

REMARKS  
ON  
THE POOR LAWS,  
AND THE  
Maintenance of the Poor.

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BY  
WILLIAM BLEAMIRE, Esq.  
BARRISTER AT LAW,  
AND ONE OF THE POLICE MAGISTRATES.

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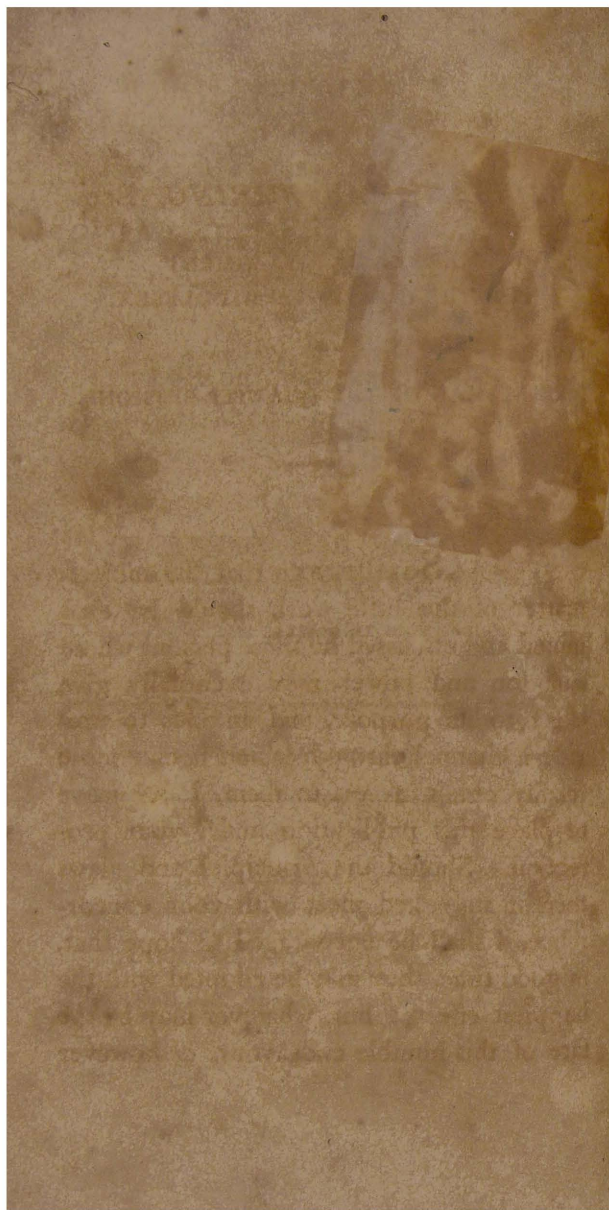
*Leges emendatæ utiliter latè salubriter.*

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1800.



TO  
WILLIAM MAINWARING, Esq.  
MEMBER OF PARLIAMENT  
FOR THE COUNTY OF MIDDLESEX,  
AND  
CHAIRMAN OF THE QUARTER-SESSIONS.

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DEAR SIR,

SOLICITOUS that the subject-matter of this little work should be examined and discussed by those persons whose situation and power may eventually give effect to its purpose, and anxious to provide a channel through which it may more readily obtain access to them, I beg leave to place this publication under your protection. Should the principles and views therein suggested meet with your concurrence, I shall be encouraged to hope that, in good time, they may be adopted with the happiest effects: but, whatever may be the fate of this humble endeavour, or however

anxious I may be to promote the objects of it, I have at least the high satisfaction of reflecting that it cannot have a more secure asylum than in the approbation of a gentleman who, as member for the first county in the kingdom, has, by his attention to its municipal interests for many years, merited and obtained the regard of his constituents; and who, as chairman of the session of the same county, has, by his ability and integrity, secured to himself the particular esteem and approbation of that bench over which he has so long and so ably presided.

PERMIT me to join my feeble but faithful voice in this general sentiment, and to assure you that I am,

DEAR SIR,

With great truth and attachment,

Your sincere and obedient servant,

*Public Office,  
Hatton-Garden,  
Nov. 1800.*

*William Bleamire.*



## PREFACE.

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THE AUTHOR, without any view of obtruding himself upon public attention, having long conceived that the principles contained in the following pages might, if carried into execution, be greatly beneficial to the interests of society, reduced his thoughts into writing, and submitted them to the private, and perhaps friendly, perusal of men whose frame of mind and opportunity of judging upon this particular subject enabled them to enter into a full and ample discussion of it; and it is in deference to their opinion and advice, that he now ventures to submit these REMARKS to more general and diffusive examination: he trusts, therefore, that he shall avoid the suspicion of being actuated by any unbecoming vanity in thus offering his suggestions to the public.

THE desire of being useful to his fellow-subjects was the only motive that guided his pen; and, whatever may be the result, he has

at least the satisfaction of reflecting that he has endeavoured, though in a trifling degree, to promote the public good, by pointing out the means which in his humble opinion may possibly add to the stock of individual and private happiness.

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DR. BURN, in his "History of the Poor Laws," printed in 1764, has traced, with great accuracy and judgment, the manner in which the poor had been and then were relieved, maintained, and employed. It appears, that, before this country was divided into parishes, the bishop, who was incumbent over the whole diocese, sent the clergy belonging to the cathedral church to preach in such parts of the diocese as appeared to him to be necessary, or as churches became established; and that, with a view

to promote the knowledge of religion, he divided the whole tithes of the diocese, which were then paid entirely to him, into four parts; one for the use of himself and the clergy of his cathedral, another for repairing and ornamenting the churches within the diocese, a third to the ministers officiating therein, and a fourth to the maintenance and relief of poor persons and necessitous travellers. How the poor were maintained prior to this provision, or what other relief they had exclusive of this portion of the tithes, does not appear; but it is generally imagined that they derived additional support from religious houses and the sumptuous tables of the great and opulent. Subsequent to this period, when sees were enriched, by the endowments of the pious, with lands and possessions, the bishop tacitly receded from his share of the tithes, and the priests became distributors, in their respective parishes, of one third of the tithes, to the entertaining of strangers and relieving the poor. But, besides this, by the laws of King EDGAR, the people were directed to distribute *alms* to the poor: and among the



institutions of King ALFRED it was ordained, " that the poor should be sustained " in each parish by the parsons, rectors, and " parishioners."

WHEN churches, in process of time, became appropriated to the monasteries, it was usual to allow one third of the revenues to the vicar; and the other two thirds were given to the monasteries, and applied as well for the maintenance of the several members of such religious houses, as for keeping hospitality and relieving the poor: and by the statute, 15 Rich. II. it was required, that in every licence to be made in the chancery, of the appropriation of any parish church, it should be expressed, that the diocesan should ordain, according to the value of such church, a sum of money to be distributed yearly, of the fruits thereof, to the poor, for ever. And in those endowments of vicarages, which are now extant, it will be found that the bishop proportioned one third to the vicar, and the other two thirds to the religious houses, for the purposes aforesaid. By the 35th Edward I. it appears, that religious houses

were founded, and lands given to them, to the intent that clerks and laymen might be admitted therein, feeble men maintained, and hospitality and almsgiving done: and thus the revenues of such religious and charitable institutions continued charged until their dissolution; when it was required, by the statute 27 Hen. VIII. c. 28. that all persons to whom the King should demise any of the said dissolved houses should keep house then as the said religious before had done, under a penalty of £6. 13s. 4d. a month; but this order was repealed in the 21st of James I\*.

AS TO THE SETTLEMENT OF THE POOR, it appears that the first act of par-

\* “The poor are part of the church: the possessions of the church are the possessions of the poor; their revenues have been so styled by the fathers of the church: they were originally obtained in the name of the poor, for the love of God.”—It must then, upon any revisal of the poor laws, be found worthy the attention of the legislature to call to mind for what purposes such possessions were given. The wretched state and increasing misery of the poor, and the heavy burthens upon the public for their support, will certainly warrant an inquiry.

Statute made on the subject was in the 12th  
 Rich. II. whereby beggars, impotent to serve  
 or labour, *should remain in the places where*  
*they then were;* and if the people there  
 were not able to support them, they were,  
 within a limited time, to withdraw to the  
 places where they were born, or into another  
 town. By 11th Hen. VII. all beggars not  
 able to work shall go to and abide in *the*  
*hundred* where they last dwelt, or were best  
 known, or born; and the nineteenth of the  
 same king is to the like purpose. By the  
 22d Hen. VIII. the justices have power to  
 authorize persons to beg within certain li-  
 mits; and by the 27th of the same king  
 all mayors, sheriffs, &c. in all cities and  
 towns, shall succour such poor people by  
 voluntary and charitable alms, so that none  
 of them of very necessity shall be compelled  
 to beg openly: and the churchwardens, or  
 two other, of every parish, shall gather and  
 procure such charitable and voluntary alms,  
 with boxes, every Sunday and holiday, so  
 as the impotent, lame, feeble, sick, and dis-  
 eased poor may be provided for, and not  
 suffered to go openly a-begging: and all



preachers, as well in their sermons as when they make wills, shall exhort all persons to be liberal towards the poor; and no one shall give money to the poor, but only to the collector; for which purpose books of the collection are to be kept, with the names of the persons relieved: and no churchwarden or collector shall continue in office above one year: the overplus of the collections, if any, to go to the relief of the poor of other parishes, as the magistrates shall order.

By the 1st Edw. VI. convenient places are to be provided for lodging the poor, who are to be relieved by the devotion of good people, and sent to the places where they were born, or had resided three years; except such as were bed-ridden and leprous, who were at liberty to appoint and send out proctors to gather alms.

By the 5th and 6th Edw. VI. two or more persons are appointed to ask the parishioners on a Sunday, in church, what they will give to the poor weekly; and what such



persons receive they shall distribute to the poor according to their wants, and shall set those that are able at work.

By 1st and 2d Philip and Mary, collectors are to be chosen, who are made liable to forfeit 40s. if they refuse to serve: and if any parish have more poor than they are able to relieve, two justices may authorize them to beg, wearing *a token or badge*.

By the 5th Eliz. collectors are to be committed to ward for not distributing and accounting; and if any person, being of ability, shall not contribute weekly to the relief of the poor in a voluntary manner, application is to be made to the sessions, where the justices may make such order upon him for payment as shall appear just.

By the 14th Eliz. the justices shall make A RATE or tax for the relief of the poor, and also appoint an OVERSEER OF THE POOR, who is to continue in office for one year, render an account, half-yearly, to two justices, and have the oversight of all

idle beggars, whom he is to set to work, and sustain only by their own labour and travail; and the justices may grant licences to beg at any person's house or habitation.

By 18th Eliz. the justices are to make a rate, purchase materials, set the poor to work, and appoint persons called THE COLLECTORS AND GOVERNORS OF THE POOR to overlook the same, who shall make payment to those who labour according to their desert; and if any person, being able, shall refuse to work, live idly, beg, or spoil his work, he is to be sent to the house of correction, to be straitly kept as well in diet as in work.

By the 39th Eliz. (the greater part of which is re-enacted by the 43d, with additions), the churchwardens, and four substantial householders, to be appointed by two justices, shall be called OVERSEERS OF THE POOR, who are to set the poor to work, to raise weekly or otherwise a tax to buy materials, and relieve the lame, impotent, old, blind, and all others being poor and

not able to work. Power is given to the justices to erect workhouses, to charge other parishes in aid, and also the relations of any poor person (being of ability), towards their support, and to forbid wandering abroad and begging, with or without a licence.

By the 43d Eliz. the 39th is re-enacted *verbatim*, except only as to the following alterations; viz. that the churchwardens, and four, three, or two substantial householders, shall be appointed overseers of the poor; and the persons and property on whom the poor-rate is to be made are particularly described.

By the 13th & 14th Cha. II. two justices, within forty days, might have removed any poor person coming to reside in any parish upon a tenement under £.10 a year to his last place of settlement (alluding, no doubt, to the 1st Edw. VI.), unless he gave sufficient security to discharge the parish.

SINCE this statute, many acts have been made for the better regulation and manage-



ment of the poor, particularly the 35<sup>th</sup> Geo. III. which enacts that no poor person shall be removed until actually chargeable; and the law of settlements, after a long course of litigation, seems now to be pretty well defined: but no alteration has yet taken place, either as to the mode of *rating the parishioners*, or the *appointment of overseers*, except only in some few parishes, by particular acts of parliament; and the whole maintenance of the poor now depends upon THE RATE made for their relief under the statute of 43 Eliz. c. 2.; the third of the tithes, originally appropriated towards their support, having long since been diverted to ecclesiastical purposes, and their right to it effaced by the efflux of time.

THE great increase of the poor of late years, and the enormous sums that have been annually raised for their support, have been the causes of just regret and very serious complaint; but how, or in what manner to remove this growing evil is a difficulty which it has hitherto not been found easy to surmount. Speaking of the poor,



I do not mean to include in that description all the objects that are received into A POOR-HOUSE, but those only who, by the old law, were, and now are, distinguished by "the impotent poor." Persons utterly unable to support themselves were always proper objects for relief, by the means before mentioned; but the idle, lazy, and abandoned, who now, to the shame of our modern governors of parishes, croud every poor-house, were, and still ought to be, objects of punishment. If those who are intrusted with the care and management of the poor would exercise an impartial and honest discrimination among the persons who apply to them for relief, poor-houses would be less frequented, the poor-rates considerably reduced, and, by turning these receptacles into workhouses, vicious idleness be checked, and virtuous industry greatly promoted.

MANY learned and sensible treatises have at different periods been written and published upon this subject, particularly one in the year 1793, by Mr. RUGGLES, a very judicious and intelligent magistrate for the

counties of *Essex* and *Suffolk*; and various plans have, from time to time, been formed for the better ordering and government of the poor; but none of them have been yet adopted by the legislature. The several authors of these publications, however they may differ in other points, are uniformly of opinion, that settlements should be abolished; and that workhouses for those paupers who are able to work, and schools of industry for indigent children, should be established in every parish; but, notwithstanding this uniform concurrence of opinions, very little attention has hitherto been paid to the subject. Dr. BURN, indeed, speaks with his usual caution respecting the abolition of the office of overseer; but Mr. RUGGLES, upon well-founded reasons, is decidedly of opinion that the office should be extinguished, and that a person of experience, integrity, and ability, should be annually appointed in his stead, to take care of and manage the poor.

WITH regard to the abolition of settlements, I confess myself an advocate for the measure, being of opinion that all persons

should be considered as settled in the parish or place where they may happen to want relief. This would prevent the great trouble and enormous expences which in appeals and other litigations constantly attend the removal of paupers, and afford an opportunity to every poor and industrious person to procure a living in such place as shall be best suited to his particular exertions.

A PROPOSAL of this nature, I am well aware, will be extremely unpopular among a certain description of persons; and an attempt to carry such a measure into execution would meet with the most factious opposition from those who have interested situations in large and opulent parishes in and near the metropolis; who, no doubt, would alledge, that the necessitous and destitute will always resort more to large than to small parishes, in hopes of speedier relief and better accommodation: but this objection, however plausible it may at first appear, when fairly and candidly considered, will be found without weight, and to arise entirely from interested motives; for if parishes in general were to pursue one uniform plan of dieting



and providing for the indigent poor, and of furnishing labour and employment to the young and healthy, there would not, in such case, be any reason for preferring one parish to another; and consequently it would follow, almost as of course, that no person wanting relief would seek it in any other place than where he happened to be. It may, perhaps, be likewise urged, that one parish, by means of its manufactures, trade, &c. affords more employment for the poor than another; and, therefore, that a greater number of poor would resort to such parish, and by that means increase *their* rates, and croud *their* poor-houses: but, admitting the event, it seems an additional reason why the poor ought not to be removed; for surely they have, in justice as well as in humanity, a fair claim of support, when old and impotent, from a parish in which they have exhausted their youthful vigour, and contributed, by their industry, to its stock and opulence\*. Exclusive of these reasons,

\* And this opinion seems to be very much favoured by the 6th clause of the bill lately introduced into parliament by one of the most enlightened minds of the age; for, though that bill has been observed upon



the mode of settlement now proposed will have the good and humane effect of providing an asylum for all those wretched objects who have no legal settlements, and who for ages past have been suffered to wander about and perish in the streets, to the great disgrace of a civilized nation, whose highest, and in many other respects deserved commendation, is its charity and benevolence. But I will add one more reason (and that perhaps not the least) in favour of this mode of settlement; which is, that it will save the overseer the fatigue of removing paupers, and the parish the enormous expence of ~~£.20 or £.30~~, which usually attends each removal; for, as the law now stands, the overseer is bound to deliver the pauper into the hands of the overseers of the parish to which he is removed, though at 300 miles distance; by which it too fre-

with great ingenuity by a number of persons, no arguments have hitherto been used to convince the candid and judicious that the law of settlements ought not to be abolished: and to remove a man who has committed no misdemeanour from the parish where he chuses to reside is an evident violation of natural liberty and justice.

quently happens, if the pauper be old, or in a debilitated state, that the fatigue of travelling, in a cold season, in a waggon, *puts a period to his life*; while the overseer, who travels in a coach or chaise to meet the poor object at the destined place, returns with the melancholy account, and charges the parish with a sum that would have kept the wretched creature in ease and comfort for years. Nothing, indeed, can show the defect of this part of the poor laws more forcibly than the important fact, that it is much cheaper to relieve than to remove a pauper and his family.

BUT if it should not be thought expedient at present to make any alteration in the law of settlements, I should then submit to consideration the propriety of making the following regulations: FIRST, that all orders of removal should be signed by one magistrate only; this would prevent the delay and difficulty which now attends the getting two magistrates to hold a petty sessions, without which no removal can legally take place: SECONDLY, that a copy of such order, and the pauper's examination, pro-

perly certified, should be sent to the parish to which the pauper is ordered to be removed; and, if such parish *admit the settlement*, then to allow and pay such sum towards his maintenance as was usual in the parish where he then resided; but if this should be refused, then to be at the expence of removing him to his own parish: and, THIRDLY, that, if the settlement should be disputed, the reasons for appealing against the order of removal should be given in writing at the time of delivering notice of appeal, and a copy of such reasons left with the clerk of the peace; and, upon the hearing of the *appeal*, the court to order, if they see proper, the expence of keeping and removing the pauper.

THE adoption of this mode would not only save the expence of removal, but would also, in a great measure, prevent frivolous and vexatious appeals.

THE office of overseer has continued much the same from the 14th Eliz. to the present time, and has always been considered as an appointment of great trust, re-

quiring men of integrity, as well as property, to discharge the various duties belonging to it; and the more especially so, as not only the making and collecting THE POOR-RATE, but the application of it, and the management and ordering of the poor, is intrusted by the law to their care and controul. How far this officer has of late years answered the good intentions of his original institution, let experience, as well as public report, testify.

THE shameful abuse of this office has, in many instances, induced the legislature to interpose, and supersede their powers in a great measure, by appointing governors and directors of the poor, in large parishes, and particularly in those in and near the capital. This being the fact, can there then be any just reason assigned why the office of overseer should not be abolished, and in its stead a person of abilities, integrity, and known experience, annually appointed in every parish, with a suitable salary, to be under the controul and direction of a competent number of governors and directors, to be likewise annually chosen, who, with the inhabitants



in vestry assembled, should make A RATE, to be collected by a person (not in any business) chosen by them, and its produce applied, by and under their direction and controul, to the maintenance and employment of the poor. The Inspector to supply the place of MASTER OF THE WORKHOUSE in all particulars whatever, to attend the governors and directors at all their meetings as clerk, and to follow in every respect their orders and directions.

THE appointment of such an officer would at least have this good effect, that he would be stationary, and the indigent poor wanting relief would soon learn to whom and where to apply; many instances having lately occurred, and one in particular, where a poor object, wanting temporary assistance, applied first to his own parish (where he was well known), but was told by one overseer that it was not his turn; and, before the poor wretch could meet with another, he fainted with sickness and want, and, being taken to one of THE POLICE OFFICES by a good Samaritan, dropped down dead in the office before any relief could be given him.

THE appointment of an Inspector would also render the office of VESTRY-CLERK unnecessary; whose principal duties now are the examination of paupers, making out orders of removal, prosecuting appeals, litigating points upon settlements, attending and advising the overseers, &c. &c. the expence of all which, as well as of various other matters, to a very considerable amount, now comes out of the poor-rate, and would be saved to the parish by the means here suggested. Such an appointment would in fact be nearly similar to the officer appointed by 14th Eliz. whose duty it was to collect the rates (then made by the justices), and see that the poor were employed, and rewarded according to their industry: and it does not strike me that any disadvantages can possibly arise from such a measure; but that, on the contrary, every good must accrue to the public from such an institution\*.

\* It has indeed been said, by very accurate observers, that the appointment of governors and directors of the poor in large parishes has not hitherto produced much good. This may be true in part; and the reason seems

It appears, in the first part of these remarks, that the poor were originally sustained by the clergy, and the religious houses, till the time of Henry VIII. ; that, after that period, they were relieved by the clergy, and supported by voluntary contributions, until it was found that the opulent declined any assistance. The legislature then interposed, and

plain : for, so long as the present law and practice remain in force, the overseers of the poor and the governors and directors have and exercise separate and distinct rights and powers ; the consequence of which is, that jarring interests and differences of opinion have and ever will prevail ; and of course the want of unanimity has hitherto prevented any plan or system of reform, or judicious establishment, taking place : whereas, were an Inspector appointed, to be under the direction and controul of governors and directors only, to be annually chosen, without the interference of an overseer, or in such other manner as the wisdom of parliament might think proper, he is much more likely to do justice to the affairs of a parish, and carry into execution such plans and regulations as may be adopted for the benefit of the poor and ease of the inhabitants, than an overseer who enters upon his office with a reluctant and an uninformed mind, and generally quits it before he has got a competent knowledge of what it is his duty to perform.

enacted a law, that those who were able, and not willing, should be obliged to contribute, by an order of the justices. After this came the 14th of Eliz. which was the first act for making a general poor-rate; and which, being more fully explained by the 43d of the same reign, is continued down to this time. By this act, all parsons, vicars, and occupiers of lands, tenements, and premises, above the value of twenty shillings a year, are liable to be rated; and by which thousands of those who subsist by their daily labour only now contribute to this tax, though it is well known that, while the overseer enforces payment of it from the miserable occupant, his earnings, arising from the sweat of his brow, will hardly procure bread for his wife and children; and *daily* instances occur where the poor man's bed is taken from him to satisfy this tax. Such persons are more the objects of a poor-house than of taxation; and, if we look back to the original law upon this head, the 5th of Eliz. we shall find, that those of ability only, if they were not willing, were compelled to contribute to the support of the poor. Surely, then,



it never could be the intent of the 43d of Eliz. under which the rates are now made, to make the poor contribute to the maintenance of the poor! but the opulent and those of ability only.

PURSUING this reasoning a little further, it will plainly appear, that a rate made for the relief of the poor, upon all persons of property, inmates and lodgers, whose servants and their bastards gain settlements, and become a heavy burthen upon the parishes where they reside, as well as landholders and housekeepers (similar to the present tax upon income), would be just, fair, and equitable. Ability or means is the true criterion of taxation. This appears to have been the sense of the legislature so long ago as the 5th of Eliz.; and it ought still to be the governing principle.

THIS, perhaps, like all other salutary proposals, will meet with its opponents; but it would be well for those who object, to consider the impolicy of exacting from

the poor more than their condition will bear; and that subjecting them to penury and distress is adding to their wretchedness, and procuring for the wealthy little more than an ideal advantage.

IN times of scarcity, the calls of the poor upon our humanity are strong and urgent; and great doubts have arisen, whether relieving them by *a rate upon the inhabitants*, or by *voluntary contributions*, is the most eligible. A relief by the latter mode falls upon the humane and good only; but a rate agreeable to the old law would oblige the unwilling to contribute: if so, it must be obvious to every one, that were the suggestion of taxing only those of ability adopted, no one but the unwilling could reasonably object to it.

It has been lately observed, that voluntary subscription is a more eligible mode of raising money for the relief of the poor than by a rate; for that the hand of benevolence is always so ready and open, that

sums to a large amount might, by this means, soon be raised: but the idea of raising a permanent provision for the parochial poor, by such uncertain means, must always be vain and illusory.

It has also been observed, that whenever a question arises respecting the poor, there are always so many contrary opinions, that no satisfactory conclusion can ever be attained; and this is undoubtedly a true and an important observation: but, should the reason be asked, it may perhaps be furnished by a moment's reflection; which is, that men of reading and abilities, without *experience*, know little or nothing of the true state of the poor; and it is therefore impossible that they can judge correctly, or form a just opinion, of the condition of these objects, or of the best mode by which their concerns may be managed.

If men of research and enlightened minds would condescend to take upon them the office of an overseer or inspector of the

poor, and, going through a parish work-house with an observing eye, notice the wretched objects exhibited there; if they would daily attend, and inquire into the causes of their situation; visit the sick; hear their complaints; and continue this practice, until experience, and their own observation, had made them complete masters of the subject; then, indeed, they might be enabled, not only to discuss the topic with satisfaction to themselves, and conviction to others, but to form a just opinion of the laws and regulations necessary to be adopted for the better ordering and management of the poor.

THE burthen of the poor-rate is heavy, and daily increasing; and we suffer it to be raised upon us for the two good purposes of INDUSTRY and CHARITY; but were one half or three fourths of it properly and judiciously applied, the poor would be more creditably and comfortably maintained, and the rest remain in the pockets of those from whom it is now collected.



THIS still increasing rate has of late years been enormously high in every parish; and, until some legislative regulation takes place, it is recommended to the consideration of those who have the care of the poor, whether a considerable saving might not be made in the single article of diet, and whether they can justify to their own minds, and the public at large, maintaining the poor under their management in a way far exceeding that which the labourer, who maintains his own family by dint of industry, can afford \*?

\* Whether any alteration in the poor-laws takes place or not, the author of these remarks earnestly recommends an association of some of the principal persons in every parish, in the nature of a parochial club or friendly society, and who should subscribe a certain sum annually, to make a fund for defraying expences, promoting sobriety, industry, &c. This, it is presumed, will be found a salutary and desirable measure, and tend greatly to lessen the poor-rate, and meliorate the condition of the deserving and industrious poor. Every resident labouring man should be at liberty to subscribe, and become a member of such a club, for the benefit of himself and family, under rules and regulations to be settled and approved. This would give him a local interest, and operate as a spur to industry and good behaviour;

I PURPOSELY avoid, for the present, making any observations upon the manner in which it might be beneficial to employ and call forth the industry of the poor, meaning to confine these REMARKS exclusively to the reformation of settlements, to the abolition of the office of overseer, and to the regulation of the poor-rate: but how far my observations upon these heads may appear fair, reasonable, and just, I submit, with great deference, to the judgement of the more enlightened and experienced.

and, in proportion as he found himself of some estimation in society, it is fair to conclude that his demeanour in life would be commensurate. Such an institution, too, would have another good effect, that of ascertaining the number of poor inhabitants in every parish, and of discriminating who were the proper objects of relief and encouragement.

FINIS.