

37th.—That under peculiar circumstances, the Court shall have the power to permit a “vagabond” under clause thirty-four to remain, the cause being fully set forth on the face of the conviction, instead of the order stated in thirty-four, and in a paper of “protection” during “good behavior,” to be provided by the Court, permitting his residence, and on his next conviction the order be *without discretion and peremptory* as in proposal thirty-four.

“Sturdy” is the word long used in England for *able-bodied* “tramps,” &c. In England “vagrancy” is connected with the poor laws, and all English ideas on the subject are drawn from the feudal tenure and the times that agricultural labor was performed by men who were in fact and law “*adscripti glebæ*.” I do not wish these ideas restored, but have retained the nomenclature when describing a class for whom mere imprisonment has no terror, and who persevere in petty law-breaking. Of such I say, accustom them to work by compulsion for their living and you give them a chance of reform they do not get now. I have inserted imprisonment, &c., for the “vagabond” previous to ordering him off without it, because in the United States some regulations allowing the latter came under my notice, and I have observed lawless persons visited places they would have kept away from if they had been sure of being *punished before* being *expelled*. The word “incorrigible” is an old word in common use, and in reports, &c., should be retained, to shew the reason of the year’s imprisonment or detention, which would otherwise sound harsh. Six months was an old Common Law imprisonment for vagrants, and is sufficient to have a reformatory effect on many or most men. Ninety days I have fixed on as sufficient to allow any one to arrange affairs if he has any, and to exhaust all chance of getting work or bail, &c.

38th.—That the principle of ~~INQUIRY~~ OF FORMER CONVICTIONS AND PUNISHING accordingly be extended from its present limits to all non-capital cases in all courts of criminal punishment without exception.

39th.—That offenders constantly incurring pecuniary penalties and paying them, shall be known by some name such as “habitual law-breakers,” and be guilty of a misdemeanor known as such.