eH2 1601



ANNO QUADRAGESIMO TERTIO

ELIZABETHÆ REGINÆ.

****

CAP. II.

An Act for the Relief of the Poor.

Overseers for the Poor, their Office, &c.

BE it enacted by the Authority of this present Parliament, That the Churchwardens of every Parish, and Four, Three, or Two substantial Householder there, as shall be thought meet, having respect to the Proportion and Greatness of the same Parish and Parishes, to be nominated yearly in *Easter* Week, or within One Month after *Easter*, under the Hand and Seal of Two or more Justices of the Peace in the same County, whereof One to be of the Quorum, dwelling in or near the same Parish or Division where the same Parish doth lie, shall be called Overseers of the Poor of the same Parish; and they, or the greater Part of them, shall take Order from Time to Time, by and with the Consent of Two or more such Justices of Peace as is aforesaid, for setting to work the Children of all such whose Parents shall not, by the said Churchwardens and Overseers, or the greater Part of them, be thought able to keep and maintain their Children; and also for setting to work all such Persons, married or unmarried, having no Means to maintain them, and use no ordinary and daily Trade of Life to get their Living by; and also to raise weekly or otherwise (by Taxation of every Inhabitant, Parson, Vicar, and other, and of every Occupier of Lands, Houses, Tithes Impropriate, Propriations of Tithes, Coal Mines or saleable Underwoods in the said Parish, in such competent Sum and Sums of Money as they shall think fit,) a convenient Stock of Flax, Hemp, Wool, Thread, Iron, and other Ware and Stuff, to set the Poor on Work;

Who shall be taxed towards the Relief of the Poor.

A convenient Stock shall be provided to set the Poor on Work.

Work; and also competent Sums of Money for and towards the necessary Relief of the Lame, Impotent, Old, Blind, and such other among them being Poor, and not able to work; and also for the putting out of such Children to be Apprentices, to be gathered out of the same Parish, according to the Ability of the same Parish, and to do and execute all other Things, as well for the disposing of the said Stock, as otherwise concerning the Premises, as to them shall seem convenient; which said Churchwardens and Overseers so to be nominated, or such of them as shall not be let by Sickness or other just Excuse, to be allowed by Two such Justices of Peace or more as is aforesaid, shall meet together at the least Once every Month, in the Church of the said Parish, upon the *Sunday* in the Afternoon after Divine Service, there to consider of some good Course to be taken, and of some meet Order to be set down in the Premises; and shall within Four Days after the End of their Year, and after other Overseers nominated as aforesaid, make and yield up to such Two Justices of Peace as is aforesaid a true and perfect Accompt of all Sums of Money by them received, or rated and sessed and not received, and also of such Stock as shall be in their Hands or in the Hands of any of the Poor to work, and of all other Things concerning their said Office; and such Sum or Sums of Money as shall be in their Hands shall pay and deliver over to the said Churchwardens and Overseers newly nominated and appointed as aforesaid, upon pain that every One of them absenting themselves without lawful Cause as aforesaid from such monthly Meeting for the Purpose aforesaid, or being negligent in their Office or in the Execution of the Orders aforesaid, being made by and with the Assent of the said Justices of Peace or any Two of them before mentioned, to forfeit for every such Default of Absence or Negligence Twenty Shillings.

The Overseers shall meet Once every Month and accompt.

Penalty 20*s*.

Clause relating to poor Parishes.

II. And be it also enacted, That if the said Justices of Peace do perceive that the Inhabitants of any Parish are not able to levy among themselves sufficient Sums of Money for the Purposes aforesaid, that then the said Two Justices shall and may tax, rate, and assess as aforesaid any other of other Parishes, or out of any Parish within the Hundred where the said Parish is, to pay such Sum and Sums of Money to the Churchwardens and Overseers of the said poor Parish for the said Purposes as the said Justices shall think fit, according to the Intent of this Law; and if the said Hundred shall not be thought to the said Justices able and fit to relieve the said several Parishes not able to provide for themselves as aforesaid, then the Justices of Peace at their General Quarter Sessions, or the greater Number of them, shall rate and assess as aforesaid any other of other Parishes, or out of any Parish within the said County, for the Purposes aforesaid, as in their Discretion shall seem fit.

A Remedy for levying the Money assessed.

Distress for Nonpayment.

III. And that it shall be lawful as well for the present as subsequent Churchwardens and Overseers or any of them, by Warrant from any Two such Justices of Peace as is aforesaid, to levy as well the said Sums of Money, and all Arrearages, of every One that shall refuse to contribute according as they shall be assessed, by Distress and Sale of the Offenders Goods, as the Sums of Money or Stock, which shall be behind upon any Accompt to be made as aforesaid, rendering to the Parties the Overplus, and in defect of such Distress it shall be lawful for any such Two Justices of

of the Peace to commit him or them to the Common Gaol of the County, there to remain without Bail or Mainprise until Payment of the said Sum, Arrearages, and Stock; and the said Justices of Peace, or any One of them, to send to the House of Correction or Common Gaol such as shall not employ themselves to work, being appointed thereunto, as aforesaid; and also any such Two Justices of Peace to commit to the said Prison every One of the said Churchwardens and Overseers which shall refuse to accompt, there to remain without Bail or Mainprise until he have made a true Accompt, and satisfied and paid so much as upon the said Accompt shall be remaining in his Hands.

Imprisonment of those that will not work.

Refusers to accompt imprisoned.

IV. And be it further enacted, That it shall be lawful for the said Churchwardens and Overseers, or the greater Part of them, by the Assent of any Two Justices of the Peace aforesaid, to bind any such Children as aforesaid to be Apprentices, where they shall see convenient, till such Man-child shall come to the Age of Four and twenty Years, and such Woman-child to the Age of One and twenty Years, or the Time of her Marriage; the same to be as effectual to all Purposes as if such Child were of full Age, and by Indenture of Covenant bound him or herself.

Binding of Children Apprentices.

V. And to the Intent that necessary Places of Habitation may more conveniently be provided for such poor impotent People, be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Churchwardens and Overseers, or the greater Part of them, by the Leave of the Lord or Lords of the Manor whereof any Waste or Common within their Parish is or shall be Parcel, and upon Agreement before with him or them made in Writing under the Hands and Seals of the said Lord or Lords, or otherwise, according to any Order to be set down by the Justices of Peace of the said County at their General Quarter Sessions, or the greater Part of them, by like Leave and Agreement of the said Lord or Lords, in Writing under his or their Hands and Seals, to erect, build, and set up, in fit and convenient Places of Habitation in such Waste or Common, at the general Charges of the Parish, or otherwise of the Hundred or County as aforesaid, to be taxed, rated, and gathered in manner before expressed, convenient Houses of Dwelling for the said impotent Poor, and also to place Inmates or more Families than One in One Cottage or House; One Act made in the Thirty-first Year of Her Majesty's Reign, intituled *An Act against the erecting and maintaining of Cottages*, or anything therein contained, to the contrary notwithstanding; which Cottages and Places for Inmates shall not at any Time after be used or employed to or for any other Habitation, but only for Impotent and Poor of the same Parish, that shall be there placed from Time to Time by the Churchwardens and Overseers of the Poor of the same Parish, or the most Part of them, upon the Pains and Forfeitures contained in the said former Act made in the said Thirty-first Year of Her Majesty's Reign.

Building of Houses on the Waste for the Poor to inhabit.

VI. Provided always, That if any Person or Persons shall find themselves grieved with any Sess or Tax, or other Act done by the said Churchwardens, and other Persons, or by the said Justices of Peace, that then it shall be lawful for the Justices of Peace, at their General Quarter Sessions, or the greater Number of them, to take such Order therein as

A Remedy for them which find themselves grieved with any Tax.

to them shall be thought convenient; and the same to conclude and bind all the said Parties.

Poor Persons relieved by their Parents or Children.

VII. And be it further enacted, That the Father and Grandfather, and the Mother and Grandmother, and the Children of every poor, old, blind, lame, and impotent Person, or other poor Person not able to work, being of a sufficient Ability, shall at their own Charges relieve and maintain every such poor Person in that Manner, and according to that Rate, as by the Justices of Peace of that County where such sufficient Persons dwell, or the greater Number of them, at their General Quarter Sessions, shall be assessed, upon pain that every one of them shall forfeit Twenty Shillings for every Month which they shall fail therein.

Officers of Corporate Towns have the Authority of Justices of Peace.

VIII. And be it further hereby enacted, That the Mayors, Bailiffs, or other Head Officers of every Town or Place Corporate and City within this Realm, being Justice or Justices of Peace, shall have the same Authority by virtue of this Act, within the Limits and Precincts of their Jurisdictions, as well out of Sessions as at their Sessions, if they hold any, as is herein limited, prescribed, and appointed to Justices of Peace of the County or any Two or more of them, or to the Justices of Peace in their Quarter Sessions, to do and execute for all the Uses and Purposes in this Act prescribed, and no other Justice or Justices of Peace to enter or meddle there; and that every Alderman of the City of *London* within his Ward shall and may do and execute in every respect so much as is appointed and allowed by this Act to be done and executed by One or Two Justices of Peace of any County within this Realm.

Alderman of London.

A Parish extending into Two Counties or into Two Liberties.

IX. And be it also enacted, That if it shall happen any Parish to extend itself into more Counties than One, or Part to lie within the Liberties of any City, Town, or Place Corporate, and Part without, that then as well the Justices of Peace of every County, as also the Head Officers of such City, Town, or Place Corporate, shall deal and intermeddle only in so much of the said Parish as lieth within their Liberties, and not any further; and every of them respectively within their several Limits, Wards, and Jurisdictions, to execute the Ordinances before mentioned, concerning the Nomination of Overseers, the Consent to binding Apprentices, the giving Warrant to levy Taxations unpaid, the taking Accompt of Churchwardens and Overseers, and the committing to Prison such as refuse to accompt, or deny to pay the Arrearages due upon their Accompts; and yet nevertheless the said Churchwardens and Overseers, or the most Part of them of the said Parishes that do extend into such several Limits and Jurisdictions, shall, without dividing themselves, duly execute their Office in all Places within the said Parish in all things to them belonging, and shall duly exhibit and make One Accompt before the said Head Officer of the Town or Place Corporate, and One other before the said Justices of Peace, or any such Two of them, as is aforesaid.

The Justices Forfeiture for not naming of Overseers.

X. And further be it enacted by the Authority aforesaid, That if in any Place within this Realm there happen to be hereafter no such Nomination of Overseers yearly as is before appointed, that then every Justice of Peace of the County dwelling within the Division where such Default of

of Nomination shall happen, and every Mayor, Alderman, and Head Officer of City, Town, or Place Corporate where such Default shall happen, shall lose and forfeit for every such Default Five Pounds, to be employed towards the Relief of the Poor of the said Parish or Place Corporate, and to be levied as aforesaid of their Goods by Warrant from the General Sessions of the Peace of the said County, or of the same City, Town, or Place Corporate, if they keep Sessions.

How the Forfeitures shall be levied and employed.

XI. And be it also enacted by the Authority aforesaid, That all Penalties and Forfeitures before mentioned in this Act to be forfeited by any Person or Persons shall go and be employed to the Use of the Poor of the same Parish, and towards a Stock and Habitation for them, and other necessary Uses and Relief, as before in this Act are mentioned and expressed; and shall be levied by the said Churchwardens and Overseers, or One of them, by Warrant from any Two such Justices of Peace, or Mayor, Alderman, or Head Officer of City, Town, or Place Corporate respectively, within their several Limits, by Distress and Sale thereof, as aforesaid; or in defect thereof it shall be lawful for any Two such Justices of Peace, and the said Aldermen and Head Officers within their several Limits, to commit the Offender to the said Prison, there to remain without Bail or Mainprise till the said Forfeitures shall be satisfied and paid.

The Justices shall rate every Parish to a weekly Sum.

XII. And be it further enacted by the Authority aforesaid, That the Justices of Peace of every County or Place Corporate, or the more Part of them, in their General Sessions to be holden next after the Feast of *Easter* next, and so yearly as often as they shall think meet, shall rate every Parish to such a weekly Sum of Money as they shall think convenient, so as no Parish be rated above the Sum of Sixpence, nor under the Sum of a Halfpenny, weekly to be paid, and so as the total Sum of each Taxation of the Parishes in every County amount not above the Rate of Twopence for every Parish within the said County; which Sums so taxed shall be yearly assessed by the Agreement of the Parishioners within themselves, or, in default thereof, by the Churchwardens and Petty Constables of the same Parish, or the more Part of them; or, in default of their Agreement, by the Order of such Justice or Justices of Peace as shall dwell in the same Parish, or (if none be there dwelling) in the Parts next adjoining; and if any Person shall neglect or refuse to pay any such Portion of Money so taxed, it shall be lawful for the said Churchwardens and Constables, or any of them, or, in their Default, for any Justice of Peace of the said Limit, to levy the same by Distress and Sale of the Goods of the Party so refusing or neglecting, rendering to the Party the Overplus; and in default of such Distress it shall be lawful to any Justice of that Limit to commit such Person to the said Prison, there to abide without Bail or Mainprise till he have paid the same.

Penalty for refusing to pay Money taxed.

Relief for the Prisoners of the King's Bench, Marshalsea, and Hospitals.

XIII. And be it also enacted, That the said Justices of the Peace at their General Quarter Sessions to be holden at the Time of such Taxation shall set down what competent Sums of Money shall be sent quarterly out of every County or Place Corporate, for the Relief of the poor Prisoners of the King's Bench and Marshalsea, and also of such Hospitals and Alms-

Almshouses as shall be in the said County, and what Sums of Money shall be sent to every one of the said Hospitals and Almshouses, so as there be sent out of every County yearly Twenty Shillings at the least to each of the said Prisons of the King's Bench and Marshalsea; which Sums rateably to be assessed upon every Parish the Churchwardens of every Parish shall truly collect and pay over to the High Constables in whose Division such Parish shall be situate, from Time to Time, quarterly, Ten Days before the End of every Quarter; and every such Constable at every such Quarter Sessions in such County shall pay over the same to Two such Treasurers, or to One of them, as shall by the more Part of the Justices of Peace of the County be elected to be the said Treasurers, to be chosen by the Justices of Peace of the said County, City, or Town, or Place Corporate, or of others which were sessed and taxed at Five Pounds Lands or Ten Pounds Goods at the least, at the Tax of Subsidy next before the Time of the said Election to be made; and the said Treasurers so elected to continue for the Space of One whole Year in their Office, and then to give up their Charge, with a due Accompt of their Receipts and Disbursements, at the Quarter Sessions to be holden next after the Feast of *Easter* in every Year, to such others as shall from Year to Year in Form aforesaid successively be elected Treasurers for the said County, City, Town, or Place Corporate; which said Treasurers, or One of them, shall pay over the same to the Lord Chief Justice of *England* and Knight Marshal for the Time being, equally to be divided to the Use aforesaid, taking their Acquittance for the same, or in default of the said Chief Justice to the next ancientest Justice of the King's Bench as aforesaid; and if any Churchwarden or High Constable, or his Executors or Administrators, shall fail to make Payment in Form above specified, then every Churchwarden, his Executors or Administrators, so offending, shall forfeit for every Time the Sum of Ten Shillings, and every High Constable, his Executors or Administrators, shall forfeit for every Time the Sum of Twenty Shillings, the same Forfeitures, together with the Sums behind, to be levied by the said Treasurer and Treasurers by way of Distress and Sale of Goods as aforesaid, in Form aforesaid, and by them to be employed towards the charitable Uses comprised in this Act.

Treasurers to be chosen annually.

The Money to be paid to the Lord Chief Justice of England and Knight Marshal.

The Forfeitures of the Churchwardens or High Constables offending.

How the Surplusage shall be bestowed.

XIV. And be it further enacted, That all the Surplusage of Money which shall be remaining in the said Stock of any County shall, by Discretion of the more Part of the Justices of Peace in their Quarter Sessions, be ordered, distributed, and bestowed for the Relief of the poor Hospitals of that County, and of those that shall sustain Losses by Fire, Water, the Sea, or other Casualties, and to such other charitable Purposes, for the Relief of the Poor, as to the more Part of the said Justices of Peace shall seem convenient.

Penalty for refusing to be Treasurer, to give Relief, or accompt.

XV. And be it further enacted, That if any Treasurer elected shall wilfully refuse to take upon him the said Office of Treasurership, or refuse to distribute and give Relief, or to accompt, according to such Form as shall be appointed by the more Part of the said Justices of Peace, that then it shall be lawful for the Justices of Peace in their Quarter Sessions, or in their Default for the Justices of Assize at the Assizes to be holden in the same County, to fine the same Treasurer by their Discretion; the same Fine not to be under Three Pounds, and to be levied by Sale of his

his Goods, and to be prosecuted by any Two of the said Justices of Peace whom they shall authorize.

This Act to take effect at Easter.

XVI. Provided always, That this Act shall not take effect until the Feast of *Easter* next.

For what Time and to what Purpose the Stat. of 39 Eliz. shall be put in execution.

XVII. And be it enacted, That the Statute made in the Nine and thirtieth Year of Her Majesty's Reign (intituled *An Act for the Relief of the Poor*) shall continue and stand in force until the Feast of *Easter* next; and that all Taxations heretofore imposed and not paid, nor that shall be paid before the said Feast of *Easter* next, and that all Taxes hereafter before the said Feast to be taxed by virtue of the said former Act, which shall not be paid before the said Feast of *Easter*, shall and may, after the said Feast of *Easter*, be levied by the Overseers and other Persons in this Act respectively appointed to levy Taxations by Distress, and by such Warrant in every respect as if they had been taxed and imposed by virtue of this Act, and were not paid.

Proviso for the Island of Fowlness in Essex.

XVIII. Provided always, That whereas the Island of *Fowlness* in the County of *Essex* being environed with the Sea, and having a Chapel of Ease for the Inhabitants thereof, and yet the said Island is no Parish, but the Lands in the same are situated within divers Parishes far distant from the said Island: Be it therefore enacted by the Authority aforesaid, That the said Justices of Peace shall nominate and appoint Inhabitants within the said Island to be Overseers for the poor People dwelling within the said Island; and that both they the said Justices and the said Overseers shall have the same Power and Authority, to all Intents, Considerations, and Purposes, for the Execution of the Parts and Articles of this Act, and shall be subject to the same Pains and Forfeitures, and likewise that the Inhabitants and Occupiers of Lands there shall be liable and chargeable to the same Payments, Charges, Expenses, and Orders, in such Manner and Form as if the same Island were a Parish; in consideration whereof neither the said Inhabitants or Occupiers of Land within the said Island shall not be compelled to contribute towards the Relief of the Poor of those Parishes wherein their Houses or Lands which they occupy within the said Island are situated, for or by reason of their said Habitations or Occupyings, other than for the Relief of the poor People within the said Island; neither yet shall the other Inhabitants of the Parishes wherein such Houses or Lands are situated be compelled by reason of their Resiancy or Dwelling to contribute to the Relief of the poor Inhabitants within the said Island.

The Defendant's Plea in a Suit commenced against him upon this Statute.

XIX. And be it further enacted, That if any Action of Trespass or other Suit shall happen to be attempted and brought against any Person or Persons for taking of any Distress, making of any Sale, or any other Thing doing by Authority of this present Act, the Defendant or Defendants in any such Action or Suit shall and may either plead Not Guilty, or otherwise make Avowry, Cognizance, or Justification for the taking of the said Distresses, making of Sale, or other Thing doing by virtue of this Act; alleging in such Avowry, Cognizance, or Justification that the said Distress, Sale, Trespass, or other Thing whereof the Plaintiff or Plaintiffs complained was done by Authority of this Act, and according to the Tenor, Purport, and Effect of this Act, without any expressing of Re-

hearsal of any other Matter or Circumstance contained in this present Act; to which Avowry, Cognizance, or Justification the Plaintiff shall be admitted to reply, that the Defendant did take the said Distress, made the said Sale, or did any Act or Trespass supposed in his Declaration, of his own Wrong, without any such Cause alleged by the said Defendant, whereupon the Issue in every such Action shall be joined, to be tried by Verdict of Twelve Men, and not otherwise, as is accustomed in other personal Actions; and upon Trial of that Issue the whole Matter to be given on both Parties in Evidence according to the very Truth of the same, and after such Issue tried for the Defendant, or Nonsuit of the Plaintiff after Appearance, the same Defendant to recover Treble Damages, by reason of his wrongful Vexation in that Behalf, with his Costs also in that Part sustained, and that to be assessed by the same Jury, or Writ to inquire of the Damages, as the same shall require.

Treble Damages for the Defendant, and his Costs.

Continuance of this Act.

XX. Provided always, That this Act shall endure no longer than to the End of the next Session of Parliament.

LONDON: Printed by EYRE and SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1892.