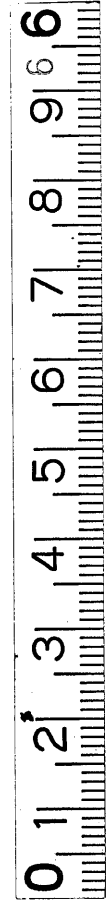


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A *n*  
LETTER  
TO A  
Member of Parliament,  
Concerning the  
BILL for Regulating  
THE  
**Nightly Watch**  
IN THE  
City of *Westminster*, and Liber-  
ties thereof.

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LONDON:  
Printed for *W. Boreham* at the *Angel* in *Pater-*  
*Noster-Row*, 1720.

(1)

LETTER  
TO A

Member of Parliament

Concerning the

Bill for Regulating

THE

Watch

IN THE

City of Westminster

and

St. James's

Parish

SIR,

**W**HEN I first intended to send you my Reasons for the Bill now depending in the House, for regulating the nightly Watch, in this publick Manner; I was not apprised of the Difficulties of such an Undertaking, many Things very proper to be consider'd in this Debate, and fit to be mention'd when we argue on this Bill in private Conversation, being less proper for a Publication in Print: However, in Compliance to your Commands and my Promise, tho' inadvertently made, I here send you such other Reasons as have occur'd to me, for passing the Bill. The Importance of the Subject will, I hope, excuse my writing a little more methodically than the Nature of a Letter requires, my Design being to shew the Usefulness, nay absolute Necessity, of the Bill now depending. The best Manner of effecting this seems to be, *First*, By fairly and fully stating the Question. *Secondly*, By answering the Objections that have been raised against the Bill, and, *Lastly*, By offering Reasons for it. In order to state the Question fairly in all its Circumstances; and to shew that it is so done, I must beg Leave to premise three Things.

A 2

*First,*

( 2 )

*First*, The Substance of the Bill now depending before your House for regulating the nightly Watch.

*Secondly*, The Act of the 27th of *Q. Elizabeth*, which our Adversaries so much rely on.

And, *Thirdly*, Their printed Case, with some Observations on the two forementioned Heads.

The Substance of the Bill is to give the Justices of the Peace a Power to direct the Watch, a Power that cannot possibly enlarge their present Authority, further than by giving them further Trouble, and yet is manifestly necessary for securing a Commerce after 'tis dark, between the Inhabitants of this great City, which is of absolute Necessity for the Nobility, Gentry, and even the Meanest of the Populace. Nor does this Bill, as has been falsely insinuated, give the Justices any Power of choosing Constables, that being in express Words saved to them who now enjoy the same. The Statute of the 27th of *Elizabeth* is as follows:

Anno

( 3 )

Anno XXVII

*Elizabethæ Reginae.*

An ACT for the good Government of the City and Burrough of *Westminster* in the County of *Middlesex*.

**F**Orasmuch as by Creation and new Building of divers Houses, and by the Parting and Dividing of divers Tenements within the City or Burrough of *Westminster*, and the Liberties of the same, the People thereof are greatly encreased, and being for the most Part without Trade or Mystery, are become Poor, and many of them wholly given to Vice and Idleness, living in Contempt of all manner of Officers within the said City, for that their Power to Correct and Reform them is not sufficient in Law, as in that Behalf were meet and requisite: Be it therefore Ordained by the Queen's most Excellent Majesty, the Lords Spiritual and Temporal, and the Commons, in this present Parliament Assembled, and by the Authority of

The Preamble of the Act.

( 4 )

The City or Burrough of Westminster, and Liberties thereof, shall be divided into twelve Wards.

of the same, That the said City or Burrough of Westminster, the Liberties, Territories, and Precincts of the same, shall be, and for ever hereafter continue severed and divided, as it hath been accustomed, into Twelve several Divisions, to be called or known by the Name of Wards, the same to be and continue by such Limits, Metes, and Divisions, as heretofore hath been commonly taken or known.

And for the better Ordering and Government of the People Inhabiting and Being within all and every the Wards aforesaid, and for Repressing and Rooting out of Vice there used: Be it further Ordained by the Authority aforesaid, That the Dean of the Collegiate Church of St. Peter's of Westminster, or his Successors, or the High-Steward there for the Time being, or his lawful Deputy, shall upon Thursday in Easter-week, next after the End of this Session of Parliament, and so yearly for ever hereafter, nominate and Elect Twelve sufficient Persons, being Merchants, Artificers, or Persons using any Trade of Buying or Selling within the said City or Burrough, or such other Persons as shall be willing thereunto, and Inhabiting within the said City or Burrough, and the Liberties of the same, which shall be called by the Name of Burgeses; Unto the Government of every which Bur-

The Dean of Westminster, or High-Steward, or his Deputy, shall yearly on Thursday in Easter-week for ever, nominate and elect twelve Persons to be Burgeses.

The Qualification of the Persons to be chosen Burgeses.

( 5 )

Burgeses, one of the said twelve Wards shall be, by the said Dean, and High-Steward, or his lawful Deputy, for the Time being, appointed and limited; which said Twelve, and every of them, shall accept their Election, and shall continue in his said Room for one Year next ensuing, and so from Year to Year during his or their natural Lives, if they shall so long inhabit there, except for some Offence or Misgovernment by them or any of them committed; (and unless for Cause reasonable proved) they shall be displaced by the Dean of Westminster, or High-Steward there, for the Time being: And if any Person or Persons resistant, and so nominated, shall refuse to accept the said Room, he shall forfeit ten Pounds, to the Use of the Poor within the said City or Burrough of Westminster, and to be levied by the Bailiff of the Liberties of the said Dean and Chapter, by way of Distress, to be taken and justified to the Use aforesaid; which said twelve Burgeses, and every of them, shall receive as well the usual Oath of Supremacy, as also a Corporal Oath to him to be ministered by the said High-Steward, or his Deputy, in open Court, to do and execute all Things to them appointed and authorized by this Act.

And for the more Aid and Assistance to perform that which, by the true Intent of this Statute, is meant to be per-

The Dean and High-Steward, or his Deputy, shall appoint the Government of a Ward to every of the twelve Burgeses.

They shall accept their Election, and continue for one Year, and from Year to Year during Life.

A Burges not to be removed but for Offence or Misgovernment.

The Dean or High-Steward may displace a Burges for good cause shewn.

A Resiant refusing to accept the Place of a Burges, shall forfeit ten Pounds to the Poor of Westminster.

The Bailiff of Westminster shall levy the Forfeiture by Distress.

The Burges shall take the Oath of Supremacy, and an Oath to execute the Powers of this Act.

( 6 )

performed, be it ordained by the Authority of this present Parliament, That the said Dean, or his Successors, or the said High-Steward, or his lawful Deputy, with the said twelve Burgeses, or the more Part of the said Burgeses, shall, within ten Days after the Election and Choice of the said twelve Burgeses, nominate and elect twelve others, able Persons inhabiting within the said City or Burrough, and the Liberties thereof, being Merchants, Artificers, or using any Trade of Buying or Selling within the said City or Burrough, or any other being willing thereunto, as aforesaid, to be Assistants to the said twelve Burgeses; and that they shall accept the same Charge upon Payment of five Pounds, to be levied of every of them that shall refuse the said Room in Form aforesaid, to be employed as aforesaid, with like Oaths, as is aforesaid; and shall be called by the Names of Assistants unto the said twelve Burgeses nominated to the aforesaid twelve Wards; unto every of which said Wards one of the said Assistants shall be appointed for the Government of the same, with the said Burgeses; which said twelve Burgeses, and the said twelve Assistants, and every two of them, within the several Wards to them appointed and limited, (viz.) every Burgeses, together with his Assistant, shall and may, by Vertue thereof,

The Dean, High-Steward, or his Deputy, with the Burgeses, shall ten Days after their Election, nominate twelve to be Assistants.

The Qualification of the twelve Persons to be Assistants.

The Assistants shall accept the Charge on the Penalty of five Pounds.

They shall take the Oaths before mentioned, and be called Assistants to the Burgeses.

To the Government of every Ward one Assistant shall be joined to the Burgeses.

Each Burgeses and Assistant in his Ward, shall have the Power of Aldermens Deputies in London.

( 7 )

of, do and deal in every Thing and Things as Aldermens Deputies in the City of London lawfully do, or may do: And every of the said twelve Assistants shall continue in their said Office for and during one whole Year then next ensuing, if they shall continue their Habitation within the said City or Burrough, or Liberties of the same: And if any of the said twelve Burgeses, or Assistants, shall happen to die, or otherwise, upon reasonable Cause, to be removed or displaced from his said Office; that then the said Dean, or his Successors, and the High-Steward for the Time being, or his lawful Deputy, shall, from Time to Time, at their Wills and Pleasure, nominate and appoint any other meet able Person or Persons of like Estate, Faculty and Quality, as aforesaid, inhabiting within the said City or Burrough, and the Liberties of the same, to supply the Place or Places of such of the said Burgeses or Assistants as shall so die, or be moved or displaced, who shall continue in the said Room until the Thursday in Easter-week then next following; and that such Person or Persons so nominated and elected, shall accept and exercise the same, upon Pain of five Pounds, to be levied and imploved in Form aforesaid, and with like Oaths, as is aforesaid.

The Assistants shall continue in their Office one whole Year, if they live in Westminster, or the Liberties.

Burgeses or Assistants dying, or being removed or displaced, may be supplied by the Dean and High-Steward, or his Deputy.

The Person so put in, shall continue till the Thursday in Easter-week next succeeding his Choice;

And shall accept and exercise the Office, on the Penalty of five Pounds, and shall take the like Oaths as others.

B

And

The Dean and the High-Steward, or his Deputy, shall every Thursday in Easter-week for ever, appoint two Chief Burgesses out of the twelve Burgesses.

The two Chief Burgesses shall continue in their Place for one Year, and accept thereof, on pain of ten Pounds to the Use before said.

The Powers of the Dean, High-Steward, or his Deputy, and the two Chief Burgesses, with the other ten Burgesses.

To hear, examine, determine and punish, according to the Laws or the Customs of London,

And be it further enacted by the Authority aforesaid, That the said Dean, and his Successors, or the High-Steward, or his lawful Deputy, for ever hereafter yearly upon Thursday in Easter-week aforesaid, shall nominate and appoint two Persons out of the said twelve Burgesses, to be called or known by the Name of the two Chief Burgesses, to continue in the Office for one Year then next following; which Office they and every of them shall accept, upon Pain of ten Pounds aforesaid, to be paid as aforesaid, and to be levied by way of Distress to the Use aforesaid, as is before limited.

And for due Reformation of the Inconveniencies and Disorders which shall or may happen within the said City, Burrough, or Liberties, be it ordained by the Authority of this present Parliament, That as well the said Dean, or his Successors, the High-Steward aforesaid, or his Deputy, as also the said two Chief Burgesses, the other ten Burgesses, or any four or three of them, whereof the said Dean, High-Steward, or his Deputy, or one of the said two Chief Burgesses, to be one from Time to Time for ever hereafter, to be appointed during their said Office, shall and may, by Vertue of this Act, within the said City or Burrough, or the Liberties thereof, hear, examine, determine, and punish, according to the Laws of this Realm,

or

or laudable and lawful Custom of the City of London, all Matters of Inconveniencies, common Scolds, and of Inmates, and common Annoyances; and likewise, that they shall have Authority to commit to Prison such Persons, as within the said City, shall offend against the Peace, and thereof shall give Notice within four and twenty Hours after to some Justices of Peace within the County of Middlesex.

Inconveniencies, common Scolds, Inmates, and common Annoyances.

They may commit to Prison such as offend against the Peace;

But to give Notice to some Justice of Middlesex in twenty-four Hours.

And be it further enacted by the Authority aforesaid, That all good Orders to be made by the said Dean and High-Steward, with the Assent of the Burgesses and Assistants for the Time being, or the more Part of them, for or concerning the Government of the said Inhabitants, not repugnant to the Queen's Majesty's Prerogative, nor the Laws and Statutes of this Realm, shall, by Vertue of this Act, stand in full Force and Strength.

All Ordinances to be made for the Government of the Inhabitants, not repugnant to the Prerogative of the Crown, or the Laws of the Realm, shall be of Force.

Provided, That this Act, or any Thing therein contained, shall not be prejudicial to the Steward, Marshal, or Coroner of the Queen's Majesty's Household, nor to the Authority of Justices of Peace within the County of Middlesex, nor to the Dean and Chapter of Westminster, or their Successors, nor to the High-Steward there, or his Deputy, for the Time being, nor to the Mayor,

The Act shall not prejudice the Marshal of the Queen's Household, nor the Steward, or Coroner thereof; nor the Authority of Justices of Peace of Middlesex; nor the Dean of Westminster, nor the High-Steward or his Deputy;

nor the Mayor and Clerk of the Staple, High-Constable, Bailiff of the Liberty, Town-Clerks, nor Clerk of the Market. The Act shall prejudice no Search to be made by any Officer in Westminster, not contrary to the Act.

( 10 )

Mayor, Society, and Clerk of the Staple, High Constable, Bailiff of the Liberty, Town-Clerks, nor to the Clerk of the Market, nor to any Search to be made by any other Officer in the said City or Burrough of Westminster, now being, or that at any Time hereafter shall be, not being contrary to the true Meaning of this present Act.

And be it declared by the Authority of this Act, That they, and every of them, their Deputies and Assigns, shall and may have, take, and enjoy all the Privileges, Authorities, Benefits, and Profits, unto them, or their said Office belonging, from Time to Time, for ever hereafter, in as ample wise, as they or any of them have had, taken, and enjoyed the same at any Time heretofore, not being contrary to the true Meaning of this present Act.

Provided always, That if it shall happen at any Time hereafter, that the Dean of Westminster aforesaid, or his Successors, and the said High-Steward, for the Time being, and his lawful Deputy, and every of them, be remiss or negligent in choosing and nominating of the Burgesses aforesaid, at the Time before limited, That then it shall and may be lawful for two Justices of Peace within the County of Middlesex, whereof one to be of the Quorum, to nominate and chuse the said Burgesses, being

The Officers before mentioned, and their Deputies, may enjoy all their Rights, in as ample Manner as heretofore, if the same be not contrary to this Act.

If the Dean, &c. be remiss in choosing Burgesses, two Justices of Middlesex may chuse them.

( 11 )

being such Persons as aforesaid; who being so nominated and chosen by the said Justices, shall occupy and enjoy the said Rooms, upon the Pains aforesaid, and have and enjoy such Liberties, in all Respects, as if they had been nominated and chosen by the said Dean and High-Steward, as aforesaid.

Provided also, That all such Burgesses, as aforesaid, which hereafter shall be chosen, as aforesaid, to serve in any of the said Rooms or Places, shall not be compellable by this Act, to remain in the said Office or Room, above the Space of one whole Year next after such Choice or Election: And all such Persons as shall, for Refusal of any of the said Offices, pay any the Sums aforesaid, shall not be nominated again to any of the said Places, within the Space of five Years then next following.

And forasmuch as there be divers Houses, Tenements and Buildings, within the Liberties of the Dutchy of Lancaster, of the which said Houses, Tenements and Buildings there are certain, which are lying and being within the City or Burrough of Westminster, and divers of the same are next adjoining to the said City or Burrough, and yet the Inhabitants within the said Liberties of the said Dutchy are not subject to the Government or Jurisdiction of Westminster, but have Liberties

Burgesses chosen by Justices, shall have such Liberties as those chosen by the Dean, &c.

Persons chosen in the Rooms of others, shall not be compelled to serve more than one Year.

Persons refusing to be Burgesses, and paying the Sums therefore imposed, shall not be nominated in five Years.

( 12 )

erties and franchises distinct and divided by themselves; and to the Intent that one uniform Government may be in both the said Liberties of Westminster, and the Dutchy, in the Places aforesaid: Be it enacted by the Authority of this present Parliament, That the Chancelor or Steward of the Dutchy, for the Time being, shall have the like Power and Authority, by Vertue of this Act, in all Things, as the Dean of Westminster, and the High Steward of the same, have by Vertue of this Act, for the better Government of the Inhabitants within the Liberties of the said Dutchy, being and next adjoining to Westminster, as is aforesaid.

The Chancelor or Steward of the Dutchy of Lancaſter, ſhall have like Power as the Dean of Weſtmiſter, &c. within the Dutchy-Liber-ty.

The Act not to extend to the College or Cloſe of Weſtmiſter, for any Offence within the Circuit thereof.

The Burgeſſes ſhall not hear or determine any Thing without the Dean, or High-Steward, or his Deputy, or the Town-Clerk in their Abſence.

Provided always, That this Act, or any Thing or Matter therein contained, shall not extend to the Church or College of Westminster, nor to the Cloſe of Westminster, nor to any Person or Persons inhabiting within the Site, Circuit, or Precinct of the said Church, College or Cloſe, for any Offence or Misgovernment to be committed by them, or any of them, within the Site, Circuit, or Precinct of the said Church, College, or Cloſe, or City, or Burrough of Westminster: And that this Act, nor any Thing therein contained, shall extend to give any Authority, Jurisdiction, or Power to the said Burgeſſes, to hear, examine, and determine any Thing by Vertue of this Act, without

( 13 )

out the Consent of the said Dean, or of the said High Steward, or his lawful Deputy, or in the Absence of the said Dean, High Steward, or his lawful Deputy, then with the only Presence and Consent of the Town Clerk there, for the Time being, and not otherwise.

And this Act to continue unto the End of the Parliament next following.

Provided also, That the Searcher, for the Time being, of the Sanctuary of Westminster, shall have and enjoy, within the Sanctuary of Westminster, the Execution and Serving of all Proceſſes, Commandments, and Warrants, and the Attachments, and Apprehenſions of all Manner of Offenders within the Sanctuary aforesaid, and within the Site, Circuit, and Precinct thereof, in as ample Manner and Form as if this Act had never been had, or made.

The Searcher of the Sanctuary ſhall have Execution of Proceſſes within the Sanctuary, as he might do before the making this Act.

The Act was continued in *Anno 31 dictæ Reginae Elizabethæ, cap. 10.* to the End of the Parliament then next ensuing.

And 35 *ejusdem Reginae, cap. 7.* to the End of the Parliament then next ensuing.

And 39 *ejusdem Reginae, cap. 18.* to the End of the next Parliament next ensuing.

And 43 *ejusdem Reginae,* to the End of the first Session of the next Parliament.

And in *Anno primo Jacobi Primi Regis, cap. 25.* to the End of the first Session of the next Parliament.

And



And 21 *dicti Regis Jacobi, cap. 28.* to the End of the first Session of the next Parliament.

And in *Anno tertio Caroli Primi, cap. 4.* to the End of the first Session of the next Parliament.

And in 17 *ejusdem Regis,* in a certain Act for granting two Subsidies, for the further Relief of His Majesty's Army,

It was enacted, That all Statutes and Acts of Parliament which have their Continuance, or were by an Act of Parliament made in the third Year of his Majesty that now is, Entituled, An Act for the Continuance and Repeal of divers Statutes, continued until the End of the first Session of the then next Parliament, shall, by Vertue of this Act, be adjudged, ever since the Session of Parliament in the said third Year, to have been of such Force and Effect, as the same were the last Day of that Session, and from thenceforth until some other Act of Parliament be made, touching the Continuance or Discontinuance of the said Statutes and Acts, in the said Act of the third Year of His Majesty's Reign continued, as aforesaid.

On this Act of Parliament I beg leave to make a few Remarks.

First, The Motives for making the Act, and these are contained in the Preamble, in which

which be pleased to remark, That the encreasing the Power of the Dean and Chapter is none, but only the better Government of the City or Borough of *Westminster*. Now many of us who are Inhabitants, know by sad Experience, that it has fail'd of answering that good Design; and therefore may reasonably Hope for a Repeal of it.

Secondly, By the Act, the Deputy-Steward is one of the Persons who has the Nomination of the Burgeses. Here I beg you will observe, That however, in other Things, the Act seems to design a Sort of Uniformity betwixt the Government of the City of *Westminster* and that of *London*; nevertheless, in this very Point we are dealt hardly with; for, in the City of *London*, the Wards are govern'd by Aldermen of their own choosing, but we are to be govern'd by Burgeses that are nominated by others, and at present the Severity is so much the greater, because the Deputy-Steward of *Westminster* is Clerk to the Company of *Cutlers*, and lives in his Masters, the Company's House, in *Cloak-lane* near *Grace-Church-street*; and that is the more wonderful, because in the printed Case of the Dean and Chapter, 'tis said, and that truly, "To be altogether improper, That Persons who are in a great Measure Strangers to the Liberty, should be trusted with the Nomination of Ward-Officers."

The very Words of the Case.

The last Thing I would observe to you is, That the Act was originally but temporary, and not at first intended to be as it is now understood, perpetual, being only made to continue

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tinuē

( 16 )

tinue from Session to Session, by which Circumstances we may reasonably conclude, That the Parliament thought the Act not fit to be perpetuated, but proposed to alter the same. Indeed in the 17th of Charles I. 'twas according to the now receiv'd Opinion, made perpetual, I say, according to the now receiv'd Opinion; for 'tis notorious, that 'twas doubted, 'till of late, whether the third of Charles I. which stands on the same Foot with this, was expired, or not.

Whoever considers the Circumstances of the Time, and the Manner this Act was continued in, will think it will little avail those who oppose this Bill.

For ist, the Time in which it was continued, was when the great Rebellion was breaking out, and so passed in an Hurry, in Company with near forty other Acts, and was not mentioned particularly by any Title or Description, and by such Words as you lately read. And give me leave to say, that in the two last Particulars, 'tis not to be parallel'd by any other Example in the Statute-Book. You so well know, Sir, it is unparliamentary, that I needed not to have mentioned this.

But I now proceed to something like a Libel on the Justices, that is lately printed, and call'd *The Dean and Chapter's Case*. 'Tis the most wonderful Performance, perhaps, you ever read. You will see it as follows in one Column, with Remarks on it in the other.

The

( 17 )

*The Case of the Dean and Chapter of Westminster, with respect to the Bill for regulating the nightly Watch, now depending in Parliament.*

*The Case.**The Remarks.*

1. **T**HAT the Government of the Borough of *Westminster*, and the Liberty thereof, was by several Grants of Princes, and by immemorial Usage, in the Abbot and Convent of *Westminster*, and was in all Times executed by the Officers by them appointed, and in the Courts to them belonging.

2. That on the Foundation of the Dean and Chapter, in the 2d of Queen *Elizabeth*, she granted them by her Charter, all the same Immunities, Privileges and Powers in this Respect, which the Abbot and Convent before had and enjoy'd, and that such Privileges and Powers, the Dean and Chapter, by their Officers, and in their Courts, continued upon the said new

1. **T**HIS is direct Non-sense, to claim a Liberty by immemorial Usage, and also by Grants, which ever have a Date to them.

2. See the Remarks upon the Act above.

Foun. C 2

3. To

( 18 )

*The Case.**The Remarks.*

Foundation to exercise and enjoy.

3. That in the 27th of *Q. Elizabeth*, an Act was made for the good Government of the City and Borough of *Westminster* in the County of *Middlesex*; by which Act it appears, That the said City and Borough had been of old Time sever'd into twelve distinct Divisions or Wards, and each of these twelve Wards had been govern'd by their proper Officers, in the said Act term'd Burgesses and Assistants; for the Future appointing of which Burgesses and Assistants, by the Authority of the Dean and Chapter, and the Officers to them belonging, a Method is in that Act prescribed, and the said Burgesses and Assistants, have under the Dean and Chapter, and their High-Steward and Deputy-Steward, govern'd the said City and Borough, in the Manner by the said Act directed,

4. Which

3. To call a Place a City and Borough, is a Contradiction *in Terminus*, the Case-Writer, had he ever read *Coke on Littleton*, might have known the Difference.

4. 'Tis

( 19 )

*The Case.**The Remarks.*

4. Which Manner of Government hath been found so beneficial, that as the City encreased, and new Parishes were by Act of Parliament created, Care had been taken by the said Acts to constitute new Wards and new Burgesses, for the Government thereof, particularly in the Case of the Parishes of *St. Anne's* and *St. James's*. That the Burgesses and Assistants appointed by the said Act of the 27th of *Q. Elizabeth*, and by the said subsequent Acts, are authorized in Vertue thereof, to do and deal in every Thing and Things as Aldermen's Deputies in the City of *London* do, or may do; and there is a further Provision made by the said Act of the 27th of *Q. Elizabeth*, That all good Orders and Ordinances made with the Assent of the said Burgesses, for or concerning the Government of the Inhabitants of the said City and Borough, not repugnant to the King's Prerogative, nor to the Laws and Statutes of this

4. 'Tis well known, That the High-Steward being always a Nobleman, never acts but by his Deputy; since then the Deputy is, as the Case says truly, one of the Governors of the City of *Westminster*, it ought to be, and ever has been till now, in the Hands of Men of the greatest Figure and Repute in the Law; such as Serjeant *Dolben*, Serjeant *Wythens*, Serjeant *Bonithon*, &c. but at present is fill'd by the Clerk to the Company of *Cutlers*: Is it not contrary to all the Rules of Reason and Law, that a Man by Law incapable to plead a Cause, shall sit to judge one; and that a Domestick Servant to the meanest Company of the City of *London*, should govern the City of *Westminster*, where the King's Court usually resides, both Houses of Parliament annually meet, and most of the Nobility and Members inhabit. Here the Case-Writer reflects highly on the present Deputy-Steward, for at the Time those Acts

*The Case.*

*The Remarks.*

this Realm, shall, by Ver- tue of that Act stand in full Force and Strength. That in this Burges Court thus con- stituted and established by Act of Parliament, all the Constables of the Liberty, and the Beadles, have been ever since appointed; to whom the Care of the nightly Watch hath been committed under such Regulations as the said Court, or the par- ticular Burges of the several Wards may direct.

Accordingly in the Act 30 Car. II. for erecting the new Parish of St. Anne's, it is, *inter alia*, provided, That the additional Burgeses, by that Act appointed, should, from Time to Time, make such Rules and Orders for the keeping of Watch and Ward in the said Parish, and for their Stations and Num- ber of Watchmen in each Ward, and other Matters relating thereunto, as they should think fit; and for the Punishing the Infringers of such Rules and Orders, as they may do those who

Acts were made, the Fact might be true, because Ser- jeant *Dolben* was then De- puty-Steward, and the pre- sent Outrages were not known, till the Clerk to the Company of *Cutlers* was Deputy-Steward; So that in a Word, Serjeant *Dolben* govern'd so well, that the Power was encreas'd, and this so ill, that perhaps it may be thought necessary to abridge it.

5. This

*The Case.*

*The Remarks.*

commit common Annoy- ance by the Act 27 *Eliz.*

5. That under the pre- sent Regulation of the nightly Watch, the Inhabi- tants of *Westminster* have thought themselves very safe; and have been so far from complaining, either of the Management or Charge of it, that when a like Bill to what is now offer'd, was brought into Parliament a- bout the Year 1705, the In- habitants petition'd against it, and the Bill was rejected; the Justices who solicited the same, not being able to sa- tisfy the *House of Commons*, that the Regulations intend- ed by the said Bill would be any Ways useful.

6. That the present Bill takes away from the Bur- ges-Court ( which is the Court of the Dean and Chapter) all their Right and Interest in the Nomination of the said Beadles, and places it in the Justices of the Peace, with a Power of solely

5. This, if 'tis Fact, still revives the same Answer, Mr. *Medlicot* was then De- puty-Steward of *Westmin- ster*; therefore, if this Alle- gation proves any Thing, it proves that the Fault lies in the present Administration.

6. In this Particular 'tis confes'd, the Bill lessens the Power of the Depu- ty-Steward; but the Out- rages so frequently commit- ted in the Streets, sufficien- ly shew that it takes it out of Hands that don't use it well: Besides, is there one Gen-

*The Case.*

solely directing and ordering the said Conftables and Beadles to keep the Watch in what Manner they fhall please, and of levying on the Inhabitants what Sums they fhall please for that Purpose.

7. This the Dean and Chapter think to be highly prejudicial to their undoubted Rights, as well as a Thing improper, that Persons in a great Measure Strangers to the Liberty, fhould be trusted with the Nomination of Ward-Officers, and that it fhould be taken out of the Hands of thofe who are beft acquainted with the Inhabitants and their Characters, and moft likely, as well as moft able, to do Juftice to the Neighbourhood where they live; both as to the Appointment of thofe Officers, and the Conducting them in the Execution of their Duty.

*The Remarks.*

Gentleman in the Liberty, who had not rather the entire Government of the City of *Westminster* were lodg'd in the Hands of the Juftices, than in the Hands of a Domestick Servant to the Company of *Cutlers*.

7. 'Tis agreed that the Nomination of Ward-Officers, fhould not be given to fuch as are Strangers to the Liberty; but it don't from thence follow, that it is improper to lodge that Power in the Juftices; for, 1st, Moft of the Juftices live in the Liberty. 2dly, A Watchman is not properly a Ward-Officer; but it proves to a Demonstration, that the prefent Deputy-Steward is a very improper Person to execute that Office, who lives in the House of his Masters, in *Cloak-lane* near *Grace Church-street*, and is confequently a great Stranger to the Liberty, tho' by Virtue of this Office he nominates Burgeffes, &c.

I come now, Sir, to ftate the Question that is in Controversy betwixt thofe who are for the Bill, and thofe who are againft it: And this, Sir, is the ftrongeft Argument that can be produced for the Bill; becaufe the Caufe of Truth can never be better fupported, than by its being fet in the cleareft Light; and I conceive, whoever reads the foregoing Part of this Letter, will think the Cafe may be thus fairly ftated, *viz.* Whether the Power lodg'd originally in the Dean and Chapter's Officers, by Act of Parliament, only for the better Government of the City of *Westminster*; their Chief Officer, who constantly and folety acts, (the Deputy-Steward) whose Residence is out of the Liberty of *Westminster*, and fo in great Measure a Stranger to it; not now answering the End 'twas made for, may not without any Injuftice be repealed, as to that Part which concerns the Watch, and the Power of regulating them committed to the Juftices of the Liberty, moft of whom reside in the faid Liberty; and that efpccially fince Experience has manifested, that, without continually endangering the Properties and Lives of the Inhabitants, some of which fuffer daily for want of a well-regulated Watch, the Juftices, who are themselves Inhabitants, must certainly be moft able, and moft likely effectually to fecure us?

I proceed to the fecond Thing I propos'd, *viz.* The answering fuch Objections as have been

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been made to the Bill; and though it may seem evidently just and necessary, that the Bill should pass, yet I shall beg you'd spare a little of your Time whilst I answer the two Objections, and the only ones, as far as I can learn, that are made against the Bill, *viz.* First, That it lessens the Power of the Dean and Chapter; and Secondly, That by this Bill the Justices will have a Power of levying Money on the Inhabitants.

As to the First, I readily admit, that if the Bill passes, some Part of the Dean and Chapter's Authority will be lessened, but no Part of their Profit taken from them. And now give me Leave to say, That Courts of Justice were erected directly and solely for the Publick Good, and the Power and Profit of particular Persons never was, or ever can be a Motive either for erecting or continuing the Power of Courts, which Experience has, or shall shew not to answer their End.

Secondly, Such Things as taking away Courts of Justice, are not without Precedent in all Times: The High-Commission Court, The Star-Chamber, The Court of Wards and Liveries, and so late as in the first Year of King *William* and Queen *Mary*, the Court held before the President of the Marches in *Wales*, was abolish'd: And 'tis very remarkable, That tho' there were many Offices in those Courts which had been purchased by particular Persons, yet no Provision was made for them; whereas this Bill, in a more gentle Manner, only restrains a small Part of the  
Power

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Power lodg'd in the Dean and Chapter's Officers, without depriving them of any Profit; and this too, when Experience has shew'd, it cannot be continued in their Hands, without manifestly endangering the Lives and Properties of the Inhabitants.

As such Abuses have been corrected by Act of Parliament, so have they been in a more severe Manner remedied by Proceedings at Law: For the Abbot of *Croyland*, (who was a mitred Abbot) had his Liberty and Court forfeited, for an Error in the Judgment of the Steward; and whether any might be found in this Case, will best appear by examining the Rolls.

As to the Expence, which is the other Objection:

1st, If the Money levied on the Inhabitants is prudently distributed for their Preservation, no reasonable Person can complain.

2dly, This Objection comes with small Grace, out of the Mouths of the Dean and Chapter's Officers, who, as it is notorious, levy great Sums on the Inhabitants, under Colour of Fines.

Though, Sir, I have detain'd you longer, than I at first propos'd, on the former Subjects, I shall compensate that by the Shortness of the Reasons for the Bill. That which we feel, we want no other Argument to prove.

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There is scarce a Night, wherein some Outrage is not committed in the Liberty of *Westminster*; and don't we see these Inconveniencies daily increase? We could once walk the Streets secure, but cannot now. How long are we sure, we may sleep safely in our Houses? Whoever considers a little, will not want sad Experience to teach him, this is not long to be hoped; for such Outrages were never known, when our Deputy-Steward's continual Residence was in the Liberty, or the adjacent Inns of Court, as all ever did, 'till the Clerk of *Cutler's Hall* crept into the Office. May not we justly attribute these Ills, (to express it in softest Terms) to his weak Administration. The like were never known before, nor do we hear of any such in the City of *London*; and can there be any Reason assign'd for a Difference, unless it be a Defect in the executive Power of our Liberty of *Westminster*? I am sure, considering the Quality of many of the Inhabitants of the City of *Westminster*, it might be reasonable to expect more Care should be taken of their and our Common Security.

Under these Difficulties and Dangers, under the continual Peril of being robb'd or murder'd, if on the necessary Occasions of Life, we are obliged to be out of our own Doors after 'tis dark, what Hopes have we for Redress but from the Bill now depending, which will be no pecuniary Damage to the Dean and Chapter of *Westminster*, and is the only Method to restore that Security we once enjoy'd,

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enjoy'd, and is still preserv'd in every City and Town throughout the Kingdom. I am,

S I R,

*Your most Obedient,*

Westminster,  
Feb. 17. 1717.

*Humble Servant,*

N. M.

POST.

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## POSTSCRIPT.

S I R,

I Would not be so misunderstood, as if I design'd to lessen Mr. *Cotton* in Things within his Profession, as a Solicitor in *Chancery*, for therein I do not hear he is defective; the Business being in a Road, and requiring no Reading, only a little Knowledge in the Practice of the Court, which a Man may have, in the highest Degree, without the least Knowledge of the Common Law; but he that is the Chief acting Officer in so great a City, (and such the Deputy-Steward is) should be thoroughly read in the Common Law, and understand perfectly Pleas of the Crown. I shall conclude with a Proverb much used among the *Romans*, which in *English* runs thus, *Let not the Shoemaker exceed his Last.*

F I N I S.



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