

may oppose offenders.

sons acting by, from, and under him, shall and may oppose and resist such offenders in the same manner, and be equally indemnified for so doing, as if such fact had been committed within any ancient chase or park whatsoever.

No certiorari except the offender give security to pay the prosecutor full costs, &c. 1 Salk, 378. 380. Enforced and enlarged by 5 Geo. 1. c. 15. l. 1.

VI. And whereas divers offenders duly convicted, do commonly procure writs of certiorari to remove such conviction into superior courts at Westminster, in hopes thereby to discourage and weary out such persons injured by great delays, expences, and incertainties; be it therefore enacted, That no certiorari shall be allowed to remove any conviction made, or other proceeding of, for, or concerning any matter or thing in this act, unless the party or parties against whom such conviction shall be made, shall before the allowance of such certiorari, become bounden to the person or persons prosecuting, in the sum of fifty pounds, with such sufficient sureties as the justice or justices of the peace, before whom such offender was convicted, shall think fit, with condition to pay unto the said prosecutors, within one month after such conviction confirmed, or a *procedendo* granted, their full costs and damages, to be ascertained upon their oaths; and that in default thereof it shall be lawful for the said justice and justices, and others, to proceed to the due execution of such conviction, in such manner as if no certiorari had been awarded.

Persons punished by this act, punishable no other way.

VII. Provided that where any offender shall be punished by force of this act, that he shall not be prosecuted, nor incur the penalty of any other law or statute for the same offence.

Persons sued for any thing done by virtue of this act, to plead general issue.

VIII. Provided always, That if any person or persons whatsoever shall be sued or prosecuted for or by reason of any matter or thing which he or they shall do in pursuance of this act, it shall and may be lawful to and for the person or persons so sued or prosecuted to plead the general issue, and give the special matter in evidence.

Persons convicted before a justice for pulling down the pales of any park imprisoned for three months. By 5 Geo. 1. c. 15. s. 6. such offenders are subject to the penalty inflicted by this act for killing

IX. Provided also, and be it enacted by the authority aforesaid, That if any person or persons shall in the night-time pull down and destroy, or cause to be pulled down and destroyed, the pales or walls of any park, forest, chase, purlieu, paddock, wood, or other ground inclosed, where any red or fallow deer shall be then kept, that such person or persons so offending, being thereof convicted by the oath of one or more credible witnesses or witnesses, before one or more justice or justices of the peace of the same county wherein the offence shall be committed, shall, by warrant from such justice or justices as aforesaid, suffer imprisonment for three months, without bail or mainprize. one deer. By 5 Geo. 1. c. 28. Deer stealers are to be transported.

CAP. XI.

An act for the better explanation and supplying the defects of the former laws, for the settlement of the poor.

13 & 14 Car. 2. c. 12.

WHEREAS one act of parliament made in the thirteenth and fourteenth years of his late majesty King Charles the Second, intituled, An act for the better relief of the poor of this kingdom (except what relates to the corporation therein mentioned and constituted

constituted thereby) was revived and continued with some alterations, by one other act made in the first year of the late King James the Second, and have been found by experience to be good and wholesome laws, but may shortly expire:

II. Be it therefore enacted by the King's and Queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That the said acts, as to what relates to the settlements of the poor, shall be in force from the first day of *March*, one thousand six hundred ninety one.

13&14Car.2.
C.12.&1Jac.2.
C.17. revived.

III. *But forasmuch as the said acts are somewhat defective and doubtful;* for supplying and explaining the same, be it further provided and enacted by the authority aforesaid, That the forty days continuance of such person in a parish or town, intended by the said acts to make a settlement, shall be accounted from the publication of a notice in writing, which he or she shall deliver, of the house of his or her abode, and the number of his or her family, if he or she have any, to the churchwarden or overseer of the poor, which said notice in writing the said churchwarden or overseer of the poor is or are hereby required to read, or cause to be read publickly, immediately after divine service, in the church or chapel of the said parish or town, on the next Lord's day when there shall be divine service in the same; and the said churchwarden or overseer of the poor is or are hereby required to register, or cause to be registred the said notice in writing in the book kept for the poor's accounts.

The note of settlement must be read in the church, and registred in the poor's book.

IV. Provided always, and be it enacted, That no soldier, seaman, shipwright, or other artificer or workman employed in their Majesties service, shall have any settlement in any parish, port town, or other town, by delivery and publication of a notice in writing as aforesaid, unless the same be after the dismissal of such person out of their Majesties service.

No soldiers, &c, to have settlement before dismissal.

V. And be it further enacted, That if any churchwarden or overseer of the poor shall refuse or neglect to read or cause to be read, such notice in writing as aforesaid, in such manner, place, and time as aforesaid, he or they for every such offence (upon proof thereof by two credible witnesses upon oath, before any justice of the peace of the same county, riding, or division, city, or town corporate, where complaint thereof shall be made) shall forfeit the sum of forty shillings to the use of the party grieved, to be levied by distress and sale of the offender or offenders goods, by warrant under the hand and seal of any justice of the peace within the said jurisdictions respectively, to the constable of the parish or town where such offender or offenders dwell, the overplus, if any be, to be returned to the owner or owners, and for want of such sufficient distress, the said justice shall commit him or them to the common gaol of the said county, city, or town corporate, there to remain without bail or mainprize for the space of one month; and if any churchwarden or overseer of the poor shall refuse or neglect to register,

Penalty upon churchwarden refusing to read or register.

register, or cause to be registred, such notice in writing as aforesaid, he or they so offending, upon the like conviction, shall forfeit the sum of forty shillings to the use of the poor of the parish or town where such offender or offenders dwell, to be levied as aforesaid, the overplus, if any be, to be returned to the owner or owners; and for want of such sufficient distress, then the said justice shall commit such offender or offenders as aforesaid, for the time aforesaid.

Serving as officer, or paying parish duties, a settlement.

VI. Provided always, and be it enacted, That if any person, who shall come to inhabit in any town or parish, shall for himself and on his own account execute any publick annual office or charge in the said town or parish, during one whole year, or shall be charged with and pay his share towards the publick taxes or levies of the said town or parish, then he shall be adjudged and deemed to have a legal settlement in the same, though no such notice in writing be delivered and published, as is hereby before required.

Service for a year, of person without wife or child, a settlement.

VII. And it is hereby further enacted, That if any unmarried person, not having child or children, shall be lawfully hired into any parish or town for one year, such service shall be adjudged and deemed a good settlement therein, though no such notice in writing be delivered and published, as is herein before required.

Apprenticeship a settlement.

VIII. And it is hereby further enacted, That if any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement, though no such notice in writing be delivered and published as aforesaid.

Appeal from justice of peace to quarter sessions, whose order shall be final.

IX. Provided always, and be it hereby enacted, That if any person or persons shall find him, her, or themselves aggrieved by any determination, which any justice or justices of the peace shall make in any of the cases aforesaid, the said person or persons shall have liberty to appeal to the next general quarter-sessions of the peace, to be held for the said county, riding, or division, city, or town corporate, who upon full hearing of the said appeal shall have full power finally to determine the same.

Churchwarden must receive a person removed by warrant of two justices of peace, upon sl. penalty.

X. And be it further enacted, That if any person be removed by virtue of this act from one county, riding, city, town corporate, or liberty to another, by warrant under the hands and seals of two justices of the peace, the churchwardens or overseers of the poor of the said parish or town, to which the said person shall be so removed, are hereby required to receive the said person, and if he or they shall refuse so to do, he or they so refusing or neglecting (upon proof thereof by two credible witnesses upon oath before any justice of the peace of the county, riding, city, or town corporate, to which the said person shall be so removed) shall forfeit for each offence the sum of five pounds, to the use of the poor of the parish or town from which the said person was removed, to be levied by distress and sale of the offender or offenders goods, by warrant under
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the hand and seal of any justice of the peace of the county, riding, city, or town corporate, to which such person was removed, to the constable of the parish or town where such offender or offenders dwell; which warrant the said justice is hereby impowered and required to make; the overplus, if any be, to be returned to the owner or owners; and for want of such sufficient distress, then the said justice shall commit the said offender or offenders to the common gaol of the said county, riding, city, or town corporate, or liberty, there to remain without bail or mainprize for the space of forty days. Provided always, and be it hereby enacted, That all such persons who think themselves aggrieved with any such judgment of the said two justices may appeal to the next general quarter-sessions of the peace to be held for the county, riding, city, town corporate, or liberty, from which the said person was so removed.

Persons aggrieved by such removal may appeal to sessions.

XI. *And whereas many inconveniencies do daily arise in cities, towns corporate, and parishes, where the inhabitants are very numerous, by reason of the unlimited power of the churchwardens and overseers of the poor, who do frequently upon frivolous pretences (but chiefly for their own private ends) give relief to what persons and number they think fit, and such persons, being entered into the collection bill, do become after that a great charge to the parish, notwithstanding the occasion or pretence of their receiving collection oftentimes ceases, by which means the rates for the poor are daily increased, contrary to the true intent of a statute made in the forty third year of the reign of her majesty Queen Elizabeth, intituled, An act for the relief of the poor: for remedying of which, and preventing the like abuses for the future, be it further enacted, That from and after the first day of March, there shall be provided and kept in every parish (at the charge of the same parish) a book or books, wherein the names of all such persons who do or may receive collection shall be registred, with the day and year when they were first admitted to have relief, and the occasion which brought them under that necessity: and that yearly in Easter week (or as often as it shall be thought convenient) the parishioners of every parish shall meet in their vestry or other usual place of meeting in the same parish, before whom the said book shall be produced, and all persons receiving collection to be called over, and the reasons of their taking relief examined, and a new list made and entred, of such persons as they shall think fit and allow to receive collection, and that no other person be allowed to have or receive collection at the charge of the said parish, but by authority under the hand of one justice of peace residing within such parish, or (if none be there dwelling) in the parts near or next adjoining, or by order of the justices in their respective quarter-sessions, except in cases of pestilential diseases, plague, or small pox, for and in respect of such families only as are or shall be therewith infected.*

43 El. c. 2. A register to be kept of the admittances of the poor.

Parishioners yearly in Easter week shall make a list of their poor.

None but those in the list to receive alms, except by order of justice of peace, &c. Farther provisions relating hereto, 9 Geo. 1. c. 7. s. 1.

XII. *And whereas many churchwardens and overseers of the poor, and other persons intrusted to receive collections for the poor, and other*

Parishioners, except almsmen may be evidence against churchwardens, &c. of their mispending the poor's money.

publick monies relating to the churches and parishes whereunto they do belong, do often mispend the said monies, and take the same to their own use, to the great prejudice of such parishes, and the poor, and other inhabitants thereof; and because that many times the judges, when actions are brought against such churchwardens and overseers, to recover the monies so mispent, taken, or misapplied by the persons aforesaid, refuse to admit the parishioners to be witnesses in such cases, who are the only persons that can make proof thereof: wherefore to prevent all such evil and deceitful practices of churchwardens, and overseers, and other persons, be it enacted and declared, That in all actions to be brought in their Majesties courts of record at *Westminster*, or at the assizes, for the recovery of any sum or sums of money so mispent or taken by churchwardens or overseers of the poor, the evidence of the parishioners, or any of them, other than of such as receive alms or any pension or gift out of such collections or publick monies of such parish or parishes respectively, whereof the defendant or defendants is or are inhabitant or inhabitants, shall be taken and admitted in all such cases in the courts aforesaid; any custom, rule, order, or usage to the contrary notwithstanding.

C A P. XII.

An act for the repairing and amending the highways, and for settling the rates of carriage of goods.

WHEREAS the free and easy intercourse and means of conveying and carrying goods and merchandizes from one market-town to another, contributes very much to the advancement of trade, increase of wealth, and raising the value of lands, as well as to the ease and convenience of the subject in general; for which ends therefore divers good and necessary laws have been heretofore made for the enlarging, repairing, and amending the highways and common roads of this kingdom: notwithstanding which laws, the same are not in many parts sufficiently amended and repaired, but remain almost impassable; all which is occasioned, not only by reason of some ambiguities in the said laws, but by want of a sufficient provision to compel the execution of the same; for remedy whereof:

All laws about highways to be put in execution.

II. Be it enacted by the King's and Queen's most excellent majesties, 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 all and every law and statute now in force, for or touching the enlarging, repairing, or amending highways and common roads, and every article and thing in them contained, and not herein and hereby altered or repealed, shall be duly put in execution, according to the tenor of the said laws, and under the penalties therein contained, to be raised, levied, and disposed of, as in and by the said laws is directed.

Parishioners annually to make a list of sufficient persons upon 26 of December.

III. And be it further enacted by the authority aforesaid, That from henceforth, upon the six and twentieth day of *December* in every year, unless that day shall be *Sunday*, and then on the seven and twentieth, the constables, headboroughs, tythingmen,