

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.^a 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.

^a 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 work-women 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

Rating of wages. 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*
1603-4.
1 James I.,
cap. 7. *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 glassmen, 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*,^c justices in quarter sessions are empowered to banish dangerous rogues, or to condemn them to the galleys 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.

^c 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, 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

1603.
Proclamation
against
incorrigible
and danger-
ous rogues.

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 Elizabethⁱ 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.
^h 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 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

'An Ease
for Overseers
of the Poor,'
printed in
1601.

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 witchcrafts, and then "for the better restraining the said offences, and more severe punishing 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, covenant 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 enchantment; 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.^j

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

^j 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 scane 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.
1603-4.
1 James I.,
cap. 25. 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
Exportation
of corn
permitted. 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. 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 ^{1605.} called the "Gunpowder Plot," which caused ^{The Gun-} the actual meeting of Parliament to be deferred to the ^{powder Plot.} 21st of January following, when their first Act ^{1605-6.} was to direct a public thanksgiving for the ^{3 James I.,} preservation of the king and parliament, and to order ^{cap. 1.} 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

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
improvement.

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, manslaughters, mischiefs, and other inconveniences have

^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 13th *Richard 2nd*,^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,[†] 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

[†] 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.} and Northampton, avowedly for the purpose of ^{Riots of the "Levellers."} 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.} was *The 7th James 1st, cap. 3*, providing for ^{7 James I., cap. 3.} 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 ^{Bequests for apprenticing poor children.} 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 ^{1609-10.} ^{7 James I., cap. 4.}

Beggars, and other lowd 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

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

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.

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 tithingmen 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 ^{Desertion of families.} 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

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*,¹ 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, 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:

¹ 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 "kingeraft," 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,"^a and great reliance was placed on the so-called

^a 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.

1623-4.
21 James I.,
cap. 1.
Hospitals
and working-
houses for
the poor.

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.

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.,
cap. 6.

Women
convicted
of "small
felonies."

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 ^{State of} are obeyed with great alacrity," it enacts that ^{Wales.} 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*), ^{1623-4.} extending to churchwardens and overseers of the poor ^{21 James I.,} the protection of the *7th James 1st, cap. 5*, "for ease ^{cap. 12.} 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*) passed the legislature. ^{1623-4.} It recites, that there was at that time "a ^{21 James I.,} very great abatement in the value of land, and other ^{cap. 17.} 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} a higher rate invalid; and that every person who shall ^{interest} take or receive a higher rate of interest, directly or ^{reduced to} 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 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,*^{1623-4. 21 James I., cap. 27.} 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

^w 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 16d. 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. 4d. 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. 8d.

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*,^y 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 ^{Advance in prices.} 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

* 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.

^y 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 on the 27th of March, 1625, at the age of fifty-nine. 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 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. 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 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

1625.
Amount
of the
population.

State of the
country
under
James I.

^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.^o 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.^f 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

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

^f 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 43*rd* 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.^g 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

^g 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 ^{1625-1649.} Oxford, on account of the plague, which had ^{Charles I.} 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 unsatisfac- ^{1625.} tory. The parliament was dissolved on the ^{Parliament dissolved.} 12th of August, having assembled at Oxford on the 1st of that month.

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,^a 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

^a 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.

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

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 ^{1623.} *Petition of Rights*,^{3 Charles I., cap. 1.} 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, waggons, 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

^{1623.}
3 Charles I.,
cap. 1.
Petition of Rights.

^{1623.}
3 Charles I.,
cap. 2.
Strict observance of Sunday.

^{1623.}
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.'^{1623.} Among these, the *43rd Elizabeth, cap. 2*, and ^{3 Charles I., cap. 5.} 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

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,

1623.
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.^c 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

^c 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

The king
governs by
his sole
authority.

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.

^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,^f 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

^f 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."^g

^g 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 parishioners 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 apprentice, 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.

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.

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

1630.
Proclamation
against the
erection of
houses in
London and
Westminster.

1630.
Proclamation
for prevent-
ing the dearth
of corn and
victuals.

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

^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.

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."ⁿ 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-

ⁿ Macaulay's 'History of England,' vol. i. p. 97.

1631.
Ship-money
levied.

1636-1639.
Disturbances
in Scotland.

1640.
Parliament
assembled
and again
dissolved,
and several
members
arrested.

1640.
The Long
Parliament
summoned,
Nov. 3.

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 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

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),

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 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.

1640.
16 Charles I.,
caps. 2, 3, & 4.

Parliament
to be held
annually.

On the 22nd of June, *The 16th Charles 1st, cap. 8*, was passed.* 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.

* 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 the gifts and charitable benevolences of all and every person and persons to and for the uses aforesaid." Contribu-
tions for
relief of the
Irish Pro-
testants. 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

1641.
Remonstrance of the State of the Kingdom.

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."¹

1642.
Attempt to arrest the five members.

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

1642.
The king proceeds to York.

August² the royal standard was set up at Nottingham, and an appeal was thus openly made to the arbitrement of the sword.

Royal standard set up at Nottingham.

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

The civil war.

¹ Hume's 'History of England,' vol. vi. p. 472.

² 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 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.

1649.
Execution of Charles I.

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.³ 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

³ 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." 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 Charles II. proclaimed. 1649-1685. order of the parliament, solemnly proclaimed 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 State of England during the Commonwealth and Protectorate. tended to promote colonization. In the earlier Colonization promoted by the circumstances of the times. 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

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 1611. 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 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. A regular post established.

In 1651 the celebrated Navigation Act was passed by the then existing parliament, with the view of securing to British vessels the carrying 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., 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 1651. The Navigation Act. Rate of interest reduced to 6 per cent.

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 Tea and chocolate introduced. the year 1660. Coffee had been introduced earlier 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. Price of wheat. We have seen that in 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 7d. to 14d. a day in summer, and from 6d. to 1s. a day in winter. The wages of a mower were increased from 10d. to 1s. 6d. a day. The wages of a man-reaper from 8d. to 1s. 10d. a day, and of a woman-reaper from 6d. to 1s. 2d. a day; of a man haymaker from 8d. to 1s. a day, and of a woman haymaker from 5d. a day to 10d. 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^e 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.

^e 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.

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 ^{1660.} *The 12th Charles 2nd, cap. 13*, which recites ^{12 Chas. II., cap. 13.} 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

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 ^{Interest reduced to 6 per cent.} 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 ^{Disbanding the army.} 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 ^{1660.} raising money "to the end that the army may ^{12 Chas. II., caps. 9, 15, 16, and 21.} 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

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 there-

The
disbanded
soldiers
may set up
trades.

to." 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,^a 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-

^a 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.

^{1665-6.}
^{War with}
^{the Dutch.} *The 12th Charles 2nd, cap. 34*, prohibits the growing of tobacco in England or Ireland, and it deserves 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 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 restrain 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 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

Cultivation
of tobacco
prohibited.

1662.
14 Chas. II.,
cap. 7.

1667-8.
19 and 20
Charles II.,
cap. 10.

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.^d 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

^d 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.*^e The latter directs that

^e 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.¹

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

¹ 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 sordid 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 burthening their parishes with a "settled" population. 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."

He then proposes several judicious regulations for

Sir Matthew Hale's 'Discourse touching Provision for the Poor.'

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." ⁵

It is not a little remarkable, that the plan of uniting

⁵ 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 im-
portation 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 quarter.
Wheat	48s. 0d.
Barley or malt	28 0
Buckwheat	28 0
Oats	13 4
Rye	32 0
Peas or beans	32 0

Exportation of sheep, wool, and fuller's earth prohibited.

—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 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 "Tonnage and Poundage" (*The 12th Charles 2nd, cap. 4*), when the prices do not exceed those above stated:—

	On export.	On import.
	Per quarter.	Per quarter.
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 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-

Export prices of corn.

Duties on export and import.

Storing of grain permitted.

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 ^{1670.} ^{22 Chas. II.,} ^{cap. 13.} by *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 not exceed 53s. 4d. a quarter, on paying a custom and poundage duty of	16s. 0d.
When it shall exceed 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. 5¼d.; 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

Goods
imported by
the colonies
to be in
English
shipping
only.

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

evasion being attempted, a further sum of ten shillings is, by way of penalty, to be paid to the person 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*, 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 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

Duty on the
importation
of cattle.

1663.
15 Chas. II.,
cap. 15.

Cultivation
of flax and
hemp en-
couraged.

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.' 1661. 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*) 1661. 16 Chas. II., 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 Against surrendering to "Turks, pirates, and sea-rovers," without fighting. 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,

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-

^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,

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

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

1666.
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 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

The re-
building of
London.

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 Workhouses for setting the Poor on Work.’ This 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*,ⁿ 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

1670-71.
22 and 23
Charles II.,
cap. 18.
Workhouses
in the
metropolis.

ⁿ 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 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,

1670-71.
22 and 23
Charles II.
cap. 20.
Insolvent
debtors.

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, 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 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.

1672.
25 Chas. II.,
cap. 7.

Encourage-
ment of the
Greenland
and Eastland
trade.

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," 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

Papists disabled from sitting in parliament. either House of Parliament.' This Act was 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. 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

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, cap. 17*, providing for the continuance of certain "good and wholesome laws," and among these is the "Settlement Act,"¹ 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

¹ The 13th and 14th Charles II. cap. 12. See p. 293.

1685.
1 James II.,
cap. 17.

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 ^{1635.} *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 ^{1635.} prorogations it was dissolved, James apparently ^{Parliament dissolved.} intending to govern in future without a parliament, as his father and his brother had each attempted to do.

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." 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 ^{1688.} force on the 5th of November, 1688, and published a declaration setting forth the object of ^{William Prince of Orange lands at Torbay.} his coming.

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 ^{His taking leave of the States.} 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.^s

This scene is said to have made a deep impression on

^s 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.

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-

1689.
Convention
parliament
assembled.

The crown
settled on
William and
Mary.

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.

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."

The Bill of Rights passed.

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,*^{1689.} was passed 'For preventing all Doubts and ^{1 William and Mary, cap. 1.} 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

1689.
1 William
and Mary,
cap. 10.

was abolished by *The 1st William and Mary, 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.'

1689.
1 William
and Mary,
cap. 12.

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.

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, impropiators, 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.

1690.
A new
parliament
assembled.

Battle of the
Boyne, and
surrender of
Limerick.

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,^e 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."^h

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

^e Ante, p. 293.

^h 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."

The 12th section of the Act records another instance of maladministration. It recites that "many churchwardens 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 mispend the said moneys, and take the same to their own use, to the

Persons
relieved to
be registered
and examined
by the vestry.

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.

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

Parishioners
may give
evidence in
suits insti-
tuted by the
parish.

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 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 1660.² 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.

² 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.

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, unmistakable 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." 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 ^{Highway robberies.} further inducement “to take, apprehend, prosecute, and

^o 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-

^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.^q 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 fore-castle, 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.

^q 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,
1691.
6 and 7
William
and Mary,
cap. 2.
Triennial
Act. “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
1691.
Death of
Queen Mary. 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

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*)
1695.
7 and 8
William III.,
cap. 1.
For a new
coinage. 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

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*l.* 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 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, 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.
The Bank of
England.

1696-7.
8 and 9
William III.,
cap. 20.

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

The Peace
of Ryswick
signed on the
20th of Sept.
1697.

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

joy of the people, who had suffered much through the heavy pressure of taxation, and the losses and interruptions of their trade.

The Act of the last session, 'for supplying some Defects in the Laws for the Relief of the Poor' (the 8th and 9th William 3rd, cap. 30),⁶ had been found defective, and *The 9th William 3rd, cap. 11*,⁷ was passed to amend it. After reciting the provisions of that Act with respect to certificates of settlement, it is stated that doubts have arisen as to the Acts by which any person coming to reside in a parish by virtue of such certificate, may procure a legal settlement therein, and whether such certificate did not amount to a notice in writing in order to gain a settlement. For removal of such doubts, it is now enacted, "That no person or persons whatsoever, who shall come into any parish by any such certificate, shall be adjudged by any Act whatsoever to have procured a legal settlement in such parish, unless he or they shall really and *bonâ fide* take a lease of a tenement of the yearly value of ten pounds, or shall execute some annual office in such parish, being legally placed in such office."⁸ This enactment calls for no remark, beyond an expression of surprise that the certificate in question could have been so construed as to be regarded an equivalent for the notice required to be given for a totally different purpose by the 3rd William and Mary, cap. 11.⁹

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

⁶ Ante, p. 358.

⁷ Twenty years afterwards, by the 12th Anne, cap. 13, it is enacted that an apprentice or hired servant to a certificated person, shall not thereby gain a settlement in the parish where such hiring or apprenticeship takes place.

⁹ 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 1689,² 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

² 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.^a 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.} ^{10 Wm. III.,} ^{cap. 17.} (*The 10th William 3rd, cap. 17*) "to enable such officers and soldiers as have been in his Majesty's 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,

^a 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 ^{1693.} 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,

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 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 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.^f 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.*^g The author of a pamphlet entitled 'A Present Remedy for the Poor,' published in 1700, and cited in a note by Sir F. Eden,^h 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;^k 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

^f See Sir F. Eden's 'State of the Poor,' vol. i. p. 189.

^g See 'Pictorial History of England,' book ix. p. 844.

^h See Sir F. Eden's 'State of the Poor,' vol. i. p. 264.

^k 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 handiercraftsmen 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 handiercraftsmen	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	Common seamen	5½	2,675,520	63	18	34,488,800
50,000	{Labouring people and out-servants}	3	150,000	20	0	1,000,000
364,000	{Cottagers and paupers}	3½	1,275,000	15	0	5,460,000
400,000	Common soldiers	3½	1,300,000	6	10	2,000,000
35,000	{Vagrants, as gipsies, thieves, beggars, &c.}	2	70,000	14	0	490,000
..	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 misdone 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 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 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 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

1703.
2 and 3
Anne,
cap. 6.

Apprenticing
youths to
the sea.

^b Antc, 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;^c 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.

^c 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."

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

Pauper
labour
interferes
with and
displaces
Industrial
labour.

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

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 1710.
9 Anne,
cap. 27.
The game-
laws. *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

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 1709.
8 Anne,
cap. 2. the exportation of corn, malt, flour, &c. The 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

1703-9.
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.

We have seen what was done for providing workhouses 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 workhouses 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

^f Ante, pp. 373, 385, and 387.

Fifty new
churches
in the
metropolis.

1711.
10 Anne,
cap. 15.
Norwich
workhouse.

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,⁸ 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 ^{1711.} Woollen Manufacture, and for the better ^{10 Anne,} Payment of the Poor employed therein.' The pre- ^{cap. 26.}amble 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 ^{Workmen's} the trade of the woollen manufacture, shall ^{wages to be} make payment in money for all work done in ^{paid in} relation thereunto, and shall not impose any sort of ^{money, and} goods or wares in lieu of payment for such work," ^{not in goods.} under a penalty of twenty shillings for every offence, to be determined by one justice of peace where the

⁸ 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

^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 ^{1712.} Utrecht for a general peace,^l the preliminaries ^{Peace of Utrecht.} 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."^k 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.

^l See ante, p. 390.

^k See Hallam's 'Constitutional History,' vol. ii. p. 369.

^{1713.}
^{13 Anne,}
^{cap. 15.}
Rate of interest reduced to five per cent.

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 relating to Rogues, Vagabonds, Sturdy Beggars, 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 subtile 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

1713.
13 Anne,
cap. 26.

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.

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-

Privy search
for rogues,
vagabonds,
and sturdy
beggars.

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 Vagrants and common beggars. 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 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 Penalty on parish-officers. forfeit 20s. to the use of the poor of the parish.

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, 1714. Death of Queen Anne. and was sincerely and universally lamented. 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.

^o Ante, p. 233.

ⁿ Ante, p. 214.

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

^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,^q 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.

^q Ante, p. 191.

^r Ante, p. 387.

^s Ante, p. 293.

^t Ante, p. 394.

^y Ante, p. 391.

^u 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 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 accounts," 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.

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