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ENQUIRY

Into the CAUSES of the late
Increase of Robbers, &c.

WITH SOME
PROPOSALS for Remedying this
GROWING EVIL.

IN WHICH

The Present Reigning VICES are impartially expo-
sed; and the Laws that relate to the Provision for
the POOR, and to the Punishment of FELONS are
largely and freely examined.

*Non jam sunt mediocres hominum libidines, non humane audaciæ
ac tolerandæ. Nihil cogitant nisi cædem, nisi incendia, nisi
rapinas. CIC. in Catil. 2^{da}.*

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T O T H E
R I G H T H O N O U R A B L E
Philip Lord Hardwick,

Lord High Chancellor of *Great Britain*.

MY LORD,

AS the Reformation of any Part of our Civil Polity requires as much the Knowledge of the Statesman as of the Lawyer, the following Sheets are, with the strictest Propriety, addressed to a Person of the highest Eminence in both these Capacities.

The Subject of this Treatise cannot be thought unworthy of such a Protection, because it touches only those Evils which have arisen in the lower Branches of our Constitution. This Consideration will account for their having hitherto escaped your Lordship's Notice; and that alone will account for their having so long prevailed: But your Lordship will not, for this Reason, think it below your Regard; since, however ignoble the Parts may be, in which the Disease is first engendered, it will in time be sure to affect the whole Body.

The Subject, indeed, is of such Importance, that we may truly apply to it those Words of *Cicero*, in his First Book of Laws: *Ad Reipublicæ formandas & stabiliendas vires, & ad sanandos Populos omnis pergit Oratio.* How far

I have been able to succeed in the Execution, must be submitted to your Lordship's Candour. I hope I have no immodest Opinion of my own Abilities; but, in truth, I have much less Confidence in my Authority. Indeed the highest Authority is necessary to any Degree of Success in an Attempt of this Kind. Permit me, therefore, my Lord, to fly to the Protection of the Highest which doth now exist, or which perhaps ever did exist, in this Kingdom.

This great Sanction is, I am convinced, always ready to support what really tends to the Public Utility: If I fail, therefore, of obtaining the Honour of it, I shall be fully satisfied that I do not deserve it, and shall sit down contented with the Merit of a good Intent: for surely there is some Praise due to the bare Design of doing a Service to the Public. Nor can my Enemies, I think, deny that I am entirely disinterested in my Endeavour, unless they should discover the Gratification which my Ambition finds in the Opportunity of this Address.

I am with the most profound Respect,

MY LORD,

Your Lordship's most obedient,

most devoted humble Servant,

Henry Fielding.

T H E
P R E F A C E.

TH E R E is nothing so much talked of, and so little understood in this Country, as the *Constitution*. It is a Word in the Mouth of every Man; and yet when we come to discourse of the Matter, there is no Subject on which our Ideas are more confused and perplexed. Some, when they speak of the Constitution, confine their Notions to the Law; others to the Legislature; others, again, to the governing or executive Part; and many there are, who jumble all these together in one Idea. One Error, however, is common to them all: for all seem to have the Conception of something uniform and permanent, as if the Constitution of *England* partook rather of the Nature of the Soil than of the Climate, and was as fixed and constant as the former, not as changing and variable as the latter.

Now in this Word, *The Constitution*, are included the original and fundamental Law of the Kingdom, from whence all Powers are derived, and by which they are circumscribed; all legislative and executive Authority; all those municipal Provisions which are commonly called *The Laws*; and, *lastly*, the Customs, Manners,

Manners, and Habits of the People. These, joined together, do, I apprehend, form the Political, as the several Members of the Body, the animal Oeconomy, with the Humours and Habit, compose that which is called the Natural Constitution.

The *Greek* Philosophy will, perhaps, help us to a better Idea: for neither will the several constituent Parts, nor the Contexture of the whole, give an adequate Notion of the Word. By the *Constitution* is, indeed, rather meant something which results from the Order and Disposition of the whole; something resembling that Harmony for which the *Theban* in *Plato's Phædo* contends; which he calls ἀόρατόν τι καὶ ἀσώματον, *something invisible and incorporeal*. For many of the *Greeks* imagined the Soul to result from the κρῆσις or Composition of the Parts of the Body; when these were properly tempered together, as Harmony doth from the proper Composition of the several Parts in a well tuned musical Instrument: In the same Manner, from the Disposition of the several Parts in a State, arises that which we call the *Constitution*.

In this Disposition the Laws have so considerable a Share, that, as no Man can perfectly understand the whole, without knowing the Parts of which it is composed, it follows, that, to have a just Notion of our Constitution, without a competent Knowledge of the Laws, is impossible. Without this, the reading over our Historians, may afford Amusement, but will very little instruct us in the true Essentials of our Constitution. Nor will this Knowledge alone serve our Purpose. The mere Lawyer, however skilful in his Profession, who is not versed in the Genius, Manners, and Habits of the People, makes but a wretched Politician. Hence the Historian, who is ignorant of our Law, and the Lawyer who is ignorant of our History, have agreed in that common
Error,

Error, remarked above, of considering our Constitution as something fixed and permanent: for the exterior Form of Government (however the People are changed) still, in a great Degree, remains what it was; and the same, notwithstanding all its Alterations, may be said of the Law.

To explain this a little farther: From the Original of the Lower House of Parliament to this Day, the Supreme Power hath been vested in the King and the Two Houses of Parliament. These Two Houses have, each at different Times, carried very different Weights in the Balance, and yet the Form of Government remained still one and the same: So hath it happened to the Law; the same Courts of Justice, the same Form of Trials, &c. have preserved the Notion of Identity, tho', in real Truth, the present Governing Powers, and the present legal Provisions, bear so little Resemblance to those of our Ancestors in the Reign of King *John*, or indeed in later Times, that could any Lawyer or Statesman of those Days be recalled to Life, he would make, I believe, a very indifferent Figure in *Westminster-hall*, or in any of the Parts there adjacent.

To perceive the Alterations in our Constitution doth, in fact, require a pretty just Knowledge both of the People and of the Laws: for either of these may be greatly changed, without producing any immediate Effect on the other. The Alterations in the great Wheels of State abovementioned, which are so visible in our Historians, are not noticed in our Laws, as very few of the great Changes in the Law have fallen under the Eye of our Historians.

Many of both Kinds have appeared in our Constitution; but I shall at present confine myself to one only, as being that which principally relates to the Subject of the following Treatise.

If the Constitution, as I have above asserted, be the Result of the Disposition of the several Parts beforementioned, it follows, that this Disposition, can never be altered, without producing a proportional Change in the Constitution. ‘ If the Soul, says *Simmius* in *Plato*, be a Harmony resulting from the Disposition of the corporeal Parts, it follows, that when this Disposition is confounded, and the Body is torn by Diseases or other Evils, the Soul immediately (whatever be her Divinity) must perish.’ This will be apparent, if we cast our Eyes a Moment towards the animal Oeconomy ; and it is no less true in the political.

The Customs, Manners, and Habits of the People, do, as I have said, form one Part of the Political Constitution ; if these are altered therefore, this must be changed likewise ; and here, as in the Natural Body, the Disorder of any Part will, in its Consequence, affect the whole.

One known Division of the People in this Nation is into the Nobility, the Gentry, and the Commonalty. What Alterations have happened among the two former of these, I shall not at present enquire ; but that the last, in their Customs, Manners, and Habits, are greatly changed from what they were, I think to make appear.

If we look into the earliest Ages, we shall find the Condition of this Third Part to have been very low and mean. The highest Order of this Rank, before the Conquest, were those Tenants in Socage, who held their Lands by the Service of the Plough ; who, as *Lyttleton* tells us, ‘ were to come with their Plough for certain Days in the Year, to plow and sow the Demesne of the Lords ;’ as the Villains, saith the same Author, ‘ were to carry and recarry the Dung of his Lord, spread it upon his Land, and to perform such like Services.’

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This latter was rightly accounted a slavish Tenure. The Villains were indeed considered in Law as a Kind of Chattle belonging to their Masters: for though these had not the Power of Life and Death over them, nor even of maiming them with Impunity, yet these Villains had not even the Capacity of purchasing Lands or Goods; but the Lord, on such Purchase, might enter into the one, and seize the other for his own Use. And as for the Land which they held in Villenage, tho' Lord *Coke* says, it was not only held at the Will of the Lord, but according to the Custom of the Manor; yet, in antient Times, if the Lord ejected them, they were manifestly without Remedy.

And as to the former, tho' they were accounted Freemen, yet were they obliged to swear Fealty to their Lord; and tho' Mr. *Rapin* be mistaken, when he says they could not alienate their Land, (for before the Statute of *Magna Charta*, Chap. 32, they could have given or sold the whole, but without any Alteration of the Tenure) yet was the Estate of these but very mean. 'Tho' they are called Freemen,' says Lord *Coke*, 'yet they ploughed, harrowed, reaped, and mowed, &c. for the Lord;' and *Braeton*, *Dicuntur Socmanni eo quod deputati sunt tantummodo ad culturam*.

Besides such as were bound by their Tenures to the Service of Agriculture, the Number of Freemen below the Degree of Gentry, and who got their Livelihood in the Mercantile or Mechanical Way, was very inconsiderable. As to the Servants, they were chiefly bound by Tenure, and those of the lower Sort differed very little from Slaves.

That this Estate of the Commonalty is greatly changed, is apparent; and to this Alteration many Causes in subsequent Ages have contributed.

First, The Oath of Fealty, or Fidelity, which of old Time was administered with great Ceremony, became

became afterwards to be omitted ; and though this Fealty still remained incident to every Socage Tenure, yet the Omission of the Form was not without its Consequences ; for, as Lord *Coke* says, speaking of Homage, *Prudent Antiquity did, for the more Solemnity and better Memory and Observation of that which is to be done, express Substances under Ceremonies.*

2dly, Whereas in the antient Tenures the principal Reservation was of personal Services from the inferior Tenants, the Rent being generally trifling, such as Hens, Capons, Roses, Spurs, Hawks, &c. afterwards the Avarice or Necessity of the Lords incited them to convert these for the most part into Money, which tended greatly to weaken the Power of the Lord, and to raise the Freedom and Independency of the Tenant.

3dly, The dismembering Manors by Leases for Years, as it flowed from the same Sources, so it produced the same Effects. These were probably very rare before the Reign of *Edward I.* at which Time the Statute of *Glocester* secured the Estate of this Tenant.

4tly, The Estate of the Villain or Copyholder seems clearly, as I have said, to have originally been holden only at the Will of the Lord ; but the Law was afterwards altered, and in the Reign of *Edward IV.* some of the best Judges were of Opinion, that if the Copyholder was unlawfully ejected by his Lord, he should have an Action of Trespass against him at the Common Law.

From this Time the Estate of the Copyholder (which, as *Briton* tells us, was formerly a base Tenure) began to grow into Repute, and, though still distinguished in some Privileges from a Freehold, became the Possession of many opulent and powerful Persons.

By these and such like Means the Commonalty, by Degrees, shook off their Vassalage, and became more and more independent on their Superiors. Even Servants, in Process of Time, acquired a State of Freedom and Independency, unknown to this Rank in any other Nation; and which, as the Law now stands, is inconsistent with a servile Condition.

But nothing hath wrought such an Alteration in this Order of People, as the Introduction of Trade. This hath indeed given a new Face to the whole Nation, hath in a great Measure subverted the former State of Affairs, and hath almost totally changed the Manners, Customs, and Habits of the People, more especially of the lower Sort. The Narrowness of their Fortune is changed into Wealth; the Simplicity of their Manners into Craft; their Frugality into Luxury; their Humility into Pride, and their Subjection into Equality.

The Philosopher, perhaps, will think this a bad Exchange, and may be inclined to cry out with the Poet,

— *Sævior armis*

Luxuria incubuit.—

*Nullum crimen abest, facinusque libidinis, ex quo
Paupertas Romana perit.*

Again,

*Prima peregrinos obscæna pecunia mores
Intulit, & turpi fr egerunt sæcula luxu
Divitiæ molles*—

But the Politician finds many Emoluments to compensate all the moral Evils introduced by Trade, by which the Grandeur and Power of the Nation is carried to a Pitch that it could never otherwise have reached; Arts and Sciences are improved, and human Life is embellished with every Ornament, and furnished with every Comfort which it is capable of tasting.

In all these Assertions he is right; but surely he forgets himself a little, when he joins the Philosopher
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in lamenting the Introduction of Luxury as a casual Evil; for as Riches are the *certain* Consequence of Trade, so is Luxury the no less *certain* Consequence of Riches: Nay, Trade and Luxury do indeed support each other; and this latter, in its Turn, becomes as useful to Trade, as Trade had been before to the Support of Luxury.

To prevent this Consequence therefore of a flourishing Commerce is totally to change the Nature of Things, and to separate the Effect from the Cause. A Matter as impossible in the Political Body as in the Natural. Vices and Diseases, with like Physical Necessity, arise from certain Habits in both; and to restrain and palliate the evil Consequences, is all that lies within the Reach of Art. How far it is the Business of the Politician to interfere in the Case of Luxury, we have attempted to shew in the following Treatise.

Now, to conceive that so great a Change as this in the People should produce no Change in the Constitution, is to discover, I think, as great Ignorance as would appear in the Physician, who should assert, that the whole State of the Blood may be entirely altered from poor to rich, from cool to inflamed, without producing any Alteration in the Constitution of the Man.

To put this in the clearest Light: There appear to me to be Four Sorts of Political Power; that of Bodily Strength, that of the Mind, the Power of the Purse, and the Power of the Sword. Under the Second of these Divisions may be ranged all the Art of the Legislator and Politician, all the Power of Laws and Government. These do constitute the Civil Power; and a State may then be said to be in good Order, when all the other Powers are subservient to this; when they own its superior Excellence and Energy, pay it a ready Obedience, and all unite in Support of its Rule.

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But so far are these Powers from paying such voluntary Submission, that they are all extremely apt to rebel, and to assert their own Superiority; but none is more rebellious in its Nature, or more difficult to be governed, than that of the Purse or Money. Self-opinion, Arrogance, Insolence, and Impatience of Rule, are its almost inseparable Companions.

Now if these Assertions are true, what an immense Accession of this Power hath accrued to the Commonalty by the Increase of Trade? for tho' the other Orders have acquired an Addition by the same Means, yet this is not in the same Proportion, as every Reader, who will revolve the Proposition but a Moment in his own Mind, must be satisfied.

And what may we hence conclude? Is that Civil Power, which was adapted to the Government of this Order of People in that State in which they were at the Conquest, capable of ruling them in their present Situation? Hath this Civil Power kept equal Pace with them in the Increase of its Force, or hath it not rather, by the Remissness of the Magistrate, lost much of its antient Energy? Where is now that Power of the Sheriff, which could formerly awaken and arm a whole County in an Instant? Where is that *Posse Comitatus*, which attended at his Beck? What is become of the Constitutions of *Alfred*, which the Reader will find set forth at large in the following Treatise? What of the antient Conservators of the Peace? Have the Justices, on whom this whole Power devolves, an Authority sufficient for the Purpose? In some Counties, perhaps, you may find an overgrown Tyrant, who lords it over his Neighbours and Tenants with despotic Sway, and who is as regardless of the Law as he is ignorant of it; but as to the Magistrate of a less Fortune, and more Knowledge, every riotous independent Butcher or Baker,

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with two or three thousand Pounds in his Pocket, laughs at his Power, and every Pettyfogger makes him tremble.

It is a common and popular Complaint, that the Justices of Peace have already too much Power. Indeed a very little is too much, if it be abused ; but, in truth, this Complaint proceeds from a Mistake of Business for Power : The Business of the Justice is indeed multiplied by a great Number of Statutes ; but I know not of any (the Riot Act perhaps excepted) which hath at all enlarged his Power. And what the Force of that Act is, and how able the Magistrate is, by means of the Civil Power alone, to execute it in any popular Commotion, I have myself experienced. But when a Mob of Chairmen or Servants, or a Gang of Thieves and Sharpers, are almost too big for the Civil Authority to suppress, what must be the Case in a seditious Tumult, or general Riot of the People ?

From what hath been said, I may, I think, conclude, that the Constitution of this Country is altered from its antient State.

2dly, That the Power of the Commonalty hath received an immense Addition ; and that the Civil Power having not increased, but decreased, in the same Proportion, is not able to govern them.

What may and must be the Consequences of this, as well as what Remedy can be applied to it, I leave to the Consideration of others: I have proceeded far enough already on the Subject, to draw sufficient Ill-will on myself, from unmeaning or ill-meaning People, who either do not foresee the mischievous Tendency of a total Relaxation of Government, or who have some private wicked Purpose to effect from public Confusion.

In plain Truth, the principal Design of this whole Work, is to rouse the CIVIL Power from its present
lethargic

lethargic State. A Design which alike opposes those wild Notions of Liberty that are inconsistent with all Government, and those pernicious Schemes of Government, which are destructive of true Liberty. However contrary indeed these Principles may seem to each other, they have both the same common Interest; or, rather, the former are the wretched Tools of the latter: for Anarchy is almost sure to end in some Kind of Tyranny.

Dr. *Middleton*, in his *Life of Cicero*, hath a fine Observation to my present Purpose, with which I will conclude this Preface.

‘ From the Railleries of the *Romans*,’ (says he)
 ‘ on the *Barbarity and Misery of our Island*, one can-
 ‘ not help reflecting on the surprizing Fate and Re-
 ‘ volutions of Kingdoms: how *Rome*, once the Mis-
 ‘ tress of the World, the Seat of Arts, Empire and
 ‘ Glory, now lies sunk in Sloth, Ignorance and Po-
 ‘ verty; enslaved to the most cruel, as well as to the
 ‘ most contemptible of Tyrants, *Superstition and Re-
 ‘ ligious Imposture*: while this remote Country, an-
 ‘ ciently the Jest and Contempt of *the polite Romans*,
 ‘ is become the happy Seat of Liberty, Plenty, and
 ‘ Letters; flourishing in all the Arts and Refine-
 ‘ ments of Civil Life; yet running perhaps the
 ‘ same Course, which *Rome* itself had run before it;
 ‘ from virtuous Industry to Wealth; from Wealth
 ‘ to Luxury; from Luxury to an Impatience of
 ‘ Discipline and Corruption of Morals; till by a to-
 ‘ tal Degeneracy and Loss of Virtue, being grown
 ‘ ripe for Destruction, it falls a Prey at last to some
 ‘ hardy Oppressor, and, with the Loss of Liberty,
 ‘ losing every Thing else, that is valuable, sinks gra-
 ‘ dually again into its original Barbarism.’

A N

E N Q U I R Y

I N T O T H E

C A U S E S of the late Increase of
R O B B E R S, &c.

I N T R O D U C T I O N.

TH E great Increase of Robberies within these few Years, is an Evil which to me appears to deserve some attention ; and the rather as it seems (tho' already become so flagrant) not yet to have arrived to that Height of which it is capable, and which it is likely to attain : For Diseases in the Political, as in the Natural Body, seldom fail going on to their Crisis, especially when nourished and encouraged by Faults in the Constitution. In Fact, I make no Doubt, but that the Streets of this Town, and the Roads leading to it, will shortly be impassable without the utmost Hazard ; nor are we threatned with seeing less dangerous Gangs of Rogues among us, than those which the *Italians* call the *Banditi*.

Should this ever happen to be the Case, we shall have sufficient Reason to lament that Remissness by which this Evil was suffered to grow to so great a Height. All Distempers, if I may once more resume the Allusion, the sooner they are opposed, admit of the easier and the safer Cure. The great Difficulty of extirpating desperate Gangs of Robbers, when once collected into a Body, appears from our own History in former Times. *France* hath given us a later Example in the long Reign of *Cartouche*, and his *Banditi* ; and this under an absolute Monarchy, which affords much more speedy and efficacious Remedies against these political Disorders,

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orders, than can be administered in a free State, whose Forms of Correction are extremely slow and incertain, and whose Punishments are the mildest and the most void of Terror of any other in the known World.

For my own Part, I cannot help regarding these Depredations in a most serious Light: Nor can I help wondering that a Nation so jealous of her Liberties, that from the slightest Cause, and often without any Cause at all, we are always murmuring at our Superiors, should tamely and quietly support the Invasion of her Properties by a few of the lowest and vilest among us: Doth not this Situation in reality level us with the most enslaved Countries? If I am to be assaulted and pillaged, and plundered; if I can neither sleep in my own House, nor walk the Streets, nor travel in safety; is not my Condition almost equally bad whether a licenced or unlicenced Rogue, a Dragoon or a Robber, be the Person who assaults and plunders me? The only Difference which I can perceive is, that the latter Evil appears to be more easy to remove.

If this be, as I clearly think it is, the Case, surely there are few Matters of more general Concern than to put an immediate End to these Outrages, which are already become so notorious, and which, as I have observed, do seem to threaten us with such a dangerous Increase. What indeed may not the Public apprehend, when they are informed as an unquestionable Fact, that there are at this Time a great Gang of Rogues, whose Number falls little short of a Hundred, who are incorporated in one Body, have Officers and a Treasury; and have reduced Theft and Robbery into a regular System? There are of this Society of Men who appear in all Disguises, and mix in most Companies. Nor are they better versed in every Art of cheating, thieving, and robbing, than they are armed with every Method of evading the Law, if they should ever be discovered, and an Attempt made to bring them to Justice. Here, if they fail in rescuing the Prisoner, or (which seldom happens) in bribing or deterring the Prosecutor, they have for their last Resource some rotten Members of the Law to forge a Defence for them, and a great Number of false Witnesses ready to support it.

Having seen the most convincing Proofs of all this, I cannot help thinking it high Time to put some stop to the further Progress of such impudent and audacious Insults, not only on the Properties of the Subject, but on the National Justice, and on the Laws themselves. The Means of accomplishin

completing this (the best which suggest themselves to me) I shall submit to the publick Consideration, after having first enquired into the Causes of the present Growth of this Evil, and whence we have great Reason to apprehend its further Increase. Some of these I am too well versed in the Affairs of this World to expect to see removed; but there are others, which without being over sanguine, we may hope to remedy; and thus perhaps one ill Consequence, at least of the more stubborn political Diseases, may cease.

S E C T. I.

Of too frequent and expensive Diversions among the Lower Kind of People.

FIRST then, I think, that the vast Torrent of Luxury which of late Years hath poured itself into this Nation, hath greatly contributed to produce, among many others, the Mischief I here complain of. I aim not here to satirize the Great, among whom Luxury is probably rather a moral than a political Evil. But Vices no more than Diseases will stop with them; for bad Habits are as infectious by Example, as the Plague itself by Contact. In free Countries, at least, it is a Branch of Liberty claimed by the People to be as wicked and as profligate as their Superiors. Thus while the Nobleman will emulate the Grandeur of a Prince; and the Gentleman will aspire to the proper State of the Nobleman; the Tradesman steps from behind his Counter into the vacant Place of the Gentleman. Nor doth the Confusion end here: It reaches the very Dregs of the People, who aspiring still to a Degree beyond that which belongs to them, and not being able by the Fruits of honest Labour to support the State which they affect, they disdain the Wages to which their Industry would intitle them; and abandoning themselves to Idleness, the more simple and poor-spirited betake themselves to a Stage of Starving and Beggary, while those of more Art and Courage become Thieves, Sharpers and Robbers.

Could Luxury be confined to the Palaces of the Great, the Society would not perhaps be much affected with it; at least, the Mischiefs which I am now intending to obviate can never be the Consequence. For tho', perhaps, there is not more of real Virtue in the higher State, yet the Sense of Ho-

nour is there more general and prevalent. But there is a much stronger Reason. The Means bear no probable Proportion to the End: For the Loss of Thousands, or of a great Estate, is not to be relieved or supplied by any Means of common Theft or Robbery.——With regard to such Evils therefore the Legislature might be justified in leaving the Punishment, as well as the pernicious Consequence, to end in the Misery, Distress, and sometimes utter Ruin of a private Family. But when this Vice descends downward to the Tradesman, the Mechanic, and the Labourer, it is certain to engender many political Mischiefs, and among the rest it is most evidently the Parent of Theft and Robbery, to which not only the Motive of Want but of Shame conduces: For there is no greater Degree of Shame than the Tradesman generally feels at the first Inability to make his regular Payments; nor is there any Difficulty which he would not undergo to avoid it. Here then the Highway promises, and hath, I doubt not, often given Relief. Nay I remember very lately a Highwayman who confessed several Robberies before me, his Motive to which, he assured me, (and so it appeared) was to pay a Bill that was shortly to become due. In this Case therefore the Publick becomes interested, and consequently the Legislature is obliged to interpose.

To give a final Blow to Luxury by any general Prohibition, if it would be adviseable, is by no Means possible. To say the Truth, bad Habits in the Body Politic, especially if of any Duration, are seldom to be wholly eradicated. Palliatives alone are to be applied; and these too in a free Constitution must be of the gentlest Kind, and as much as possible adapted to the Taste and Genius of the People.

The gentlest Method which I know, and at the same Time perhaps one of the most effectual, of stopping the Progress of Vice, is by removing the Temptation. Now the two great Motives to Luxury, in the Mind of Man, are Vanity and Voluptuousness. The former of these operates but little in this Regard with the lower Order of People. I do not mean that they have less of this Passion than their Betters; but the apparent Impossibility of gratifying it this Way deters them, and diverts at least this Passion into another Channel; for we find it puts them rather on vying with each other in the Reputation of Wealth, than in the outward Appearance of Show and Grandeur. Voluptuousness or the Love of Pleasure is that alone which leads them
into

into Luxury. Here then the Temptation is with all possible Care to be withdrawn from them.

Now what greater Temptation can there be to Voluptuousness, than a Place where every Sense and Appetite of which it is compounded, are fed and delighted; where the Eyes are feasted with Show, and the Ears with Musick, and where Gluttony and Drunkenness are allured by every Kind of Dainty; nay where the finest Women are exposed to View, and where the meanest Person who can dress himself clean, may in some Degree mix with his Betters, and thus perhaps satisfy his Vanity as well as his Love of Pleasure?

It may possibly be said that these Diversions are cheap: I answer, that is one Objection I have to them: Was the Price as high as that of a Ridotto, or an Opera, it would, like these Diversions, be confined to the higher People only; besides the Cheapness is really a Delusion. Unthinking Men are often deceived into Expence, as I once knew an honest Gentleman who carried his Wife and two Daughters to a Masquerade, being told that he could have four Tickets for four Guineas; but found afterwards, that in Dresses, Masques, Chairs, &c. the Night's Entertainment cost him almost Twelve. I am convinced that many thousands of honest Tradesmen have found their Expences exceed their Computation in a much greater Proportion. And the Sum of seven or eight Shillings (which is a very moderate Allowance for the Entertainment of the smallest Family) repeated once or twice a Week through a Summer, will make too large a Deduction from the reasonable Profits of any low Mechanic.

Besides the actual Expence in attending these Places of Pleasure, the Loss of Time and Neglect of Business are Consequences which the inferior Tradesman can by no Means support. To be born for no other Purpose than to consume the Fruits of the Earth is the Privilege (if it may be really called a Privilege) of very few. The greater Part of Mankind must sweat hard to produce them, or Society will no longer answer the Purposes for which it was ordained. *Six Days shalt thou labour*, was the positive Command of God in his own Republick. A Severity, however, which the divine Wisdom was pleased somewhat to relax; and appointed certain Times of Rest and Recreation for his People. Such were the Feast of the unleavened Bread, the Feast of the Weeks, and the Feast of the Tabernacles.

On which Occasions it is written, *Thou shalt rejoice before the Lord thy God, thou and thy Son and thy Daughter, and thy Servant, and thy Maid, and the Levite that is within thy Gates, and the Stranger, and the Fatherless, and the Widow**.

All other Nations have imitated this divine Institution. It is true among the *Greeks*, arising from the Nature of their Superstition, there were many Festivals; yet scarce any of these were universal, and few attended with any other than religious Ceremonies †. The *Roman* Calendar is thinner strewed with these Seasons of Idleness. Indeed there seems to have been one only Kind of universal Sport and Revelling amongst them, which they called the *Saturnalia*, when much too great Indulgence was given to all Kinds of Licentiousness. Publick Scenes of Rendezvous they had none. As to the *Grecian* Women, it is well known they were almost intirely confined to their own Houses; where the very Entertainment of their finest Ladies was only Works of the finer Sort. And the *Romans* by the *Orchian* Law, which was made among many others for the Suppression of Luxury, and was published in the third Year of *Cato's* Censorship, thought proper to limit the Number of Persons who were to assemble even at any private Feast ‡. Nay the Exhibitions of the Theatre were suffered only at particular Seasons, and on Holydays.

Nor are our own Laws silent on this Head, with Regard at least to the lower Sort of People, whose Diversions have been confined to certain stated Times. Mr. *Pulton* § speaking of those Games and Assemblies of the People which are lawful, says, that they are lawful at certain Places and Seasons of the Year, allowed by old and ancient Customs. The Statute of *Hen. VIII.* || goes farther, and expressly enacts, that no Manner of Artificer or Craftsman of any Handicraft or Occupation, Husbandman, Apprentice, &c. shall play at the Tables, Tennis, Dice, Cards, Bowls, &c. out of *Christmas* under the Penalty of 20 s.

Thus

* *Exod.* Chap. xxxiv. *Deut.* Chap. xvi.

† The Gods, says *Plato*, pitying the laborious Condition to which Men were born, appointed holy Rites to themselves, as Seasons of Rest to Men; and gave them the Muses, with *Apollo* their Leader and *Bacchus*, to assist in the Celebrations, &c. *De Leg.* l. ii. p. 787. *Edit. Ficini.*

‡ *Macrob.* *Saturnal.* l. 2. c. xiii. Note, This Riot Act passed in one of the freest Ages of the *Roman* Republic.

§ *De Pace.* fol. 25.

|| 33 *Hen.* VIII. c. ix.

Thus we find that by divine as well as human Institution, as well by our own Laws as those of other Countries, the Diversions of the People have been limited and restrained to certain Seasons: Under which Limitations, *Seneca* calls these Diversions the necessary Temperament of Labour. ‘ Some Remission, says he, must be given to our Minds, which will spring up the better, and more brisk from Rest. It is with the Mind as with a fruitful Field, whose Fertility will be exhausted if we give it no Intermision. The same will accrue to the Mind by incessant Labours, whereas both from gentle Remission will acquire Strength. From constant Labour arises a certain Dulness and Languor of the Spirits; nor would Men with such Eagerness affect them, if Sport and Merriment had not a certain natural Sweetness inherent in themselves; the frequent Use of which however will destroy all Gravity and Force in our Minds. Sleep is necessary to our Refreshment, but if this be continued Night and Day, it will become Death. There is a great Difference between the Remission of any Thing and its Dissolution. Lawgivers, therefore, instituted certain Holydays, that the People might be compelled by Law to Merriment, interposing this as a necessary Temperament to their Labours.*’

Thus the *Greek* and *Latin* Philosopher, tho’ they derive the Institution differently, the one alledging a divine and the other a human Original, both agree that a necessary Relaxation from Labour was the only End for which Diversion was invented and allowed to the People. This Institution, as the former of these great Writers tells us, was grossly perverted even in his Time; but surely neither then, nor in any Age or Nation, until now, was this Perversion carried to so scandalous an Excess as it is at present in this Kingdom, and especially in and near the Metropolis, where the Places of Pleasure are almost become numberless: for besides those great Scenes of Rendezvous, where the Nobleman and his Taylor, the Lady of Quality and her Tirewoman, meet together and form one common Assembly, what an immense Variety of Places have this Town and its Neighbourhood set apart for the Amusement of the lowest Order of the People; and where the Master of the House, or Wells, or Garden, may be said to angle only in the Kennels, where baiting with the vilest Materials, he catches only the thoughtless and

* *Sen. De Tranquill. Animi*, p. 167. *Edit. Lips.*

tastless Rabble? And these are carried on, not on a single Day, or in a single Week; but all of them during half, and some during the whole Year.

If a Computation was made of the Money expended in these Temples of Idleness by the Artificer, the Handicraft, the Apprentice, and even the common Labourer, the Sum would appear excessive; but without putting myself to that Trouble, I believe the Reader will permit me to conclude that it is much greater than such Persons can or ought to afford; especially as Idleness, its necessary Attendant, adds greatly to the Debtor's Side in the Account; and that the necessary Consequence must be Ruin to many, who from being useful Members of the Society will become a heavy Burden or absolute Nuisance to the Public. It being indeed a certain Method to fill the Streets with Beggars, and the Goals with Debtors and Thieves.

That this Branch of Luxury hath grown to its present Height, is owing partly to a Defect in the Laws; and this Defect may, with great Decency and Respect to the Legislature, be very truly imputed to the Recency of the Evil; for as our Ancestors knew it not, they may be well excused for not having foreseen and guarded against it. If therefore it should seem now necessary to be retrenched, a new Law will, I apprehend, be necessary for that Purpose; the Powers of the Magistrate being scarce extensive enough, under any Provision extant, to destroy a Hydra now become so pregnant and dangerous. And it would be too dangerous as well as too invidious a Task to oppose the mad Humours of the Populace, by the Force of any doubtful obsolete Law; which, as I have hinted before, could not have been directly levelled at a Vice which did not exist at the Time when the Law was made.

But while I am recommending some Restraint of this Branch of Luxury, which surely appears to be necessary, I would be understood to aim at the Retrenchment only, not at the Extirpation of Diversion; nay, and in this Restraint, I confine myself entirely to the lower Order of People. Pleasure always hath been, and always will be, the principal Business of Persons of Fashion and Fortune, and more especially of the Ladies, for whom I have infinitely too great an Honour and Respect to rob them of any their least Amusement. Let them have their Plays, Operas, and Oratorios, their Masquerades and Ridottos; their Assemblies, Drums, Routs, Riots, and Hurricanes; their *Ranelagh,*

lagh and *Vauxhall*; their *Bath*, *Tunbridge*, *Bristol*, *Scarborough*, and *Cheltenham*; and let them have their Beaus and Dangers to attend them at all these; it is the only Use for which such Beaus are fit; and I have seen in the Course of my Life, that it is the only one to which by sensible Women they are applied.

In Diversion, as in many other Particulars, the upper Part of Life is distinguished from the Lower. Let the Great therefore answer for the Employment of their Time, to themselves, or to their spiritual Governors. The Society will receive some temporal Advantage from their Luxury. The more Toys which Children of all Ages consume, the brisker will be the Circulation of Money, and the greater the Increase of Trade.

The Business of the Politician is only to prevent the Contagion from spreading to the useful Part of Mankind, the ΕΠΙΠΛΟΝΟΝ ΠΕΦΥΚΟΣ ΓΕΝΟΣ*; and this is the Business of Persons of Fashion and Fortune too, in order that the Labour and Industry of the rest may administer to their Pleasures, and furnish them with the Means of Luxury. To the upper Part of Mankind Time is an Enemy, and (as they themselves often confess) their chief Labour is to kill it; whereas, with the others, Time and Money are almost synonymous; and as they have very little of each to spare, it becomes the Legislature, as much as possible, to suppress all Temptations whereby they may be induced too profusely to squander either the one or the other; since all such Profusion must be repaired at the Cost of the Public.

Such Places of Pleasure, therefore, as are totally set apart for the Use of the Great World, I meddle not with. And though *Ranelagh* and *Vauxhall*, by reason of their Price, are not entirely appropriated to the People of Fashion, yet they are seldom frequented by any below the middle Rank; and a strict Regard to Decency is preserved in them both. But surely two such Places are sufficient to contain all those who have any Title to spend their Time in this idle, though otherwise innocent Way. Nor should such a Fashion be allowed to spread into every Village round *London*, and by degrees all over the Kingdom; by which means, not only Idleness, but all Kinds of Immorality, will be encouraged.

I cannot dismiss this Head, without mentioning a notorious Nuisance which hath lately arisen in this Town; I mean

* Plato.

mean, those Balls where Men and Women of loose Reputation meet in disguised Habits. As to the Masquerade in the *Hay-market*, I have nothing to say; I really think it a silly rather than a vicious Entertainment: But the Case is very different with these inferiour Masquerades; for these are indeed no other than the Temples of Drunkenness, Leudness, and all Kind of Debauchery.

S E C T II.

Of Drunkenness, a second Consequence of Luxury among the Vulgar.

BUT the Expence of Money, and Loss of Time, with their certain Consequences, are not the only Evils which attend the Luxury of the Vulgar. Drunkenness is almost inseparably annexed to the Pleasures of such People. A Vice by no means to be construed as a spiritual Offence alone, since so many temporal Mischiefs arise from it; amongst which are very frequently Robbery and Murder itself.

I do not know a more excellent Institution than that of *Pittacus*, mentioned by *Aristotle* in his *Politics* *; by which a Blow given by a drunken Man, was more severely punished than if it had been given by one that was sober; for *Pittacus*, says *Aristotle*, considered the Utility of the Public, (as drunken Men are more apt to strike) and not the Excuse, which might otherwise be allowed to their Drunkenness. And so far both the Civil Law and our own have followed this Institution, that neither have admitted Drunkenness to be an Excuse for any Crime.

This odious Vice (indeed the Parent of all others) as History informs us, was first introduced into this Kingdom by the *Danes*, and with very mischievous Effects. Wherefore that excellent Prince *Edgar the Peaceable*, when he set about reforming the Manners of his People, applied himself very particularly to the Remedy of this great Evil, and order'd Silver or Gold Pins to be fixed to the Sides of their Pots and Cups, beyond which it was not lawful for any Person to drink †.

What Penalty was affixed to the Breach of this Institution, I know not; nor do I find any Punishment in our Books for the Crime of Drunkenness, till the Time of *Jac. I.* in the fourth Year of whose Reign it was enacted, ' That every

* L. 2. 10.

† *Eachard*, p. 88.

‘ Person

Person lawfully convicted of Drunkenness, shall, for every such Offence, forfeit the Sum of Five Shillings, to be paid within a Week next after his, her, or their Conviction, to the Hands of the Churchwardens of the Parish where, &c. to the Use of the Poor. In Default of Payment, the Sum to be levied by Distress, and, in Default of Distress, the Offender is to be committed to the Stocks, there to remain for the Space of six Hours *.

For the second Offence they are to be bound to their good Behaviour, with two Sureties, in a Recognizance of Ten Pounds †.

Nor is only that Degree of Drunkenness forbidden, which Mr. Dalton describes, 'so as to stagger and reel to and fro, and where the same Legs which carry him into a House, cannot carry him out again ‡;' for, by the same Act of Parliament, all Persons who continue drinking or tipling in any Inn, Victualling-House, or Ale-house, in their own City, Town or Parish (unless such as being invited by a Traveller, shall accompany him during his necessary Abode there; or except Labouring and Handicraftsmen in Cities, and Corporate and Market Towns, upon a working Day, for an Hour at Dinner-time, in Alehouses, where they take their Diet; and except Labourers and Workmen, who, during their Continuance in any Work, shall lodge or victual in any Inn, &c. or except for some urgent and necessary Occasion, to be allowed by two Justices of the Peace) shall forfeit the Sum of Three Shillings and Sixpence, for the Use of the Poor; to be levied as before, and, for Want of Distress, to be put in the Stocks for four Hours ||.

This Act hath been still farther enforced by another in the same Reign §. By the latter Act, the Tipler is liable, whether his Habitation be within the same or any other Parish. 2dly, The Proof by one Witness is made sufficient; and, 3dly, A very extraordinary Clause is added, by which the Oath of the Party offending, after having confessed his own Crime, is made Evidence against any other Offender, though at the same Time.

Thus we see the Legislature have taken the utmost Care not only to punish, but even to prevent this Vice of Drunkenness, which the Preamble of one of the foregoing Statutes

* Jac. I. chap. 5. † Ib. sect. 6. ‡ Dalt. chap. 7. sect. 5.
 chap. 9. § 21 Jac. I. chap. 7. || 4 Jac. I. chap. 4. sect. 4. & 1 Jac. I.

calls a *loathsome* and *odious Sin*, and the Root and Foundation of many other enormous Sins, as Murder, &c. Nor doth the Wisdom of our Law stop here. Our cautious Ancestors have endeavoured to remove the Temptation, and, in a great measure, to take away from the People their very Power of offending this way. And this by going to the Fountain-head, and endeavouring to regulate and restrain the Scenes of these Disorders, and to confine them to those Uses for which they were at first designed; namely, for the Rest, Refreshment and Convenience of Travellers.

A cursory View of the Statutes on this Head will demonstrate of what Consequence to Society the Suppression of this Vice was in the Opinion of our Ancestors.

By the Common Law, Inns and Ale-houses might be kept *ad libitum*; but if any Disorders were suffered in them, they were indictable as a common Nuisance.

The first Reform which I find to have been made by Parliament, was in the Reign of *Henry VII.** when two Justices were empowered to suppress an Ale-house.

The Statute of *Edward VI. †* is the first which requires a precedent Licence. By this Act no Man can keep an Ale-house, without being licensed by the Sessions, or by two Justices; but now, by a late Statute, all Licences granted by Justices out of their Sessions are void ‡.

By the Statute of *Charles I.** which alters the Penalties of that of *Edward VI.* the Punishment for keeping an Ale-house, or commonly selling Ale, Beer, Cyder and Perry, without a Licence, is to pay Twenty Shillings to the Use of the Poor, to be levied by Distress; which, if Satisfaction be not made within three Days, is to be sold. And if there be no Goods whereon to distrain, and the Money be not paid within six Days after Conviction, the Offender is to be delivered to the Constable, or some inferiour Officer, to be whipped. For the second Offence, he is to be committed to the House of Correction for a Month; and for the third, he is to be committed to the said House, till by Order of the Justices, at their General Sessions, he be discharged.

The Conviction is to be on the View of the Justice, Confession of the Party, or by the Oath of two Witnesses.

And by this Statute, if the Constable or Officer to whom the Party is committed to be whipt, &c. do not execute his Warrant, the Justice shall commit him to Prison, there to

* 11 H. VII.
c. 28. sect. 11.

† 5. Edw. VI. c. 25.
* 3 Car. I. cap. 4.

‡ 2 G. II.

remain till he shall procure some one to execute the said Warrant, or until he shall pay Forty Shillings to the Use of the Poor.

The Justices, at the Time of granting the Licence, shall take a Recognizance from the Party, not to suffer any unlawful Games, nor other Disorders, in his House; which is to be certified to the Sessions, and the Justices there have a Power to proceed for the Forfeiture †.

By the Statute of *Jac. I.* ‡ Alehouse-keepers, who suffer Townsmen to sit tipling (unless in the Cases abovementioned ||) forfeit Ten Shillings to the Poor; the Distress to be sold within six Days; and if no Distress can be had, the Party is to be committed till the Forfeiture is paid.

Vintners, who keep Inns or Victualling-houses, are within this Act*.

And by two several Statutes †, Ale-house-keepers, convicted of this Offence, are prohibited from keeping an Ale-house for the Space of three Years.

Justices of Peace likewise, for any Disorders committed in Ale-houses contrary to the Condition of the Recognizance, may suppress such Houses ‡; but then the Proceeding must be on the Recognizance, and the Breach of the Condition proved ||.

Now, on the concise View of these several Laws, it appears, that the Legislature have been abundantly careful on this Head; and that the only Blame lies on the Remissness with which these wholesome Provisions have been executed.

But though I will not undertake to defend the Magistrates of former Times, who have surely been guilty of some Neglect of their Duty; yet, on behalf of the present Commissioners of the Peace, I must observe, the Case is very different. What Physicians tell us of the animal Functions, will hold true when applied to Laws; Both, by long Disuse, lose all their Elasticity and Force. Forward Habits grow on Men, as they do on Children, by long Indulgence; nor will either submit easily to Correction in Matters where they have been accustomed to act at their Pleasure. They are very different Offices to execute a new or a well known Law, and to revive one which is obsolete. In the Case of a known Law, Custom brings Men to Submission; and in all new Provisions,

† 5 *E. VI. ubi sup.* ‡ Cap. 9. *ubi sup.* || *Supra*,
p. 14. in the Case of Tiplers. * 1 *Car. I. cap. 4.* † 7 *Jac.*
I cap. 10. 21 *Jac. I. cap. 7.* ‡ 5. *E. VI. ubi sup.*
§ *Salk. 45.*

Provisions, the Ill-will, if any, is levelled at the Legislature; who are much more able to support it than a few, or a single Magistrate. If therefore it be thought proper to suppress this Vice, the Legislature must once more take the Matter into their Hands; and to this, perhaps, they will be the more inclined, when it comes to their Knowledge, that a new Kind of Drunkenness, unknown to our Ancestors, is lately sprung up amongst us, and which, if not put a stop to, will infallibly destroy a great Part of the inferiour People.

The Drunkenness I here intend, is that acquired by the strongest intoxicating Liquors, and particularly by that Poison called *Gin*; which, I have great reason to think, is the principal Sustenance (if it may be so called) of more than an hundred thousand People in this Metropolis. Many of these Wretches there are, who swallow Pints of this Poison within the twenty-four Hours; the dreadful Effects of which I have the Misfortune every Day to see, and to smell too. But I have no need to insist on my own Credit, or on that of my Informers; the great Revenue arising from the Tax on this Liquor (the Consumption of which is almost wholly confined to the lowest Order of People) will prove the Quantity consumed better than any other Evidence.

Now, besides the moral ill Consequences occasioned by this Drunkenness, with which, in this Treatise, I profess not to deal; how greatly must this be supposed to contribute to those political Mischiefs which this Essay proposes to remedy? This will appear from considering, that however cheap this vile Potion may be, the poorer Sort will not easily be able to supply themselves with the Quantities they desire; for the intoxicating Draught itself disqualifies them from using any honest Means to acquire it, at the same time that it removes all Sense of Fear and Shame, and emboldens them to commit every wicked and desperate Enterprize. Many Instances of this I see daily: Wretches are often brought before me, charged with Theft and Robbery, whom I am forced to confine before they are in a Condition to be examined; and when they have afterwards become sober, I have plainly perceived, from the State of the Case, that the *Gin* alone was the Cause of the Transgression, and have been sometimes sorry that I was obliged to commit them to Prison.

But beyond all this, there is a political ill Consequence of this Drunkenness, which, though it doth not strictly fall within my present Purpose, I shall be excused for mentioning, it being indeed the greatest Evil of all, and which must, I think, awaken our Legislature to put a final Period to so destructive

destructive a Practice. And this is that dreadful Consequence which must attend the poisonous Quality of this pernicious Liquor to the Health, the Strength, and the very Being of Numbers of his Majesty's most useful Subjects. I have not enough of physical Knowledge, to display the ill Effects which such poisonous Liquors produce in the Constitution: For these I shall refer the Reader to *The Physical Account of the Nature of all distilled spirituous Liquors, and the Effect they have on human Bodies* *. And tho', perhaps, the Consequence of this Poison, as it operates slowly, may not so visibly appear in the Diminution of the Strength, Health and Lives of the present Generation; yet let a Man cast his Eyes but a Moment towards our Posterity, and there the dreadful Consequences must strike on the meanest Capacity, and must alarm, I think, the most sluggish Degree of Public Spirit. What must become of the Infant who is conceived in *Gin*? with the poisonous Distillations of which it is nourished both in the Womb and at the Breast. Are these wretched Infants (if such can be supposed capable of arriving at the Age of Maturity) to become our future Sailors, and our future Grenadiers? Is it by the Labour of such as these, that all the Emoluments of Peace are to be procured us, and all the Dangers of War averted from us? What could an *Edward* or a *Henry*, a *Marlborough* or a *Cumberland*, effect with an Army of such Wretches? Doth not this polluted Source, instead of producing Servants for the Husbandman, or Artificer; instead of providing Recruits for the Sea or the Field, promise only to fill Alms-houses and Hospitals, and to infect the Streets with Stench and Diseases?

In solemn Truth, there is nothing of more serious Consideration, nor which more loudly calls for a Remedy, than the Evil now complained against. For what can be more worthy the Care of the Legislature, than to preserve the Morals, the Innocence, the Health, Strength and Lives of a great Part (I will repeat, the most useful Part) of the People? So far am I, in my own Opinion, from representing this in too serious or too strong a Light, that I can find no Words, or Metaphor, adequate to my Ideas on this Subject. The first Inventer of this diabolical Liquor may be compared to the Poisoner of a Fountain, whence a large City was to derive

* This was composed by a very learned Divine, with the Assistance of several Physicians, and published in the Year 1736. The Title is, *Distilled Spirituous Liquors the Bane of the Nation.*

derive its Waters; the highest Crime, as it hath been thought, of which Human Nature is capable. A Degree of Villainy, indeed, of which I cannot recollect any Example: but surely if such was ever practised, the Governors of that City could not be thought blameless, did they not endeavour, to the utmost, to with-hold the Citizens from drinking the poisonous Draught; and if such a general Thirst after it prevailed, as, we are told, possessed the People of *Athens* at the Time of the Plague*, what could justify the not effectually cutting off all Aqueducts, by which the Poison was dispersed among the People?

Nor will any thing less than absolute Deletion serve on the present Occasion. It is not making Men pay 50*l.* or 500*l.* for a Licence to poison; nor enlarging the Quantity from two Gallons to ten, which will extirpate so stubborn an Evil. Here may, perhaps, be no little Difficulty. To lay the Axe to the Still-head, and prohibit all Distillery in general, would destroy the Chymist. If distilling this or that Spirit was forbidden, we know how easily all partial Prohibitions are evaded; nay the Chymist (was the Matter confined to him) would soon probably become a common Distiller, and his Shop not better than a Gin-shop; since what is more common than for Men to adopt the Morals of a Thief at a Fire, and to work their own private Emolument out of a public Mischief? Suppose all spirituous Liquors were, together with other Poison, to be locked up in the Chymists or Apothecaries Shops, thence never to be drawn, till some excellent Physician calls them forth for the Cure of nervous Distempers! Or suppose the Price was to be raised so high, by a severe Impost, that Gin would be placed entirely beyond the Reach of the Vulgar! Or perhaps the Wisdom of the Legislature may devise a better and more effectual Way.

But if the Difficulty be really insuperable, or if there be any political Reason against the total Demolition of this Poison, so strong as to countervail the Preservation of the Morals, Health and Beings of such Numbers of his Majesty's Subjects, let us, however, in some measure, palliate the Evil, and lessen its immediate ill Consequences, by a more effectual Provision against Drunkenness than any we have at present, in which the Method of Conviction is too tedious and dilatory. Some little Care on this Head is surely necessary:

* *Ἐδάσαν ἐς φρένας αὐτῶν τῆ διψῆ ἐντεχόμενοι.* They ran into the Wells, being constantly possessed by an inexhausted Thirst. *Thucyd. p. 112. Edit. Hudsoni.*

cessary: For tho' the Encrease of Thieves, and the Destruction of Morality; though the Loss of our Labourers, our Sailors, and our Soldiers, should not be sufficient Reasons, there is one which seems to be unanswerable, and that is, the Loss of our Gin-drinkers: Since, should the drinking this Poison be continued in its present Height during the next twenty Years, there will, by that Time, be very few of the common People left to drink it.

S E C T. III.

Of Gaming among the Vulgar; a third Consequence of their Luxury.

I Come now to the last great Evil which arises from the Luxury of the Vulgar; and this is Gaming: A School in which most Highwaymen of great Eminence have been bred. This Vice is the more dangerous, as it is deceitful, and, contrary to every other Species of Luxury, flatters its Votaries with the Hopes of increasing their Wealth; so that Avarice itself is so far from securing us against its Temptations, that it often betrays the more thoughtless and giddy Part of Mankind into them; promising Riches without Bounds, and those to be acquired by the most sudden as well as easy and indeed pleasant Means.

And here I must again remind the Reader, that I have only the inferior Part of Mankind under my Consideration. I am not so ill-bred as to disturb the Company at a polite Assembly; nor so ignorant of our Constitution, as to imagine, that there is a sufficient Energy in the executive Part to controul the Oeconomy of the Great, who are beyond the Reach of any, unless capital Laws. Fashion, under whose Guidance they are, and which created the Evil, can alone cure it. With Patience therefore must we wait, till this notable Mistress of the Few shall, in her good time, accomplish so desirable a Change: In fact, till Great Men become wiser or better; till the Prevalence of some laudable Taste shall teach them a worthier Manner of employing their Time; till they have Sense enough to be reasoned, Modesty enough to be laughed, or Conscience enough to be frightened out of a silly, a shameful and a sinful Profligacy, attended with horrid
C
Waste

Waste of Time, and the cruel Destruction of the Families of others, or of their own.

In the mean time we may, I think, reasonably desire of these great Personages, that they would keep their favorite Vice to themselves, and not suffer others, whose Birth or Fortune gives them no Title to be above the Terror of the Laws, or the Censure of their Betters, to share with them in this Privilege. Surely we may give Great Men the same Advice, which *Archer*, in the Play, gives to the Officers of the Army; *To kick out all ——— in Red but their own.* What Temptations can Gamesters of Fashion have, to admit *inferior* Sharpers into their Society? Common Sense, surely, will not suffer a Man to risque a Fortune against one who hath none of his own to stake against it.

I am well apprized that this is not much the Case with Persons of the first Figure; but to Gentlemen (and especially the younger Sort) of the second Degree, these Fellows have found much too easy an Access. Particularly at the several public Places (I might have said Gaming Places) in this Kingdom, too little Care is taken to prevent the promiscuous Union of Company; and Sharpers of the lowest Kind have frequently there found Admission to their Superiors, upon no other Pretence or Merit than that of a laced Coat, and with no other Stock than that of Assurance.

Some few of these Fellows, by luckily falling in with an egregious Bubble, some thoughtless young Heir, or more commonly Heiress, have succeeded in a manner, which, if it may give some Encouragement to others to imitate them, should, at the same time, as strongly admonish all Gentlemen and Ladies to be cautious with whom they mix in public Places, and to avoid the Sharper as they would a Pest. But much the greater Part of such Adventurers have met with a more probable and more deserved Fate; and having exhausted their little Fund in their Attempts, have been reduced to a Dilemma, in which it required more Judgment and Resolution than are the Property of many Men, and more true Sense of Honour than belongs to any debauched Mind, to extricate themselves by honest Means. The only Means, indeed, of this Kind, are to quit their assumed Station, and to return to that Calling, however mean and laborious, to which they were born and bred.

But besides that the Way to this is often obstructed with almost insuperable Difficulties; and false Shame, at its very Entrance

Entrance, dashes them in the Face, how easily are they dissuaded from such disagreeable Thoughts by the Temptations with which Fortune allures them, of a Possibility, at least, of still supporting their false Appearances, and of retrieving all their former Hopes? How greedily, may we imagine, this enchanting Alternative will be embraced by every bold Mind, in such Circumstances? for what but the Danger of the Undertaking can deter one, who hath nothing of a Gentleman but his Dress, to attain which he hath already divested himself of all Sense of Honesty? How easy is the Transition from Fraud to Force? from a Gamester to a Rogue? Perhaps, indeed, it is civil to suppose it any Transition at all.

From this Source, therefore, several of our most notable Highwaymen have proceeded; and this hath likewise been the Source of many other Depredations on the honest Part of Mankind. So mischievous have been this Kind of Sharpers in Society, that they have fallen under the particular Notice of the Legislature: for a Statute in the Reign of Queen *Anne*, reciting, ‘ That divers lewd and dissolute
 ‘ Persons live at great Expences, having no visible Estate,
 ‘ Profession, or Calling, to maintain themselves, but sup-
 ‘ port those Expences by Gaming only;’ enacts, ‘ That
 ‘ any two Justices of the Peace may cause to be brought
 ‘ before them all Persons within their respective Limits,
 ‘ whom they shall have just Cause to suspect to have no visi-
 ‘ ble Estate, Profession or Calling, to maintain themselves
 ‘ by, but do, for the most part, support themselves by Gam-
 ‘ ing; and if some Persons shall not make the contrary ap-
 ‘ pear to such Justices, they are to be bound to their good
 ‘ Behaviour for a Twelvemonth; and, in Default of suffi-
 ‘ cient Security, to be committed till they can find such Se-
 ‘ curity; which Security (in case they give it) is to be for-
 ‘ feited on their playing or betting at any one Time for
 ‘ more than the Value of 20 Shillings*.

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* 9 *Anne*, chap. 14. sect. 6, 7. It would be of great Service to the Public, to extend this Statute to idle Persons and Sharpers in general; for many support themselves by Frauds, and cheating Practices, even worse than Gaming; and have the Impudence to appear in the Dress of Gentlemen, and at public Places, without having any Pretensions of Birth or Fortune, or without any honest or visible Means of Livelihood whatever. Such a Law
 would

As to Gaming in the lower Classes of Life, so plainly tending to the Ruin of Tradesmen, the Destruction of Youth, and to the Multiplication of every Kind of Fraud and Violence, the Legislature hath provided very wholesome Laws †.

By the 33d of *Henry VIII.* ‘ Every Artificer, Craftsman
 ‘ of any Handycraft or Occupation, Husbandman, La-
 ‘ bourer, Servant at Husbandry, Journeyman or Servant
 ‘ of Artificer, Mariners, Fishermen, Watermen, or any
 ‘ Serving Men, are prohibited from playing at Tables,
 ‘ Dice, Cards, &c. out of *Christmas*, and in *Christmas* are
 ‘ permitted to play only in their Masters Houses, or in his
 ‘ Presence, under the Penalty of 20 s. And all Manner of
 ‘ Persons are prohibited from playing at any Bowl or Bowls,
 ‘ in any open Place out of their Garden or Orchard, under
 ‘ the Penalty of 6 s. 8 d.

‘ The Conviction to be by Action, Information, Bill, or
 ‘ otherwise, in any of the King’s Courts; one Half of the
 ‘ Penalty to the Informer.

‘ Provided that Servants may play at any Times with
 ‘ their Masters, or by their Licence; and all Persons, who
 ‘ have 100 l. *per Annum*, Freehold, may give their Ser-
 ‘ vants, or others, resorting to their Houses, a Licence to
 ‘ play within the Precinct of their Houses, Gardens, or
 ‘ Orchard.

By this Statute likewise, ‘ No Person whatever, by him-
 ‘ self, Factor, Deputy, Servant, or other Person, shall,
 ‘ for Gain, keep, &c. any Common, House, Alley, or
 Place

would not be without a Precedent; for such is the excellent In-
 stitution mentioned by *Herodotus*, in his *Euterpe*.—‘ *Amasis* (says
 ‘ that Historian) established a Law in *Egypt*, that every *Egyptian*
 ‘ should annually declare before the Governor of the Province,
 ‘ by what Means he maintained himself; and all those who did
 ‘ not appear, or who could not prove that they had some lawful
 ‘ Livelihood, were punished by Death. This Law *Solon* intro-
 ‘ duced into *Athens*, where it was long inviolably preserved as a
 ‘ most just and equitable Provision.’ *Herod. Edit. Hudsoni*, p.
 158. This Punishment is surely too severe; but the Law, under
 a milder Penalty, is well worthy to be adopted.

† By a Statute made in the Reign of *Edward IV.* now re-
 pealed, Playing at several Games therein mentioned, was punish-
 ed by two Years Imprisonment, and the Forfeiture of 10 l. and
 the Master of the House was to be imprisoned for three Years,
 and to forfeit 20 l. A great Sum in those Days!

‘ Place of Bowling, Coyting, Clash-Coys, Half-Bowl,
 ‘ Tennis, Dicing-Table, or Carding, or any other Man-
 ‘ ner of Game, prohibited by any Statute heretofore made
 ‘ or any unlawful Game invented or made, or any other
 ‘ new unlawful Game hereafter to be invented or made :
 ‘ the Penalty is 40 s. *per* Day, for keeping the House, &c.
 ‘ and 6 s. 8 d. for every Person haunting and playing at
 ‘ such House. These Penalties to be recovered, &c. as
 ‘ above.

‘ And all Leases of Gaming-houses, Alleys, &c. are
 ‘ made void at the Election of the Lessee.’

Farther by the said Statute, ‘ Power is given to all Jus-
 ‘ tices of Peace, Mayors, or other Head-Officers, in every
 ‘ City, &c. to enter suspected Houses and Places, and to
 ‘ commit the Keepers of the said Houses, and the Persons
 ‘ there haunting, resorting, and playing, to Prison; and
 ‘ to keep them in Prison, till the Keepers have found Sure-
 ‘ ties to enter into a Recognizance to the King’s Use, no
 ‘ longer to keep such House, &c. and the Persons there
 ‘ found, to be bound by themselves, or with Sureties, &c.
 ‘ at the Discretion of the Justice, &c. no more to haunt
 ‘ the said Places, or play at any of the said Games.’

And now by the Statute of *George II.* this last Clause is
 enforced, by giving the Justice the same Power on the In-
 formation of two Persons, as he had before on View; and,
 by a more explicate Power, to take Sureties or not of the Par-
 ty, at his Discretion.

Lastly, The Statute of *Henry VIII.* enjoins the Justices,
 &c. to make due Search weekly, or once *per* Month, at the
 farthest, under the Penalty of forfeiting 40 s. for every
 Month, during their Neglect.

Thus stands the Law, by which it may appear, that the
 Magistrate is armed with sufficient Authority to destroy all
 Gaming among the inferior People; and that, without his
 Neglect or Connivance, no such Nuisance can possibly exist.

And, yet, perhaps, the Fault may not so totally lie at his
 Door; for the Recognizance is a mere Bugbear, unless the
 Party who breaks it, should be sued thereon; which, as it
 is attended with great Expence, is never done; so that
 though many have forfeited it, not a single Example of an
 Estreat hath been made within my Remembrance.

Again, it were to be wished, that the Statute of *George II.*

had required no more than one Witness to the Information: for even one Witness, as I have found by Experience, is very difficult to be procured.

However, as the Law now is, seeing that the general Bent of the People opposes itself to this Vice, it is certainly in a great measure within the Magistrate's Power to suppress it, and so to harass such as propose to find their Account in it, that these would soon be discouraged from the Undertaking; nor can I conclude without observing, that this hath been lately executed with great Vigour within the Liberty of *Westminster*.

There are, besides, several other Provisions in our Statute Books against this destructive Vice. By the Statute of *Queen Anne* ¶, whoever cheats at Play, forfeits five Times the Sum won by such Cheating, shall be deemed infamous, and suffer such corporal Punishment as in Case of Perjury. And whoever wins above 10 *l.* at any one Sitting, shall likewise forfeit five Times the Sum won. Going Shares with the Winner, and Betting on his Side, are in both Instances within the Act.

By the same Act. all Securities for Money won at Play, are made void; and if a Mortgage be made on such Account, the Mortgagee doth not only lose all Benefit of it, but the Mortgage immediately enures to the Use of the next Heir*.

By this Law Persons who have lost above 10 *l.* and have actually paid it, may recover the same by Action within three Months; and if they do not sue for it within that Time, any other Person may †. And the Defendant shall be liable to answer a Bill for discovering such Sum lost, upon Oath.

By 18 *George* II. ‡ whoever wins or loses 10 *l.* at Play, or by Betting at any one Time, or 20 *l.* within 24 Hours, is liable to be indicted, and shall be fined five Times the Value of the Money lost.

By 12 *George* II. § the Games of Pharaoh, the Ace of Hearts, Ballet, and Hazard, are declared to be Lotteries; and all Persons who set up, maintain, and keep them, forfeit 200 *l.* and all who play at them, forfeit 50 *l.* The Conviction to be before one Justice of Peace, by the Oath of one
Witness

¶ 9 *Anne*, chap. 14. by which the Statute of 16 C. II. is enlarged and made more severe.

* *Ibid.* Sect. 1. † *Ibid.* Sect. 2. ‡ Chap. 34. § Chap. 28.