ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

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C A P. CXXXVII.

An Act to prevent poor Perſons in Workhouſes from embezzling certain Property provided for their Uſe; to alter and amend ſo much of an Act of the Thirty-ſixth Year of His preſent Majeſty, as reſtrains Juſtices of the Peace from ordering Relief to poor Perſons in certain Caſes for a longer Period than One Month at a Time; and for other Purpoſes therein mentioned, relating to the Poor.

[4th *July* 1815.]

WHEREAS many Perſons, received into public Workhouſes eſtabliſhed for the Relief, Maintenance, and Employment of the Poor, pawn and diſpoſe of their Clothes and Apparel, and the Goods and Chattels depoſited in or belonging to ſuch Workhouſes; and poor Perſons, relieved by having Clothes and Apparel given them by the Officers of Pariſhes, frequently pawn and ſell the ſame; and by the Laws now in force no Puniſhment can be inflicted on them, or on the Perſon or Perſons buying or receiving the ſame into Pawn: For Remedy whereof, May it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Property of and in all and ſingular the Goods, Chattels, Furniture, Proviſions, Clothes, Linen and Wear-

Property in Goods, &c. provided for

the Uſe of the Poor to be veſted in Overſeers.

ing Apparel, Tools, Utenſils, Materials, and Things whatſoever, had and to be had, bought, procured or provided for the Uſe of the Poor of any Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, ſhall be and the ſame is hereby veſted in the Overſeers of the Poor of ſuch Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places for the Time being, and their Succeſſors in Office, for the Purpoſes of this Act, who are hereby empowered to bring, or cauſe to be brought, any Action or Actions, or to prefer or order the preferring of any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, or buy or receive any ſuch Goods, Chattels, Proviſions, Clothes, Linen, Furniture, Wearing Apparel, Tools, Utenſils, Materials, or Things whatſoever as aforeſaid, or any Part thereof; and in every ſuch Action and Indictment the ſaid Goods, Chattels, Proviſions, Clothes, Linen, Wearing Apparel, Tools, Utenſils, Materials, and Things, ſhall be laid or deſcribed to be the Property of the Overſeers of the Poor for the Time being of ſuch Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, without ſtating or ſpecifying the Name or Names of all or any of ſuch Overſeers:

Not to repeal Proviſions in local Acts.

Provided always, That nothing herein contained ſhall extend to repeal any of the Proviſions contained in any Act or Acts of Parliament, whereby the Property of and in any ſuch Goods, Chattels, Furniture, Proviſions, Clothes, Linen, Wearing Apparel, Tools, Utenſils, Materials, and Things, is or may be veſted in any other Perſon or Perſons jointly with, or independent of the Overſeers of the Poor of any Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places.

Pariſh Officers may cauſe Goods, &c. to be marked.

II. And be it further enacted, That the Overſeers of the Poor, or other Perſon or Perſons who may be appointed for the ordering, regulating, managing, or providing for the Poor of any Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, jointly with or independent of ſuch Overſeers of the Poor, ſhall or may, and they are hereby authorized and empowered to cauſe all ſuch Goods, Chattels, Furniture, Clothes, Linen, Wearing Apparel, Tools, Utenſils, Materials, and Things, capable of being marked, and from Time to Time belonging to ſuch Overſeers, or other Perſon or Perſons, to be marked, ſtamped, or branded with the Word "Workhouſe," and ſuch other Mark or Marks as they ſhall think proper for identifying the Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, by which the ſame ſhall have been provided: And if any Pawnbroker or other Perſon or Perſons, ſhall knowingly take in Pawn, buy, exchange or receive any Goods, Chattels, Furniture, Clothes, Linen, Wearing Apparel, Tools, Utenſils, Materials and Things, provided for the Uſe of any of the Poor who are or ſhall be received into the Workhouſe of any Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, or to whom the ſame ſhall have been given by the Overſeers of the Poor, or other ſuch Perſon or Perſons as aforeſaid appointed as aforeſaid, of or for any ſuch Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, or any of them, or any of the Goods or Materials carried into any ſuch Workhouſe or Workhouſes, to be wrought up, manufactured or uſed by the Poor there, or any of the Goods or Furniture of ſuch Workhouſe or Workhouſes; or ſhall receive or buy any of the Proviſions allotted to or provided for the Poor of ſuch

Penalty on Perſons buying or receiving into Pawn any Property provided for the Poor by Pariſh Officers;

Workhouſe or Workhouſes, or ſhall be aiding or aſſiſting therein; or if any Perſon or Perſons ſhall cauſe ſuch Mark or Stamp, Marks or Stamps, as aforeſaid, to be obliterated or defaced, every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding the Sum of Five Pounds, nor leſs than One Pound, upon Conviction thereof, either by the Confeſſion of ſuch Perſon or Perſons, or by the Oath of One or more credible Witneſs or Witneſſes, before any One or more of His Majeſty's Juſtices of the Peace of the County, City, Town, Riding, or Diviſion wherein the Offence or Offences ſhall be committed; One Moiety of which ſaid Penalty ſhall go to the Informer or Informers, and the other Moiety ſhall go and be paid to the Overſeers of the Poor of the Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places to which ſuch Articles or Things may belong, for the Uſe of the Poor of ſuch Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places; and in caſe any Perſon or Perſons who ſhall be convicted as aforeſaid, ſhall not pay ſuch Penalty or Penalties upon Conviction, then and in ſuch Caſe ſuch Juſtice or Juſtices of the Peace ſhall and may and is and are hereby required to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Space of Time not exceeding Two Calendar Months; and if any Perſon or Perſons ſhall deſert or run away from any Workhouſe or Workhouſes, and carry away with him, her, or them, any Clothes, Linen, or other Goods or Things as aforeſaid, ſuch Perſon or Perſons being thereof lawfully convicted either by the Confeſſion of ſuch Party or Parties, or by the Oath or Oaths of One or more credible Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace, ſhall by ſuch Juſtice or Juſtices of the Peace be forthwith committed to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for the Space of Three Calendar Months; and in all Caſes ſuch Mark, Stamp, or Brand, on any ſuch Articles or Things as aforeſaid (being duly authenticated) ſhall be conſidered and taken to be ſufficient Evidence, without further Proof, of the Right of Property in ſuch Overſeers or other Perſon or Perſons appointed as aforeſaid, as the Caſe may be: Provided always, that ſuch Mark or Stamp as aforeſaid ſhall not at any Time be placed on any Articles of Wearing Apparel ſo as to be publicly viſible on the Exterior of the ſame.

or defacing Marks.

On Non-payment of Penalty, Offenders to be committed.

Perſons abſconding with Workhouſe Property, to be committed.

Mark or Stamp on Articles to be Evidence of the Right of Property.

Mark not to be put on the Outſide of Wearing Apparel.

III. And whereas by an Act paſſed in the Thirty-ſixth Year of the Reign of His preſent Majeſty, intituled *An Act to amend ſo much of an Act made in the Ninth Year of the Reign of King* George *the Firſt, intituled* '*An Act for amending the Laws relating to the Settlement, Employment, and Relief of the Poor*,' *as prevents the diſtributing occaſional Relief to poor Perſons in their own Houſes, under certain Circumſtances and in certain Caſes*, Juſtices of the Peace are authorized and empowered to direct and order Collection and Relief to induſtrious poor Perſons at their Homes, in any Pariſh, Town, Townſhip, or Place, notwithſtanding any Contract ſhall have been entered into or made with any Perſon or Perſons for lodging, keeping, maintaining, and employing any and all poor Perſons there, in a Houſe or Houſes for ſuch Purpoſe hired or purchaſed, provided that ſuch Order ſhould be given for and remain in force for a Time not to exceed One Month from the Date of ſuch Order, but

36 G. 3. c. 23.

but that any Two Juſtices might make any further Order for the ſame or a like Purpoſe, for any further Time not exceeding One Month, and ſo on from Time to Time as the Occaſion ſhould require: And whereas it is expedient that Juſtices ſhould be empowered to order Relief to be paid to poor Perſons, in the Caſes mentioned in the ſaid Act, for longer Periods than One Month at a Time; be it therefore enacted by the Authority aforeſaid, That from and after the paſſing of this Act it ſhall and may be lawful to and for any Juſtice or Juſtices of the Peace, in the Caſes and in the Manner mentioned in the ſaid Act, to direct and order Collection and Relief to be paid to any poor Perſon or Perſons, at his, her, or their Home or Homes, Houſe or Houſes, during ſuch Time or Times as to ſuch Juſtice or Juſtices may ſeem proper, not exceeding Three Months from the Date of ſuch Order: Provided alſo, that it ſhall and may be lawful for any Two ſuch Juſtices as aforeſaid, to make any further Order for the ſame or the like Purpoſe, for any further Time not exceeding Six Months from the Date of ſuch Order, and ſo on from Time to Time as the Occaſion ſhall require; ſuch Juſtice or Juſtices firſt adminiſtering an Oath as to the Need and Cauſe of ſuch Relief, in each of the above Caſes, and thereupon ſummoning the Overſeer or Overſeers of the Poor of the Pariſh, Town, Townſhip, or Place, to be charged with ſuch Relief, to ſhew cauſe why ſuch poor Perſon or Perſons ſhould not receive ſuch Relief in manner as by Law provided, in Caſes where no Contract for lodging, keeping, and maintaining the Poor ſhall have been made; and in caſe it ſhall afterwards appear to the Juſtice or Juſtices making ſuch Order, that the Payment of ſuch Collection or Relief to any ſuch Perſon or Perſons as aforeſaid ought to be diſcontinued before the Expiration of the Time for which any ſuch Order or Orders ſhall have been made, ſuch Juſtice or Juſtices ſhall and may order ſuch Relief to be diſcontinued, and from thenceforth the Perſon or Perſons for whom and on whoſe account ſuch Order ſhall have been made, ſhall not be entitled to aſk or receive the ſame.

The Time for which Juſtices may order Relief to poor Perſons at their own Homes extended.

Juſtices making ſuch Orders may direct the Payment of Relief to be diſcontinued.

Limitation of Allowances in certain Caſes.

IV. Provided always, and be it further enacted, That the Sum or Sums of Money which any ſuch Juſtice or Juſtices ſhall or may order to be paid to any ſuch poor Perſon or Perſons, for any longer Space or Period of Time than One Month, ſhall not exceed for each ſuch poor Perſon the Sum of Three Shillings *per* Week, or Three-fourths of the Average weekly Expence which ſhall be uſually borne or paid by the Pariſh or Place on which ſuch Order ſhall be made for the Maintenance of each poor Perſon, in any Workhouſe or Workhouſes in which poor Perſons of or belonging to ſuch Pariſh or Place ſhall be uſually maintained and employed.

Perſons guilty of Miſbehaviour in Workhouſes, may be committed.

V. And whereas Perſons maintained in Public Workhouſes ſometimes refuſe to work, or are guilty of Drunkenneſs, and other Miſbehaviour, and by the Laws in being no ſufficient Puniſhment is provided for ſuch Offences; be it therefore enacted, That in caſe any Perſon or Perſons, maintained in any Public Workhouſe or Workhouſes eſtabliſhed for the Relief, Maintenance, and Employment of the Poor, ſhall refuſe to work at any Work, Occupation, or Employment, ſuited to his, her, or their Age, Strength, and Capacity, or ſhall be guilty of Drunkenneſs or other Miſbehaviour, every ſuch Perſon or Perſons, being thereof lawfully convicted

before any Juſtice or Juſtices of the Peace, ſhall thereupon by ſuch Juſtice or Juſtices of the Peace be committed to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize for any Period of Time not exceeding Twenty-one Days, and during ſuch Time to be kept to hard Labour.

Perſons having the Management of the Poor, not to be concerned in Contracts, &c. whilſt in Office.

VI. And be it further enacted, That from and after the Twenty-fifth Day of *March* next after the paſſing of this Act, no Churchwarden or Overſeer of the Poor, or other Perſon or Perſons in whoſe Hands the Collection of the Rates for the Relief of the Poor, or the providing for, ordering, Management, Controul, or Direction of the Poor of any Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, ſhall or may be placed jointly with or independent of ſuch Churchwardens and Overſeers, or any of them, under or by virtue of any Act or Acts of Parliament, ſhall, either in his own Name, or in the Name of any other Perſon or Perſons, provide, furniſh, or ſupply for his or their own Profit, any Goods, Materials, or Proviſions, for the Uſe of any Workhouſe or Workhouſes, or otherwiſe, for the Support and Maintenance of the Poor, in any Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, for which he or they ſhall be appointed as ſuch, during the Time which he or they ſhall retain ſuch Appointment, nor ſhall be concerned, directly or indirectly, in furniſhing or ſupplying the ſame, or in any Contract or Contracts relating thereto, under Pain of forfeiting the Sum of One hundred Pounds, with full Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which Action or Actions no Eſſoign, Protection, Wager of Law, or more than one Imparlance ſhall be allowed: Provided nevertheleſs, that if it ſhall happen in any Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, that a Perſon or Perſons competent and willing to undertake the Supply of any of the Articles or Things required for ſuch Workhouſe or Workhouſes, or for the Uſe of the Poor there, cannot be found within a convenient Diſtance therefrom, other than and except ſome or One of the Churchwardens and Overſeers of the Poor, or other Perſon or Perſons having the ordering, managing, controul or direction of the Poor, in ſuch Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, then and in every ſuch Caſe it ſhall and may be lawful to and for any Two or more neighbouring Juſtices of the Peace (Proof thereof having been firſt duly made before them upon Oath, and which Oath ſuch Juſtices or any One of them are and is hereby authorized and empowered to adminiſter) by Certificate under their Hands and Seals, to permit and ſuffer any One or more of ſuch Churchwardens and Overſeers or other ſuch Perſon or Perſons as aforeſaid, to contract and agree for the furniſhing and ſupplying of any Articles or Things which may be required for ſuch Workhouſe or Workhouſes, or otherwiſe, for the Uſe of the Poor of ſuch Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, during the Time which he or they may retain ſuch Appointment, any Thing herein contained to the contrary notwithſtanding; and ſuch Certificate ſhall be entered with the Clerk of the Peace or Town Clerk of the County, City, Town, or Diſtrict, in which ſuch Perſon or Perſons ſhall reſide, and a Copy thereof left with him, for

Penalty.

Exceptions in certain Caſes.

which Entry every ſuch Clerk ſhall receive One Shilling and no more; and from that Time, every Perſon and Perſons named in any ſuch Certificate ſhall be diſcharged from any Penalty to which he or they would otherwiſe be liable under this Act, for furniſhing or ſupplying any ſuch Articles or Things as aforeſaid; and in caſe any Action or Suit for the Recovery of any ſuch Penalty as aforeſaid ſhall be commenced againſt any Perſon or Perſons to whom ſuch Certificate ſhall have been granted as aforeſaid, it ſhall and may be lawful to and for ſuch Perſon or Perſons to plead generally, that he or they was or were duly diſcharged from any Liability to ſuch Forfeiture, by a Certificate granted according to the Proviſions of this Act; and upon due Proof being given of ſuch Certificate, and of ſuch Entry thereof as aforeſaid, the Jury ſhall find a Verdict for the Defendant in ſuch Action or Suit; and if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action, or if Verdict ſhall paſs againſt him, her, or them, or if Judgment ſhall be had againſt him, her, or them, on Demurrer, then the Defendant or Defendants in ſuch Action ſhall have Double Coſts, and have ſuch and the like Remedy for the Recovery of the ſame as any Defendant or Defendants have or hath for recovering Coſts of Suit in any other Caſes by Law.

Notice of Contracts for ſupplying Workhouſes to be given.

VII. And be it further enacted by the Authority aforeſaid, That from and after the paſſing of this Act, when and ſo often as any Contract or Contracts ſhall be made or entered into for the providing, furniſhing, or ſupplying any Articles, Materials or Things, for the Uſe of the Poor in the Workhouſe or Workhouſes of or belonging to any Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, or for the erecting of any Building or Buildings, the Expence whereof is to be defrayed out of any Rate or Rates, or other Monies applicable to the Relief of the Poor, the Churchwardens and Overſeers of the Poor, or other Perſon or Perſons having the Management, Controul or Direction of the Poor in ſuch Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, ſhall cauſe Notice of their Intention to enter into ſuch Contract or Contracts, and of the Time and Place when and where they ſhall aſſemble and meet for ſuch Purpoſe, and of the Security which will be required for the Performance of ſuch Contract or Contracts, to be affixed in a conſpicuous Manner on the outer Door of the Church or reſpective Churches to which ſuch Pariſh or Pariſhes, Townſhip or Townſhips, Hamlet or Hamlets, Place or Places, ſhall belong, or to be inſerted in one or more of the public Newſpapers moſt generally circulated in the Neighbourhood, Seven Days at the leaſt previous to ſuch Meeting, in order and to the Intent that any Perſon or Perſons willing to undertake the ſupplying or furniſhing the ſame, may make Propoſals for that Purpoſe to ſuch Churchwardens and Overſeers, or other Perſon or Perſons as aforeſaid, at the Time and Place mentioned in ſuch Notice.

Form of Conviction.

VIII. And be it further enacted, That all Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form, or to the like Effect; (that is to ſay),

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is duly convicted before of His Majesty's Justices of the Peace for the County of [*or*, City, *or*, Liberty, of *as the Case may be*] of having [*here state the Offence*] contrary to the Statute in that Case made and provided. Given under my Hand and Seal [*or*, our Hands and Seals, *as the Case may be*] the Day and Year first above written.'

Conviction not to be set aside for Want of Form.

And that such Conviction shall be good and effectual in Law to all Intents and Purposes, and shall not be quashed or set aside, or adjudged void or insufficient, for want of any other Form of Words whatever; nor shall the same be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary thereof notwithstanding.

Appeal to the Quarter Sessions.

IX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by the Judgment of such Justice or Justices as aforesaid, such Person or Persons may appeal to the next General or Quarter Sessions of the Peace to be held for the County, City, or Place wherein the Cause of Complaint shall have arisen; such Person or Persons at the Time of his, her, or their Conviction entering into a Recognizance, with Two sufficient Sureties conditioned personally to appear at the said Sessions, to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled; and the said Justices at such General or Quarter Sessions shall hear and determine the Causes and Matters of such Appeal in a summary Way, and make such Order therein as the said Justices shall think proper; and the Determination of such Justices at their General or Quarter Sessions shall be final and conclusive.

Recognizances to be entered into.

Decision to be final.

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