

PROTEST
AGAINST THE SPIRIT AND PRACTICE
OF
Modern Legislation,
AS EXHIBITED
IN THE
NEW VAGRANT ACT.



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THE following pages, though written above a year ago, may, in the strictest sense, be called—first impressions. Circumstances, which it is unnecessary to particularize, having prevented their application on the spur of the occasion, they were laid aside, and would probably never have seen the light but for some recent enormous abuses of power, under sanction of the new Vagrant Act—which have determined *one* individual at least (though late) to protest against it.

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PROTEST, &c.

ON casually glancing, a few days since, at one of our local weekly newspapers, my attention was forcibly arrested by the following paragraph:—
“ *By the third section of the new Vagrant Act, (3d of Geo. IV.) it is enacted, that all petty chapmen or pedlars, wandering abroad, not being duly authorized by law ; all persons lodging in the open air, or in barns, carts, &c. and not giving a good account of themselves ; all persons placing themselves in the public streets to beg, or causing any child or children so to do, or endeavouring by the exposure of wounds or deformities to effect the same purpose, shall be deemed rogues and vagabonds, and may be committed to the house of correction for any time not exceeding three months, and kept to hard labour during their imprisonment*.*”

* It appears (on referring to the said Act) that the term of imprisonment (in the cases of such as have been previously convicted of any of the above-named offences) is extended from three to twelve, and even to *twenty-four*

I am not ashamed to avow myself the unfeeling advocate of these *rogues* and *vagabonds*, as it has been thought proper to designate them in this new Vagrant Act ;—an Act which brands misfortune with the stigma of crime ;—which wrests from the poor and miserable their natural rights and scanty privileges, and renders them the objects of persecution and punishment ;—an Act which bids defiance to the mild and equal spirit of the British constitution, under which it has hitherto been the peculiar boast of its admirers, that the poor man enjoys equal protection with the rich.

I am aware that it is no light thing to call in question the wisdom and justice of acts of Parliament—the solemn decrees of a national senate—much less to hold them up to public reprobation. But if laws are enacted in a Christian country, in direct opposition to the express letter as well as spirit of the Christian religion, which the laws themselves profess to establish—is not every Christian obliged to protest against such laws?

Our Supreme Lawgiver forbids us, “IN ANY-WISE, TO OPPRESS OR TO VEX THE POOR AND THE STRANGER ;”—commands us to “OPEN OUR HAND

months—with “the further punishment of whipping at such times and places as the justices shall, in their discretion, see fit.”

WIDE TO OUR POOR BROTHER ;"—to "DEAL OUT OUR BREAD TO THE HUNGRY ;"—to "BRING THE POOR THAT ARE CAST OUT TO OUR HOUSE." The new Vagrant Act decrees, that characters of this description shall be deemed *rogues* and *vagabonds* ; and, instead of relief, awards them *imprisonment and punishment*. When human and divine commands stand thus directly opposed to each other, to which authority must a Christian submit ?—to that of the human or the divine mandate ?

The altered circumstances of the country ;—the great increase of its population ;—the reduction of the military and naval establishments ;—the fluctuations of trade ;—the substitution of mechanical for manual labour, have greatly diminished the resources of the poor, and driven multitudes to the necessity of living upon depredation or charity, or of becoming *petty chapmen or pedlars*. Into the mysteries of this profession it requires no long apprenticeship or expensive fees to be initiated. A very small sum will supply the poor itinerant with a cheap assortment of small wares, by the retailing of which he might obtain a scanty but honest subsistence. Why should he be robbed of his bread and his humble independence ? Why should he be stigmatized as a *rogue* and a *vagabond*, and subjected to punishment ? What crime has he committed ?

what offence against good morals or good manners? He is not "*duly authorized by law*." But he has no means of procuring the expensive qualification of an annual license. Five pounds is as much out of his reach as fifty pounds. His *poverty* is his only crime;—his poverty is the temptation to his persecution;—his poverty gives impunity to his persecutors. A poor man, when reduced to the necessity of applying for parochial relief, forfeits his elective franchise; consequently, he has no representative to plead his cause. All his natural and political rights lie open to invasion; and he is stripped of them, one by one, without the power of resistance, or even of making his complaint in any quarter where it will be listened to.

One cannot but be curious to ascertain the real motive which could induce the British legislature to take cognizance of a profession so very humble and harmless as that of *petty chapmen* or *pedlars*. Its meanness and insignificance one might have imagined would have sheltered it from senatorial observation;—more especially as applications for legislative interposition are so frequently silenced by the observation, that such interposition would be beneath the dignity of Parliament, and an improper interference with the liberty of the subject.

Noble lords and honourable gentlemen may find it troublesome to be occasionally subject to the solicitations of vagrant wretchedness; their *acute sensibility* may be too severely shocked by the sight of human suffering;—by “*the exposure of wounds and deformities.*” Poverty and rags, wretchedness and misery, wounds and deformities, are certainly unpleasant objects to look upon;—there is, consequently, some motive for banishing them out of sight; but what imaginable provocation can have kindled the ire of the High Court of Parliament against *petty chapmen* or *pedlars**?

It has been pretended, that the interests of *respectable* shopkeepers and regular tradesmen are interfered with by these itinerant merchants; possibly, the persecution of these petty competitors may have originated in the jealousy of some of these *respectable* shopkeepers and regular tradesmen, who, in addition to the solid advantages of wealth, have obtained civic honours—have been inaugurated into some ancient and loyal corporation—and possess no small influence in a borough election. Possibly, some honour-

* Though the law, which prohibits this description of persons from pursuing their avocations without an annual license, is not a new one—it might be considered, in a great measure, as a dead letter, until its revival, and the increased rigours attached to it by this new Vagrant Act.

able member of the British legislature may have given his support to the persecution of these poor itinerants, from a particular sympathy with his shopkeeping constituents, and an apprehension that his interest, at the next election, may be better promoted by conciliating their favour than by defending the rights of the poor who have no votes and interest to pledge in return.

But wherever these persecuting measures against petty chapmen, vagrants, &c. may have originated, it is inconceivable how they could possibly have passed a senatorial ordeal without one individual member having detected and exposed their impolicy and injustice—without perceiving that they were opening the way to a system of petty legislation, and petty tyranny, to which there would be no end.

That a people will always be best governed, be most prosperous, most virtuous, most happy, where the legal restrictions and penalties are fewest, and their wisdom and justice most obvious; where the rich and the poor, and all the different classes and gradations of society are left to feel their mutual relations and dependance upon each other :—where the claim to protection, in the view of humanity, rises in proportion to the weakness and helplessness of the claimant—where the highest prerogative of power is to defend those who have

no means of defending themselves—are maxims so often recognized in the British senate, that it is inconceivable how propositions so arbitrary and cruel as those incorporated into this new Vagrant Act, could have been silently suffered to pass into a law.

Where were the great abolitionists—the sworn enemies to slavery and oppression—the detectors and exposers of petty tyranny—the great popular advocates—when this instrument of oppression—this charter for a newly-invented despotism—was proposed to the House?

This new Vagrant Act is as unjust in its nature as any which perpetuates slavery, and has much less argument to plead in its support. The latter has the strong argument of interest to plead—the former seems to have originated in the mere wantonness of cruelty, without any motive for its exercise ;—in the delight of oppression for its own sake. For, instead of having interest for its support, it is supported at the expense of interest ;—it being very apparent that the poor and destitute might be effectually relieved at a much less expense than that incurred by their prosecution and punishment.

But I must retract the assertion that these persecuting measures have no interest to support them. There is a class—(unhappily, in point of

numbers, no inconsiderable one,)—who have an interest in them. *Informers* and *pettifoggers* have an interest—a feeling interest—in these new regulations. The destitute poor have, of late years, become very numerous; and the new Vagrant Act has furnished the means of converting them into profitable merchandise.

It is universally admitted that the multiplication of crime, and the crowded state of our prisons, are principally occasioned by the great difficulties of furnishing the poor with honest employment. Surely then, instead of inventing a new catalogue of punishable offences, destitute of all moral and of all political turpitude, the wisdom and justice of Parliament would have been better displayed in softening rather than increasing the rigours of law—in removing the temptations and incentives to crime—in enlarging rather than contracting the resources of the poor—in increasing rather than diminishing their facilities of living by their own labour, and of keeping themselves above parochial dependance.

Whenever the poor are the subjects of legislation, it would be well to remember that they were to our *Divine Legislator* peculiar objects of compassion and regard. He made them his chief associates. His most stupendous miracles were wrought for their relief and support. He said—

“Blessed are ye poor ; but woe unto you who are rich, for ye have received your consolation.” And in the parable of Dives and Lazarus, (of which it would be well for some friendly monitor frequently to remind the proud and selfish voluptuary,)—a poor, diseased *beggar*—disfigured probably with “*wounds and deformities*”—is represented as carried by the angels into Abraham’s bosom—whilst the rich man was lifting up his eyes in torments.

The spirit of their Lord and Master, respecting the poor, was conspicuous in the Apostles and early Christians. In succeeding ages, persons of the most exalted rank, when they embraced Christianity, deemed it a privilege and an honour to distribute, with their own hands, alms to the poor—to *beggars*. Even in the ages of popish usurpation, when the simplicity of Christianity was lost in worldly pomp and splendour, this vestige of its pristine benignity still remained ;—the poor were neither forgotten nor neglected—popes, cardinals, and princes, personally administered to their necessities : and it is well known to those at all acquainted with ecclesiastical history, that the admission of tithes into the reformed churches, and the large benefices conferred on the higher orders of the clergy, were chiefly with reference to the relief of the poor. Compassion

for the poor and destitute—a disposition to relieve their wants—to administer to their comforts—has, in every age but our own, been held one of the most honourable and distinguishing evidences of true religion. The Old Testament abounds with the most forcible precepts and commands on this subject.—“*Is not this the fast which I have chosen?*”—“*To undo the heavy burdens, and to let the oppressed go free.*”—“*Is it not to deal thy bread to the hungry, and that thou bring the poor that are cast out to thine house ; and that thou hide not thyself from thine own flesh?*”—“*Thou shalt love thy neighbour as thyself*” was the concise but comprehensive exposition, given by our Lord, of the whole Jewish law, as it regarded the duty of man to man :—He declared it to be one of the two commandments on which hung “*all the law and the prophets.*”

But the severe measures of which I complain are not (it may be said) designed to withhold relief from the deserving poor,—to abridge the exercise of benevolence, but merely to restrain its abuse ; the rapid increase of imposture and of crime having imposed an absolute necessity for the measures in question, which ought, in candour and justice, to be regarded as wholesome rigours,—salutary preventions of evil ;—vagrant, idle, dependant habits being highly injurious to the poor

themselves, consequently, it is a much greater kindness to restrain than to encourage them.

A tender anxiety and vigilant care for the public good, is the stale pretext by which it has been attempted, in all ages, to justify every kind and degree of oppression. It is a cloak which hypocrisy has so long worn, that it is become too threadbare and tattered to hide her detestable deformity. The dungeons—the tortures of the inquisition—the Auto da Fé—all originated, if we will believe their holy inventors, in zeal for the public good—in *Christian* love and tenderness to the souls of their tortured, immolated victims.

The exterminating wars of the pious Crusaders;—the savage cruelties, the atrocious butcheries, which desolated the populous and fertile valleys of Piedmont;—the massacre of Saint Bartholomew, and the fires at Smithfield—all resulted from the self-same pretence of *salutary rigour*, which has been so industriously at work in new modelling the poor laws:—except, that our predecessors took a loftier aim—the professed object of their persecutions and torments being to secure the eternal rather than the temporal interests of their victims. They incarcerated and tortured and consumed the body, in order to save their souls!

But we renounce such refined and exalted

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policy;—pretend to execrate such tender mercies—and boast of living in an age distinguished above all others, by the most enlightened benevolence—the most diffusive charity—at the very moment that we are enacting laws which would disgrace the darkest ages, and from which the most savage tribes would revolt.

The fiery zeal of the persecuting religionist had something in it of the sublime.—“He thought that he was doing God service:”—it was to defend his *faith*, (false and execrable as it was,)—not his *purse*, that he had recourse to the imprisonment and torture of his fellow-creatures.—The most savage barbarians restrict the exercise of their vengeance to enemies and captives of war. To the poor and necessitous of their own tribes—and to strangers, they are hospitable and tender-hearted—willing to divide their last meal with them.

The honour of a crusade against *beggars* was reserved for England alone!—in the nineteenth century:—after having triumphantly terminated a twenty years' war; subdued her political enemies at home as well as abroad—secured legitimacy and quelled innovation.—It should seem as if her active enterprising genius could not rest—and rather than submit to be tame and quiet—to have no achievement—no adventure—no enemy,

foreign or domestic, to vanquish ;—that her conquering genius, rather than endure torpid inaction, will engage in a new kind of civil or domestic war—such an one as has no precedent in all antiquity—a war with beggars! an exterminating crusade against the poor and miserable!

But the subject is too serious for satire. The laws to which I refer not only tarnish our reputation for humanity—they bring a deep stain on our justice—blot our Christian profession, and stigmatize our national character. They form a new and monstrous, and, before their appearance, unimaginable birth of evil, without one particle of softening, qualifying admixture of good.

To reconcile us to the evils of common war, there is the plea of necessity—of self-defence :—to soften its horrors, there is the principle of patriotism—of honour—it may be, of imagined duty. To justify the cruel sports of the field and the chase, their tendency to exhilarate the animal spirits—to promote health and courage, is pleaded. But what plea of necessity—of honour—of duty—or of pleasure, can be urged in favour of this war against humanity? In what imaginable motive or principle can it have originated?

It has originated in a change of national character ;—in motives and principles which operate in a wider circle than that of the British Parlia-

ment. It was well known that this newly-invented persecution would be palatable out of the House, before it was proposed in the House.

This persecution of beggars, &c. is in strict accordance with the fashion of the times, which discountenances that unobtrusive charity which suffers not "the left hand to know what the right hand doeth,"—and tolerates that only by which the Scribes and Pharisees of old were distinguished—that which blows a trumpet before it—and dispenses its liberalities in the market place;—that which loves *public* subscriptions—"that it may be seen of men"—that its beneficence may be admired and recorded.

In motives and principles of action, there is a prevailing fashion, as well as in dress and manners. In one age, fanaticism; in another, infidelity, is the prevailing fashion:—in one, profusion; in another, parsimony. By superficial observers, who look at profession rather than practice—this has been called the age of *Benevolence*; of Benevolence, so ardent and indefatigable—that by some it has been denominated—"the age of Benevolence run mad." A noble poet has more justly styled it—"the age of Cant:"—but its true, distinguishing character is a passion for display—fed by rapacity or covetousness.

The munificence recently poured forth, and

still flowing in the cause of humanity and religion, both at home and abroad, (especially in the sister kingdom,) is indeed altogether unprecedented. Charity, in a mere mortal form, never disclosed more of her heavenly nature to the world, than in our own times;—never were her varied designs formed with more wisdom, executed with more zeal, more self-denying, patient, persevering industry. But when was there ever so loud a call—so urgent a necessity for these strenuous exertions—these labours of love?—When did privation and wretchedness so extreme, disease and famine, misery and crime, ever afflict so large a portion of civilized and christianized society?—What has been, what is still the situation of Ireland*? What has very recently been the state of the manufacturing and labouring classes in our own island?—What is it still?—The pressure of want is indeed in great measure removed from such as can obtain employment, by the present low price of the necessaries of life; but when will the habits of careless dependence, improvidence, and vice, consequent upon their recent impoverishment and degradation to pauperism, be removed?—When will the sober, frugal, industrious habits of

* Let the Reports of the British and Irish Societies for improving the condition of the Irish peasantry, answer the question.

their forefathers be revived? Charity is, indeed, munificent and indefatigable;—she is visiting the habitations of wretchedness and want—penetrating into prisons and dungeons; giving shelter to the destitute; food to the hungry; clothing to the naked; instruction to the ignorant; reformation to the criminal;—but she does not, with all her zeal, with all her resources, with all her numerous train of willing and devoted agents;—she does not relieve and heal, restore and reform so fast—no, not by a thousandth part, as selfishness and luxury—or covetousness—in all its varied forms of oppression, wastes and spoils, disorders and desolates. There is but very little of this renovating leaven of charity, compared with the great unleavened lump of society;—very little of this moral antiseptic, compared with the great mass of moral putrefaction. It is not the character of our own age and country then, that is humane, and charitable, and beneficent;—this character belongs only to individuals.

The ambition of rising in the world—the love of distinction—the rage for gentility—are become so universal;—our habits of living so refined—our own wants so numerous—our personal expenses so great—and on a scale so advancing in proportion to the advancing means of supplying them—that artificial poverty accu-

mulates with accumulating riches. The demands of ambition, of vanity, of selfishness, are insatiable, consequently there is nothing to spare for the calls of charity. But the altered circumstances of the country have occasioned those calls to become numerous and importunate:—they could not, in the first instance, be refused without compunction—without the troublesome goadings of an accusing conscience. But there is no standing still—there is progression in every thing.—Every indulged feeling, and principle, and habit—whether good or bad, is continually increasing. If, believing the divine declaration, that “it is more blessed to give than to receive;”—remembering, that of our wealth, as of every other talent, we are only stewards, who must shortly be summoned before the great Lord of the universal household, to render an account of our stewardship:—if, viewing our “poor brother” (however degraded) with fraternal compassion;—asking ourselves who it is that hath made us to differ in our intellectual and moral and other acquisitions?—whether it be so much our own superior virtue, as our more favoured providential allotment, which hath placed us so much above him in the scale of respectability and enjoyment?—we “open our hand wide to our poor brother:”—we shall gradually acquire a love for the poor;—

we shall experience the fulfilment of the divine benediction, “Blessed is he that considereth the poor”—and feel a delightful interest in relieving their wants—in administering to their comforts.

If covetousness, on the contrary, be suffered to silence the pleadings of pity;—if we are in the habit of “shutting up our bowels of compassion from the poor”—they will gradually become the objects of our aversion;—we shall not only feel annoyed by their applications, but the very sight of them will become offensive to us; we shall feel an increasing antipathy—which will lead—which has led to their persecution, and if not to their extermination, at least to the silencing of their importunities, and the banishing of them out of sight.—This, the new *Vagrant Act* has effectually accomplished.

Covetousness has all the steadiness of a principle, and all the violence of a passion. It is not, properly speaking, a simple principle; it is compounded of avarice and ambition. Simple avarice is, comparatively, sluggish and harmless; or, it is rather negatively than positively injurious; it is more intent to hoard than to accumulate; to contract than to enlarge its expenditure:—but, when combined with ambition, it becomes combustible, and flames out in the fire of the most unhallowed devotion:—it then becomes—“Cove-

tousness," which (in the great Apostle's definition) is—Idolatry;—and impels its devotees, bearing the Christian name, to an extent and refinement in cruelty unknown to mere Pagan idolaters. Their human sacrifices, and varied acts of barbarous fanaticism, were comparatively few in number; the enormities sanctioned by their superstition were gross and palpable, and admitted of pauses and intervals;—but the sacrifices offered to Covetousness are incessant—no limits can be set to their extent and variety, or to the ingenious subtilty with which they are contrived and executed.

It is generally admitted, that the last fifty years have teemed with revolutions more extraordinary in their nature and rapid in succession than any former period, of the same extent, in modern history. But the most extraordinary and portentous of those revolutions, is that which has been effected in our national sentiments and conduct respecting the poor. It may be generally imagined that the change has been greatly in their favour—for the delusions and perversions of the human intellect are endless;—there seem to be no limits to the extent to which those who depart from the simple guidance of humanity and religion, may—" *believe a lie.*"

Very ingenious and plausible arguments are

advanced to prove the *impolicy* of laws for keeping up the price of labour, and the *policy* of laws for keeping up the price of grain ;—to prove that bountiful harvests are national calamities ;—to prove that want and misery are the only effectual checks to a redundant population, consequently, that it is mischievous to check their progress ;—to prove the wisdom and humanity of forbidding the needy to ask relief, and the affluent to impart it ;—to prove, in effect, the mischief and absurdity of a practical conformity to the example and precepts of our supreme Lawgiver and Judge !

But to return. I shall probably be charged with great inconsistency in representing the prohibitory laws against soliciting or communicating alms, as having originated in *covetousness*, after having previously represented the system for the suppression of beggars as much more expensive than that of relieving them. But it is nothing uncommon to observe persons so infatuated as to rush, unconsciously, into the very situations from which they are most anxious to escape. The miser's dread of poverty condemns him to endure its worst privations, whilst possessed of the most affluent resources. The eager pursuit of pleasure, often leads to the severest suffering ;—excessive self-indulgence, to the sharpest torments.—On the same principle, a desire to get rid of the importunities

of the poor and the expense of relieving them, has given rise to a system of persecution which will take, by *constraint*, a *pound at least*, for every shilling which before was given voluntarily to the unrestrained solicitations of the poor:—so much heavier a tax will covetousness, in this case, impose upon us than charity—in the augmented demands of the poor rate*, of borough and county rates, for the expenses of prosecutions—for the enlargement of prisons, gaol allowance, office-fees, &c. &c.

It has been truly said, that there is nothing indifferent in human actions—if we are not doing good by our activity, we are of necessity doing evil.—This is most especially the case with persons in authority, who, too frequently, seem to consider it essential to their dignity to be constantly doing something to display their power. How little seems to be known of the wisdom of being quiet, of letting authority rest when it can be exercised to no good purpose. From what a dreadful weight of responsibility would legislators and magistrates

* It is a curious circumstance that this fund, provided by the old law for the *relief of the destitute*, should, by the provisions of the new law, be appropriated to *their persecution and punishment*—informers and detectors of mendicants, &c. being authorised to claim their ill-deserved remuneration *out of the poor rate*.

be relieved ;—what a tremendous final reckoning would they escape, could they be persuaded to reserve their busy interposition for evident opportunities of doing good—and when they cannot enlarge the sphere of human happiness and virtue, to be especially careful not to contract it ;—when they cannot, or will not, administer relief to the poor and destitute, to resolve, at least, to be exempt from the crime of aggravating their sufferings—of wantonly abridging their scanty inheritance—of “ *grinding the faces of the poor**.”

Perhaps I ought to apologize for the injurious supposition that this new Vagrant Act can be the legitimate offspring of the British legislature. Some clauses of it, at least, may have been surreptitiously added, or *smuggled* through the House ;—as, unhappily, has been the case with certain modern interpolations and additions to the Penal Code—*making it death, without benefit of clergy, to rob a turnip field !*

Doubtless, many members, in both houses of Parliament, are utterly ignorant of the oppressive and barbarous nature of these new enactments ;—they cannot observe their operation ;—they know little of the sordid, unrelenting agents by whom they are to be executed—still less, of that obscure

* See Buxton's celebrated speech on the Penal Code.

and despised class of society on whom their weight is to fall. I only solicit in their behalf, that whilst they commit no trespass on the domains of the great—no depredation on the property of the rich—no offence against good morals or good manners ;—they may be *let alone*—that they may be spared the visitations of modern legislation ;—that petty chapmen or pedlars may be suffered to pursue their humble merchandise unmolested ;—that the poor and destitute may not wantonly be deprived of the one only privilege of their existence—the right, when they suffer, to complain—when pinched with want, to solicit relief ;—the laws of civilized society having precluded them, under the severest penalties, from satisfying the cravings of hunger by helping themselves, like the wild animals and birds of the air.

“ But the law (it will be said) has provided for their relief :” and this is the wretched subterfuge under which covetousness and inhumanity perpetually shelter themselves, and endeavour to justify the closing their ears and their hearts, as well as their hands, against the pleadings of poverty. Alas ! *how* has the law provided for the destitute poor ?—or rather, how are its provisions administered ?

The existence of the poor laws, it is well known, is almost universally deprecated, by all classes ;—

by the most enlightened and humane, as well as the sordid and selfish ;—not merely on account of the heavy tax which they impose, but also on account of their misapplication and abuse ;—their tendency to degrade the poor and render them dependent, and to indurate the hearts of the rich against them. These various objections have operated conjointly to reduce parochial relief to the lowest possible rate ;—and it is now deemed meritorious to place every sort of impediment in the way of its claimants—to afford no relief where it can possibly be withheld ;—and in many parishes to withhold it altogether from such as refuse to take possession of a workhouse, which is, in fact, but another name for a prison, *the wretched inmates of which are often farmed to the lowest bidder, who is compelled by his hard bargain to secure his reasonable profits, by curtailing them of all the comforts and affording them only the meanest and scantiest necessities of existence.* Into these receptacles of wretchedness, from which comfort is *systematically excluded*, lest they should become places of *attraction* instead of *repulsion*, the aged and the helpless, the diseased and the profligate, the idiot and the lunatic, are promiscuously huddled together ;—*locked up*, as in a place of punishment, and subjected to the control and caprice of a hard and mercenary task-master. On what

principle are the necessitous poor denied the alternative of soliciting alms, or of taking possession of these mansions of misery? Where is the justice, to say nothing of the humanity, of depriving a fellow-creature, because he is poor and destitute, of the liberty of locomotion?—of compelling him, when he is out of employ and can find no demand for his labour, to take possession of a gaol for preferring to subsist on voluntary alms rather than on the grudging and niggardly doles of parish officers and workhouse masters?

A great philosopher and divine has most justly and forcibly observed ;—“ If, as our Saviour has assured us, *it be more blessed to give than to receive*, we ought to look upon those who ask our alms, as so many friends and benefactors, that come to exercise our charity, to exalt our virtue, to help us to a blessedness much greater than our alms can bestow on them.”

But, to leave religion out of the question.—In the eye of reason and justice, the right of the poor to travel on foot is as great as that of the rich to travel on horseback or in splendid carriages ;—it is as great as their's to choose and to change their own residence, and their own occupation.—The occupation of a beggar (when he is either incapacitated for labour or unable to

obtain it) has nothing in it either criminal or disgraceful—which is more than can be said for many occupations which have the suffrage of fashion and the sanction of law.

Liberty is one of the dearest of earthly blessings;—the enjoyment of it will compensate for many privations. On this account, the poor, when they have the means of supplying the wants of nature, are often much happier than the rich; the former having a more complete enjoyment of the blessing of liberty; the latter being frequently laid under very irksome restraints by the forms of fashionable society, and by the state and parade which are deemed essential to greatness. Liberty, like air and water and all the best blessings of life, is a cheap enjoyment.—The enjoyments of the rich, on the contrary, are generally sought after with eagerness in proportion as they are expensive and difficult of attainment;—and when satiated with this sort of enjoyment, they often find themselves still poor as to the possession of real happiness, and are not unfrequently known to express envy at the heartfelt satisfactions, the cheap-bought, home-born enjoyments of the labouring poor. Can it be the workings of this base passion of *envy* which renders the rich, in many instances, so much disposed to invade the enjoyments of the poor, and to deprive them of

their best earthly blessing, that of liberty? The abuse of power, the proneness to oppress those who are subject to our control—to play the tyrant where there is no fear of retaliation—to inflict suffering where there is no power of resistance, is, perhaps the most general, the most decisive, and the most *odious* evidence of a degenerate and corrupt nature;—and the good of society would be much more effectually consulted by laying restraints upon *this* propensity, than by the suppression of begging.

But although, under the present circumstances of society, I must assert the *right* of the destitute poor to beg, I must at the same time reprobate that system of policy which has disposed the poor to beggary;—which leaves the great mass of society in ignorance and vice;—which provides for them no instruction, no suitable employment; which leaves them to subsist by chance or depredation; which, in many instances, drives and compels them to beggary at the very time that it punishes it as a crime*. Wherever beggary is

* The law of settlement, under the present administration of the poor laws, drives and compels thousands to beggary.—When a poor family, from sickness, or the death of its chief supporter, or the loss of employment, becomes burdensome in a parish where they have no legal settlement, all relief is withheld as soon as they are

prevalent in an enlightened and opulent and a Christian country—certainly, it is both disgraceful and criminal—but, both the disgrace and the crime fall upon the rich and not upon the poor. Certainly, there *ought* to be no beggars in a Christian country—nor *will* there be any in a well-organized society ;—where the higher classes discharge their duties to the lower classes there will be no inducement to beg.

The poor impart the benefits of their bodily labour, their physical strength, to the rich ; the rich, in their turn, are bound, in justice, to employ their mental labours, their intellectual resources, for the protection of the poor. For all the external comforts, accommodations, refine-

capable of removal. *No pass is now granted by the magistrate to give them a legal claim to support from stage to stage of their (often) long and wearisome pilgrimage. A few shillings only is given them by the parish officers, on the commencement of their journey—and if delayed on their progress by the inclemency of the weather, by weariness or sickness—their scanty stock of money exhausted—their clothes (saving a mere covering of their nakedness) sold off their backs to supply the cravings of hunger—that resource also expended, and no vagrant office be within reach—are they not driven and compelled by the strong necessities of nature to beg? Many distressing instances of this description have come within the writer's own knowledge.*

ments, and luxuries of life, the rich are indebted to the poor ;—from the rich, the poor have a *right*, in return, to sympathy and protection ;—to such equitable and humane laws as their varying circumstances and emergencies require. But when successive mechanical improvements in manufactures and in agriculture are adopted, without legal limitation, so as to depreciate the value of manual labour, and, in a great measure, to supersede its demand—a supernumerary population will be the inevitable result ; and whilst commerce is extended—whilst national and individual wealth rapidly accumulates—the labouring classes will, as rapidly, become impoverished ; and the multitudes thrown out of employ, must, until fresh channels are opened for their industry, subsist by charity, by pauperism, or depredation. To restrain them from the last-mentioned resource, is the proper business of law ; but, under such circumstances, to exclude them from the first, is as impolitic as it is cruel and unjust—impolitic, inasmuch as it increases rather than diminishes the national burthens—cruel, because the law has first permitted them to be deprived, in many instances, of the means of subsisting on the produce of their own industry, by allowing the unlimited substitution of machinery—unjust, because the poor, under such circumstances, have the strongest possible

claim to charity; and because the rich are under greater obligations to the poor than the poor to the rich. So thought the late venerable Bishop Horne.

“Let not the rich (says he) imagine that what they give to the poor is thrown away, or given to those who make no return. Let them not grudge to bestow part of their wealth on the poor;—they bestow it on those to whom, under God, *they owe the whole*. For what, I beseech you, is the nature of society? Is it composed only of the noble or opulent? Did you ever hear of one so composed? Such a society could not subsist for a week. As the members of it could not work, neither could they eat. Of what value were their estates if the poor did not cultivate them? Of what account the riches of the nobleman or the gentleman, if they must want the comforts, the conveniences, and even the necessities of life? (All of which are obtained by the labour and ingenuity of the poor.) The world depends for subsistence on the plough, the sickle, and the flail. The rich, therefore, cannot live without the poor; and they never support the poor—but the poor have *first* supported them.”

Yes, the same wretched outcasts who, destitute of employment, have been wandering, from place to place, in quest of a precarious subsistence—

whom the law has denominated *rogues* and *vagabonds*, and punishes with imprisonment, &c. for soliciting charity—have, whilst there remained any demand for their labour, exerted it for the support and accommodation of the rich. If the law stood aloof, and permitted the labourer and artisan, by the substitution of mechanical powers, to be deprived of their wonted resources ;—if it declined to interpose its protection, it might surely have been expected to decline the interposition of its persecution. But, under existing circumstances, the charity of the rich, on the one hand, was exposed to too frequent and importunate solicitations ; and the property of the rich, on the other hand, (whilst the necessitous and famishing poor were suffered to roam at large,) was too much exposed to depredation. The protection of the law, then, it should seem, has been reserved for the *rich alone* ; and the unoccupied and supernumerary labourers and artisans, (whom it appears to have regarded not merely as incumbrances but as nuisances,) it has disposed of by tethering in workhouses, or immuring in prisons : not satisfied with restraining the arm of violence, it has stifled the voice of complaint and supplication—suppressed the pleadings of pity, and closed the hand of charity !

All this kind of legislation originates in disre-

gard of the laws, in forgetfulness of the character of our Divine Legislator, and in unworthy conceptions of his creature man ;—in an under estimation of his nature, and an over estimation of the adventitious circumstances which create so much disparity between man and man. He receives no honour because he is the creature of God, the heir of immortality ;—no sympathy and affection, because he is our brother, the offspring of the same Parent, the inheritor of the same nature. Our honour, sympathy, and affection, are bestowed upon him, not for the claims of his high original, of fellow-feeling, of close relationship, but for those fortuitous advantages and arbitrary distinctions which fortune or accident has bestowed upon him. His poverty, his wretchedness, his ignorance, even his vice, form no exception to the Apostolic injunction—“ *Honour all men ;*” not because they are noble, or rich, or wise, or even good, but because they are made *in the image of God*, and are probationers for eternity. Poverty and wretchedness, ignorance and vice, so far from justifying contempt or persecution, are each of them additional claims to Christian sympathy ; and their removal or diminution constitutes the highest and best employment both of material and intellectual riches.

But to return to the new Vagrant Act. I do

not pretend to enumerate all the evils, or a tithe of them, which it is calculated to produce; I wish to notice such only as are most obvious and certain. Among these, is its evident tendency to blind the public judgment as well as to harden the public heart. The destitute and miserable will be banished out of sight;—the inference will soon be that they have no existence. A false estimate will be made of the morals of the lower classes, who will appear to be characterized by *vice* rather than *poverty*. The crowded state of our prisons will be appealed to in proof of the growing profligacy of the lower orders. Facts are said to be stubborn things; and when the increasing number of prisoners is stated as evidence of increasing depravity, the public will not stop to inquire what are the particular offences of the respective prisoners; they will not ask how many are immured within the prison-walls, and regarded as objects of punishment, who ought, according to the laws of justice and humanity, to be the occupants of hospitals rather than of prisons;—who are objects of commiseration and relief rather than punishment.

The public mind has been so recently awakened to the great evil of hiding-places; the abuse of uncontrolled power; the tyranny and cruelty exercised in places of confinement, by man upon

man, whenever he is exempt from public inspection ;—the secrets of the prison-house, when told, have been so horrific, that laws have been passed to throw open the doors of mad-houses, gaols, and houses of correction, to magistrates and other authorized visitors. But, unfortunately, there is little constancy in human actions. The progress of improvement would be rapid and delightful but for the disposition to retrograde—to do and to undo—to emancipate and to enslave :—with one hand to open the doors of the prison—with the other to drive multitudes into it. Unfortunately, the same legislators who have abolished foreign slavery, have, by this new Vagrant Act, established a system of domestic slavery ;—the same legislators who have laid open prisons and mad-houses to visits of humane inspection, are driving shoals of their unfortunate fellow-creatures into prison—who have no madness to render liberty dangerous, no crimes to render the loss of it an equitable punishment.

Another enormous evil attending these new regulations is, the encouragement they afford to persons of the very worst description ;—the premium they bestow on depravity of the lowest kind ;—on the very basest propensities of human nature ;—the bribery they offer not only to hard-heartedness but to cruelty of the most flagitious

description. A man *may* become an *informer* from motives the most patriotic, the most honourable and humane. In the enforcement of wise and salutary laws for the suppression of vice ;—in the detection and fearless exposure of injustice and cruelty, without respect of persons ;—he may become an informer from motives, not only purely disinterested but *magnanimous*—at the expense and sacrifice of his own interest and reputation. But a *common informer*—one who seeks his own gain at another's expense—who, from motives of sordid interest, becomes a tale-bearer and spy upon his neighbour—has always been held in deserved contempt ; but the man who, from such motives, becomes the betrayer of the *friendless* and the *destitute*—who, for the paltry bribe of five-shillings, becomes the instrument of committing a poor, starving fellow-creature to prison—deserves the public *execration* as well as contempt. Yet such are the characters which the new Vagrant Act encourages, and fosters, by rewards, though they are, of all others, the most worthless and despicable. Under such a system of training, the country may soon be overrun with bravos and assassins—with men who live by crime—who make a profession of it—who may be hired and bribed to the commission of any enormity.

Another formidable evil resulting from these new Vagrant Laws, is the wide stretch of discretionary power conferred upon the magistracy ; who are, thereby, authorized “to inflict the further punishment of *whipping*, at such times and places *as they, in their discretion, shall think fit*,” in addition to twelve months’ imprisonment and hard labour upon such as shall be adjudged *incorrigible* rogues—(that is, upon such as shall have been before convicted of an act of vagrancy, &c. ;) “and in case any such person shall have been *before* adjudged an incorrigible rogue ; for a term of imprisonment and hard labour, not exceeding *two years*, and the further correction of *whipping* aforesaid, if the said justices, *in their discretion, shall think fit*.”

Now of what description are the characters to whom this discretionary power is committed to imprison their fellow-creatures for soliciting alms—for being houseless, destitute, &c.—for the term of twelve or twenty-four months ;—to sentence to hard labour, scanty fare, and the further punishment of *lacerating their bodies by whipping, at such times and places, as they, in their discretion, shall see fit*. I know that it has been the fashion to daub them over with adulation ;—to represent them as the disinterested, the enlightened guardians of the public peace ;—the patriotic, the

honourable, the *unpaid* administrators of public justice. My own personal knowledge of the body is, I confess, very circumscribed ; confined to a few distinguished exceptions to their general character, which, in the public estimation, is not remarkable either for that intellectual or moral superiority, which ought, in common sense and common justice, to distinguish those who are appointed to sit in judgment upon others. What was the language of our Divine Legislator to the officious accusers and condemners of other persons' offences?—" *Let him that is without sin among you cast the first stone.*" It is true, indeed, that the magistracy are themselves exempt from *some* of the offences, which they have the power to punish with so much rigour on the poor :—they are exempt, because they have no temptation to them. They can live and "fare sumptuously every day," without the necessity either of *begging* or of *digging* ;—they have no temptation to quit their commodious habitations and beds of down for a lodging in "*the open air, barns, outhouses, carts, or waggons.*" From *some* of the offences, proscribed by this new Vagrant Act, the magistracy are exempt—*not from all* ;—for "entertainments of the stage—and playing or betting at unlawful games"—are also proscribed by it. "All stage-players, not

duly authorized by law, are (by its direction) "to be considered as rogues and vagabonds, and dealt with accordingly." Now, if any credit is due to common report, both magistrates and legislators are not only encouragers of stage entertainments, but are also observed to bet at horse-races, and cockpits, and pugilistic exhibitions; such betting, then, must of course be lawful. It is natural to enquire, what is the intrinsic difference between lawful and unlawful games? There ought, one should imagine, to be some broad, moral distinction between such games as magistrates and legislators may engage in with impunity, and such as have penalties so very serious attached to them as twelve or twenty-four months' imprisonment, and "*the further punishment of whipping, at such times and places as the justices, in their discretion, shall see fit.*"

The late Mr. Wyndham, whose powerful eloquence was not always consecrated to the cause of humanity, had yet the justice and manliness to declare (on the motion of Lord Erskine for a bill to protect animals from cruelty) that, whilst honourable legislators not only freely indulge themselves in the cruel sports of the field and the chase, but also enact severe penalties upon the interference with such sports, by the unlicensed killing of game, &c.—they, the honourable legis-

lators, could not, in justice, in conscience, or in decency, interfere with the sports of the poor, and prohibit their bull-baitings, bear-baitings, &c. On the same principle, this able and honest legislator would, no doubt, have exposed and reprobated the abominable injustice and hypocrisy of condemning "common stage-players,"—who exhibit for the amusement of the lower orders—as rogues and vagabonds—to imprisonment, hard labour, &c.; whilst stage-players, who exhibit for the amusement of the higher orders, are not only tolerated but caressed, and even admitted, on terms of equality, to the tables of magistrates and legislators. Is it that the morals of the latter description of stage-players are more unimpeachable, or their exhibitions less offensive to decorum than those of the latter? I have never understood that this was, by any means, the case.

But this arbitrary prohibition of the amusements of the poor, and unlimited license of those of the rich, has probably originated in that celebrated maxim of a late distinguished orator*, viz. that "the vices of the great lose half their enormity by losing all their grossness;"—though a more insidious, false, and dangerous maxim was never broached. Every impartial moralist must

* Mr. Burke.

give a quite contrary decision: vice, when exhibited in its native grossness and deformity, having a direct tendency to deter rather than attract the uninitiated; whereas Vice, ingeniously varnished over, artfully and elegantly embellished, may often betray the incautious, unawares, into her toils.

But to return to the magistrates, those chosen depositories of so much discretionary and arbitrary power; the great body of whom (admitting that there are most honourable exceptions) are, in common estimation, more distinguished by wealth and political orthodoxy, than by any super-eminent wisdom or virtue.

But what sort of a capacity for the administration of justice does wealth confer? Its natural tendency (when uncontrolled by the benign influence of religion) is to fill the mind with vanity and selfishness—to corrupt and harden the heart—to inflate it with pride and arrogance—with the love of power and domination—to extinguish all sympathy with the poor—to teach its possessors to regard them not as fellow-creatures and brethren—children of the same impartial Parent, “with whom there is no respect of persons;”—whose paternal regard extends equally to the beggar and the monarch;—the bounties of whose providence are designed for the general good of

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the universal family;—but as creatures of an inferior order, designed to be subject to their control, subservient to their convenience; who, when they become too numerous for these purposes, are regarded as unwelcome intruders, and, at length, as nuisances.

That magistrates are not *wholly* exempt from some of these dispositions is too apparent by the propensity, not unfrequently manifested, to stretch the exercise of their power to the utmost possible limits, and instead of moderating, in many cases to exceed the rigours of law. It is too evident by their prompt commitments for trivial offences, where imprisonment is certain to vitiate instead of reform the offender—especially in the case of females, where the stigma which imprisonment infixes is never erased, and where the loss of character is attended with the most ruinous consequences. It is too evident by their unrelenting rigour in the punishment of offenders against the game laws, which, on account of their flagrant injustice and cruelty, have been denounced by many of our most distinguished legislators as a disgrace to any civilized country. It is too apparent in their general supineness in the discharge of some of the most important of their official duties;—in their backwardness to investigate abuses in their subordinate agents;—their total

neglect, or very superficial discharge of the important duty of personal inspection of prisons ;—their indifference to the moral discipline and reformation of the prisoners ;—their often unsuitable appointments to the office of gaoler and gaol chaplain ;—by which their antipathy is manifest to any thing approaching to what is called *methodism*—or serious religion—the only radical reformer of criminals, both in and out of prison.

To conclude—"wealth is power"—and power is truly said to be one of the most dangerous and corrupting of human possessions ;—and when the authority of office is superadded, it becomes power of that kind and degree, which, for the general good of society, requires the most watchful jealousy—the strictest limitations. It is therefore devoutly to be wished, that the power of the magistrate should be so precisely defined, that as little as possible may be left to his discretion—and that he may have—*none whatever*—to inflict "*the further punishment of whipping, at such times and places as he shall see fit*" in addition to the serious penalty of twelve, or twenty-four months' imprisonment, upon petty chapmen or pedlars—starving beggars—houseless wanderers, &c. &c.

FINIS.