

# **A TREATISE OF THE LAWS FOR THE RELIEF AND SETTLEMENT OF THE POOR**

---

In two volumes  
Vol. I

Michael Nolan

ROUTLEDGE LIBRARY EDITIONS:  
THE HISTORY OF  
SOCIAL WELFARE



ROUTLEDGE LIBRARY EDITIONS:  
THE HISTORY OF SOCIAL WELFARE

---

Volume 15

A TREATISE OF THE LAWS  
FOR THE RELIEF AND  
SETTLEMENT OF THE POOR

---

*This page intentionally left blank*

**A TREATISE OF THE LAWS  
FOR THE RELIEF AND  
SETTLEMENT OF THE POOR**

In two volumes  
Vol. I

MICHAEL NOLAN

First published in 1805 by J. Butterworth, London  
Reprinted in 1978 by Garland Publishing, Inc.

This edition first published in 2017  
by Routledge  
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN  
and by Routledge  
711 Third Avenue, New York, NY 10017

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

*Trademark notice:* Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

*British Library Cataloguing in Publication Data*

A catalogue record for this book is available from the British Library

ISBN: 978-1-138-20330-3 (Set)  
ISBN: 978-1-315-45977-6 (Set) (ebk)  
ISBN: 978-1-138-20759-2 (Volume 15) (hbk)  
ISBN: 978-1-138-20760-8 (Volume 15) (pbk)  
ISBN: 978-1-315-46169-4 (Volume 15) (ebk)

### **Publisher's Note**

The publisher has gone to great lengths to ensure the quality of this reprint but points out that some imperfections in the original copies may be apparent.

### **Disclaimer**

The publisher has made every effort to trace copyright holders and would welcome correspondence from those they have been unable to trace.

Michael Nolan

A TREATISE  
OF THE LAWS  
FOR THE RELIEF  
AND SETTLEMENT  
OF THE POOR

In two volumes  
Vol. I



Garland Publishing, Inc.  
*New York & London • 1978*

*Bibliographical note:*

This facsimile has been made  
from a copy in the British Library  
(1381.d.1)

*The volumes in this series are printed  
on acid-free, 250-year-life paper.*

**Library of Congress Cataloging in Publication Data**

Nolan, Michael, d. 1827.

A treatise of the laws for the relief and  
settlement of the poor.

(Classics of English legal history in the  
modern era ; 68)

Reprint of the 1805 ed. published by  
J. Butterworth, London.

Includes index.

I. Poor laws--Great Britain. I. Title.  
II. Series.

KD3310.N6 1978 344'.41'0325 77-89221  
ISBN 0-8240-3167-9

A  
TREATISE OF THE LAWS  
FOR THE  
RELIEF AND SETTLEMENT  
OF THE  
*P O O R.*

---

BY MICHAEL NOLAN,  
OF LINCOLN'S INN, ESQ. BARRISTER AT LAW.

---

IN TWO VOLUMES.

VOL. I.

---

*L O N D O N:*  
PRINTED BY A. STRAHAN,  
LAW-PRINTER TO THE KING'S MOST EXCELLENT MAJESTY;  
FOR J. BUTTERWORTH, LAW-BOOKSELLER, FLEET-STREET.  
1805.



*This page intentionally left blank*

## ADVERTISEMENT.

---

THE importance of that system of our laws, which respects the civil œconomy and comforts of the poor is so obvious, that it is hoped an attempt to offer some facilities to the persons concerned in the administration of them, will be received with indulgence.

For this purpose, it has been thought convenient, instead of giving the numerous cases on every branch of the subject, to reduce the substance of the decisions into the form of a treatise. The words of the judgment of the court are preserved as much as possible, but it is disentangled from those circumstances of an individual nature, which could be of no use in illustrating the principle upon which the determination is founded. When, however, a more minute statement of the case seemed necessary, it has been given in the language of the report.

The present work differs, not only in its outline, from those of Dr. Burn, and Mr. Conft, but also in its general arrangement; and it will be found to treat of some subjects, which are either omitted altogether, or but slightly touched upon in those valuable productions.

The object has been not only to unfold the theory and doctrine of the law, but to supply in some de-

gree the want of personal experience, by pointing out the manner in which that theory is to be applied in practice. The mode of proof, necessary to establish the different kinds of settlement, is set forth with some minuteness ; and such a general statement is given of the manner of conducting appeals before courts of quarter-sessions, as is consistent with the various rules of practice, which are different in different courts. An account is likewise added of the practice on the crown side of the court of King's-Bench, as it respects the orders of magistrates removed thither by *certiorari*.

A few cases connected with the subject of this work, have been determined in the court of King's-Bench, since it was committed to the press. They are annexed, with references to those pages in each volume to which they severally belong, and will be found to include the decisions of last Michaelmas Term, taken from a manuscript copy of Mr. East's notes, which he kindly furnished for the purpose.

5. King's-Bench Walks, Inner Temple,  
January 23, 1805.

C O N.

# CONTENTS

OF

## THE FIRST VOLUME.

---

### CHAPTER I.

	Page
<i>Of the Manner of providing for the Poor, previous to the Statute, 43 Eliz. c. 2.</i> — — — —	1 to 6

### CHAPTER II.

<i>Of the Local divisions by which the Poor are to be maintained.</i> — — — — —	7 — 22
<i>PART II. Of appointing Overseers, and their Duties.</i>	23 — 33

### *Of the Poor's Rate.*

### CHAPTER III.

<i>Of making, allowing, and publishing the Rate.</i> —	34 — 36
--	---------

### CHAPTER IV.

<i>Of the Time for which the Rate is to be made.</i> —	37 — 38
--	---------

### CHAPTER V.

<i>Of the general Purposes to which the Rate is to be applied.</i> — — — — —	39 — 42
--	---------

## CONTENTS.

## CHAPTER VI.

	Page
<i>Of Persons and Property to be rated.</i> — —	43 to 46
SECT. I. <i>Of rating Land, Houses, and Profits</i> <i>annexed thereto.</i> — — — —	46 — 51
SECT. II. <i>Incorporeal Hereditaments per se.</i> —	51 — 58
SECT. III. <i>Tithes.</i> — — — —	58 — 60
SECT. IV. <i>Coal Mines.</i> — — — —	60 — 63
SECT. V. <i>Salable Underwoods.</i> — —	63 — 64

## CHAPTER VII.

<i>Of real Property exempted by particular Statutes.</i> —	65 — 66
--	---------

## CHAPTER VIII.

<i>Of the Rateability of Personal Property.</i> - -	66 — 75
---	---------

## CHAPTER IX.

SECT. I. <i>Of the Profit necessary.</i> — —	76 — 77
SECT. II. <i>Of the Occupation necessary.</i> —	77 — 90

## CHAPTER X.

<i>Of rating double.</i> — -- — — —	91 — 92
-------------------------------------	---------

## CHAPTER XI.

<i>Property, in what Place rateable.</i> — — —	93 — 96
--	---------

## CHAPTER XII.

<i>Of the Principles upon, and Proportions in which the</i> <i>Rate is to be made.</i> — — — — —	97 — 111
---	----------

## CHAPTER XIII.

<i>Of Rating Parishes in Aid.</i> — — —	112 — 121
---	-----------

## CHAPTER XIV.

<i>Of levying and distraining for the Poor's Rate.</i> —	122 — 134
--	-----------

## CHAPTER XV.

<i>Of ascertaining what Poor the Parishes are bound to main-</i> <i>tain.</i> — — — — —	135 — 146
	Origin

*Origin and History of the Law of Settlements.*

CHAPTER XVI.

	Page
<i>Of the several Kinds of Settlements, and general Rules which govern them.</i> — — — —	147 to 152

CHAPTER XVII.

SECT. I. <i>Of the Settlement by Marriage.</i> —	152 — 154
SECT. II. <i>Of the Proof necessary to establish a Settlement by Marriage.</i> — — — —	154 — 163

CHAPTER XVIII.

<i>Of the Settlement of legitimate Children by Birth.</i>	164 — 173
---	-----------

CHAPTER XIX.

<i>Of the Settlement of illegitimate Children by Birth.</i>	174
SECT. I. <i>Of the Settlement.</i> — — —	174 — 177
SECT. II. <i>Of the Proofs.</i> — — —	178 — 181

CHAPTER XX.

<i>Of Settlement by Hiring and Service.</i> — —	182
SECT. I. <i>Division of the Subject.</i> — —	182 — 184
SECT. II. <i>What Persons are capable of acquiring a Settlement by Hiring and Service.</i> —	184 — 186
SECT. III. <i>Of the Contract of Hiring.</i> —	186 — 214
SECT. IV. PART. I. <i>Of the Years' Service.</i> —	214 — 265
SECT. IV. PART. II. <i>Of connecting Services under several Hirings.</i> — — — —	265 — 282
SECT. IV. PART. III. <i>Of Service with different Masters.</i> — — — —	282 — 285
SECT. V. <i>Of the Residence by, and Place in which a Settlement is gained.</i> — — —	285 — 297
SECT. VI. <i>Of the Proofs necessary to support this Settlement.</i> — — — —	298 — 306

CHAPTER XXI.

<i>Of Settlement by Apprenticeship.</i> — — —	307
SECT. I. <i>Division of the Subject, and general Rules respecting it.</i> — — — —	307 — 310
A 4	SECT.

	Page.
SECT. II. <i>Of the Binding necessary to gain a settlement by Apprenticeship.</i> — — —	310 to 332
PART. II. <i>Of the Distinction between imperfect Contracts of Apprenticeship, and Contracts of Hiring and Service.</i> — — — — —	332 — 340
SECT. III. <i>Of discharging the Apprentice from his Indentures.</i> — — — — —	340 — 354
SECT. IV. <i>Of the Service.</i> — — —	355 — 369
SECT. V. <i>Of the Residence by, and Place in which an Apprentice acquires a Settlement.</i> — —	369 — 375
SECT. VI. <i>Of the Proofs necessary, to establish a Settlement by Apprenticeship.</i> — — —	375 — 390

# INDEX

OF THE

## NAMES OF CASES

CITED IN THE FIRST VOLUME.

\*.\* Those printed in *Italics*, are inserted in the *Addenda*.

---

---

A.	Page		Page
Adams v. Arpold,	304	Banbury v. Broughton,	174
Adams v. Ker, 376, 377,	378, 379	Banbury v. Broughton,	176
Albrighton v. Skipton,	31	Barber v. Dennis,	357
Allebrook v. Roach,	378	Barlow v. Vowell,	303
Alton v. Elvetham, 290, 291		Barnes v. Trompowsky,	376
Alfon v. Bowtrell,	180	Bartlet v. Gawler,	385
Amherst Lord v Somers Lord,		Basset v. Basset,	382
80, 82, 89, 126		Baxter v. Faulam,	319
Anthony v. Cardigan,	185	Baxter v. Burfield,	357
Atkins v. Davis, 44, 47, 53,		Baylis <i>et Al'</i> v. the Attorney	
56, 61, 62, 63, 66, 67, 76,	77	General,	386
Attorney General v. Le Mer-		Beaumont v. Fell,	186
chant,	385	Bent v. Baker,	303
Appotens v. Dunswell, 152,	153	Bentley v. Cooke,	160
Ashburton v. Woodland,	303	Berkhampstead v. St. Mary,	
Ashcroft v. Bertles,	349	North Church,	152
Ayr v. Smallpiece,	80	Berkhampstead v. St. Mary,	
		North Church,	165
		Berryman v. Wife,	379
		Birt v. Barlow,	159
		Bishops Hatfield v. St. Peters	
			290
B.		Bisset v. Caldwell,	132
Bain v. Hargrave,	303	Bluston v. Toon,	377
Ballis and Church v. Attorney		Bolton v. Gladstone,	348
General,	386	Boreham v. Waltham,	176
Balcetti v. Serrani,	378		

Brazier's





	Page		Page
Edgecomb v. Sparks,	132	Hawksworth v. Hilary,	344,
Elfing v. The County of Here-			346
ford,	176	Herlakenden's Cafe,	63
F.		Henley v. Chesham,	160
Fachina v. Sabine,	301	Hilton v. Pawle,	8, 22
Farrington v. Witty,	184,	Holmes v. Ponten,	376
	294	Holt v. Ward,	162
Fasset v. Brown,	376	Holy Trinity v. Garrington,	267
Ferrers Lord v. Shirley,	377,		267
	378	Holy Trinity v. Shoreditch,	358
Feverham v. Graveney,	289	Horner v. Liddiard,	158
Filmer v. Gott,	383	Horsham v. Shipley,	195
Foxcroft's Cafe,	180	Hull's Cafe,	55
G.		Hume v. Burton,	163
Ganer v. Lady Laneshorough,	163, 181	Hutchins v. Chambers,	128,
			132, 133
Greenaway v. Earl of Kent,	64	J.	
Greenwich v. Longdon,	288	Jeffrey's Cafe,	43
Gregory Stoke v. Pitminster,	188, 192	Jones v. Bow-Carth,	348
Grellier v. Neale,	376, 378	Jones v. Mason,	377
Grendon v. Underwood,	58	Jones v. Maunfell, 52, 53, 76,	
Godfrey v. Norris,	377	78, 80, 85, 108, 126	
Gordon v. Falkner, 131, 132		Jones p. Newman,	385
Gordon's Col. Cafe,	385	K.	
Goring v. Moltsworth,	290	Kemp v. Spence, 48, 52, 100,	
Gould v. Arthur,	59		102, 107
Gould v. Jones,	377	King v. Carpenter,	303
Goodier v. Lake, 382, 383		L.	
Goodlittle v. Braham,	378	Lee v. Gansel,	302
Gofs v. Tracey,	377	Leith v. Post,	380
Guavas v. Kelynac,	59	Liddleston v. Mayor of Exe-	
Gunnis et Al v. Elhart, 386		ter,	10, 11, 35
H.		Lomax v. Holmden,	180
Hampton v. Lammas,	129	Lord Amherst v. Lord So-	
Hanmere v. Ellesmere,	268	mers,	80, 82, 89, 126
Hard's Cafe,	166	Lord Bute v. Grindall,	45,
Hardwell v. Jarman,	304	52, 55, 56, 76, 78, 79, 85,	
Harper v. Carr,	125	87, 88, 91, 108, 126	
Harrow v. Edgeware,	149	Lord Ferrers v. Shirley,	377,
Harvey's Cafe,	348		378
Havelock v. Rockwood,	448	Lord Peterborough v. Mor-	
Hawkins v. Perkins,	303	dant,	383
		Lord Valentia's Cafe,	180
			Lord

	Page		Page
Lord Walpole v. Lord Chomondley,	385	Peterborough Lord v. Mor-	383
Lothian v. Henderson,	348	Philips v. Hunter,	159
Lowels v. Lanstephan,	289	Price v. Blackburn, 376,	377
Lowndes v. Horne,	55, 59	Pritchard v. Symonds,	382, 384
Lynch v. Clerk,	382	Prudham v. Phillips,	348
M.		Poole Sir William's Case,	385
Macpherson v. Thoytes,	378	Pordage's Case,	26
Margaret Brown's Case,	142	Powell v. Blacket,	376
Marsh v. Colnett,	380	Q.	
Masters v. Child,	175	Queen v. Barking,	51
May v. May,	180	R.	
Meddicott v. Joyner,	382	Radwell's Case,	180
Meres et Al.' v. Ansell et Al.,	386	Raim v. Towgood,	303
Milward v. Caffin,	79, 126, 128	Rann v. Picking,	60
Missenden v. Chesham,	186	Raymond v. Botolphs, Ald-	27
Missenden v. Grimsfield,	151, 370	gate,	
Monroe v. Twifleton,	302	Regina v. Barking,	91
N.		Regina v. Clifton,	164
Negus v. Reynal,	382	Regina v. Rutter,	346
Newbury v. St. Mary's,	312	Regina v. Thursley,	351
Nicholas v. Walker,	8, 126	Regina v. Icleford,	176
Norton v. Roylton,	360, 361	Regina v. Jane Grey,	176
Nutting v. Jackson,	125	Ried v. Paffer, 159, 160,	162
O.		Robert Liford's Case,	63
Ormichund v. Barker,	301	Robinson v. Dryborough,	316
Osbourn v. Hosier,	378	Robson v. Hyde,	85
P.		Rowls v. Gells, 55, 60, 63,	76, 87, 88, 91
Parish of Hardingham v. Parish of Brisley,	138, 143	Rudd v. Foster, 9, 22,	126
Parke v. Mears,	376	Rex v. Aberavon,	85
Paffal v. Godfal,	380	Abergwilly,	305
Pawlet v. Burnham, 188, 239,	257	Ackley,	196
Peart v. Westgarth, 14, 15, 19,	21, 126	Adson, 197, 281, 294,	295
Pendrel v. Pendrel,	179	Aire and Calder Navi-	36, 53, 94
Pendock v. Mackinder,	301	gation,	
Pepperharrow v. Frencham,	195	Alberbury, 55, 61, 76,	91
		Alberton,	179
		Allendale, 184, 185,	
		All Saints, Hereford,	334, 340
		Alton, 241, 271, 337	
		Alveley,	256
		Rex	

	Page		Page
Rex v. Amies, 345, 346, 347,		Rex v. Bray,	222
Andover, 43, 67, 68,		Brighthelmstone, 287,	
	77, 95		289, 370, 372
Anon,	35	Brightwell,	280
Arnold,	28	Broadhembury,	170
Astley,	175	Brograve, 52, 98, 109,	
Atherton,	199		110
Atkins,	34	Brown,	178
Audley, 97, 109		Buckington, 348, 349	
Austrey, 349, 350,		Buckland Denham,	
	361, 368		211, 337
Aynhoc,	267	Bucklebury,	173
Aythrop Rooding, 139,		Burder,	29
	149, 152	Burton,	373,
		Bury,	305
		Butler,	20, 29
Rex v. Badby,	313		
Bagworth, 268, 385,		Rex v. Canterbury, 68, 69, 77,	
Bank Newton, 185,			95, 99
	198, 386	Cardington,	53
Barking,	68	Carlton,	153
Barnstable,	109	Carlyon, 59, 60, 66,	
Barton Tuffe,	166		69, 93, 96
Bath Easton, 200, 203,		Castle-Church,	250
	290	Castleton, 373, 383,	
Beccles,	225, 284		384
Bedall,	179, 181	Cator,	378
Beeding,	15	Catt, 59, 83, 85	
Bell, 48, 52, 86		Caverswall, 243, 272	
Benn, 124, 125, 126		Chadderton,	305
Berkswell,	160	Channel,	358
Berwick St. John, 204		Chalbury, 313, 314	
Bessland,	26	Chardstock, 24, 26	
Bilton, 306, 379		Charles, 291, 347, 354,	
Birdbrooke	206		355, 371
Birmingham, 204, 210,		Charles,	373, 374
	212, 230, 231,	Chertsey,	186
	337, 340	Chichester,	39
Bishops Hatfield, 212		Chidingstone, 152	
Boroughfen, 113, 115,		Chipping Warden, 308,	
	116, 117, 118, 124		353
Bow,	197	Chirk, 356, 360, 362	
Bradninch, 208, 356,		Christ Church, 232	
	364, 369	Church-wardens of Au-	
Bradstone, 356, 363		dover,	44
Bramley,	160	Cirencester,	370
Brampton, 256, 259,		Clapham, 356, 359	
	261	Rex	

## INDEX OF CASES

	Page		Page
<b>Rex v. Clapp,</b>	43	<b>Rex v. East Church,</b>	115, 119
Clare,	205, 208	East Kennet,	264
Clarendon Park,	113	East Knoyle, 383, 386	
Clayhydon,	249	East Shefford,	218,
Clayton,	306		223
Elayton Le Moore,	384	Eaton,	220
Clent,	181	Eccleston,	333, 340
Clerkenwell,	29, 97	Ecclesfal,	349
Clifthydon,	369	Edgeworth,	171
Clifton,	25, 26	Edmonton,	157, 158
Clifton upon Dunf-		Edwards, 35, 153, 302	
more,	326	Eldersley,	186, 290
Cliviger,	160	Elthfield,	273
Collingbourn, 171, 172,		Elstack,	205
	344	Eltham,	153
Coltishall,	337	Empingham,	212
Corporation of Wick-		Erifwell,	303, 305
ham,	43, 53	Evered,	313, 349
Corham,	218, 265	Everton,	167
Count de Castlemain,		<i>Ex parte</i> Mary Anne	
	301	Davis,	348
Cozens, 122, 124, 126		Eyeford,	12, 19, 25
Crediton,	356, 360,	Eyles,	79, 80, 86
	366		
Creech,	173	<b>Rex v. Ferry Frystone,</b>	305
Creech St. Michael's,		Field,	79, 80
	305	Fifehead Magdalen,	
Crosby,	202		266, 267, 273
Croscombe, 266, 268,		Fillongley,	255
274, 292, 293, 300		Fleet,	313
Cunningham, 60, 63		Flisher,	31
		Folly,	35
<b>Rex v. Dalton,</b>	380	Forrest,	24, 29, 31
Darlington,	98, 172	Fox,	303
Davis,	346	Fremington, 357, 358,	
Dedham,	205, 209		369, 370
Denham,	13, 22, 25	Friendsbury,	290
Ditchingham, 311, 319		Frome Selwood,	238
Dock Company of		Furness,	344
Hull,	48		
Dursley, 77, 90, 98,		<b>Rex v. Gainborough,</b>	313,
	99		314, 371
<b>Rex v. Eakring,</b>	348, 349, 356	Gardner, 43, 84, 108	
East Bridgeford, 356,		Gately,	344
	362	Gayer,	27, 32
		Gibbs,	55, 91
		Gill,	345, 346
		<b>Rex</b>	

# CITED IN THE FIRST VOLUME.

xv

	Page		Page
Rex v. Goodcheap,	40	Rex v. Hill,	68
Goodneston,	224	Hilton,	174
Governors of St. Mary		Hindringham,	349,
Magdalen, Bermond-			354
sey,	302	Hinxworth,	161
Grafton,	13	Hitcham,	178, 193,
Grantham,	214, 223,		333
	258, 264, 272	Hoddesden,	198
Great Bookham,	184,	Hodnett,	157
	290	Hogg,	50, 57, 66, 67,
Great Chilton,	240,		69
	268, 278, 279, 280,	Holbench,	113, 115,
	294, 295,		121
Great Marlow,	20, 30,	Holbeck,	315
	32	Holbeck in Leeds,	375
Greenwich,	305	Holy Trinity, in	
Grendon Underwood,		Wareham,	189,
	219, 246, 262, 269,		299, 305
	282	Holy Trinity in the	
Gesham,	242	Minories,	357, 359,
Gully,	302		360, 362, 363, 365,
			368, 369
Rex v. Hales,	201, 300	Horton Sir Watts,	14
Hales Owen,	347	Houlditch,	28, 32
Hampreston,	207	Hulland,	289
Hamftall,	315	Hurdie,	80, 85, 88, 89
Hamftall, Redware,			
	379	Rex v. Ideford,	359
Hanbury,	184, 207,	Ilam,	197
	220, 236, 252	Inhabitants of Essex,	
Harberton,	349, 350,		39
	351, 352	Inhabitants of Little	
Hardingham,	256	Glen,	120
Hardy,	110	Inhabitants of Wilts,	
Harman,	25, 32		303
Harwood,	196	Ipsley,	174
Haughton,	195	Ilip,	197, 220, 232,
Headeorn,	160		233, 236
Heafeman,	345, 346,	Ivefton,	289
	347	Ivinghoe,	225, 283
Heath,	168		
Hedfor,	154	Rex v. Johnson,	345, 347
Hedfor,	184, 289	Jolliffe,	52, 79
Helling,	29	Jones,	29, 32
Henfingham,	185	Junstead,	43
Highnam,	316, 335,	Justices of Bedford-	
	340, 387	shire,	10
		Rex	

	Page		Page
Rex v. Justices of Bedford,	13	Rex v. Little Port,	87
Justices of Devonshire,	351	Long Whatton,	189,
Justices of Dorchester,	35		201, 299
Justices of Gloucester,	21, 126	Long Wittenham,	166,
Justices of Middlesex,	10, 14, 20, 124		170
Justices of Peterborough,	12, 13	Loxdale,	25
		Lowther,	195
		Luffington,	162
		Lyth,	189, 192, 200,
			299
Rex v. Kenilworth,	255, 263	Rex v. Macclesfield,	188, 201,
Kewsham,	320		211
Kightly,	115, 116, 117	Maddington,	232
Kingston,	379	Margram,	311
Kings Norton,	187,	Martham,	212, 338,
	212		340
Kingswear,	334	Marton,	198
Kingswinford,	211,	Maft,	69, 96, 100, 101,
	212		102, 108, 111
Kings Pyon,	254, 267	Mathews,	44, 80, 85,
Kirdford,	303		87, 88
Kirkby,	19	Mathon,	174, 175
		Mawning,	311
Rex v. Ladock,	282, 291	Mayor of London,	46,
Laindon,	308, 332,		48, 86
	333, 335, 338, 387	Mellingham,	311
Lakenham,	109	Merchant and Allen,	
Lambeth,	79		29, 30
Landillow,	39	Metheringham,	382,
Langham,	349, 356,		385
	359	Micklefield,	39
Lanvair,	316	Middlezoy,	376, 380,
Leeds and Liverpool			382
Canal Company,	50,	Milland,	113, 114
	65, 67	Miller,	47
Leigh,	17, 18, 22,	Milwick,	188, 250
	161	Minchin-Hampton,	52,
Leighton,	324, 356		64
Lidney,	199	Moore,	27
Little Bolton,	187,	Morris,	19, 25, 26, 28
	332, 333, 338, 339	Munday, and others,	
	340, 385		84, 85, 86
Little Glen,	117	Murfley,	188, 196
Little Lumley,	302	Rex v. Navestock,	197
			1
			Rex

	Page		Page
<i>Rex v. Nether Heyford,</i>	224	<i>Rex v. Preston, 156, 157,</i>	234,
<i>Nettleborough,</i>	259		239
<i>Newcombe, 36, 126,</i>		<i>Proprietors of Stafford-</i>	
	127	<i>shire Navigation, 53,</i>	
<i>Newell, 14, 16, 22</i>			54, 89, 94
<i>New Forreft,</i>	186	<i>Proffer,</i>	303
<i>Newton, 195, 205</i>		<i>Prowfe,</i>	26
<i>New Windfor, 199,</i>		<i>Pucklesburch,</i>	205
	202, 203		
<i>North Basbam, 238,</i>		<i>Rex v. Rainham, 332, 336</i>	
	253	<i>Reading,</i>	181
<i>North Bedburn, 384</i>		<i>Rebowe, 52, 94</i>	
<i>North Cay, 262</i>		<i>Richmond, 228</i>	
<i>North Oworm, 320</i>		<i>Ringwood, 68, 69, 90,</i>	
<i>North Nibley, 211</i>			95, 96
<i>Northfield, 156</i>		<i>Roach, 167, 168, 169,</i>	
<i>Notton, 350</i>			170
<i>Nuneham Courtney,</i>		<i>Rodd, 68</i>	
	305	<i>Ronton, 12</i>	
<i>Nuttley, 305</i>		<i>Ronton Abbey, 13</i>	
<i>Nympsfeld, 184, 289</i>		<i>Rols, 243</i>	
		<i>Rudgely, 161</i>	
<i>Rex v. Offchurch, 171</i>		<i>Rufford, 33</i>	
<i>Offerton, 360, 368</i>		<i>Ryton, 153, 154, 381</i>	
<i>Oulton, 160</i>			
<i>Over, 213</i>		<i>Rex v. Samborn, 388</i>	
<i>Overseers of Bridge-</i>		<i>Sandford, 360, 368,</i>	
<i>water, 30, 32</i>			370, 371
<i>Overseers of Rother-</i>		<i>Sainsbury, 114</i>	
<i>hithe, 40</i>		<i>Saltern, 312, 315,</i>	
<i>Overseers of St. George,</i>			379
	37	<i>Salter's Sluice. Navi-</i>	
<i>Overseers of Weobly,</i>		<i>gation, 82</i>	
	35	<i>Sandwich, 109, 110</i>	
<i>Overton, 266, 267</i>		<i>Scammonden, 388</i>	
<i>Ozleworth, 232, 255</i>		<i>Scott, 65</i>	
		<i>Staggrave, 240, 249</i>	
<i>Rex v. Page, 53, 94</i>		<i>Scarle, 29, 30</i>	
<i>Parrot, 60, 82</i>		<i>Seaton, 204</i>	
<i>Pearce, 385</i>		<i>Seaton and Beer, 205,</i>	
<i>Peck, 348</i>			206
<i>Percival, 120</i>		<i>Sellers, 111</i>	
<i>Pexham, 358</i>		<i>Severn and Arnold, 13</i>	
<i>Portsea, 303, 321, 340</i>		<i>Severn, 28</i>	
<i>Potter-Heigham, 233,</i>		<i>Shalfleet, 67, 97, 99</i>	
	234, 238	<i>Sharrington, 232, 235</i>	
		<i>Rex</i>	



	Page		Page
Rex v. Shebbear,	350, 353,	Rex v. St. Helen's,	118, 375,
	357, 360, 363		383
Sherringbrooke	28,	Helen's, Stone-	
Shingle,	59	gate,	360, 367
Showles,	13		
Silchester,	160	Rex v. St. John's Maddermar-	
Silton,	167	ket,	65, 95
Skinge,	100		
Skiplam,	197	Rex v. St. Luke's,	350
Smith,	153	Luke's Hospital,	
South Lynn,	303		80, 81
Southwark,	76		
Sowerby,	167, 170	Rex v. St. Margaret's, Lin-	
Sparrow,	24, 29, 33	coln,	312
Spitalfields,	174	Mary, Cardigan,	
Spotland,	372		166
		Mary's, Guilford,	
Rex v. St. Agnes,	56, 60,		192
	187, 231	Mary the Lefe,	78
Andrew's, Hol-		Mary, Lambeth,	
born,	231, 286,		101, 232, 356,
	294		359, 360,
			369
Rex v. St. Bartholomew's Hof-		Mary in Marlbo-	
pital,	81	rough,	121
Bartholomew's,		Mary's, Reading,	
Cornhill,	229		315
Botolph's Bishopf-		Mary, Kallendar,	
gate,	152, 153		334, 349, 350
Botolphs,	164	Mathew's, Beth-	
Brides,	179	nal Green,	150
			164, 165, 325
Rex v. St. Devereux,	159, 162	Mathew's, Ipl-	
		wich,	186, 191
Rex v. St. Ebba,	199	Michael's,	34
		Michael's, Bath,	
Rex v. St. George,	28		305, 384
George's Hano-			
ver-Square,	357,	Rex v. St. Nicholas, Glou-	
	358, 359, 370,	cester,	49, 51,
	373		100
Giles in the Fields,		Nicholas in Not-	
	166	tingham,	313
Giles, Reading,	189		
Giles, Reading,	277,	Rex v. St. Olaves,	372
	294, 295	Olaves, Jewry,	372
		Rex	

# CITED IN THE FIRST VOLUME.

RNA

	Page		Page
Rex v. St. Paul's, Bedford,		Rex v. Tamworth,	23
356, 358, 388		Tarrant,	153
Peter's,	180	Taunton,	344
Peter's, Chester,		Tavistock,	356, 357,
319			364
Peters in Oxford,		Taylor,	301
139, 286, 290		Telfcombe,	116
Peter's on the Hill,		Terratt, 61, 82, 85, 89	
312, 372		Thames Ditton,	191
Peter's, Dorches-		Thistleton,	218, 244,
ter,	208		284
Peter's, Worces-		Thursley,	350, 359
tershire,	160,	Titchfield,	291, 350,
174			373
Peter's, Mancroft,		Toms,	60, 65, 91
218, 245		Tottington	Lower
<i>Peter and St. Paul,</i>		End,	171
176		Towcester,	161
Petrox,	314, 347	Turner,	59, 79, 89
Petrox in Dart-			
mouth,	312, 325	Rex v. Ullesthorpe,	160
Philip in Birming-		Ulverstone,	198, 215
ham,	237	Under Barrow and	
		Bradley Field,	267,
Rex v. St. Sepulchres,	298,		268
305, 382		Undermilbeck,	221,
		225, 226, 250, 291	
Rex v. Staffordshire Navi-		Upwell,	265
tion,	53	Uttoxeter, 14, 16, 35,	
Stanwix,	169		149
Startifant,	68		
Stockbridge,	200, 201	Rex v. Vandewall,	55, 91
Stockland,	160, 358		
Stokesley,	190	Rex v. Waldo,	81
<i>Stonesfield bridge, case of,</i>		Walford,	260
65		Walpole, St. Peter's,	
Stotfold,	31		169
Stratton,	311	Walton,	189, 322
Stretton,	172	Wantage,	324, 385
Stubbs, 12, 24, 26, 29		Ware,	40
Sudbrooke,	240, 247,	Warner,	21, 27
248		Warley,	306
Sulgrave,	228, 237,	Watson,	153, 385
274, 292		<i>Watson James,</i>	80, 86
Sutton, 184, 187, 232,		Wavell,	39
233, 268, 276, 291		Weddington,	308, 349
Syderstone,	197	Welbeck,	13
		Rex	

## INDEX OF CASES

	Page		Page
<i>Re</i> v. Welch and others,	39	<i>Sheen v. Godalming</i> ,	248,
Weobly,	35, 109		252
Westbam,	153	<i>Smith v. Birch</i> ,	310
Wekerleigh,	213, 225	<i>St. Benedict v. St. Peter's</i> ,	114, 118, 119
Westmeon,	261	<i>St. Cuthbert's v. Westbury</i> ,	369, 370
Westwell,	199	<i>St. George's v. St. Catharine</i> ,	166
Weyhill,	190	<i>St. Giles v. Eversley</i> ,	152
White, 44, 51, 67, 68,		<i>St. Giles v. St. Margaret's</i> ,	152
69, 77, 95, 96,	98	Westminster,	152
Whitechurch, Canon-		<i>St. Giles, Reading, v. Everly</i> ,	164
corum,	193, 311,	Blackwater,	164
	334, 340	<i>St. Luke's v. St. Leonard's</i>	360, 361
Whitney,	68, 69	<i>St. Mary Colechurch, v. Rad-</i>	370, 372
Whittlebury,	214, 218,	cliff,	370, 372
	248	<i>St. Maurice v. St. Mary Kal-</i>	276
Willborough Green,		endar,	276
	152, 153	<i>St. Michael's in Norwich, v.</i>	
Wincaunton,	200, 204	<i>St. Mathew's in Ipswich</i> ,	169
Winchcombe,	187, 213	<i>St. Olave's v. All Hallows</i> ,	358
Winterlett,	186, 205,	<i>St. Petron v. Stoke Fleming</i> ,	350, 358, 369
209, 218, 233, 246,	282	<i>Standen v. Standen</i> ,	160, 162
Winwick,	315, 379		183
Witton, cum Twam-		<i>Stanger v. Searle</i> ,	378
brooke,	153, 167,	<i>Stapylton v. Stapylton</i> ,	180
	171	<i>Stephenson v. Holditch</i> ,	347
Woburn,	169, 172	<i>Stevens v. Evans</i> ,	122, 124
Woodford,	154	<i>Stevens v. Moss</i> ,	181
Woodland,	61, 76	<i>Stonehouse bridge, case of</i> ,	65
Woodward,	76	<i>Storey v. Robinson</i> ,	131
Woolstanton,	313, 314	<i>Stoke Fleming v. Berry Pom-</i>	
Worfield,	201, 202	proy,	373
Worsfield,	192	<i>Stone v. Grubham</i> ,	378
Wrexham,	97	<i>Stretton v. Norton</i> ,	153
Wriington,	208, 211,	<i>Strut v. Mellish</i> ,	388
	275	<i>Suckley v. Whitborn</i> ,	143, 176
Wyke,	175	<i>Swire v. Bell</i> ,	377
Wymondham	25		
Yarmouth,	319		

## 8

<i>Sacheverell v. Sacheverell</i> ,	180
<i>Salford v. Storeford</i> ,	315
<i>Seymour Sir Edward's case</i> ,	382

## T

<i>Talbot v. Hubble</i> ,	114
<i>Tawney's case</i> ,	34, 40
<i>Taylor v. Hague</i> ,	316
Temple	

	Page		Page
Temple v. Prescott,	158	Walpole Lord v. Chomondly	
Tewksbury v. Twining,	175	Lord,	385
The Smelting Company v.		Waltham v. Peram,	176
Richardson,	60	Wandsworth v. Putney,	199,
Theed v. Starkey,	43		203
Thomas v. Thomas,	386	Watkins v. Edwards, 344,	345
Thompson v. Jones,	380	Westbrook v. Strutville,	162
Thompson v. Saul,	179	Westbury v. Coston,	176
Thurston v. Delahay,	382	White's case,	301
Titchfield v. Milford,	307	Whitechapel v. Stepney,	174
Tracey v. Talbot, 22, 37, 79,		Whitfield v. Fauslet,	382
	128	Wickford v. Bretford,	272
Tynton v. Kings Norton,	164	Williams v. Pritchard,	65
		Willis v. Singer,	377
U		Wilson v. Pouker,	386
Underhill v. Durham,	382	Wilkes v. Smallbrooke,	308
		Wilkinson v. Payne,	181
V		<i>Wright ex dem. Clymer v.</i>	
Valentia Lord's case,	180	<i>Lutler,</i>	305
Villiers v. Villiers,	382		
		Y	
W		Yelverton v. Cornwallis,	385
Wallis Adm. v. Hewit	122	Young v. Holmes,	382, 385
Wallis v. De Lancey,	377		

*This page intentionally left blank*

# ADDENDA

## TO

### THE FIRST VOLUME.

---

**P**AGE 22, note (3), add "But see the opinion of Lord Mansfield, C. J. *Rex. v. Beeding*, Cald. 92."

Page 30, line 19, dele "*therefore*," add "each being of a sufficient number of overseers."

Page 50, note (3), add "But where one entire rate was made upon the tolls of a canal, part of which were rateable, and part exempt by statute, the court qualified the rate, it being the business of those who made it to apportion it." *Rex. v. Leeds and Liverpool Canal Company*, 5 East, 325. and see *Rex v. Cunningham*, *post*, Vol. II. 370. addenda.

Page 52, note (3), add "Lord Bute *v. Grindall*, 1 Term Rep. 338. 1 H. Black, 267. 1 Bott, 195. Pl. 190."

Page 54, line 35, after "judgment" insert, "And in a recent case Lord Ellenborough C. J. seemed of opinion, that a common in gross is rateable." *Rex. v. Watton*, Mich. 45 Geo. 3. 5 East, 480.

Page 61, insert as a note to the last sentence, "See the opinion of Lord Ellenborough, C. J. *Rex. v. Terror*, 3 East, 513."

Page 60, note (4), add, "*Rex. v. Richard Cunningham*, Mich. 45 Geo. 3. where, upon a case from sessions,

sessions, whether an iron-mine was rateable, the court held it to be too clear for argument, that it was not rateable, and quashed the rate."

Page 63, after line 21, add, " The particular use to which the produce of a coal-mine is applied, by the owner of the lands, does not exempt it from this tax. Thus, if the coal is used for smelting the ore of his iron-mine, the coal is rateable, although the ore is not. For, there is no difference whether it is thus applied by the owner, or sold by him to another, who uses it in an iron foundery, *Rex. v. Cunningham, and others, 5 East, 478. Mich. 45 Geo. 3.*"

Page 65, at the end add, " By 10 Geo. 3. the incorporated company of the proprietors of the canal navigation from Leeds to Liverpool are enabled to make a navigable canal, and take a certain sum per mile, for the tonnage and wharfage of goods navigated thereon, and so in proportion for any greater or less quantity. It is also enacted, " that the said tolls, rates and duties, should at all times thereafter *be exempt from the payment of any taxes, rates, assessments, or impositions whatsoever, any law or statute to the contrary notwithstanding, other than such taxes, rates, and assessments, as the land which should be used for the purpose of the said navigation would have been subject to, if this act had not been made.*" The meaning of this exemption is, that the company shall not be liable to any other taxes than those which the land they make use of in their undertaking was previously subject to. As the land, therefore, was not before liable to be rated for tolls, the proprietors shall not be liable to a poor's-rate on tolls in respect of it, when converted into a canal. *Rex. v. The Leeds and Liverpool Canal Company, 5 East, 325.*

" The land will be rated in the same manner as it was before the act. *Per Le Blanc, J. Ib.*

" Another

Another part of the canal is exempted altogether from assessment for tolls, by 20 Geo. 3. *Ib.*"

A case was sent up from the court of quarter-sessions in Devonshire, concerning the validity of a poor rate. The statute 7 Geo. 3. for building *Stonehouse bridge* by s. 19. exempted it from "the land tax or any other public or parochial rate or tax whatsoever;" and by s. 20. provided, that certain persons, and their heirs, should stand seized of the tolls of the bridge, "to the same uses, trusts, and estates, and subject to the same wills, settlements, limitations, remainders, *charges*, tenures, rents, and incumbrances," as the ferry was, in lieu of which the bridge was erected; and held, that the word *charges* only extended to private charges on the estate. Case of *Stonehouse bridge*, 5 East, 356. n. a.

At a sessions holden for the city and county of Norwich, Ann Sutcliffe appealed against an assessment of 100l. stock, charged upon her for the relief of the poor. It appeared by the case, stated for the opinion of the court of King's-Bench, that the appellant was assessed for 100l. stock, or personal property, charged upon her by a rate for raising 137l. 11s. 10d. for maintaining the poor, made by virtue of a local statute of the 10th of Anne, for erecting a work-house in Norwich, for the better employment and maintaining the poor there; under which act, the church-wardens, and overseers of the poor of the said parish, were, according to the directions and words of the said act of parliament, authorized and required "to rate and assess the said sum (of 137l. 11s. 10d.) on the inhabitants, and on every parson and vicar, and on all and every the occupiers of lands, houses, tenements, tithes impropriate, appropriations of tithes, and on all persons having and using stocks and personal estates in the said parish (of St. John's, Maddermarket), or having money out at interest; in equal proportion, as near



as may be, according to their several and respective values and estates." And, on hearing the said appeal, it appeared to the said court, that ever since the passing said statute, lands, houses, tenements, stocks, and personal estates, within the said city and county, and money out at interest, as well without as within the said city and county, of the respective inhabitants within the several parishes of the same, have been constantly assessed to the poor's rates, according to the circumstances of such inhabitants. That the appellant had not any stock or personal estate in the said parish of St. John's, Maddermarket, or in any other parish or hamlet within the said city and county of Norwich, *nor had any money out at interest* on real or personal security; but that she was possessed of money *vested in the public funds*, or on government security, and then standing in her name in the books of the governor and company of the bank of England in the *5 per cent.* bank annuities: and, therefore, the appellant admitted, that the said assessment was just, if the said last mentioned money was liable to be rated. The court of quarter-sessions being of opinion, that money vested in the public funds, or on government security, was not by virtue of the aforesaid act liable to be rated to the relief of the poor, allowed the appeal. The court of King's-Bench were of opinion, that government stock was not money out at interest, within the meaning of this local statute, and therefore not taxable under it; and also, that it was not taxable under the 43 of Eliz., not being local visible property within the parish. *Rex v. St. John's, Maddermarket, in Norwich.* Hil. 45. Geo. 3.

Page 79, after line 14 insert, "But no lodger, though possessing the principal part of the house, was ever rated; but the owner, how small soever the part reserved for himself, is, in the eye of the law, the tenant of the whole, and is rated as the occupier. *Per Buller, J. Rex v. Eyles, Cald. 414.*"

Page 80, after line 20 insert, " In another case it was found that the mayor, aldermen and burgesses of a borough, were the owners of a large tract of land within the borough, used as a common of pasture, and stocked by the resident burgesses, in right of their burgherships, according to a stint annually fixed by the leet jury, who are burgesses of the borough, under the control of the mayor for the time being. That of the resident burgesses, who have rights of common, some stock to the full of their rights, others partially, and some not at all, and that those who do not stock receive an annual payment of 19s. 4d. from those who do. It was held, upon this statement, that this is not properly a right of common; and that the corporation are the owners in fee, but not the occupiers of the land; and the burgesses who turn out stock are the occupiers, as tenants in common, who may each maintain trespass for an injury done to his occupation in common, and who are rateable for it to the poor. *Rex. v. James Watson*, Mich. 45 Geo. 3. 5 East, 480."

*Ibid*, note (6), add, " And see *Rex. v. Tertott*, *post* 82."

Page 82, after line 9 insert, " The true criterion, in all cases, of the occupier's liability to be rated is, whether he derives some emolument from his occupation, in a personal and private respect.

The appellant was a lieutenant-colonel in the artillery, and the premises in which he resided, and for which he was rated, were the property of the crown and part of a barrack. They were fitted up for a field-officer, under the direction of the board of ordnance, and at a considerable expence. The building consists of two stories, with four rooms on each floor, besides attics. The rooms on the ground floor are thus appropriated; one room as a store-room; another as a quarter for the adjutant, a third as an office for a commanding officer to transact the business of the regiment, and

and the fourth as the appellant's kitchen. The whole of the first floor, and the attics, are the residence of the commanding officer of the artillery *for the time being* (which the appellant then was), together with a kitchen, wash-house, and other offices, coach-house, stable-yard, and small garden or drying-ground. The appellant resides there with his wife, family, and servants; two of the latter, a man-servant, who is one of the private soldiers of the artillery, and his wife, who is cook to the colonel, sleep in the attic, and the other female servant sleeps in one of the rooms on the first floor. The part used by the appellant is in every respect separate and distinct from the rest, there being no communication between it and any other apartment. At the time of fitting up the building, chairs, tables, fire-grates, and the usual barrack furniture, were supplied by the crown; beds, and the residue, by the appellant. The court were of opinion, that the appellant was rateable as the occupier of these premises, and confirmed a rate made upon him as such.

By Lord Ellenborough, C. J. who delivered the judgment of the court.—“ The principle to be collected from all the cases on the subject is, that if the party rated have the use of the building, or other subject of the rate, as a mere servant of the crown, or any public body, or in any other respect for the mere exercise of public duty therein, and have no beneficial occupation of, or emolument resulting from it, in any personal and private respect, then he is not rateable. The property of the crown, *in the beneficial occupation of a subject*, whether he be a civil officer of the crown, as in Lord Bute's case (who was ranger of the new park near Richmond), and in the case of the comptroller of Chelsea Hospital, *Eyre v. Smallpace*, 2 Burr. 1059; or as a *military officer*, as in *Hurd's case*, he is in each case equally rateable. For, in these cases, each of the persons rated had a degree of personal benefit and ac-

commo-

accommodation from the property enjoyed by him, *ultra* the mere public use of the thing; and which excess of personal benefit and accommodation, *ultra* the public use, may be considered as so much of salary and emolument annexed to the office, and enjoyed in respect of it by the officer for the time being. But if the use of, or residence upon the property, be either *as the servant* of the crown, and for public purposes only, as in Lord Somers's case, or as a mere public officer or servant, or of any other description, such as the superintendant of the Philanthropic Society, *Rex. v. Field*, 5 Term Rep. 587, the trustees of a meeting-house, the servants at St. Luke's, the masters in chancery, in respect of their public offices (1); in all such cases, the parties having the immediate use of the property, merely for such purposes, are not rateable, because the occupation is throughout that of the public, and of which public occupation the individuals are only the means and instruments. It is said, that if the commanding officer be rated for the degree of private accommodation he enjoys in a building of this description, why not the soldiers in their barracks for the accommodation they enjoy there? I am not aware that private soldiers have any accommodations in barracks beyond what are required for the mere ordinary uses and purposes of animal nature, I mean for sleeping and eating, and the like; but if their barracks should supply even them with any accommodation of a beneficial and valuable, and not strictly of a necessary nature, the analogy between the two cases would rather afford perhaps a ground for including them, under such circumstances, in the rate, than for excluding an occupier of the present description from it. The reason of the thing, and the sound and established construction of the statute, subjects every person, who has the beneficial use of any local visible property in a parish, to this species of public contribution. The parish is liable to be

(1) See *Holford v. Copeland*, 3 Bos. and Pull. 729.

burthened with settlements of them and their children : a part of the property antecedently contributing to the poor-rate is, by being thus built upon, and appropriated to such public purposes, effectually withdrawn from its liability to contribute, unless the nature and quality of the occupation thereof restores and throws it back again, either in the whole or in part, within the scope and reach of this species of parochial contribution. And the immediate occupant has, in fact, nothing to complain of ; for I believe it never has occurred in experience, that the *quantum* of the mere rate upon an occupier of this kind has exceeded, in amount, the benefit and advantage derived to him from his occupation. Whether the commanding officer could withdraw himself from the rate, by contracting his occupation in some proportionable degree, within the same narrow limits of merely necessary enjoyment with the soldier in his barracks, will be a question to be decided when it shall occur. It is enough for us to say at present, that upon the principles laid down and acted upon, in the cases already referred to, the commanding officer, in question, has such a beneficial occupation of these apartments, and other conveniencies, as to render him rateable for the same, and that this rate of course should stand, and the rule for amending the same be discharged." *Rex. v. Terrot*, 3 East, 506.

*Ibid*, note (2), add, " But see *Rex. v. Terrot*, *ante*, 82."

*Ibid*, note (4), add, " See also the opinion of Lord Ellenborough, C. J. in *Rex v. Terrot*, *ante*, 82."

Page 85, note (6), add, " *Per* Lord Ellenborough, C. J. *Rex. v. Terrot*, 3 East, 513."

Page 85, note (7), add, " *Per* Lawrence, J. *Rex v. Aberavon*, *post*, vol. II. 298."

Page 86, note (1), add, " *Rex v. Watson*, 5 East, 480."

Page

Page 89, add, in a note upon line 12, "Rex v. Terrot, *ante*, 82."

Page 94, after line 18 insert, "Goods may likewise be carried along two lines of canal under one contract, the tolls arising from one of which are exempted by statute from being rated, while those of the other continue liable. In this case, as well as in the preceding, the tolls are only taxable at the place where the voyage terminates. If it end, therefore, at any place within the line of canal, the tolls of which are not exempt from rate, the toll arising from this carriage is taxable there, yet not upon its total amount, but for so much only as accrued within the unexempted line. For in such a case, *per* Le Blanc, J. "The tolls will be rated where they become due; but in calculating the *quantum* of toll, which is the subject of rate, allowance must be made for so much of the toll as accrued in respect of the line exempted. For instance, if two thirds of the line are exempted, then tolls (of goods), which have come along the whole line, will only be liable to be rated in the proportion of one third: so, if the goods have been carried 15 miles, five of which are not exempt, they must be rated only for those five miles; and so in proportion." Rex v. The Leeds and Liverpool Canal Company, 5 East, 325.

Page 95, line 20 add, "Nor for money laid out in the public funus." Rex v. St. John's, Maddermarket, in Norwich, *ante*, 65.

Page 125, after line 17 add, "But if the object be to commit him to prison as an offender, in default of distress, it will be the safest way to serve it upon him in person."

Page 153, line 4, after "from her" insert, "or being unable to maintain her, consent to the removal." Rex v. Eltham, 5 East, 113.

Page 159, add " A marriage licence is subjected to a stamp duty of 10s. and a marriage certificate to one of 5s. by 44 Geo. 3. c. 98." But a certificate of the marriage of any common seaman, marine, or soldier, is exempted. *Id.*

Page 176, after line 15 insert, " A fourth exception seems to be, where the child is born in a work-house belonging to parishes united, under 9 Geo. 1. c. 7. and which is situated in a third parish. Here it shall be considered as settled in the parish to which the mother belongs." See the opinion of Buller, J. *Rex. v. St. Peter and St. Paul, Cald. 213, post*, vol. II. 235.

Page 205, at the end, insert, " The pauper hired himself for eight weeks, at 5s. *per* week ; and at the expiration of that time, for three months, at 4s. *per* week. He then entered into a new agreement with the same master, to live with him, the master finding him board and lodging, and paying him 2s. 6d. *per* week ; but no time was fixed, or talked of, by the master or servant, for the duration of the contract. When the summer season arrived, the pauper said to his master, " I must have more now, I believe, master." The master said, " How much more ?" and his wages were increased. And so as the winter or summer succeeded, his wages were accordingly reduced or encreased. The alterations of wages took place at the beginning of the week. He entered and left his service on the same day, being Sunday. He served in the whole five years and a quarter, and received money on account of wages ; but there was no general settlement of wages till he and his master parted, at which time one took place.

He gained no settlement, for the first and second hiring were for definite periods, short of a year. No time was mentioned at the third hiring, but it was at weekly wages ; and this being the only circumstance from  
which

which the duration of the contract was to be collected, it must be taken to be only a weekly hiring. Besides, if there were any doubt, a circumstance confirmatory of this construction is, that the servant in the middle of the year required an advance of wages, which the master acceded to without any question, and he left his master at the end of the week in the middle of the year. *Rex v. Pucklechurch*, 5 East, 382."

Page 295, note (2), add, "Declared to be a settled rule. *Rex v. Pucklechurch*, 5 East, 386."

Page 302, note (5), insert at the beginning, "Of facts happening during the coverture."

Page 303, line 2, after "rates" insert, "and omitted for the purpose of bearing testimony in that particular case." *Rex v. Kirdford*, 1 East, 559.

Page 305, note (1), add, "J. H. while on his death-bed, told his wife that she and her children would belong to, and prove their settlement in, the parish of R. *Per Buller, J.*—"No argument has been urged against receiving the declarations of the husband on his death-bed. From the awful situation in which the party speaks, such testimony is uniformly received in criminal cases, and is consequently admissible here." *Rex v. Bury*, Cald. 486, And see *Wright ex dem Clymer v. Littler*, 3 Burr. 1244-1 Black. Rep. 345, S. C. But where, as in this case, the person speaks to his settlement in the abstract, his declaration includes a question of law as well as a matter of fact."

Page 312, line 14, after "old" insert, "or put out by the officers into another parish. *Rex v. St. Nicholas*, Nottingham, *post*, 213, (3)."



*This page intentionally left blank*

# ADDENDA

TO

## THE SECOND VOLUME.

---

PAGE 27, after line 20 insert, " But there must be an agreement to depasture the cows upon some particular ground, and by that means a taking of the profits of the land. A contract to feed the cows generally, under which they might be fed with green tares bought in the market, would not be a tenement within the act. *Per Lawrence, J. Rex v. Disbury, Mich. 45 Geo. 3.*"

Page 76, note (1), add, "*Doe v. Wroot, 5 East, 132. Weakley v. Rogers, ibid, n. a. and the cases there cited.*"

Page 131, note (1), line 1, col. 2, after " 131" insert, " Their wives and families, 43 Geo. 3. c. 47. sect. 8."

Page 133, note (1), col. 1, line 7, after " so" insert, " It is laid down in *Waltham v. Sparks, Skinn. 566. Comb. 321. 1 Bott, 374. Pl. 432.* that a father, who is by nature bound to maintain his children, being unable to do so, is in that respect impotent and chargeable to the parish."

Page 134, line 3 from the bottom, after " 2d" insert, " Children of the age of nurture 3d."

Page 136, after line 11 insert, " 2. Upon the same principle, children within the age of nurture cannot be removed from their parents, whether legitimate (1) or otherwise (2).—(1) *Rex v. Cuckfield, Burr. S. C. 290.*

(2) *Rex v. Hemlington, Cald. 6. Post 228, 229, and the cases there cited.*"

Page 138, after line 16 insert, "As to persons made irremovable by statute, see 44 Geo. 3. c. 47. and *ante*, 131."

Page 141, after line 2 insert; "An order of removal is usually under hand and seal. This seems necessary, as it is called "a warrant to remove," in 13 & 14 Car. 2. c. 12. & 3 W. & M. c. 11. and the better opinion seems to be that all warrants should be thus executed. 1 Hal. H. P. C. 577. 3 Hawk. book 2. chap. 13. p. 181. Ed. 7. 2 Inst. 593. Dalt. Just. Peace, chap. 169. p. 579. Ed. 1727."

It is likewise usual and proper to specify the day upon which the order is signed. But this omission does not vitiate it, unless some damage is proved to result from the neglect. An order of removal purported to be executed thus, "given under our hands and seals the day of April in the year of our Lord 1804;" upon appeal the sessions were of opinion, that the day of the date being left in blank, rendered the order defective; and that they had no power to amend it, or receive evidence of the date of the order, or of the time of the removal; and they quashed the order. But the court of King's-Bench quashed their order, and confirmed that made by the two justices. *Rex v. Brimpton, Hil. 45 Geo. 3.*"

Page 142, at the end insert, "5th, Two justices cannot make an order to remove the same paupers whilst an appeal against a prior order for their removal is pending at sessions." *Rex v. Heddingham, Sible, Burr. S. C. 112.*

Page 154, note 4, col. 2, line 4, after "order" insert "or warrant."

Page

Page 154, line 5, insert "It is to be noted, however, that in 13 & 14 Car 2. c. 12. & 3 W. & M. c. 11. what is now usually called *an order of removal*, is denominated a *warrant of removal*."

Page 156, note (1), add, "But in *Capel v. West Peckham*, where there was a similar lapse of four years, the court said, they could intend nothing as to a new settlement, and quashed the order. *Fortes*, 327. 2 Sess. Caf. 81."

Page 157, line 15, after "the order" insert, "It seems to contain sufficient powers to enable the persons to whom it is directed to convey them by force, but at all events,

Page 175, after line 17, add, "One Stable quitted his place of abode in the parish of Corney, leaving his wife chargeable to the parish. The overseers applied to two justices of the peace, who made an order, which after stating that Stable had gone away and left his wife chargeable, and that he had some estate whereby to ease the parish of their charge, &c. "thereby authorized and commanded the church-wardens and overseers, &c. of Corney to receive the annual rents and profits of the lands and tenements of the said Stable at B. in the parishes of B. and W. in the said county, for and towards the discharge of the said parish of Corney for the providing for the said Stable's wife; and that with the said warrant the said church-wardens and overseers should appear at the next quarter-sessions for the county, and certify then and there what they should have done in pursuance of the said warrant." This order was confirmed at the next quarter-sessions, in pursuance of the statute; and the court did then and there order the said church-wardens and overseers, &c. to receive 7l. 16s. part of the rents and profits of the lands and tenements of Stable's at B. in the parishes of B. and W. &c. for and towards the discharge of the said parish of Corney