent necessity."

"It is further to be borne in mind that the government of the workhouse is attended with many difficulties. The number of officers who have to control an establishment, sometimes containing several hundred inmates, is generally small, and their authority is not extensive. The nature of the inmates is also such as to require constant care and inspection. So long as industry and thrift lead to prosperity, and their opposites to poverty, it is natural that the least well-conducted portion of the poorer classes should find their way into the workhouse. The workhouse is likewise a receptacle for the sick, the aged, and bedridden, deserted children; and vagrants, as well as harmless idiots—classes of persons who need constant and careful supervision. It includes a nursery, a school, an infirmary, and a place of temporary confinement. A workhouse is a large household, in which food is provided, the sick are tended, children are nursed, etc. In most respects it resembles a private family on an enlarged scale. There is however this important distinction, that those common incidents, arising out of

ad a workhouse.

neglect, quarrels, or dishonesty, which in a private family are settled by the head of the house on his own responsibility, become in a workhouse matters of public complaint and investigation, involve official duties, are decided in an official form, and not unfrequently come under the review of parliament."

"In such circumstances, and in a system of administration at once so comprehensive and so minute, it is impossible that any code of regulations however well devised, and that any inspection however vigilant, should altogether prevent the occurrence of abuses. With whatever care the Commissioners and their Assistants on the one hand, and the local authorities on the other, may perform their respective duties, some abuses, caused by the inattention, impatience of temper, or other defect of character or judgment in some of the numerous persons employed, must inevitably occur. No system of administration can be expected to be faultless, especially a system of this extent and complexity. For such local abuses as may occur the boards of guardians are in general primarily responsible. They have the chief part of the local power, and must therefore bear the chief part of the local responsibility. The responsibility of the Commissioners in general does not arise until the abuse has been disclosed, when it becomes their duty to take such means as are at their disposal for preventing its recurrence. Nor is there any valid reason for imposing on the Commissioners additional responsibilities, or for doubting the competency of the boards of guardians to carry on the ordinary administration of the law, and to superintend the union paid officers in the regular performance of their duties. The constitution of the board of guardians secures for it a large portion of the intelligence and practical knowledge of the district, and the nature of its proceedings leads to deliberation and discussion upon the business

transacted. The position of the Commissioners, invested with the central control, necessarily causes them to differ from the boards of guardians occasionally, with respect to questions arising in the administration of the law; but they declare their conviction of the generally trustworthy and considerate manner in which the boards of guardians discharge their functions, and of their readiness to devote to the transaction of the business, as much of their time as can be reasonably expected of the unpaid members of a body so constituted."

These extracts from the Commissioners' letter give so clear a description of the union system, that it has been preferred giving them verbatim, as it would be difficult to shorten or condense them, without weakening the effect. The relative duties and responsibilities of the central board, the boards of guardians, and the local officers, are distinctly stated; and it is necessary that the statement should have a place at this stage of our narrative, the Commission as originally constituted being about to be changed. Its members are, therefore, entitled to show how far it has fulfilled its mission, and the nature of the organisation which has been created. The statement is also necessary on another account, for everything that happened at any time to be wrong in the multifarious transactions of the several unions, whether in giving or in withholding relief, whether in the workhouse being over-strictly or under-strictly managed, whether the officers were attentive or negligent, harsh or considerate, in the performance of their duties—all failures, excesses, or shortcomings of every kind, were attributed to the Commissioners, whom the public held responsible for every defect, without allowing them credit for any excellence. Against this assumed concentration of responsibility, and the sweeping imputations grounded upon it, the Commissioners' letter must be regarded as a protest.

Comparison of the old and new systems of administration.

Under the old parochial system of administration, defects and abuses were continually occurring, but they excited no attention beyond the immediate locality; whilst under the amended system, every defect or malversation is made known, is discussed and commented on, is circulated throughout the country by the press, and probably brought forward in parliament. This publicity no doubt ensures a more careful execution of the law; but it at the same time affords extraordinary facilities for attacking the Commissioners, for whatever happens to be unpopular in its administration; and it must be confessed that the means of attack thus provided, were not, during the latter years of the Commission, permitted to lie idle. The change now about being made in the Commission, and to which its unpopularity arising from these attacks no doubt contributed, will be described in the next chapter.

CHAPTER XVIII

A.D. 1847-52-53

The Commission is dissolved—Powers of the new Commissioners—Aged couples not to be separated—Visiting committees directed—Increase of expenditure and of the numbers relieved—Difficulty as regards out-relief—Exemption of stock-in-trade from rating—Resolutions of committee on law of settlement—Consolidated order—New Commission gazetted—Mr. Bodkin's Act—Mr. Buller's speech and Bill—Vagrancy : Mr. Buller's minute—Workhouse schools—Operation of settlement law—Parochial chargeability—Norwood and Tooting "farming" establishments—Cholera—Number of union officers and their salaries—Usefulness of the workhouse—Rating of owners—Protection of poor children—Commissioners empowered to arbitrate—Audit of accounts—Vaccination—Education—Emigration—Improvement of workhouses—Expenditure on relief—Numbers relieved—Number of unions—Commissioners' orders and regulations—Laws now in force—Continuation of the Commission—Mr. Baines's speech on settlement—Its abolition, and the consolidation of the law, anticipated—Conclusion.

THE Commissioners appointed under the provisions of the Poor Law Amendment Act were prohibited from sitting in parliament, and had been unconnected with party politics. This separation from political influence would, it was believed, render their action more independent, and less liable to popular or local bias; but the result showed, that although these qualities might abound in a Commission so constituted, there were countervailing circumstances which rendered the policy of such an arrangement doubtful, the Commission being thereby deprived of the means of defending itself in the only place where defence would be effective. Public feeling and public prejudice, local or general, were represented and found supporters in parliament, where there was no Poor Law functionary to explain or to refute; and charges made there,

however exaggerated or groundless, spread through the country, and were received as undoubted facts, raising distrust and jealousy of the Commission, weakening its influence and impeding its action. It was denounced as being anomalous, tyrannical, irresponsible, and as exercising a power not recognised by the English constitution. This feeling prevailed within the House of Commons perhaps even more strongly than it did elsewhere, for every other department had its representative there, who might at once be questioned and called to account for whatever occurred; whereas the Poor Law Commissioners were beyond the reach of such questioning, and could only be called upon circuitously through the medium of the home secretary, or by the more tedious process of moving for papers.

These were the circumstances which at this time chiefly led to making a change in the Commission, and assimilating its constitution to that of the India Board, and other principal departments of government. The time for making the change was well chosen; all the more difficult and heavy work devolved upon the Commissioners by the Poor Law Amendment Act having been gotten through, the unions being formed, a system of relief organised, and the law brought into general operation. The Commission had been in existence sufficiently long, for gathering to itself all the unpopularity attendant upon changes which, under the authority of the new law, it had been the means of effecting throughout the country; so that by dissolving the Commission, both the cause and the object of unpopularity would be removed, and the law and the new executive would be left free from consequences which, as far as the original Commission was concerned, were perhaps unavoidable.

1847,
10 & 11
Vict.
cap. 109.

The above observations are offered by way of introduction to 10 & 11 Victoria, cap. 109, which

empowers the crown to appoint from time to time, and during pleasure, such person or persons as her Majesty shall think fit, to be "Commissioners for administering the laws for the relief of the poor in England." The lord president of the council, the lord privy seal, the secretary of state for the home department, and the chancellor of the exchequer for the time being are, by virtue of their respective offices, to be Commissioners jointly with the person or persons so appointed; and they are to enter on their office, and have all the powers vested in them by the Act, on the day after the notice of the issue of the Commission shall be published in the *London Gazette*. This Commission, like the preceding, was only to continue for five years. "The Commissioners" are to submit annually to her Majesty a report of their proceedings, which is to be laid before parliament, and they are empowered to appoint two secretaries, one of whom and the president may sit in parliament.

The 10th section enacts, that on the day on which "the Commissioners" enter on their office, "all the powers and duties of the [existing] Poor Law Commissioners, with respect to the administration or control of the administration of relief to the poor throughout England, and all other powers and duties now vested in them, shall be transferred to and vested in 'the Commissioners,' and shall be thenceforth exercised by them." Ireland is not named in this clause, a separate board having been created by 10 & 11 Victoria, cap. 90, for the administration of the Irish Poor Law, wholly distinct from that of England.¹ "The Commissioners" are empowered, by order under

¹ How far this separation was necessary or politic, may perhaps be questioned; but it was thought to be called for by the circumstances then existing, the "potato rot" having recommenced its ravages in the autumn preceding, and spread want and disease throughout Ireland, which a separate and resident Commission would, it was supposed, be better able to attend to and relieve.

their seal, and with consent of the Treasury, to appoint "Inspectors" to assist in the execution of this and all other Acts now, or which shall be hereafter in force, for the relief of the poor in England, and may assign to them such duties as they think fit; and it is enacted that each of such inspectors "shall be entitled to visit and inspect every workhouse or place wherein any poor person in receipt of relief shall be lodged, and to attend every board of guardians and every parochial and other local meeting held for the relief of the poor, and to take part in the proceedings, but not to vote at such board or meeting." The inspectors may also summon witnesses, administer oaths, examine accounts, and hold inquiries.

These are the only provisions immediately applying to "the Commissioners" which need be noticed; but there are two other clauses of the Act demanding attention, as they make a change both in the law and in the workhouse regulations as at that time established.

The 23rd section provides, "that when any two persons, being husband and wife, both of whom shall be above the age of sixty years, shall be received into any workhouse"—"such two persons shall not be compelled to live separate and apart from each other." And the 24th section enacts, "that in all cases where boards of guardians neglect to appoint a visiting committee," or where three months shall have elapsed without such a committee having visited the workhouse, "the Commissioners shall appoint a visitor, not being one of the guardians, at a salary to be fixed by them, and paid out of the general fund of the union"—but the appointment of such visitor is to cease three months after a visiting committee shall have been appointed by the guardians—"subject nevertheless to his reappointment, in case of any repetition of such neglect of the guardians or visiting committee as aforesaid."

The provisions, prohibiting the separation of aged married couples, so far alters the workhouse regulations as to render that imperative, which was previously in the discretion of the boards of guardians. *Article 10*, of the general workhouse order issued in 1842 directs, that if for any special reason it shall appear to the board of guardians desirable to allow aged and infirm married couples to have a sleeping apartment separate from the other inmates, they are to record a resolution to that effect on their minutes, and transmit a copy thereof to the Poor Law Commissioners for their approval, which, it may be added, was very rarely withheld. The general consolidated order which the existing Poor Law Commissioners issued immediately after the passing of the present Act, makes an addition to the provision it contains against separating aged married couples to the following effect—"that the guardians shall set apart for the exclusive use of every such couple a sleeping apartment separate from that of the other paupers." This was requisite on the score of decency, but it would no doubt tend to increase the amount of out-relief, as the number of separate sleeping apartments in any workhouse must of necessity be limited.

Aged
couples
not to be
separated.

The second of the above provisions goes much further with respect to visiting committees, than was contemplated by the general workhouse order, which merely directs boards of guardians to appoint such committees from their own body, prescribes their duties, and frames a series of printed questions to which at every visitation they are required to insert written answers. The present Act provides against the neglect of any board of guardians to appoint such a committee, and also against the neglect of the committee to visit regularly, in either of which cases the Commissioners are empowered to appoint a visitor (not being a guardian), and to assign him a salary for

Visiting
commit-
tees.

performing the duty. The existence of such a power may, as in other cases, be likely to prevent the occasion for its exercise; and some such provision had certainly become necessary, the important duty of visitation in conformity with the regulations, having latterly been too much neglected.

The new
Commission
gazetted,
17th Dec.
1847.

The Act received the royal assent on the 23rd of July 1847. By it the new Commission was to enter upon its duties the day after the appointments were gazetted, which was not done until the 17th of December following; so that there was an interval of nearly five months, during which the administration of the law continued in charge of the old Commission, although its abolition had been decided on, and was universally known to be near at hand. This interval may be occupied with the notice of some matters which properly appertain to the original Commission, whose proceedings I have endeavoured to trace from its commencement in 1834 to the present time. I may deceive myself as to the way in which this has been done, but I have certainly aimed at being impartial, and have wished, as far as possible to guard against the bias that might not unnaturally arise through my own official connection with these proceedings.

1837-1848.
Increase of
expendi-
ture.

The first point to be noticed is the cost or charge of relief, which, from its minimum of £4,044,741 in 1837, went on year by year increasing (with the exception of 1844), until it attained what I have named its "3rd maximum" of £6,180,765 in 1847-48, thus exhibiting an increase of expenditure amounting to upwards of two millions in the course of eleven years, whilst the rate per head on the population had risen from 5s. 5d. in 1837 to 7s. 1½d. in 1848.¹ If the expenditure for relief of the poor continued to increase in a like ratio, or to exhibit any considerable and continuous increase at all, it would no doubt

¹ See Table in the Appendix.

negative the economical pretensions of the new law and the workhouse system, which would cease to be regarded as secure fences against the growth of pauperism. The increase which actually did take place at this time, had the effect of shaking the confidence of many friends of the law, and of encouraging its adversaries, to whose efforts both in and out of parliament the increase may in some degree be said to have been owing. The main causes of the increase however, existed in the circumstances of the period, which were of too marked and legible a character not to be generally understood. In their thirteenth report, the Poor Law Commissioners remark, that “the general failure of the potato crop throughout England, the high prices of corn and other articles of food, the length and severity of the winter, the diminution of manufacturing prosperity, and the large immigration of destitute Irish into England, have considerably increased the pressure upon the poor-rates; and that the expenditure for the year ending at Lady-day 1847, will, when ascertained, doubtless prove greater than that for the year preceding”—a prognostication that was fulfilled to the extent of £344,583—and the Commissioners go on to express “their satisfaction at being able to state, that the boards of guardians and other local authorities have found no serious difficulty in overcoming the obstacles against which they have had to contend, and that the system of relief has been efficient and orderly.”

In the short report of the Poor Law Commissioners for the five months they continued in office, after the passing of 10 & 11 Victoria, cap. 109, the amount expended in the several Poor Law unions only is stated; but in the first report of the Poor Law board, that for 1848, the expenditure for the whole country is given, and shows an increase of £881,978 on the year ending at Lady-day 1848 over that of 1847, which is nearly equal to 17 per cent. on the entire expendi-

1847-1848.
Increase of
the number
of persons
relieved.

ture. The report also contains a tabular statement of the number of *able-bodied persons* relieved in the winter quarters of these years, ending at Lady-day respectively, in the then existing 592 Poor Law unions, from which unions alone could accurate or reliable returns be obtained, viz. :—

	In-door.	Out-door.	Total number of able-bodied relieved.
In 1847 . . .	105,306 . .	375,278 . .	480,584
In 1848 . . .	135,084 . .	442,361 . .	577,445
Increase . . .	<u>29,778</u>	<u>67,083</u>	<u>96,861</u>

There is here a larger increase upon a previously large number, and the maintenance of half a million of able-bodied persons at the public cost is surely a formidable circumstance. Only about one-fourth of the number it appears were relieved in the workhouses, which is a proof that the test was sparingly applied, and that the law was administered with great leniency.

The efficiency of the amended Poor Law depends so much upon the extent to which the workhouse is used as a medium of relief, and a test of destitution, that it may be instructive, and will afford means of comparing the working of the law in different years, to insert an abstract of the numbers relieved in and out of the workhouse, in the quarters ending at Lady-day respectively, commencing with 1840 :¹—

Year.	In-door.	Out-door.	Total number relieved.	Per cent. on the population.
1840 . .	169,232 . .	1,030,297 . .	1,199,529 . .	7·7
1841 . .	192,106 . .	1,106,942 . .	1,299,048 . .	8·2
1842 . .	222,642 . .	1,204,545 . .	1,427,187 . .	8·9
1843 . .	238,560 . .	1,300,930 . .	1,539,490 . .	9·5
1844 . .	230,818 . .	1,246,743 . .	1,477,561 . .	9·0
1845 . .	215,325 . .	1,255,645 . .	1,470,970 . .	8·8
1846 . .	200,270 . .	1,131,819 . .	1,332,089 . .	7·9
1847 . .	265,037 . .	1,456,313 . .	1,721,350 . .	10·1
1848 . .	305,956 . .	1,570,585 . .	1,876,541 . .	10·8

¹ A proportional estimate is made for the numbers relieved in places not under the Poor Law Amendment Act. For a comparison of English with Scotch pauperism about this time, and comments thereon, see *History of Scotch Poor Law*, p. 108.

It appears by this abstract, that with the exception of 1844-45 and 1845-46, in which years some reaction took place, there had been a continual increase in the numbers relieved both in and out of the workhouse throughout the whole period, and that the largest increase had taken place in the last two years. The in-door poor amount only to about one-sixth of the entire number relieved, a proportion the reverse of what was anticipated at the passing of the Amendment Act, 1834, when the extinction of out-door relief was reckoned upon, or at least was expected to be so far reduced as to form the exception, instead of being, as we now see it, rather the rule. But in fact the affording of out-door relief had been so long practised, and as it were engrafted into the habits of the labouring classes, that to put an end to it, or even to reduce it within the narrow limits many persons anticipated, would have been impossible under any circumstances, however favourable. During a considerable portion of the period, however, circumstances had not been favourable, and the efforts the Poor Law Commissioners made to bring about a reduction of out-door relief, and to establish in-door relief more generally instead, served to increase their unpopularity, and to bring discredit on the law itself. Charges of inhumanity were made against them for their efforts to extend the workhouse principle, inquiries were instituted, opposition was active, and the progress of amendment was necessarily slow and beset with difficulties. On some occasions indeed credit was claimed for the law, and for its executive, on account of the large amount of out-relief afforded under it, which was cited in proof of its humanity; and this was not done obscurely by the ignorant and ill-informed, but openly and before parliament; so that to put an end to out-door relief, or even to reduce it to about an equality with the in-door, became a matter rather to be desired than expected.

Difficulty
of reducing
out-door
relief.

Such were the circumstances with regard to out-door relief in England ; but in Ireland it was different, for the Irish Poor Law did not recognise or sanction out-relief in any shape ; and although its provisions in this respect were for a time departed from, under the severe inflictions of famine and fever, the principle was there never lost sight of, and the practice was brought into conformity with it when, and as speedily as, the state of the country permitted.¹

¹ Doubts have been expressed whether the English Commissioners of Poor Law Inquiry of 1832, or the first Poor Law Commissioners of 1834, were or were not in favour of the eventual absolute prohibition of out-door relief, otherwise than in very exceptional cases. And the expressions of the author in the above two paragraphs have been cited on both sides. No apology, therefore, is needed for quoting in full the words used by him in his Second Irish Report, written after three years of practical and responsible experience of the English law, and close intercourse with those by whom, and on whose advice, that law had been introduced. He there says (*History of Irish Poor Law*, p. 203) :—

“ Much has been said as to the necessity of providing out-door relief in Ireland ; but most of the arguments in favour of an extension of relief beyond the workhouse, appear to be founded either upon a misapprehension of the objects of a Poor Law, or upon an exaggerated estimate of the number of destitute persons for whom relief would be required. The object of a Poor Law is to relieve the destitute—that is, to relieve those individuals who from sickness, accident, mental or bodily infirmity, failure of employment, or other cause, may be unable to obtain the necessaries of life by their own exertions. Under such circumstances the destitute individual if not relieved might be driven to beg or to steal ; and a Poor Law, by providing for the relief of destitution, prevents the necessity or the excuse for resorting to either. This is the legitimate object of a Poor Law, and to this its operations are limited in the Bill of last session. But if, disregarding this limitation, it be attempted to provide relief for all who are needy, but not destitute—for all who are poor, and whose means of living are inferior to what it may be desirable that they should possess—if property is to be taxed, not for the relief of the destitute only, but for ensuring to everyone such a portion of the comforts and conveniences of life as are assumed to be necessary—the consequence of any such attempt must be in Ireland, as it notoriously was in England, not only to diminish the value of property, but also to emasculate and demoralise the whole labouring population.

“ The evidence collected by the Commissioners of Poor Law Inquiry in England, establishes the conclusion, that out-door relief is inevitably open to abuse, and that its administration entails consequences prejudicial to the labouring classes, and to the whole community—in short, that there is no security for the prevention of abuse, nor any mode of ensuring a

The Parochial Assessment Act (6 & 7 William IV. cap. 96), which had been passed in 1836, was at first supposed to repeal the provision of 43 Elizabeth, by which stock-in-trade was held to be rateable to the relief of the poor; but the courts of law having decided otherwise, and confusion having in some places arisen in consequence, 3 & 4 Victoria, cap. 89, was passed in 1840, to exempt for one year the "inhabitants of parishes, townships, and villages from liability to be

Exemption
of stock-in-
trade from
being
rated.

right administration of relief, but by restricting it to the workhouse. The facts and reasonings contained in the reports on this subject, have been confirmed by the experience of the present Poor Law Commission, and although out-door relief has not yet been totally prohibited in any of the English unions, there can be no doubt that the intention of the Poor Law Amendment Act points eventually to the workhouse, as the sole medium of relief, and requires that it should be so restricted as early as circumstances permitted. To establish out-door relief in Ireland would therefore be in direct contradiction to English experience and to the spirit of the English law. It would introduce a practice in the one country, under the prejudicial effects of which the other has long been suffering, and from which it has not yet entirely recovered. Some persons have recommended that out-door relief in Ireland should be restricted to the aged, sick, and infirm; but even with this limitation, how is abuse to be prevented, and how is the precise limit to be defined of the age, sickness, or infirmity entitling an individual to be relieved out of the workhouse?—I believe it to be impossible so to define the conditions as to prevent the occurrence of gross abuses, which would not only be a source of demoralisation, but would also serve to engender strife, jealousies, and ill-feeling in every locality. After the best considerations which I have been able to give the subject in all its bearings, I still retain the opinion that in Ireland relief should be restricted to the workhouse, or in other words, that out-door relief in any shape should be prohibited."

It is true that (as mentioned in the note to vol. i. p. 9, *ante*) the Irish Act of 1838 was succeeded in nine years by the Extension Act of 1847 (*History of Irish Poor Law*, p. 330), authorising out-door relief, and that such relief was in fact thereupon given, for a period, on a very large scale, contrary to the anticipations of the author, as stated in his First Irish Report (*ibid.*, pp. 176–177). But this relaxation, which was only temporary, was made with his full concurrence, and was entirely due to the overwhelming calamity of the potato famine, after which the stricter policy was rapidly resumed, the total number of out-door paupers on 29th September 1855 being only 655, all of them exceptional cases (*ibid.*, p. 402). The fact that subsequently there has been a reversion to an out-door relief system may or may not be explainable. But there can scarcely be any doubt as to the opinions held by the author and his colleagues. Nor does

rated as such in respect of stock-in-trade or other property to the relief of the poor"; and the like exemption has been continued annually ever since. The ground for such exemption is the difficulty, or rather the impossibility, of so fixing the locality and ascertaining the value of stock-in-trade or other personal property, which in its very nature is changeable and uncertain, as to render it a fit object for being rated in common with visible stationary and permanent property; and this impossibility, it may be remarked, is not likely to be overcome.

1847.
Select
committee
on the
law of
settlement.

Early in 1847 a select committee in the Commons, of which Mr. Charles Buller was the chairman, was appointed to inquire into the operation of the law of settlement and of the Poor Removal Act of the last session (9 & 10 Vict. cap. 66),¹ and to report thereon to the House. Numerous witnesses were examined, and extensive inquiries instituted, the substance of which was given in seven separate reports; but no distinct recommendation was made by the committee, who however state, that "although they do not submit any specific plan for the amendment of the law, they feel confident that their labours will not prove useless, inasmuch as they have brought together a large mass of valuable information, and fixed public attention on those points which require especial consideration in any attempt to legislate on a subject of such great importance to the interests of the poor, and the general

the absence of any express recommendation by them, in their periodical reports, that the English system should be further restricted as to out-door relief, afford any basis for a contrary argument, when the extreme opposition is borne in mind which they encountered in bringing into operation merely the partial abolition of out-door relief to the able-bodied in this country. The question of out-door relief will probably remain unsettled for many years to come, but the experience of such unions as Bradfield, Brixworth, Reading, Atcham, St. Neots, Whitechapel, St. Georges in the East, proves that such relief can be reduced to practically infinitesimal proportions without hardship and, indeed, with benefit to the poorer classes.

¹ *Ante*, p. 372.

well-being of the country." On all these "points," in the various forms in which they were raised by different members, the committee had deliberated, discussed, and voted. Many resolutions were proposed and rejected, some by large, others by small majorities; but nine are recorded on the minutes as being carried, which, although not reported to the House (the motion for that purpose having been rejected by a majority of one), are of so much importance in connection with our subject as to require insertion here. The resolutions are as follows:—

- 1st. "That the law of settlement and removal is generally productive of hardships to the poor, and injurious to the working classes, by impeding the free circulation of labour."
- 2nd. "That it is injurious to the employers of labour, and impedes the improvement of agriculture."
- 3rd. "That it is injurious to the ratepayers, by occasioning expense in litigation and removal of paupers."
- 4th. "That the power of removing destitute poor persons from one parish to another in England and Wales be abolished."
- 5th. "That as the total abolition of the power of removing paupers within England and Wales, would have the effect of greatly increasing the burthens of particular parishes, it is advisable that some change should at the same time be made in the distribution of the burthen of relieving the poor."
- 6th. "That the narrowness of the area of chargeability is one great source of the evils above adverted to, as well as of others arising from the interest of landowners and ratepayers in preventing the residence within that area of persons likely to become chargeable."

7th. "That it is therefore desirable to extend the area of rating for the relief of the poor."

8th. "That unions would form the fittest areas for that object."

9th. "That with a view to render the working of a system of union rating more just and equal, it would be advisable to facilitate, in certain cases, the alteration of the limits of existing unions in England and Wales."

That the committee, after passing these resolutions, should not have reported them—and that parliament, knowing such resolutions to have been passed by the committee after five months' laborious investigation, should not have taken steps for altering the law—can hardly fail to excite surprise; but it ought likewise perhaps to be regarded as a proof of the difficulty of effecting any great change in institutions to which a community has been long accustomed, and to which the interests of particular classes have become adapted, even although the proposed change were an undoubted improvement.

1847.
Consoli-
dated
order.

Immediately after the passing of 10 & 11 Victoria, cap. 109,¹ which made provision for a new central executive, the Poor Law Commissioners issued "a general consolidated order," comprising under one form the contents of the previous general orders for the government of the unions. This consolidated order had been long in preparation, and all the alterations and additions which experience had shown to be necessary or desirable in the former orders were embodied in it. The end of the Commission being so near at hand, the propriety of issuing such an instrument, instead of leaving the matter to be dealt with by their successors, may possibly be questioned; but great pains had for a long time been bestowed on

¹ *Ante*, p. 384.

improving the several parts of the order, and rendering them as perfect and efficient for their several objects as possible, and it was therefore determined to issue the order at once, which would possess the advantage of placing before the public in one connected series the whole of the regulations in their most improved form, and embodying all that experience could suggest for ensuring their efficiency—a not unfitting termination, it was thought, of the Commissioners' labours.¹

It has been already stated that the Poor Law Commission, as newly constituted under 10 & 11 Victoria, cap. 109, entered upon its duties on the 17th of December 1847.² Mr. Charles Buller, M.P. for Liskeard, was appointed president, the other members of the board being the lord president of the council, the lord privy seal, the home secretary, and the chancellor of the exchequer, as directed by the Act. The author of this work, and Viscount Ebrington, M.P. for Plymouth, were appointed joint secretaries; and the nine gentlemen who previously held the office of Assistant Commissioners, were named inspectors under the new Commission. These were, however, deemed “insufficient for the proper fulfilment of the duties required from them,” and four others were shortly afterwards added, the several districts being recast and adapted to the increased number.

The new
Commis-
sion, 17th
Dec. 1847.

The subject of the settlement and removal of the poor, very early occupied the attention of the newly constituted Poor Law board. It had been forced upon the notice of the late Commission by the complaints that were made of the operation of 9 & 10 Victoria, cap. 66,³ which, by rendering persons irremovable after five years' residence, had in some instances caused a

¹ The poorhouse regulations drawn up by the Scotch Poor Law Commissioners in 1849–50, conformed very closely to the English workhouse regulations. *History of Scotch Poor Law*, p. 231.

² *Ante*, p. 384.

³ *Ante*, p. 388.

considerable change in the incidence of chargeability, and the parishes that were losers thereby complained loudly of the increased charge to which they were subjected. By way of remedy, Mr. Bodkin's Act (10 & 11 Vict. cap. 110)¹ was passed in the following year, by which all such charges were directed to be defrayed out of the common fund of the union. This Act was found on the whole to work well, but its duration being limited to one year, it became necessary in 1848 again to deal with the question; and accordingly a Bill was introduced by the president of the Poor Law board, after a clear exposition of all the circumstances, and a luminous commentary on other portions of the existing law. He described the law of irremovability established in 1846 as being founded on sound policy, and with a proper regard to the interests of the poor, although it was undeniable that it had caused a shifting of charge on the ratepayers; and when the legislature made that change, it would, he thought, have been better to have guarded against creating a pressure upon particular localities, by throwing the burthen on a larger area than that of a parish. This was, however, done by Mr. Bodkin's Act of the last session, and he now proposed "that the principle of that Act should be continued, and that the irremovable poor shall henceforth, as they have been during the last year, be a charge not upon the parish, but upon the whole union."

Mr.
Buller's
speech,
July 25,
1848.

Mr. Buller next adverted to the subject of vagrancy, which it was impossible, he said, to leave upon the footing on which it then stood—not that the principle of relieving the vagrant as laid down by the law can be altered for the better, but that it should be administered in a different spirit, and with greater discrimination. The charge of relieving vagrancy is now borne by the parish in which the vagrants apply

¹ *Ante*, p. 373.

for relief, and this in ninety-nine cases out of a hundred is the parish in which the workhouse is situated, or in which the relieving officer resides. This is obviously unjust, and numerous complaints are made in consequence. The remedy he proposed was, that the relief of the vagrant, like the relief of the irremovables under 9 & 10 Victoria, should be charged to the common fund of the union. He then discussed the question of rating, and declared his opinion that all union charges should be defrayed by an equal assessment of property, instead of upon the old system of averages, which, although rightly and of necessity adopted in 1834, when the Amendment Act was passed, was now in a different position. "At the former period, whatever evils and burthens existed, had grown up under parochial management; and it might be fairly said to the several parishes that the burthens which had arisen under their administration should be borne by them, and not be thrown upon the general fund. But the administration of the Poor Law has since then been taken out of the hands of the parish officers, and the parishes can therefore be no longer held responsible." The whole system of averages, he said, is one of trickery and squabbling. In some parishes the whole burthen is sought to be shifted upon others; in other parishes they make private rates, and thus great frauds are perpetrated, and the averages unduly diminished. "These are the grounds," he added, "on which I propose to place the establishment charges, as well as the other charges, on a common footing, and to raise a common union fund by a general union rate, apportioned on the property of the whole union." Any difficulty arising through the inequality of the poor-rate valuations, he proposed to remove by taking the valuation for the county rate.

Mr. Buller then referred to the objections which might be made to the principle of what he proposed.

“It will be observed,” he said, “that this measure cannot be discussed without looking to the general question of substituting union rates for parish rates. It will be contended that I have admitted the principle of union rates ; and, to quote language that has been used to me in private, that I have let in the small end of the wedge. But, if the reasons I have stated justify the principle of union rating to the extent I propose to carry it, the House should not be deterred from doing what is right, on a practical question, by the fear that the principle might be carried too far. Those gentlemen who resist the application of a good and just principle, fairly admissible in a particular case, because they dread ulterior consequences, are very likely to raise up a feeling in the community which will lead to that very principle being rashly and too hastily applied.” After thus arguing in favour of making the union liable for the relief of vagrants and irremovables, and for the establishment charges, Mr. Buller declared himself to be not yet fully satisfied that it would be advisable to substitute union, or any other system of chargeability upon a larger area, for the old system of parochial chargeability ; although his opinion on this point had been shaken by what took place in the committee of which he was chairman last year. With respect to settlement, he said that he admitted all the evils so forcibly brought before the House by the evidence taken by that committee. He thought the present law of settlement and power of removal involved great hardships, and he trusted that no long time would elapse before parliament relieved the poor from that great evil. Such were the leading particulars of Mr. Buller’s speech, on which the Bill then introduced was founded. It however received considerable modifications in its passage through parliament, and I will now briefly describe the measure in the form it finally assumed.

The 11 & 12 Victoria, cap. 110, may be regarded as a further advance in the direction indicated by 9 & 10 Victoria, cap. 66,¹ and by the resolutions carried in the committee on the law of settlement in 1847.² After reciting the provisions of the Amendment Act for the formation of unions, it directs that until the 30th of September 1849, the cost of the relief given to any poor person becoming chargeable in any union formed under the provisions of that Act, "being a destitute wayfarer or wanderer or foundling, as well as the cost of the burial of any such person," shall be chargeable to the common fund of the union. And it is also, by the 3rd section, further directed, that during the like period, all the costs incurred in the relief of any poor person, who, not being settled in the parish where he resides, shall be exempted by 9 & 10 Victoria, cap. 66, from the liability to be removed, shall be charged to the common fund of the union in which such parish is comprised. And the 4th section enacts, that where any question shall arise between the parishes of a union, or between the guardians and any particular parish, with reference to the charging of the cost of his relief, the parties may jointly submit such question to the Commissioners, who may thereupon, if they think proper, entertain such question, and by an order under their seal determine the same. The 7th section enables the guardians, on application of the parish officers or any ratepayer, to cause a valuation to be made of any property alleged to be rateable, and may charge the expenses of such valuation to the parish or such person accordingly. And the 9th section directs that persons hereinbefore made chargeable upon the common fund, on being convicted of any offence, may be committed to the house of correction, and the expenses defrayed out of the county rate. The 10th section enacts, that any poor person professing to be a destitute wanderer

1848,
11 & 12
Vict.
cap. 110.

¹ *Ante*, p. 372.

² *Ante*, p. 397.

or wayfarer, on applying for admission to a work-house, may be searched, and any money found upon him applied in aid of the common fund of the union; and any person who so applies for relief, and has at the time in his possession money or other property of which he shall not make disclosure, is to be deemed an idle and disorderly person, and punished and dealt with in all respects as such persons are directed to be dealt with under the provisions of 5 George IV. cap. 83.¹ The foregoing are the only provisions requiring to be noticed, and they are all calculated to facilitate the working of the law. The Act has been successively continued from year to year, and is still in force.

1848,
11 & 12
Vict.
cap. 31.

A little previous to the preceding Act, 11 & 12 Victoria, cap. 31, had been passed, which, although it did not directly affect the law of settlement itself, was yet calculated to lessen some of the evils arising out of it. The Poor Law Amendment Act provided,² that copies of the examinations on which any order of removal is made by the magistrates, shall be sent to the parish to which the pauper is to be removed, and if not acquiesced in, that the appellants against such order should in like manner forward a statement of the grounds of their appeal. Great technical nicety was necessary in all these proceedings, a slight failure in which, or a trifling omission in matter of form or statement, always occasioning much trouble and delay, and often leading to litigation and expense, as well as impeding the administration of justice. The 11 & 12 Victoria, cap. 31, aims at remedying these evils, by enabling the court in certain cases to amend an order of removal, and also enabling parties to correct any inaccuracy of statement, or to supply defect in matter of form; and the Act has proved of great practical utility in these respects.

¹ *Ante*, p. 196.

² 4 & 5 William IV. cap. 76, s. 79 *et seq.*

The attention of the new board was early drawn to the increase of the vagrant poor. The late Poor Law Commissioners had adverted to it in their reports, but they were not sufficiently assured of public support to venture upon a repression of the evil. Indeed it may be doubted whether their efforts to secure prompt attention to every applicant for relief, did not rather operate to the promotion of vagrancy, by causing relief to be often given to improper objects. The president of the new Poor Law board devoted much attention to this subject, which he rightly considered to be one of great importance. We have just seen that he referred to it in his speech, and that his Bill provides for the cost of relieving vagrants being defrayed out of the common fund of the union. He also caused the state of vagrancy along the main lines of traffic to be investigated, and a report containing the results of this inquiry was laid before parliament.

Increase of
vagrancy.

The increase of vagrants appearing to be in some measure attributable to a want of due care on the part of the union authorities, Mr. Buller prepared a minute, pointing out the necessity for vigilance and discrimination in administering relief to this class of persons. The minute states, that the board had received representations from all parts of the country respecting the great increase in vagrancy, and also that the system of late years adopted in relieving the casual poor has been a principal cause of such increase. That to supply food and lodging at the public charge unto all who demand them, by diminishing the risks and privations of a vagrant life, must operate as a temptation to resort to it. That the task of work prescribed by the regulations had been found useful, when properly applied; but being only occasionally enforced, it had exercised no general influence as a test. The laws against vagrancy had been alike ineffective, and the board was unable to suggest any additional test or punishment,

for preventing the abuse of relief indiscriminately extended to every stranger representing himself as being destitute; and that a sound and vigilant discrimination in respect of the objects of relief, and the refusal of it to all who are not ascertained to be destitute, are the only effectual remedies against the continued increase of vagrancy and mendicancy. "The power of exercising this discrimination," it is then added, "is vested by law in the boards of guardians and their officers. On them rests the responsibility of exercising it effectually. They must encounter the responsibilities of their position, and intrust the business of administering relief to officers who shall possess sufficient discrimination to distinguish those whose urgent destitution gives them a claim to relief, from those who throw themselves habitually on public charity, because it is extended to all who choose to ask it. It is equally the duty of those officers to relieve the destitute, and to repel the impostor; and it would appear to require no more than ordinary intelligence and care, to avoid erring seriously in either direction. The late Poor Law Commissioners found it necessary at one time, to remind the various unions and their officers of the responsibility which would be incurred by refusing relief where it was required. The present state of things renders it necessary, that this board should now impress on them the grievous mischiefs that must arise, and the responsibilities that may be incurred, by a too ready distribution of relief to tramps and vagrants not entitled to it." The guardians and their officers may, it is observed, be subjected to some obloquy from prejudices that confound poverty with profligacy; but they will be supported by the consciousness of discharging their duty to those whose funds they administer, and of resisting a formidable abuse. Such of them as are responsible to the Poor Law board, are then assured

“that whilst no instance of neglect or harshness to the poor will be tolerated, they may look to the board for a candid construction of their acts and motives, and for a hearty and steadfast support of those who shall exert themselves to guard from the grasp of imposture, that fund which should be sacred to the necessities of the poor.”

The promulgation of this minute was attended with the best results. The assurance of support it contained gave confidence to the union functionaries, who, in their dread of bringing upon themselves censure for backwardness in affording relief, had certainly become too easy and indiscriminating in its administration. The habitual vagrants were made aware that their condition would be inquired into, their claims scrutinised, and their necessities ascertained, before relief of any kind could be obtained by them. The incentive to vagrant courses which the prospect of finding lodging and sustenance in every union afforded, was thus in great measure removed, and vagrancy was less followed in consequence. The entire minute is inserted in the Appendix to the Report of the Poor Law board for 1848. It was signed by the president of the board, and by the author of this work, who takes this opportunity of stating that he never affixed his signature to any public instrument which he more entirely approved.

Results of
the minute
on vag-
rancy.

Much pains were taken by the newly constituted board to improve the workhouse schools. Regulations were established by which the schoolmasters and schoolmistresses were to undergo an examination, by inspectors appointed by the Committee of Council on Education, and the grant voted by parliament for the repayment of their salaries was to be appropriated according to the efficiency they severally exhibited—“so that larger sums will be granted to the boards of guardians who possess efficient schoolmasters and schoolmistresses,

The work-
house
schools.

than to those whose officers possess inferior qualifications";¹ and thus after a time it is expected that a better class of teachers will be established. In many of the unions, the guardians are said to have "applied themselves with much energy to the industrial training of the children in the workhouse schools, and have taken active measures for their instruction in useful occupations, so far as the limited resources of a single union would allow." But the board are of opinion, "that a really effective system of education and industrial training can only be established in unions having a considerable population, or where several unions are combined for the purpose." This combination the board are empowered to effect by establishing district schools, but there are so many difficulties interposed, that it has only been accomplished in a very few instances.

1848.
Inquiry
into the
operation
of the
law of
settlement.

The committee of the House of Commons on the law of settlement, which sat in 1847, and of which the president of the Poor Law board was then the chairman, not having reported conclusively on the subject,² he now appointed five gentlemen of competent acquirements to undertake an examination into the working of the law in different parts of the country. They were directed to inquire into the effects of the law upon the labouring classes and the employers of labour, upon pauperism and vagrancy, and upon the burden of taxation, local and general; and they were also directed to ascertain the opinions of persons conversant with or affected by the law of settlement and removal, as to the nature of any change which to them might appear desirable, and the reasons for so thinking. The reports which these gentlemen made, after an extended inquiry into the subject, united in deprecating the evils and the hardships inflicted by the settlement law—evils as respects the community generally, and hardships as

¹ See Report of the Poor Law board for 1848, p. 6.

² See *ante*, p. 394.

respects the poor in particular. The most remarkable of these reports, and to which reference has already been made, was that prepared by Mr. Coode,¹ who, with great industry and research, investigated the whole subject of settlement, showing that the law originated in error or misrepresentation, and that its working had throughout been productive of results the reverse of beneficial.

The inquiry on this occasion was not limited to any one class or locality, but was "prosecuted in districts differing widely as regards the size of the parishes, the amount and density of the population, and the nature of their employment"; and in all, the results of the law were found to be similar—the labouring classes were everywhere rendered dependent on their parishes, to which they appeared bound by a kind of invisible chain; and from which if anyone in a moment of daring or desperation ever broke loose, he knew that on the first occurrence of difficulty or misfortune he would be sent back, tainted with the disgrace of failure, and doomed thenceforward to be "settled" in the full sense of the term. The power of removal was everywhere found to be a source of hardship to the working classes, whilst their being settled was found to destroy their enterprise and self-reliance; so that the ratepayers were sufferers, in common with those for whose supposed benefit the rate was raised. The settlement law nevertheless remained in force, owing chiefly, it is believed, to a vague apprehension of possible consequences that might, it was feared, arise from its abolition.

The same may be said with respect to parochial chargeability (which is a branch of settlement) in large towns. The inequality of the poor-rates in places comprising several parishes, had long been complained of, and the president of the Poor Law

Parochial
charge-
ability.

¹ See vol. i. p. 281.

board introduced a Bill for equalising the charge, by requiring each of such parishes to contribute in proportion to the amount of its valuation for rating. Copies of the Bill were forwarded to the several unions, with a circular explaining its object, and inviting observations thereon, preparatory to a consideration of the subject in the following session. The labourers of a town seldom reside in the parish in which they work, so that the latter parish has the benefit of their labour, whilst under the existing law, the former is alone chargeable with the burden of their relief; and the board, therefore, in its circular remarks that—“Whatever might be the validity of the arguments advanced on behalf of parochial chargeability for the general relief of the poor, they appear hardly to hold good in the case of towns comprising several parishes.” But the subject was not revived in the following session, and the law still (1853) continues unaltered.

Death of
Mr.
Buller,
29th Nov.
1848.

The painful duty now arises of recording the premature decease of the president of the Poor Law board. Mr. Buller died on the 29th of November, after only a few days' illness, having held the office of president little over eleven months. The value of his services must not however be measured by their duration. The paragraph in the board's report for 1848, which records his decease, notices his unwearied devotion to the duties of his office, and declares that “the country had sustained a severe loss, in being thus early and unexpectedly deprived of the services of one of so much ability in the administration of the department, and whose estimable qualities conciliated general goodwill and regard.”

Mr. Buller was succeeded in the office of president of the Poor Law board by Mr. Baines, M.P. for Hull, who had shown his aptitude for Poor Law administration, by framing and carrying through parliament 11 & 12 Victoria, cap. 31, to enable parties in

removal cases to correct inaccuracy of statement or defect of form.¹ Between February 1852, and the 1st of January 1843, during Lord Derby's short administration, the presidentship of the Poor Law board was held by Sir John Trollope, M.P. for South Lincolnshire. But on the accession of the present ministry, Mr. Baines resumed the office of president, the secretaries being C. L. Grenville Berkeley, Esq., M.P. for Evesham, and Lord Courtenay, who, on the author's being compelled by broken health to resign the office in 1851, was appointed permanent or non-parliamentary secretary to the board.

The metropolitan parishes, although Sir Jonas Hanway's Act² was no longer in force, were still in the habit of sending their pauper children into the country for nurture and maintenance, mostly to two establishments formed for the purpose, one at Norwood, the other at Tooting. These were private undertakings, in which the children were "farmed," as it was called, at so much per head. Early in 1849 the cholera suddenly broke out among the poor children at Tooting, carrying off a considerable number, and the public sympathy was much excited on the occasion, it being supposed that the children had been grossly neglected. Little had hitherto been done towards forming district schools for the metropolis, and doubts existed as to the right of the Poor Law board to interfere with these "farming" establishments. From what now occurred at Tooting, however, it became evident that something was necessary for the protection of pauper and deserted children, especially those of the metropolitan parishes; and 12 & 13 Victoria, cap. 13, was accordingly passed, commencing with this recital—"Whereas poor persons are sometimes lodged and maintained, under contracts or agreements for certain payments, in houses and estab-

1849,
12 & 13
Vict.
cap. 13.

¹ *Ante*, p. 402.

² *Ante*, p. 63.

lishments, not being the workhouses of any union or parish, nor subject to the effective control of any guardians or overseers or other parochial authorities, and no sufficient powers are vested in any authority to regulate the houses and establishments wherein such persons are lodged and maintained, and it is expedient that such powers should be given." The Act then empowers the Poor Law board to make and issue regulations for the government of any house or establishment wherein poor persons shall be lodged or maintained, under contract or agreement with guardians, overseers, or other persons, "or for the education of any poor children therein, in like manner as the said Commissioners are by law empowered to do in the case of any workhouse belonging to any union or parish." The board are also empowered to remove any officer, servant, or assistant in any such establishment, and to regulate contracts, and to prohibit the reception or retention of any poor person or class of poor persons therein. Justices are empowered to visit these establishments, and the Poor Law board and the Board of Health are each empowered to appoint inspectors to visit from time to time "any such house or establishment, and to ascertain the state and condition of the same, and of the poor people therein," and to report thereon respectively.

The powers above indicated were sufficient for securing the proper management of these receptacles of pauper children so long as they were permitted to continue; but they were in a short time superseded by the district school establishments, formed under the orders of the Poor Law board, and having their educational proceedings conducted under the superintendence of the Committee of Council on Education.

1848-49.
The
cholera.

The cholera made its appearance in the autumn of 1848, but it was for a time comparatively inactive. In the summer of 1849, however, it broke forth with

increased virulence, occasioning great mortality in many places. The poorest of the people were chiefly its victims wherever it appeared, but its ravages were partial, many rural districts being exempt from its visitation. Even in some of the populous manufacturing towns it scarcely showed itself, and very few cases occurred in the union workhouses. The regulations promulgated by the Board of Health, with a view to preventing or mitigating this fearful malady, were sent to the several boards of guardians for their guidance under the visitation, and were in general zealously executed, and in some instances anticipated—the union machinery thus proving its efficiency for other objects, irrespective of the administration of relief under the Poor Law.¹

Notwithstanding the prevalence of cholera, and the incidental charges for sanitary arrangements in most of the unions, the expenditure was considerably reduced in the two years following 1848, when, as we have seen, it reached its third maximum of £6,180,765;² whereas in 1849 the expenditure amounted to £5,792,963; and in 1850 to £5,395,022, being less by £785,743 than it had been three years preceding. The numbers relieved were lessened in proportion, and the evil of vagrancy had likewise remarkably decreased after the promulgation of Mr. Buller's minute at the end of 1848,³ the number of vagrants relieved in 580 unions being—

On the 1st July 1848	.	.	.	13,714
„ „ 1849	.	.	.	5,662
„ „ 1850	.	.	.	2,954

or little more than one-fifth of the number to whom relief was administered in 1848, before the minute was circulated—a strong proof of its usefulness, and

¹ For statistics of this cholera outbreak, see *History of Scotch Poor Law*, p. 227.

² *Ante*, p. 388.

³ *Ante*, p. 403.

Reduction
of expendi-
ture, and
repression
of vag-
rancy.

of the soundness of the principle on which it was founded.

1850.
Number
of union
officers, and
amount
of their
salaries.

The number of paid officers, and the amount of their salaries in 1846, has already been given, the number of unions being then 591.¹ The following is a more complete statement of the several classes of paid officers in 1850, and the number of each class employed at that time in 604 unions and parishes under boards of guardians,² and 30 places under local Acts, together with the total and the average amounts of the salaries severally paid to them :—

Description.	Number.	Amount of salaries.	Average salary to each officer.
Clerks	634 . .	£69,941 . .	£110
Chaplains	466 . .	21,695 . .	47
Medical officers	3,156 . .	156,494 . .	50
Relieving officers	1,377 . .	113,110 . .	82
Masters and matrons	1,359 . .	50,778 . .	37
Schoolmasters	383 . .	11,837 . .	31
Schoolmistresses	501 . .	10,473 . .	21
Porters	442 . .	7,971 . .	18
Nurses	248 . .	3,451 . .	14
Superintendents of labour	69 . .	2,723 . .	39
Collectors or assistant overseers	3,042 . .	72,410 . .	24 ³
Treasurers	622 . .	1,464 . .	2 ⁴
Other officers	505 . .	13,200 . .	26
District auditors	49 . .	13,143 . .	268
	<u>12,853 .</u>	<u>£548,690</u>	

This statement possesses considerable interest, as showing the magnitude and the cost of what may be called the official staff employed in administering to the necessities of the poor in England. The prescribing of the duties, and fixing the salaries of each and all of these officers, devolves, under the provisions of the Amendment Act, upon the Poor Law board, to whom appeals are made in cases of alleged

¹ In 1852 this number was increased to 608.

² *Ante*, p. 370.

³ Treasurers and collectors are usually paid by a poundage or commission, which is not included in the above.

⁴ *Ibid.*

misconduct, and who are empowered to dismiss offenders. This power of dismissal is rarely exercised, and never until after a full and sometimes a lengthened investigation; but its existence secures a degree of order and efficiency which, without such a power, it would be impossible to establish among so numerous and varied a body of functionaries.

The amount of the salaries exhibited in the foregoing statement, is certainly large, and when employment is abundant, and all things moving satisfactorily, the workhouse is apt to be complained of. At such times the number of inmates is usually small, for the most part consisting of aged and infirm persons and young children, all of whom might probably be provided for at a less cost elsewhere; so that the workhouse comes to be regarded as an encumbrance, and a source of unnecessary expense. But even with respect to the aged and infirm poor, the workhouse is always useful; for if on attaining advanced age, or being visited by infirmity, each person was to be unconditionally provided for at his own home, all inducement to industry and forethought in early life would be destroyed; and the union would become, as the parish had been in times past, a resort for the spendthrift, and the nursing mother of idleness and improvidence. It is only by coupling such needful relief as humanity and the law require, with conditions in themselves undesirable, or perhaps in some degree repulsive to the recipient, that these consequences can be averted; and this is accomplished by means of the workhouse, the object of tendering which enables the guardians to protect the ratepayers from being unduly burthened, and at the same time to protect the community from what might otherwise operate as encouragement to improvidence.

The foregoing observations chiefly apply to the workhouse in connection with the relief of the aged and infirm poor. But with respect to the able-bodied,

Workhouse
applicable
to the aged
and infirm
poor.

Use of the
workhouse
with regard
to the able-
bodied
poor.

its usefulness, indeed it may be said the necessity for it, is still more obvious and urgent. In the multifarious occupations existing in this country, some are continually subject to stagnation, at times all are more or less so subject; and on such occasions, if persons temporarily out of employment through any cause—whether by a long-enduring snowstorm, as in the cases of Andover and Cuckfield, or by commercial embarrassment, as in the case of Nottingham¹—were at once and without condition to be supported at the public charge, it is clear that the burthen might, under certain circumstances, become intolerable, and destructive of all property. The workhouse is a fence against this contingency. If rightly used, it so far repels applicants for relief, as to afford an assurance that nothing short of necessity will lead them to accept it, that all other available means for obtaining support will first have been tried; and if this has been done, and if the necessity be nevertheless urgent, no one will deny that it should be relieved at the public cost, and in the way least likely to occasion its recurrence, or to injure the public interest. Relief in the workhouse fulfils both these conditions, as was shown in the two instances just referred to; and its existence ought therefore to be regarded as a security against a great and possible evil, cheaply purchased at the cost which it occasions, even although the house were to be almost or altogether void of inmates. Indeed it is hardly an exaggeration to say, as a general rule, under ordinary circumstances, that a workhouse may be regarded as being more or less useful, according to the small number of its inmates.

1850,
13 & 14
Vict.
cap. 99.

The 13 & 14 Victoria, cap. 99, for the better assessing and collecting the rates on small tenements, is too important an Act to be passed over without notice. Its recital declares that “the collection of

¹ *Ante*, pp. 326 and 327.

poor-rates and highway-rates assessed upon the occupiers of tenements of small annual value, is expensive, difficult, and frequently impracticable"; and it enacts that "it shall be lawful for the vestry of any parish, from time to time and at all times, to declare and order that the owners of tenements the yearly value whereof shall not exceed *six pounds*, shall be rated and assessed in respect of such tenements instead of the occupiers," which order can only be rescinded "by a majority of two-thirds at least of the votes of the persons present at a meeting duly called for that purpose." But the owner is, in respect of every such tenement, to be rated at no more than *three-fourths* of the amount at which it would otherwise have been liable to be rated; and the occupiers are to be entitled to the same municipal privileges as if they had been rated and themselves paid the rate.

Early in the following session an Act was passed for the better protection of poor children put out as apprentices or servants. Several instances of great cruelty had occurred, showing the necessity of further protection in such cases; and accordingly 14 & 15 Victoria, cap. 11, directs "that where the master or mistress of any person shall be legally liable to provide for such person, as an apprentice or as a servant, necessary food, clothing, and lodging, and shall refuse or neglect to provide the same, or shall unlawfully assault such person whereby his life shall be endangered or his health injured," such master or mistress shall be held guilty of a misdemeanour, and on conviction be liable to imprisonment with or without hard labour, for any term not exceeding three years. A register is likewise to be kept of every young person under the age of sixteen, hired or taken as a servant from any work-house; and every young person so hired, or bound apprentice by the guardians or overseers of any parish or union, is, whilst under sixteen, to be visited at least twice in every year by the relieving officer or some

1851,
14 & 15
Vict.
cap. 11.

Protection
of poor
children
put out as
servants
or appren-
tices.

other person duly authorised, who is to report in writing whether such young person is in all respects properly treated. The guardians and overseers are moreover required to prosecute for offences committed with respect to such young persons, and the costs of the prosecution are to be defrayed out of the funds of the union or the parish as the case may be.

The expenses of litigation in questions connected with the chargeability of the poor had, as we have seen, long been a subject of complaint. The legislation of late years led to a material diminution of these expenses, and they were now reduced to a comparatively small sum. The 11 & 12 Victoria, cap. 31, provided for the correction of inaccuracies of statement in removal cases. The 11 & 12 Victoria, cap. 110,¹ enabled the Poor Law board to arbitrate, by consent of the parties interested, in cases connected with the irremovable poor; and 14 & 15 Victoria, cap. 105, was now passed enabling any two unions, or any two parishes, or a union and a parish, "between whom any question affecting the settlement, removal, or chargeability of any poor person shall arise, to submit such question to the Poor Law board for their decision; and the said board may, if they see fit, entertain such question, and by an order under their seal conclusively determine the same." The board express their belief "that this cheap and simple mode of determining such controversies will be adopted very extensively, and that it will be productive of important public benefits, not only by effecting a large pecuniary saving to the ratepayers, but by diminishing those animosities and heartburnings which costly litigation so naturally produces and exasperates."

1851.
14 & 15
Vict.
cap. 105.

Guardians
may agree
with other
unions for
education,
etc., of poor
children.

The 6th section of the Act also provides, that where in any parish or union there is a workhouse or building having more accommodation than is required for the maintenance and education of their own poor

¹ *Ante*, p. 401.

children, the guardians may, with the consent of the Poor Law board, contract with any other union or parish not being more than 20 miles distant, "for the reception, maintenance, and instruction therein of any poor children under the age of sixteen years, being orphans or deserted by their parents, or whose parents or surviving parent shall consent"; and such children are, in all respects, to be treated as the children of the parish or union to which the workhouse or building belongs. This is a very useful extension of the power given by 7 & 8 Victoria, cap. 101, sec. 51,¹ in the case of district schools. Any union or parish not having sufficient means of educating or accommodating its pauper children, is permitted by the present Act to agree for the reception of these children by any other parish or union not more than 20 miles distant, subject only to the approval of the Poor Law board and the consent of the parents.

Much attention continued to be given to the subject of audit by the Poor Law board. In their report for 1851 the board remark, that "its importance may be estimated from the fact that the poor's rates collected in England and Wales (including under that head the sums paid for county-rates, borough-rates, and various other purposes besides the relief of the poor to which the poor-rates are legally applicable) amount to about £7,000,000 annually. The paid officers engaged in collecting this sum exceed three thousand. The paid officers through whose hands the greater part of it passes in its expenditure are nearly as numerous. Every one of these six thousand officers has a distinct account to render at the end of every half-year; and as the money is collected in small payments (rates), and expended in still smaller items (relief), the accounts relate in each case to several hundreds, and frequently thousands, of petty sums." Besides these accounts,

Great importance of the audit of accounts.

¹ See *ante*, p. 359.

it is added, "the auditors have to examine those of the unions, and of the overseers of parishes without assistant overseers or collectors, of which there are not fewer than ten thousand." This statement sufficiently establishes the necessity for a strict and systematic audit, without which disorder and malversation would be certain to occur; and even with an audit in its most perfect form, it may perhaps be impossible altogether to prevent the occurrence of the one or the other, or occasionally it may be of both. A uniform system of accounts, and a strict and uniform system of audit, are obviously essential elements of effective Poor Law administration. Without them the expenditure will not be kept within legal limits, neither can accurate returns be obtained. The audit is indeed the bridle by which the various local administrators can, with the greatest readiness and certainty, be guided to what is right, and restrained from what is wrong; and its importance therefore can hardly be over-estimated.

Vaccina-
tion.

Vaccination has already been noticed as one of the incidents not strictly appertaining to relief under the Poor Law, the cost of which is nevertheless defrayed out of the poor's rate.¹ The Tables of Mortality, published quarterly by the Registrar-General, show that deaths by smallpox continued to take place, notwithstanding the offer of gratuitous vaccination to all classes, and the frequent admonitions of the Poor Law board on the subject. The prejudice of some and the negligence of others appear however to be gradually giving way, the numbers vaccinated in Poor Law unions having gone on increasing—

In 1849	{ the number vac- cinated was }	345,315	{ and the number in which it proved successful was }	333,248
„ 1850	„ „	334,364	„ „	322,607
„ 1851	„ „	349,091	„ „	338,947
„ 1852	„ „	411,600	„ „	397,128
„ 1853	„ „	376,218	„ „	366,593

¹ *Ante*, p. 357.

The extension of vaccination must be considered as a boon to the whole community. It not only prevents the continual spread of a loathsome and often fatal disease, but it is also the means of preserving thousands in a state of health and efficiency, who would otherwise become pitiable objects, a burthen to themselves, and a charge upon the public. The various local boards engaged in the administration of the Poor Law have done good service, and entitled themselves to the thanks of the country, by their efforts in extending the practice of vaccination.

The Poor Law board, in their report for 1851, ^{1851-52. Education.} state that the workhouse schools generally continue to increase in efficiency, especially in the industrial training of the children, to which the attention of the guardians is becoming more directed; and a degree of progress, on the whole satisfactory in this respect, had then likewise been made in the metropolitan districts. In the following year, the board state, that “when all the educational arrangements in progress are completed, the children of twenty-seven metropolitan unions and parishes (of which the whole number is forty) will be placed either in district schools or in schools detached from workhouses, where they will enjoy the advantages of country air and industrial training.”¹ In the workhouse schools in other parts of the country, improvement is likewise said to be taking place, which the board attribute to the efforts of the guardians and the superintendence of the school inspectors. The average number of children attending the workhouse and district schools, during the half-year ending at Lady-day 1852, was—

Boys, under 10 years of age	. 8245		
„ above 10 years of age	. 9569—	Total boys	. 17,814
Girls, under 10 years of age	. 8729		
„ above 10 years of age	. 7283—	Total girls	. 16,012
Total			. <u>33,826</u>

¹ See the Poor Law Board's Report for 1852, p. 9.

1852.
Grant
towards
the salaries
of work-
house-
school
teachers.

The amount paid to boards of guardians, out of the grant made by parliament towards the salaries of workhouse school teachers, for the year ending at Lady-day 1852, was £21,848, 7s. 3d.; which is equal to 12s. 11d. per head on the number of children of all ages in the schools, supposing the average as above given for the six months, ending at Lady-day, correctly to represent the number for the entire year. But as the number in the winter half-year would probably be higher than in the summer half-year, the cost per head would then be proportionally decreased.

1849-1852.
Emigra-
tion.

The number of persons emigrating at the expense of the poor-rates has gone on increasing of late years—

				£	s.	d.
In 1849 the number of such emigrants was	1576	at a cost of	11,973	13	6	
„ 1850	„	„	1962	„	9,234	16 11
„ 1851	„	„	1840	„	12,609	12 4
„ 1852	„	„	3271	„	15,453	5 1

This emigration has for the most part been directed to Australia and Canada, especially to the former, whither 2712 persons proceeded in the last of the above four years, out of the entire number of 3271 who emigrated at the cost of the poor-rates. The extent of voluntary and spontaneous emigration during the five or six years ending 1853, had indeed been unprecedentedly large.

In 1850 the number of persons who emigrated to

Canada was	32,873
To the United States	244,261
To Australia and New Zealand	87,881
To other places	3,749

Making a total of . . . 368,764 persons.

From Ireland the emigration has been chiefly to the United States, whilst from England and Scotland the tide has taken the direction of Canada and Australia, the mineral treasures recently discovered in the latter colony operating as a counterpoise to the greater length and expensiveness of the passage. The

impetus thus created has, within a very few years, had the effect of advancing the Australian colonies to a greater extent than they would, under ordinary circumstances, have attained in half a century, and has suddenly raised them into most important appendages of the British Empire.¹

In their report for 1852, the Poor Law board give a detailed statement of the improvements effected in the workhouses generally throughout the country, and of the new ones built or building, or for the providing of which arrangements had been made—all showing that greater attention than heretofore was now paid to the proper accommodation of the poor persons maintained in these establishments, and also showing that the uses of the workhouse, as tested by experience, were becoming better understood and more generally appreciated.

The amounts expended in relief, and the numbers relieved, have been severally given down to 1848 inclusive,² in which year the expenditure attained what I have called its “third maximum.” The following are like statements for the succeeding five years, ending at Lady-day 1853:—

		Per head on the population.	
		s.	d.
In 1848	{ the expenditure in relief of the poor, as already stated, amounted to . . . }	£ 6,180,765 . .	7 1 $\frac{3}{4}$
„ 1849	it was	5,792,963 . .	6 6 $\frac{1}{2}$
„ 1850	„	5,395,022 . .	6 1
„ 1851	„	4,962,704 . .	5 6 $\frac{1}{2}$
„ 1852	„	4,897,685 . .	5 5 $\frac{1}{2}$
„ 1853	„	4,939,064 . .	5 6

Although there has been a small increase of expenditure in the last year, probably owing to the increase which took place in the price of provisions in the latter

¹ See Table in the Appendix showing the amount of emigration annually from 1815 downwards.

² See *ante*, pp. 388 and 389.

part of it,¹ we see that an important reduction of a million and a quarter has been effected in the course of the above six years. The expenditure is still, it is true, considerably above what it was in 1837, three years after the passing of the Poor Law Amendment Act; but if we take into account the three millions which since that time have been added to the population, the expenditure is not proportionally higher than it was then, the rate per head being, it will be seen, about the same.² If the rate of 10s. per head on the population, to which the cost of relieving the poor amounted in 1832, had prevailed in 1852, it would have reached close upon ten millions, an enormous amount to be abstracted from the industrial resources of the country; and that, but for the passing of the Poor Law Amendment Act, it would have reached some such large amount, there is every reason for believing, the tendency down to that time having, with a few intermissions, been to a continual increase.³ Since the passing of the Amendment Act, the charge is no longer progressive. Its pressure may be at one time more heavy than at another, but it is subject to control; and when the cause of the increased pressure has passed away, whatever ground was lost is again recovered. The poor-rate has ceased to be regarded

¹ The price of wheat in 1853, at Mark Lane, was—

On the 2nd of July	45 to 49 a quarter.
„ 24th September	58 to 64 „
„ 1st October	64 to 72 „
„ 29th October	68 to 78 „
„ 26th November	69 to 78 „
„ 31st December	73 to 82 „

The change in price is here almost as great and sudden as has been shown to have taken place at much earlier periods, when the country possessed comparatively very imperfect means of communication.

² See Table in the Appendix. It may be as well to note that the statements of expenditure for relief of the poor include the charge of maintaining lunatic, insane, and idiotic paupers, which in 1852 amounted to £321,961.

³ For Scotch statistics, see *History of Scotch Poor Law*, p. 269.

as a kind of mysterious malady, irresistible in its progress, and the cause of continual apprehension. It no longer causes alarm to the timid or anxiety to the thoughtful, but is looked upon as a contribution for the general welfare by relieving destitution at the common charge—an object which it is now seen may be fulfilled not only without injury to any class, but with benefit to all.

Until 1848, it had been the practice to take the number relieved during the quarter ending at Lady-day, as representing the number of persons relieved in each year; and thus a quarter the heaviest in point of destitution, became the standard for estimating the extent of pauperism. In order to obtain better data for the purpose, returns were afterwards made half-yearly of the number of poor persons in receipt of relief, both in-door and out-door, on the 1st of January, when the amount of pauperism may be expected to be about the highest, and on the 1st of July, when it may be expected to be the lowest. These returns, however, could only be obtained from the unions and single parishes acting under the board's regulations; and the numbers for the rest of the kingdom require to be estimated according to the relative amount of population. This is done in the table on the following page, which places the results of these returns and estimations before the reader in one connected view.

We here see a very considerable diminution of the numbers relieved in comparison with the statement given at page 390; but as that statement was founded on returns of the winter quarters only, it is necessarily in excess of what it would have been if a return for the summer quarters also had been included. Thus the number of persons which it represents as being relieved in 1848, falls little short of double the number shown in the above table as relieved in 1849; and there is a similar excess in the entries for the other years, which

Number
of persons
relieved.

are therefore only of use as affording the means of comparing one of those years with another, and not as representing the numbers actually relieved. Indeed, it cannot be said that the latter table accurately represents this number, although it no doubt does so more nearly than the former, being founded on fuller data; but it still only gives the *average* number in daily receipt of relief, whilst the number of persons to whom relief was in some shape administered, might have been greater. For example, it would be possible for 365

Years.	Date of Returns.	Total number of Persons relieved, as returned by Unions and Parishes under the Poor Law Amendment Act.			For places not under the Poor Law Amendment Act, estimated in proportion to the Population on the basis of the preceding Return.	Estimated average total number relieved in each Year.	Ratio per cent. of Paupers relieved, on the estimated population.
		In-door.	Out-door.	Total.			
1849	1 January . .	131,591	855,573	987,164	} 214,870	1,043,836	6.0
	1 July . . .	102,641	783,096	885,737			
1850	1 January . .	118,952	812,376	931,328	} 193,637	978,373	5.5
	1 July . . .	93,916	737,864	831,780			
1851	1 January . .	111,974	750,853	862,827	} 185,949	930,933	5.2
	1 July . . .	93,074	720,015	813,089			
1852	1 January . .	107,335	728,025	835,360	} 181,031	906,313 ¹	5.1
	1 July . . .	93,319	702,915	796,234			
1853	1 January . .	104,976	694,467	799,443	} 170,983	857,035	4.8
	1 July . . .	87,580	656,059	743,639			

persons to be relieved in the course of the year, and yet for only one person to appear on the books as relieved on any one day. In such case the return of the number relieved would be *one*, that being the daily average, although 365 actually received relief within the year. If the whole country were subject to the regulations of the Poor Law board, in the same manner as the unions formed under the Amendment Act, it might be possible to ascertain the precise number of the persons relieved in the year, as well as the average

¹ On the 1st of January 1852, the number of insane, idiotic, and lunatic paupers was 21,158, viz. 9521 males and 11,637 females. See Fifth Report of the Poor Law Board, p. 7.

number; but this can now only be a matter of estimation, and I am disposed to think, taking one thing with another, and making allowance for the families of persons relieved (all children of whatever age being included in the returns), that the numbers given in the above table constitute a fair exposition of the extent of pauperism in the country, although it certainly is possible that the individuals actually relieved may somewhat exceed those numbers.

But a point of still greater importance than the aggregate number, is the number of able-bodied persons relieved in the year; and this is shown in the following table, founded on actual returns from the unions and parishes under the regulations of the Poor Law board, and on estimation for the Gilbert and Local Act places:—

Years.	Date of Returns.	Number of Adult able-bodied Paupers relieved, as returned by Unions and Parishes under the Poor Law Amendment Act.								
		In-door.			Out-door.			In-door and Out-door.		
		Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
1852	1 January.	6,682	12,187	18,869	28,779	84,621	113,400	35,461	96,808	132,269
	1 July . .	3,544	9,525	13,069	26,970	83,336	110,306	30,514	92,861	123,375
1853	1 January.	5,379	11,667	17,046	25,392	78,574	103,966	30,771	90,241	121,012
	1 July . .	2,285	8,498	10,783	20,951	74,920	95,871	23,236	83,418	106,654

Years.	Estimated Totals for places not in Union, according to the Population on the basis of the preceding Return.	Estimated average number relieved in each year, Male and Female.	Proportion per cent. of able-bodied relieved, to total number of all classes relieved, including children.	Proportion per cent. of able-bodied Males to able-bodied Females relieved.
1852	37,186	146,390	16·2	34·8
1853	33,184	130,425	15·2	31·1

By this table we see that in the Poor Law unions and parishes, on the 1st of January 1852, there were

132,269 able-bodied persons in receipt of relief, and 123,375 on the 1st of July following; and that by adding a proportionate number for the places not under the new Poor Law, viz. 37,136, there will be an aggregate average of 146,390 able-bodied persons relieved in the year. For 1853 the aggregate is somewhat less, being only 130,425. Of these numbers, about one-third are able-bodied males; and of the other two-thirds, one-half consists of widows, and the remaining half includes the wives of the able-bodied males, women with bastard children and those relieved for any other cause. From the above table, combined with the returns appended to the reports of the Poor Law board, we may venture to assume that, on the average of the years 1852 and 1853, there were in round numbers about 150,000 able-bodied persons relieved, of whom about one-third were males, one-third were widows, and one-third were other females. On the two last I do not think it necessary to offer any remark. They are burthens which must be borne, although they certainly ought to be kept within the narrowest limits consistent with humanity. But the forty or fifty thousand able-bodied males who are on an average receiving relief throughout the year, ought all to be earning their own livelihood, instead of being supported out of the poor-rates. Only a small proportion of them appear to be receiving in-door relief, which may account for the number being so great; since it cannot be doubted that according as the workhouse test is applied will under ordinary circumstances be the amount of able-bodied pauperism.

1852-53.
Numbers
of able-
bodied
persons
relieved.

In a community such as now exists in this country, so largely occupied in commercial industry, and liable to be affected by the changes continually taking place in trade and manufactures, there must be alternations of prosperity and adversity, of activity and stagnation,

of the demand for labour exceeding the supply, and of the supply exceeding the demand ; and such changes will necessarily have the effect of occasionally throwing able-bodied persons out of employment. But this is a contingency against which men may provide by the exercise of care and forethought. They can, however, hardly be expected to do so, if on the occurrence of every reverse they are permitted to fall back upon the poor-rates for unconditional relief ; and the condition of the relief being given in the workhouse is therefore as necessary for the protection of the ratepayers, as the relief itself is necessary for those who without it might be subjected to the extremity of want. A right use of the workhouse is the obvious remedy against an excess of able-bodied pauperism on the one hand, and for the relief of unavoidable destitution on the other ; and if it were universally so used, instead of being, as we often see it used, very partially, the number of able-bodied men to whom relief is in some shape administered would not be so great as we now find it, and the habits of the working classes would be more self-reliant, and their condition generally better.

At the end of 1852 the number of unions and single parishes under the provisions of the Poor Law Amendment Act was 608. On the 1st of July 1853 the number had increased to 616, two new unions having been formed, and six parishes or places previously under local or Gilbert Acts having in the interim been brought under the operation of the Amendment Act. They were not however all provided with sufficient workhouse accommodation. In some even of the earlier unions the workhouses were still very imperfect, and there were twenty of the unions or parishes, presided over by boards of guardians, in which this indispensable requisite for efficient management was yet altogether wanting.

Number of
unions and
work-
houses.

The laws by which the relief of the poor in England and Wales is governed, are of two kinds—first, those enacted by the imperial legislature, which are absolute and universally binding; and next, the “orders and regulations” of the Poor Law Commissioners, which are only binding on the parties to whom they are addressed, or in the places to which they are issued, under the provisions of the Poor Law Amendment Act.

Orders and regulations issued by the Poor Law Commissioners.

With respect to the “Orders,” it may be remarked, that under the amended law, all the details in connection with the administration of relief were left to the direction of the Commissioners, who were empowered to make and issue all such “Orders and Regulations” on the subject as they thought proper. In the exercise of this power, after a union had been declared by an order under the seal of the Commission, a series of orders were addressed to it, regulating the proceedings of the guardians, and prescribing the duties of the several parochial and union officers, etc. The chief of these orders were, as has been stated, subsequently embodied in one “General Consolidated Order,” and were so issued in 1847.¹ They consisted of—

1. The order for the election of guardians.
2. For regulating the proceedings of boards of guardians.
3. For apprenticing poor children.
4. Prescribing medical regulations.
5. For regulating non-resident relief.
6. The workhouse regulations.
7. Prescribing the duties of officers.
8. For keeping and auditing accounts.²

¹ See *ante*, p. 396.

² This was not included in the Consolidated Order, but was issued shortly afterwards.

These were all "General Orders," being addressed to more than one union, which constitutes the distinction between a *general* and a *special* order. There are likewise two other "General Orders" of great importance, which were issued to the unions as they became fitted for carrying them into effect, or as they required their application, namely, the order prohibiting out-door relief to the able-bodied, and the labour-test order. These completed the series of general orders. The "special" orders are addressed to single parishes or unions for a variety of purposes, such as emigration, surveys and valuations, sales of parish property, remission of disallowances, etc.; and to show the frequency of the occasions which arise for such special orders, it may be mentioned that 1076 were issued in the year 1850.

All the "Orders," whether general or special, are full and minute in their directions upon the subject to which they apply. The directions of the law are general, and not susceptible of modification, except where power for the purpose is expressly reserved. The "Orders" of the Commissioners are occasional, and can be readily altered or rescinded if necessary. Thus, in 1852, an order was issued to certain unions, directing that whenever the guardians should allow relief out of the workhouse to a widow, having a child or children incapable of work depending on her, or to an indigent person, helpless from age, sickness, accident, or infirmity, one-third at least of such relief should be given in articles of food or fuel, or in other articles of absolute necessity; and also directing that, in case the relief should be allowed for a longer period than one week, it should be given or administered weekly. These directions were found to be inconvenient; and in consequence of strong remonstrances against them by several boards of guardians, the Commissioners a few months afterwards issued another order rescinding the

Orders
may be
modified or
rescinded.

first of the above directions, and so modifying the last as to leave it to the guardians to administer the relief weekly, "or at such more frequent periods as they may deem expedient."

Advantage
of special
orders.

The advantage of having a flexible power of this nature lodged with the Commissioners, and ready for use as occasions arise, is sufficiently obvious. Without it the administration of relief, under the continually varying circumstances of the times, would be apt to occasion undue hardship and suffering to the poor, or to become lax, indiscriminating, and burthensome to the ratepayer. The only instance of the legislature's abolishing this flexibility, by interfering with the details of relief, is in the case of 10 & 11 Victoria, cap. 109, sec. 23,¹ which, as we have seen, directs that aged married couples shall not be separated in the work-house. It would no doubt have been better if this had been left to the Commissioners' discretion, instead of being made imperative. It was previously permitted by them in certain cases, and under certain conditions. But thus to prescribe it universally, and without exception or limitation, could hardly fail of causing difficulties and inconvenience, if not more serious evils, and may be taken as a proof of the impolicy of legislating absolutely on mere matters of detail connected with the relief of the poor.

The General Laws governing the relief of the poor have all been cited in progress of the present work, but it may be useful to give a summary of those now in force, and to which reference is most commonly made in connection with relief, and the administration of parochial affairs. These are as follows :—

¹ *Ante*, p. 384.

- 43 Elizabeth, cap. 2, passed in 1601, and constituting the foundation of our English Poor Law.
- 13 & 14 Charles II. cap. 12, passed in 1662, the origin of the law of settlement. It has been more frequently amended than any other statute. The most important of these amendments are—
- 35 George III. cap. 101, passed in 1795, preventing the removal of poor persons until they shall have become actually chargeable; and
- 49 George III. cap. 124, enabling orders of removal to be suspended;
- 9 & 10 Victoria, cap. 66, passed in 1846, prohibiting the removal of any person who shall have resided in a parish five years without being chargeable thereto; and lastly—
- 11 & 12 Victoria, cap. 110, and 12 & 13 Victoria, cap. 103, directing the cost of relieving persons who have so become irremovable to be charged to the common fund of the union.
- 41 George III. cap. 23,¹ passed in 1801, for the better collection of the poor-rates.
- 54 George III. cap. 170, enabling justices to discharge poor persons from payment of the poor-rates on the ground of poverty.
- 56 George III. cap. 139, regulating the binding of parish apprentices.
- 59 George III. cap. 12, the Select Vestry Act.
- 1 & 2 William IV. cap. 60, Hobhouse's Act.
- 4 & 5 William IV. cap. 76, commonly known as "The Poor Law Amendment Act," passed on the 14th of August 1834.
- 6 & 7 William IV. cap. 96, the Parochial Assessment Act.

¹ Gilbert's Act (22 George III. cap. 33) has not been included in this list, as the time can hardly be far distant when it will be repealed, and the unions incorporated under it, and professing to be governed by it, be brought under the operation of the general law. (Author's note, 1853.)

- 7 & 8 Victoria, cap. 101, further "Amendment Act," regulating proceedings in bastardy, and various other matters appertaining to the relief and management of the poor.
- 8 & 9 Victoria, cap. 117, and 10 & 11 Victoria, cap. 33, concerning the removal of Scotch and Irish poor having no settlements in England.
- 10 & 11 Victoria, cap. 109, appoints the new Commission, and prescribes its duties. Passed on the 23rd July 1847.
- 11 & 12 Victoria, cap. 31, amending procedure in orders of removal; 13 & 14 Victoria, cap. 99, enabling vestries to rate the owners of small tenements instead of the occupiers; 14 & 15 Victoria, caps. 11 and 105, the one providing for the better protection of apprentices, the other enabling the Poor Law board to decide on questions of chargeability; and 16 & 17 Victoria, cap. 97, providing for the care and maintenance of pauper lunatics, etc.; may likewise be named as Acts requiring to be attended to by the administrators of the Poor Law.¹

The number of Acts embarrassing.

The above Acts are the most important, and chiefly demand attention; but there are others which have to be referred to occasionally. The number of Acts connected with the relief of the poor is indeed very great, and of late years especially has been much increased, a session rarely passing without adding one or more to the number. This process of continual addition has of course rendered the Poor Laws in their present state not a little intricate, and few things would be more useful than a systematic consolidation of the various Acts into one comprehensive code, where the administrators of the law might readily find the information of

¹ For some interesting remarks by the author on the course of development of the English and Scotch Poor Laws, see *History of Scotch Poor Law*, pp. 278-280.

which they stand in need, instead of expending their time in poring through various and possibly conflicting statutes, as they are now often compelled to do. The want of such a consolidation is sufficiently obvious; but there is one consideration arising out of the state of the settlement law which seems to make it desirable to delay the task of consolidation until that question shall be finally disposed of, as we may hope it ere long will be; for the law of settlement, in its various bearings, constitutes so large a portion of the laws for the relief of the poor, that if it were repealed, the general law would be left comparatively short and simple, would be relieved from the elements of antagonism by which it is now encumbered, and would only need to be put into such an orderly form as would render it easy of reference, and definite in its directions.

Consolidation of the law necessary.

According to the provisions of 10 & 11 Victoria, cap. 109,¹ the powers of the Poor Law board would cease at the end of the session of Parliament held next after the 23rd of July 1852; and now therefore 15 & 16 Victoria, cap. 59, was passed, continuing those powers "until the 23rd day of July 1854, and thenceforth until the end of the then next session of Parliament." This continuing of the Commission for so short a term as three years may be thought to imply some doubt as to its permanence; but no such doubt is understood to have existed in any quarter, the shortness of the term being adopted solely with the view of keeping the whole question of the Poor Law under the close and frequent supervision of Parliament.

1852.
15 & 16
Vict.
cap. 59.

I might here close the history of our English Poor Law, having reached the period which I proposed for the termination of my task. But in February 1854 a Bill was introduced by Mr. Baines, the president of the Poor Law board, "To abolish the compulsory removal

¹ *Ante* p. 384.

of the poor on the ground of settlement, and to make provision for the more equitable distribution of the charge of relief in unions," which I deem it right shortly to advert to. The Bill was not proceeded with, in consequence of its being determined in the first instance to inquire into the removal of the Scotch and Irish poor, for which purpose a Committee was appointed; but the subject of the Bill is so important, and Mr. Baines's official position afforded him such ample means of forming a right judgment upon the question, that I am unwilling to close this part of my work without giving a brief summary of his address to the House on the occasion.

Mr.
Baines's
speech on
introduc-
ing a Bill
for abolish-
ing settle-
ment.
February
1854.

The subject, he said, was of the utmost importance to all the interests of the community, to agriculture and to commerce, to employers and to labourers, and above all to the class of destitute poor, of whom, from the official station he held, he must always consider himself the peculiar advocate. He then adverted to the information which had been obtained on the subject within the last few years through the Select Committee of 1847, and the local inquiries instituted by the late Mr. Charles Buller in 1848, all leading to the conclusion "that the present law was thoroughly bad and indefensible," and that the Government ought to take steps for its amendment. The charge of maintaining their poor was now, he said, separately borne by 14,614 parishes, varying indefinitely in extent and population, there being in Durham, for instance, one parish of 55,000 acres, while in the adjoining county of Northumberland there is a parish of five acres. In upwards of 7000 parishes the population is less than 300, and in nearly 800 parishes the population is less than 50. There were, he observed, about 620 Poor Law unions, and although not all of the same size, there were no such monstrous discrepancies among them as existed in parishes; and they were therefore,

from this circumstance, as well as their smaller number, fitter areas of chargeability.

Mr. Baines then described some of the most prominent hardships arising out of the law of settlement. That law was, by many persons, supposed to confer a title to relief; but such was not the case, for "destitution, not settlement, gives the title to relief." He then pointed out the effects of the law in creating what are called "close parishes," and in driving the labourers to reside in "open parishes" at a distance from their work, and where their dwellings are often so overcrowded "that the greatest evils, social, sanitary, and moral, were found to be the result." The consequences of removal were next forcibly adverted to, and as the number of orders of removal issued in 1849, according to a parliamentary return, amounted to 13,867, it followed, supposing three persons to be comprised in each order, and if all the orders were executed, that in 1849 upwards of 40,000 poor persons were subjected to the hardship of compulsory removal. The Act of 1795,¹ exempting a person from removal until actually chargeable, and the Act of 1846,² prohibiting removal after a five years' residence, are noticed in terms of merited approbation; although it is shown how these and all the other Acts passed from time to time in mitigation of the law, had failed and been perverted.

The wasteful litigation engendered by the settlement law is next noticed, and the two Acts introduced by Mr. Baines himself to abate this evil are explained.³ He then remarked that, from the time of Charles II. downwards, he could not find a single writer or speaker of reputation who defended the principle of settlement, which, on the contrary, had been emphatically con-

¹ The 35 George III. cap. 101. *Ante*, p. 112.

² The 9 & 10 Vict. cap. 66. *Ante*, p. 372.

³ These were 11 & 12 Vict. cap. 31, and 14 & 15 Vict. cap. 105. *Ante*, pp. 402, 416.

demned by authorities deserving the most respectful consideration. Of these authorities he mentioned the Committee of the House of Commons which was appointed to consider the subject in 1735, Adam Smith in 1776, Mr. Pitt in 1796, and, lastly, the Committee of 1847,¹ in whose recommendations, both as regards settlement and the area of chargeability, he expressed his entire concurrence. He concluded by declaring that "he did not believe the House could adopt any legislation upon the subject without prejudice to *some* class of interests, and he was convinced that they could not let the law remain as it was without prejudice to *all*. My anxious wish has been (he said), in devising a remedy, so to frame it that any interference with private interests may be as little as possible in point of amount, and as justifiable as possible in point of principle."

This address produced a very marked effect, both on the House and in the country, and was generally considered to be conclusive against the power of compulsory removal, as well as against separate parochial chargeability ; so that we may hope ere long to see the former abolished, and union chargeability substituted for the latter. When this is done, there will be little occasion for further changes in our English Poor Law, which may then be readily consolidated into one comprehensive code, easy of administration, and intelligible to all. In the hope of ere long seeing these necessary and highly important objects effected, I here close the present work, undertaken solely through a sense of duty, and in the preparation of which my time and thoughts have, with little intermission, been I trust not altogether unprofitably occupied, since the day I quitted office.

¹ See *ante*, p. 394.

APPENDIX

No. I.

POPULATION and AMOUNT of the POOR-RATES in ENGLAND and WALES, as the same are given at the several Periods in the present Work.

A.D.	Reigns.	Population.	Amount of Poor-Rate.	Per Head on the Population.
			£	s. d.
1066	At the Conquest	2,150,000		
1381	Richard II.	2,350,000		
1415	Henry V.	3,000,000		
1509	Henry VII.	4,000,000		
1528	Henry VIII.	4,356,000		
1603	Elizabeth	5,000,000		
1625	James I.	5,500,000		
1660	At the Restoration	5,500,000		
1688	At the Revolution, somewhat above	5,500,000 {	Nearly 700,000	} 2 6
1701	... ..	... {	Nearly 900,000	
1714	At the death of Anne	5,750,000	950,000	3 3 $\frac{3}{4}$
1760	At the death of George II.	7,000,000	1,250,000	3 6 $\frac{3}{4}$
1776	... ..	...	1,529,780	
1780	At end of American War	8,000,000		
1784	... ..	...	2,004,238	5 0 $\frac{1}{4}$
1801	The first Census	9,172,980		
1803	... ..	9,210,000	4,077,891	8 10 $\frac{1}{4}$

No. II.

STATEMENT of the TOTAL MONEY levied as POOR-RATE in ENGLAND and WALES, and the amount expended thereout for the Relief of the Poor, for the Years ending Lady-day 1813 to 1853 inclusive; together with the Population, and the Prices of Wheat.

Years ended at Lady-day.	Price of Wheat per Quarter.	Population deduced from Census Returns.	Total Money levied for Poor-Rates and County Rates.	Expended for the Relief and Maintenance of the Poor.	Rate per Head on the Population.	Remarks.
	s. d.		£	£	s. d.	
1803	64 8	9,210,000	5,348,205	4,077,891	8 10½	
1813	108 9	10,505,800	8,646,841	6,656,106	12 8	
1814	73 11	...	8,388,974	6,294,581		
1815	64 4	...	7,457,676	5,418,846		
1816	75 10	...	6,937,425	5,724,839		
1817	94 9	...	8,128,418	6,910,925		
1818	84 1	11,876,200	9,320,440	7,870,801	13 3	1st maximum.
1819	73 0	...	8,932,185	7,516,704		
1820	5 7	...	3,719,655	7,330,254		
1821	54 4	11,978,875	8,411,893	6,959,251	...	Overseer's Letters.
1822	43 3	...	7,761,441	6,358,704		
1823	51 9	...	6,898,153	5,772,962		
1824	62 0	12,517,900	6,836,505	5,736,900	9 2	1st minimum.
1825	67 6	...	6,972,323	5,786,989		
1826	58 9	...	6,965,051	5,928,502		
1827	56 9	...	7,784,352	6,441,088		
1828	60 5	...	7,715,055	6,298,000		
1829	66 3	...	7,642,171	6,332,410		
1830	62 10	...	8,111,422	6,829,042		
1831	67 8	13,897,187	8,279,218	6,798,889		
1832	63 4	14,105,600	8,622,920	7,036,969	10 0	2nd maximum.
1833	57 3	...	8,606,501	6,790,800		
1834	51 11	14,372,000	8,338,079	6,317,255	8 9½	New Poor Law.
1835	44 2	14,564,000	7,373,807	5,526,418	7 7	
1836	39 5	14,758,000	6,354,538	4,717,630	6 4½	
1837	52 6	14,955,000	5,294,566	4,044,741	5 5	2nd minimum.
1838	55 3	15,155,000	5,186,389	4,123,604	5 5½	
1839	69 4	15,357,000	5,613,938	4,406,907	5 8½	
1840	68 6	15,562,000	6,014,605	4,576,965	5 10½	
1841	65 3	15,906,741	6,351,828	4,760,929	6 0½	
1842	64 0	15,981,000	6,552,890	4,911,498	6 1½	
1843	54 4	16,194,000	7,085,595	5,208,027	6 5½	
1844	51 5	16,410,000	6,847,205	4,976,093	6 0½	
1845	49 2	16,629,000	6,791,006	5,039,703	6 0½	
1846	53 3	16,851,000	6,800,623	4,954,204	5 10½	
1847	59 0	17,076,000	6,964,825	5,298,787	6 2½	
1848	64 6	17,304,000	7,817,450	6,180,765	7 1½	3rd maximum.
1849	49 1	17,534,000	7,674,146	5,792,963	6 6½	
1850	42 7	17,765,000	7,270,493	5,395,022	6 1	
1851	39 11	17,922,768	6,778,914	4,962,704	5 6½	
1852	39 4	17,928,000	6,552,298	4,897,685	5 5½	3rd minimum.
1853	42 0	17,929,000	6,522,412	4,939,064	5 6	

No. III.

AMOUNT of EMIGRATION from the UNITED KINGDOM in each of the several Years from 1815 to 1853 inclusive.

Years.	North American Colonies.	United States.	Australian Colonies and New Zealand.	All other Places.	Total.
1815	680	1,209	...	192	2,081
1816	3,370	9,022	...	118	12,510
1817	9,797	10,280	...	557	20,634
1818	15,136	12,429	...	222	27,787
1819	23,534	10,674	...	579	34,787
1820	17,921	6,745	...	1,063	25,729
1821	12,955	4,958	...	384	18,297
1822	16,013	4,137	...	279	20,429
1823	11,355	5,032	...	163	16,550
1824	8,774	5,152	...	99	14,025
1825	8,741	5,551	485	114	14,891
1826	12,818	7,063	903	116	20,900
1827	12,648	14,526	715	114	28,003
1828	12,084	12,817	1,056	135	26,092
1829	13,307	15,678	2,016	197	31,198
1830	30,574	24,887	1,242	204	56,907
1831	58,067	23,418	1,561	114	83,160
1832	66,339	32,872	3,733	196	103,140
1833	28,808	29,109	4,093	517	62,527
1834	40,060	33,074	2,800	288	76,222
1835	15,573	26,720	1,860	325	44,478
1836	34,226	37,774	3,124	293	75,417
1837	29,884	36,770	5,054	326	72,034
1838	4,577	14,332	14,021	292	33,222
1839	12,658	33,536	15,786	227	62,207
1840	32,293	40,642	15,850	1,958	90,743
1841	38,164	45,017	32,625	2,786	118,592
1842	54,123	63,852	8,534	1,835	128,344
1843	23,518	28,335	3,478	1,881	57,212
1844	22,924	43,660	2,229	1,873	70,686
1845	31,803	58,538	830	2,330	93,501
1846	43,439	82,239	2,347	1,826	129,851
1847	109,680	142,154	4,949	1,487	258,270
1848	31,065	183,233	23,904	4,887	248,089
1849	41,367	219,450	32,191	6,490	299,498
1850	32,961	223,078	16,037	8,773	280,849
1851	42,605	267,357	21,532	4,472	335,966
1852	32,873	244,261	87,881	3,749	368,764
1853	34,522	230,885	61,401	3,129	329,937
Total	1,071,236	2,295,466	372,237	54,590	3,793,529

Average Annual Emigration from the { From 1815 to 1853 97,269
United Kingdom { For the 5 years ending 1853 323,002

No. IV.

LIST of STATUTES in Chronological Order referred to in the present work.

924. Athelstan, i. 13.
 1017. Canute, i. 14.
 1235. 20 Henry III. c. 7, *The Provisions of Merton*, i. 21.
 1259. 43 Henry III. c. 23, i. 21.
 1283. 11 Edward I., *Statute of Merchants*, i. 24, 25.
 1284. 12 Edward I., *Statutes of Wales*, i. 28.
 1285. 13 Edward I. c. 46, *Statute of Westminster*, ii. 7.
 1285. 13 Edward I., *Statute of Winchester*, i. 22, 23, 34, 55.
 1285. 13 Edward I., *Statute of Merchants*, i. 24, 25.
 1328. 2 Edward III. c. 2, *Statute of Northampton*, i. 33.
 1331. 5 Edward III. c. 14, i. 33, 55.
 1335. 9 Edward III. i. 34, 63.
 1340. 14 Edward III. i. 73.
 1349. 23 Edward III., *Statute of Labourers*, i. 36, 37, 41, 56.
 1350-51. 25 Edward III. i. 35, 39, 41, 56, 63, 66, 67, 81, 82.
 1360-61. 34 Edward III. i. 42.
 1363. 37 Edward III., *Sumptuary Law*, i. 43.
 1377. 1 Richard II. c. 6, i. 48.
 1378. 2 Richard II. c. 6, i. 49.
 1381. 5 Richard II. i. 54.
 1383. 7 Richard II. c. 5, i. 55, 97, 98, 105.
 1388. 12 Richard II. i. 55, 66, 67, 69, 75, 80.
 1389-90. 13 Richard II. c. 8, i. 59, 75.
 1389-90. 13 Richard II. c. 13, i. 60, 175.
 1399. 1 Henry IV. c. 17, i. 62.
 1400-1. 2 Henry IV. c. 16, i. 65.
 1402. 4 Henry IV. c. 29, i. 65.
 1405-6. 7 Henry IV. c. 17, i. 66, 77, 99.
 1414. 2 Henry V. c. 4, i. 71.
 1416. 4 Henry V. c. 4, i. 72, 75.
 1421. 9 Henry V. c. 5, i. 73.
 1427. 2 Henry VI. c. 6, i. 75.
 1439. 18 Henry VI. c. 4, i. 77.
 1444. 23 Henry VI. c. 12, i. 79, 100, 102.
 1450. 27 Henry VI. c. 1, i. 83.
 1463. 3 Edward IV. c. 5, i. 84.
 1464-65. 4 Edward IV., i. 88.
 1482. 22 Edward IV. c. 1, i. 86, 108.
 1483-84. 1 Richard III. c. 9, i. 90.
 1488-89. 4 Henry VII. cc. 16, and 19, i. 95, 111, 115.
 1495. 11 Henry VII. c. 2, *Act against Vagabonds and Beggars*, i. 97.
 1495. 11 Henry VII. c. 2, *Act for Servants' Wages*, i. 100, 202, 203, 270.
 1495. 11 Henry VII. c. 11, i. 99.
 1495. 11 Henry VII. c. 12, i. 98.
 1496. 12 Henry VII. c. 3, i. 103.
 1503-4. 19 Henry VII. c. 12, i. 103, 119.
 1509. 1 Henry VIII. c. 14, i. 108.
 1511-12. 3 Henry VIII. c. 15, i. 109.
 1514. 6 Henry VIII. c. 5, i. 111.
 1514-15. 6 Henry VIII. c. 3, i. 110, 203.
 1515. 6 Henry VIII. c. 1, i. 108.
 1516. 7 Henry VIII. c. 1, i. 111.
 1516. 7 Henry VIII. c. 6, i. 108.
 1523. 14 Henry VIII. c. 10, i. 175.
 1530-31. 22 Henry VIII. c. 10, i. 114.
 1530-31. 22 Henry VIII. c. 12, i. 115, 129, 132, 140, 142, 151, 157, 163.
 1532. 23 Henry VIII. c. 20, i. 126.
 1532-33. 24 Henry VIII. c. 3, i. 125.
 1533. 24 Henry VIII. c. 12, i. 126.
 1533. 24 Henry VIII. c. 13, i. 108.
 1533-34. 25 Henry VIII. c. 1, i. 126.
 1533-34. 25 Henry VIII. c. 2, i. 126.
 1533-34. 25 Henry VIII. c. 13, i. 112, 151.
 1535. 26 Henry VIII. c. 1, i. 127.
 1535-36. 27 Henry VIII. c. 25, i. 121, 122, 129, 132, 163, 188, 284.
 1536. 28 Henry VIII. c. 10, i. 127.
 1539. 31 Henry VIII. c. 13, i. 127.
 1541-42. 33 Henry VIII. c. 15, i. 113.
 1543-44. 35 Henry VIII. c. 4, i. 113.
 1547. 1 Edward VI. c. 3, i. 129, 284.
 1548. 2 & 3 Edward VI. c. 1, i. 138.
 1548. 2 & 3 Edward VI. c. 15, i. 135.
 1549-50. 3 & 4 Edward VI. c. 16, i. 132, 157.
 1551-52. 5 & 6 Edward VI. c. 2, i. 133, 140, 142, 188.
 1551-52. 5 & 6 Edward VI. c. 5, i. 136.
 1551-52. 5 & 6 Edward VI. c. 22, i. 137.
 1553. 1 Mary, c. 12, i. 139.
 1553. 1 Mary, c. 13, i. 140.
 1554-55. 1 & 2 Philip & Mary, c. 2, i. 142.

- 1554-55. 1 & 2 Philip & Mary, c. 3, i. 139.
 1554-55. 1 & 2 Philip & Mary, c. 4, i. 143.
 1554-55. 1 & 2 Philip & Mary, c. 8, 9, 10, i. 140.
 1555. 2 & 3 Philip & Mary, c. 2, i. 144.
 1555. 2 & 3 Philip & Mary, c. 3, i. 144.
 1555. 2 & 3 Philip & Mary, c. 5, i. 140, 151, 158.
 1555. 2 & 3 Philip & Mary, c. 8, *Highway Act*, i. 199.
 1556. 4 & 5 Philip & Mary, c. 9, i. 142.
 1558-59. 1 Elizabeth, c. 18, i. 151.
 1562-63. 5 Elizabeth, c. 2, i. 151.
 1562-63. 5 Elizabeth, c. 3, i. 151, 152, 153, 157, 158, 163, 188.
 1562-63. 5 Elizabeth, c. 4, i. 153, 202, 209; ii. 148.
 1562-63. 5 Elizabeth, c. 5, i. 170.
 1562-63. 5 Elizabeth, c. 6, i. 171.
 1562-63. 5 Elizabeth, c. 6, i. 171.
 1562-63. 5 Elizabeth, c. 8, i. 171.
 1562-63. 5 Elizabeth, c. 15, i. 150.
 1562-63. 5 Elizabeth, c. 20, i. 172, 215; ii. 91.
 1566. 8 Elizabeth, c. 11, i. 173.
 1571. 13 Elizabeth, c. 11, i. 174.
 1571. 13 Elizabeth, c. 19, i. 173.
 1572-73. 14 Elizabeth, c. 5, i. 156, 168, 169, 180, 184, 188, 193, 213; ii. 61.
 1575-76. 18 Elizabeth, c. 3, i. 165, 169, 231; ii. 22, 240, 259.
 1580-81. 23 Elizabeth, c. 10, i. 174.
 1588-89. 31 Elizabeth, c. 7, i. 175; ii. 80.
 1592-93. 35 Elizabeth, c. 6, i. 176, 220.
 1592-93. 35 Elizabeth, c. 7, i. 170, 231.
 1597-98. 39 Elizabeth, c. 3, i. 179, 188, 213.
 1597-98. 39 Elizabeth, cc. 3 and 4, i. 170, 179, 181, 182, 185, 193, 210, 211, 220, 231, 233, 381.
 1597-98. 39 Elizabeth, c. 17, i. 186.
 1601. 43 Elizabeth, c. 2, i. 181, 187, 189-193, 197, 206, 207, 212, 213, 230, 245; ii. 81, 104, 107, 166, 171, 173, 209, 212, 218, 222, 278, 279, 312, 319, 393.
 1601. 43 Elizabeth, c. 3, i. 186, 253.
 1603-4. 1 James I. c. 1, i. 208.
 1603-4. 1 James I. c. 2, i. 209.
 1603-4. 1 James I. c. 4, i. 209.
 1603-4. 1 James I. c. 6, i. 209.
 1603-4. 1 James I. c. 7, i. 210, 381.
 1603-4. 1 James I. c. 9, i. 215, 225.
 1603-4. 1 James I. c. 12, i. 215.
 1603-4. 1 James I. c. 17, i. 217.
 1603-4. 1 James I. c. 22, i. 217.
 1603-4. 1 James I. c. 23, i. 218.
 1603-4. 1 James I. c. 25, i. 219, 240.
 1603-4. 1 James I. c. 29, i. 218.
 1603-4. 1 James I. c. 31, i. 219.
 1605-6. 3 James I. c. 1, i. 221.
 1605-6. 3 James I. c. 11, i. 222.
 1605-6. 3 James I. c. 13, i. 221.
 1606-7. 4 James I. c. 1, i. 224.
 1606-7. 4 James I. c. 5, i. 225.
 1609-10. 7 James I. c. 3, i. 227.
 1609-10. 7 James I. c. 4, i. 228, 381; ii. 223.
 1609-10. 7 James I. c. 5, i. 236.
 1623-24. 21 James I. c. 1, i. 233.
 1623-24. 21 James I. c. 3, i. 234, 252.
 1623-24. 21 James I. c. 6, i. 235.
 1623-24. 21 James I. c. 7, i. 226.
 1623-24. 21 James I. cc. 9 and 10, i. 235.
 1623-24. 21 James I. c. 12, i. 236.
 1623-24. 21 James I. c. 17, i. 237.
 1623-24. 21 James I. c. 20, i. 237; ii. 41.
 1623-24. 21 James I. c. 27, i. 238.
 1623-24. 21 James I. c. 28, i. 239.
 1625. 1 Charles I. c. 1, i. 247.
 1625. 1 Charles I. c. 4, i. 248.
 1628. 3 Charles I. c. 1, *Petition of Rights*, i. 249.
 1628. 3 Charles I. c. 2, i. 249.
 1628. 3 Charles I. c. 3, i. 250.
 1628. 3 Charles I. c. 5, i. 250.
 1640-41. 16 Charles I. c. i. 260.
 1641. 16 Charles I. c. 8, *Act of Tunnage and Poundage*, i. 261.
 1641. 16 Charles I. c. 9, i. 261.
 1641. 16 Charles I. cc. 10, 11 and 14, i. 262.
 1641. 16 Charles I. c. 30, i. 262.
 1651. 3 Charles II., *Navigation Act*, i. 268.
 1660. 12 Charles II. c. 9, 15, 16 and 21, i. 275; ii. 47.
 1660. 12 Charles II. c. 11, *Act of Indemnity*, i. 274.
 1660. 12 Charles II. c. 13, i. 274.
 1660. 12 Charles II. c. 18, i. 277.
 1660. 12 Charles II. c. 34, i. 278.
 1662. 14 Charles II. c. 7, i. 279.
 1662. 14 Charles II. c. 10, *Hearth Tax*, i. 321.
 1662. 14 Charles II. c. 12, *Settlement Act*, i. 279, 323, 325; ii. 112, 176, 221.
 1662. 14 Charles II. c. 13, i. 290.
 1662. 14 Charles II. c. 18, i. 291.
 1663. 15 Charles II. c. 7, i. 292, 294.
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